

Witness Statement on behalf of the Defendant

Witness name: Stuart McKenzie

Witness Statement number: 1<sup>st</sup>

Witness Statement exhibits: SM/1 – SM/6

Dated this 24<sup>TH</sup> day of JUNE 2020

CASE NO: 1CF03361

IN THE CARDIFF COUNTY COURT

BETWEEN :

MAURICE JOHN KIRK

Claimant

and

THE CHIEF CONSTABLE OF SOUTH WALES POLICE

Defendant

---

WITNESS STATEMENT

---

I, **STUART MCKENZIE**, (DOB 18.05.64)

C/O South Wales Police, Police Headquarters, Bridgend.

**WILL STATE:**

1. I am former Detective Superintendent Stuart McKenzie of South Wales Police and in 2009 I was Head of the Serious and Organised Crime Department based at Police Headquarters, Bridgend.
2. I make this Witness Statement in relation to the claim brought by Mr Maurice Kirk against the Chief Constable of South Wales Police in Claim Number 1CF03361.
3. My statement is made from my own knowledge or based on information

I have obtained which I believe to be true. Where appropriate, I have indicated the source of my information and/or belief.

4. I joined South Wales Police on the 29th of December 1982 and retired from the Force on the 29th December 2012 after 30 years continuous service. I am currently employed by South Wales Police as a member of Police Staff.
5. I was a Police/Detective Constable between 1982 and 2002. I became a Detective Sergeant in 2002, before being appointed to the rank of Detective Inspector in the Major Crime Investigation Team in 2004. I remained in the Major Crime Investigation Team, where I was promoted to Detective Chief Inspector in 2007. In 2008, I was promoted to Detective Superintendent and became Head of the Serious and Organised Crime Department. In 2010, I was appointed Temporary Head of the Specialist Crime Department for 6 months before I became Head of the Public Protection Department. In 2011, I became the Director of Intelligence, a role which I remained in until I retired at the end of 2012.
6. From 2008 until 2012, I also performed duties as the 'on-call' Detective Superintendent in South Wales Police. I was a 'level 3' accredited Senior Investigating Officer.
7. To my recollection, I had no knowledge of Mr Maurice Kirk prior to my involvement in the investigation of which he makes complaint in this civil claim. I did not know of him by reputation. Until I became involved in this investigation, I do not recall having any earlier knowledge of the civil claim which he was making against South Wales Police. To the best of my recollection, I had had no direct involvement in any prior matters concerning Mr Kirk or his contact with Officers of South Wales Police.

28th of May 2009

8. I was appointed as the Senior Investigating Officer (SIO) in relation to an investigation concerning Mr Kirk and as part of that investigation, I commenced a Policy File, a copy of which is exhibited to my witness statement (Exhibit SM/1). I refer to the Policy File and entry 1, where I recorded that following my attendance at a Gold Group meeting at South Wales Police Headquarters at 1:30pm that day, I had been appointed as the Senior Investigating Officer. I also exhibit a copy of the minutes of that meeting to my statement (Exhibit SM/2).
9. During the course of the investigation, I attended a number of Silver Group meetings and I exhibit copies of the minutes of those meetings to my statement (Exhibit SM/3). I also participated in a number of staff briefings and management meetings and I exhibit copies of the minutes of those meetings to my statement (Exhibit SM/4).
10. I commenced a Policy File to ensure that there was an audit trail of my decision-making process, which would support the integrity of the investigation and also ensure that the investigation was open and transparent.
11. I recall that a 'confidential briefing pack' had been prepared by the South Wales Police Intelligence Directorate, which I read. I recorded that this document would be submitted to the Major Incident Room (MIR) and that it provided a summary of circumstances known to date and would be the platform for my investigative plan. I exhibit three copies of the confidential briefing pack to my statement (exhibit SM/5). The briefing pack was a dynamic document which might be added to during the investigation if further intelligence/information was obtained.
12. The confidential briefing pack contained background information regarding Mr Kirk and details of his previous convictions. The briefing pack outlined that Mr Kirk had previously landed a light aircraft in a field near to the residence of the U.S. president and had demanded an audience with him. He was conveyed to a psychiatric Hospital for

assessment and subsequently deported. The briefing pack also outlined that on the 6<sup>th</sup> of January 2009, Mr Kirk had attended outside the residence of HRH the Prince of Wales, at Highgrove House, Gloucester, whilst trying to hand deliver a letter to the Prince. The briefing pack also outlined that on the 25<sup>th</sup> of February 2009, Mr Kirk was approached by Police Officers outside the Welsh Assembly in Cardiff. Mr Kirk was in a car displaying banners which read: 'Wales Against Crooked Lawyers'. The briefing pack further outlined that on the 27<sup>th</sup> of February 2009, Mr Kirk had attended at the security gatehouse of South Wales Police Headquarters, Bridgend, stating that he wanted to arrest the Chief Constable.

13. I became aware that Mr Kirk had previously advertised for sale a 'Lewis machine gun with spare ammo circa 1916 £4,000' on his website, [www.kirkflyingvet.com](http://www.kirkflyingvet.com). Of particular significance to me was the reference to ammunition which indicated that Mr Kirk had been offering to sell a working machine gun.
14. I was also made aware that three video clips had been posted on the 'YouTube' website: One of the clips was entitled 'CAA Demand Flight Test' which was dated the 11<sup>th</sup> of October 2008 and showed a male person, believed to be Mr Kirk, holding an apparent firearm. Another clip dated the 22<sup>nd</sup> of March 2008, was entitled 'Lost Passport' in which a male person believed to be Mr Kirk, made reference to live ammunition. A further clip was entitled 'Royal College of Veterinary Surgeons, Police and now CAA' which showed a male person, believed to be Mr Kirk holding what appeared to be an apparent firearm and was dated the 24<sup>th</sup> of August 2008.
15. I was made aware that on the 2<sup>nd</sup> of April 2009, Mr Kirk had uploaded a photograph of himself to his website, holding a Lewis machine gun and on the 26<sup>th</sup> of April 2009, Mr Kirk had posted a list of persons about whom he required further information, including 'car numbers, home and social addresses, details of families and Schools attended, clubs attended, friends and acquaintances and criminal records.' Mr Kirk had

also offered 'a £10,000 reward' for information leading to the prosecution of these persons. I did not consider this to be a legitimate method through which Mr Kirk should seek to contact individuals. I could see no reason why Mr Kirk would need to seek information of the schools attended by family members of persons who he wished to contact and this raised the prospect of Mr Kirk contacting witnesses in front of their children. I considered this to be potentially intimidating to those concerned.

16. I was made aware that on the 13<sup>th</sup> of May 2009, Mr Kirk had re-posted to his website the same photograph that had been uploaded on the 2<sup>nd</sup> of April 2009 of him holding the machine gun, accompanied by the words: 'Dressed for Cardiff Court and an even playing field.' On the same date he posted a second photograph of him holding the machine gun, accompanied by the words: 'The final solution.' Mr Kirk had also posted to his website a photograph of members of the South Wales Police Authority. Underneath the photograph appeared text which read: 'So who is accountable? 'Well I know where a few of these live for starters.' In relation to the 'second photograph' mentioned above, I was also made aware that this appeared elsewhere on his website, below which was text entitled 'Glorious 12<sup>th</sup>-Crooked Lawyer shoot.'
17. I was particularly concerned as to Mr Kirk's reference to 'the final solution' when accompanied by the fact that he may be in possession of at least one firearm, which he had described as a machine gun, accompanied by ammunition. I was concerned that Mr Kirk could cause significant harm to any of the individuals named on his website.
18. I was of the opinion that the earlier incidents, video clips and postings on his website showed Mr Kirk to be a volatile and erratic individual, who had no respect for authority. I was also of the view that Mr Kirk was displaying concerning behaviour.
19. At Policy entry 3, I set out the names of the management team

assembled to deal with the investigation, in addition to myself. The Principal Senior Investigating Officer (SIO) was Detective Chief Superintendent (DCS) Isaac, who was Head of the Specialist Crime Department at that time. The Deputy Senior Investigating Officer (D/SIO) was Acting Detective Chief Inspector (A/DCI) Hughes and the supportive D/SIO was Detective Inspector Redrup.

20. Acting Detective Inspector Dyson was appointed to deal with witness protection issues. It is my understanding that witness protection issues were managed by the Gold Group, but clearly any such issues would be inextricably linked to my investigation and it was important that I was appraised of them accordingly.
21. The nominated Firearms Officer was Chief Inspector Morgan.
22. The nominated Community Impact Assessment Officer was Acting Superintendent Murphy. This Officer would have been appointed by the Divisional Commander at Barry Police Station, Mr Kirk's local Police Station. It would have been my responsibility as the Senior Investigating Officer on the investigation to identify any risks and bring them to the attention of Acting Superintendent Murphy, which would allow him to implement a plan to address any impact on the community.
23. At Policy entry 4, I recorded that the primary objective of my investigation/operation was to ensure the safety of the public, potential victims, witnesses, Police Staff and Mr Kirk himself. I recorded the following reason for this policy:

*"Mr KIRK is advertising a machine gun and ammunition for sale. His wife legally possesses a number of firearms to which Mr KIRK may have access. Mr KIRK has posted a reward of £10,000 for information leading to the prosecution of a number of persons including the South Wales Police Chief Constable, Miss Wilding, requesting details of home addresses, vehicles, family members and places frequented. Whilst I will be investigating alleged criminal conduct of Mr KIRK, I must always take into account my primary objective. I will ensure the investigation is*

*conducted in a proportionate manner. It will also be conducted in accordance with legislation and only necessary actions will be carried out. I will also, throughout the investigation, consider the needs of Mr KIRK who will be treated equally, fairly and according to his needs, in addition to the above considerations."*

24. At Policy entry 5, I recorded my decision to set up a Major Incident Room (MIR) at Police Headquarters and commence a Register of Actions Booklet. This was to ensure that there was an audit trail of the investigative plan and associated actions carried out, which would highlight the transparent and ethical manner in which the investigation would be conducted. This would also ensure that I was fully accountable for the investigation.
25. Actions would be raised in line with the main lines of the enquiry that I had identified. The actions would mainly be raised by a 'Receiver' and 'Reader' following examination of any documents that had been submitted to the MIR. Actions may also have been raised from briefings that I held with the investigation team or indeed directly by myself, if required.
26. At Policy entry 6, I recorded the following as the main lines of enquiry on the investigation:
  - Witness protection (including associates/associated properties)
  - Antecedents of suspect KIRK, including medical history
  - Antecedents of KIRK's wife and any other persons associated with H/A
  - Locate/arrest/interview suspect (deferred)
  - Search opportunities @ identified scenes
  - Forensic opportunities @ identified scenes
  - Research origin of Lewis firearm
  - Research previous incidents of note involving KIRK
  - Interview of key witnesses
  - Financial investigation

- Intelligence
- CCTV
- Media
- CPS LIASON
- CIA (Community Impact Assessment)

27. At Policy entry 7, I recorded that witness protection, media and CIA would be dealt with by the Gold Group and not the investigation team (as dictated by the Gold Group), however, these lines of enquiry remained relevant to my investigation and I would have been regularly updated in respect of their progression.
28. At Policy entry 8, I recorded that liaison with the Crown Prosecution Service (CPS) was to be established to obtain initial advice in respect of potential offences committed by Mr Kirk. I noted within my rationale for making this decision that there were two separate parts of the investigation that needed to be explored with regard to potential offences committed by Mr Kirk. 1. Possession of a section 1/prohibited weapon and accompanying ammunition. 2. In relation to material placed on his website, including a reward for information leading to the prosecution of certain individuals. I also recorded that advice from the CPS would be sought in relation to Mr Kirk's previous attendance at South Wales Police Headquarters and his intention to "arrest" the Chief Constable.
29. I recorded that the second offence was inextricably linked to a civil litigation action being pursued by Mr Kirk against South Wales Police. I was not involved in the on-going civil litigation between the Force and Mr Kirk, however, the potential for criminal offences to have been committed by Mr Kirk by way of implied threats to witnesses in those civil proceedings was clearly a matter that I needed to consider.
30. At Policy entry 10, which I recorded at 17:20 hours on the 28<sup>th</sup> of May 2009, I outlined that I had designated Mr Kirk as a suspect in relation to an offence of possession of a Section 1/prohibited firearm and

accompanying ammunition. I recorded that I had made the decision to defer his arrest. Although I was awaiting CPS advice, from examination of Mr Kirk's website I suspected him of committing the above offence and had made the decision that he would be arrested for this offence at some stage. I recorded that I was awaiting advice in relation to other potential offences including threats to kill and witness intimidation. I made the decision to defer the arrest as I believed the threat to individuals was relatively low at that time. I noted that Mr Kirk had retained this information on his website for a number of months. Although he had previous convictions for violence, he had not been convicted of any firearms offences, nor was there any intelligence or information which might have linked him to firearms offences. I was aware that his wife possessed a number of firearms (apparently lawfully) at their home address. I was also aware from intelligence of the probability of Mr Kirk being in France at that time. When Mr Kirk was arrested, it was my desire to simultaneously search all properties linked to him in the U.K. and in France, to ensure that any firearms and ammunition which he may have in his possession would be seized. I considered that if I did not recover all these items, the likelihood (pending CPS advice) would be that Mr Kirk would be released from custody and he could then seek to recover these items. I was concerned that this might have agitated the situation and increased the threat to individuals from Mr Kirk. I recorded that I would progress lines of enquiry and defer the arrest of Mr Kirk accordingly. I was also mindful of the ongoing civil litigation and protecting the integrity of the organisation in relation to this process, i.e. I did not want my decisions to affect the ongoing civil litigation. I wanted to avoid any suggestion that my decisions were influenced by, or had had an impact on the civil litigation case. I also recorded that witness protection measures had been put in place via the Gold Group which had assisted my decision to defer the arrest.

29<sup>th</sup> of May 2009

31. At 08:25 hours at policy entry 13, I recorded additional main lines of

enquiry as follows:

- Research to be conducted in relation to previous incidents of note involving KIRK
  - County Court case/Civil litigation
  - Research re: individuals placed on 'reward' website
  - Visit to gatehouse HQ to arrest C/C
32. In respect of the case that was on-going in Cardiff County Court, I can confirm that I had no contact with Dolmans Solicitors or Counsel who had been instructed to represent South Wales Police with regard to those civil proceedings.
33. In view of my decision to arrest Mr Kirk, I tasked officers to prepare arrest, custody, search, forensic and interview strategies, which I recorded in Policy entries 15, 16, 20, 21 and 22.
34. At Policy entry 18, I recorded that enquiries were to be made in respect of Mr Kirk's attendance at Dolmans Solicitors and Cardiff County Court earlier that day. Both incidents had been reported to the Police.
35. At Policy entry 19, I recorded my request for A/DCI Hughes to liaise with South Wales Police Legal Services. It is my recollection that I sought to obtain details of the on-going civil litigation to ascertain whether there were any civil or legal avenues available that I could utilise within my investigation, e.g. An injunction.

1<sup>st</sup> of June 2009

36. At 08:00 hours, I recorded at Policy entry 25 that there had been incidents over the previous weekend where Mr Kirk had attended at Barry Police Station to speak to Inspector Rice, who was a witness in the civil proceedings. I noted that this was a retrospective entry as an investigation had commenced over the weekend and safety measures had been put in place for Inspector Rice. It is my recollection that I had

been contacted by an Officer from Barry Police Station either on the weekend or on the Monday morning, who had appraised me of this development. As a result, I became more concerned about Mr Kirk's behaviour. He was now taking active steps to contact witnesses and I was concerned for the safety of all such individuals.

37. Whilst I cannot recall from whom, or the level of detail that I was provided with, I can confirm that around this time I was aware that a Covert Police Officer had made a telephone call to Mr Kirk regarding the Lewis firearm which Mr Kirk had advertised for sale. I now exhibit a copy of the witness statement (Exhibit SM/6) subsequently made by the Covert Police Officer, known as 'Foxy', which outlines that on Saturday the 30<sup>th</sup> of May 2009, 'Foxy' had made a telephone call to a mobile telephone, believed to be Mr Kirk's. 'Foxy' had spoken to a person who identified himself as Mr Kirk and had told him that he was interested in purchasing the gun if it was still for sale. Mr Kirk informed the officer that the gun was no longer with him. 'Foxy' explained to Mr Kirk that he was disappointed as he owned a similar item. 'Foxy' further explained that it had been deactivated, to which Mr Kirk replied "Oh I see, no no this one worked". I took this to be a clear admission by Mr Kirk with regard to the possession of a working Lewis machine gun. Whilst Mr Kirk had told 'Foxy' that he had sold the gun, this had not been verified and it was a consideration of mine that Mr Kirk might still have it in his possession. I also considered the possibility that Mr Kirk might be in possession of other firearms.
38. At Policy entry 26, I recorded a 'fast track action' to trace and interview an unknown French male who I had been told was in company with Mr Kirk when he had attended at Barry Police Station. It was important to identify this male as quickly as possible and ascertain his antecedent history, e.g. whether he had any criminal convictions and access to any firearms.
39. At Policy entry 28, I recorded an additional main line of enquiry, namely that enquiries were to be made with the Aviation Authority regarding Mr

Kirk. I was aware that Mr Kirk was a pilot and it is my recollection that I sought to ascertain what access Mr Kirk had to any aircraft and what licences he held, if any.

40. At policy entry 29, I recorded my decision that A/DCI Hughes was to liaise with the CPS and Legal Services later that day to obtain advice regarding the legal process that had to be undertaken to allow us to conduct searches of properties belonging to Mr Kirk in France. It is my recollection that advice was obtained from the CPS in face to face meetings. I cannot recall whether I attended any meetings with the CPS on this issue. I would certainly have been informed of the outcome of any such meetings. It is my understanding that minutes were not prepared by Officers of any meetings with the CPS.

2<sup>nd</sup> of June 2009

41. At 17:40 hours I recorded in Policy entry 30 my decision to arrest Mr Kirk on suspicion of possession of a prohibited weapon and ammunition. The arrest would be deferred pending his return to the U.K. I recorded the following reason:

*"There is clear evidence to suspect KIRK in relation to the above offence from his website. Intelligence suggests KIRK is in France at present. CPS have advised that we 'build a case' in relation to KIRK. However, I am mindful that he may be still in possession of this weapon and the danger that may pose. There will be opportunities to secure and preserve evidence e.g. House Searches in this country and in France, and also suspect interviews. KIRK may provide an explanation in relation to the allegation. I must at all times highlight my primary objective. CPS have advised that no other offences exist at present. This will be subject to further review as we gather further evidence."*

42. Whilst I was aware of the telephone call between 'Foxy' and Mr Kirk, I did not know for certain whether or not Mr Kirk was still in possession of the firearm and/or the ammunition. There was a need to continually undertake a balancing act as to whether or not to arrest Mr Kirk. I

continually reviewed his behaviour and whereabouts to assess the risk that Mr Kirk might pose to others if he was not arrested. However, ideally, I sought to search the properties linked to Mr Kirk in the U.K and France simultaneous to his arrest with a view to recovering any firearms and ammunition.

43. At policy entry 32, I recorded the priorities for the investigation which included arresting Mr Kirk upon his return to the U.K. from France.

3<sup>rd</sup> of June 2009

44. At 08:15 hours at Policy entry 34, I recorded that the arrest of Mr Kirk would be deferred until he returned to the U.K. and I recorded the following reason:

*"There is a distinct possibility that the Firearm/ammunition may be in France and KIRK'S arrest and subsequent search strategy must encompass ALL properties, vehicles etc belonging to KIRK to ensure we maximise the potential to secure/preserve evidence."*

8th of June 2009

45. At 11:30 hours, I recorded at Policy entry 38 my decision to arrest Mr Kirk following his departure from the Royal Courts of Justice, London on the 15th of June 2009, provided this was verified by the Gold Group. It was known that Mr Kirk was intending to attend this hearing. I had risk assessed his arrest at that time in relation to any firearms threat. I considered my primary objective at all times and also the need to minimise any trauma/distress to Mr Kirk and his family. I recognised that it was important to ensure that the arrest was low-key and out of the public eye. In addition to these considerations, I did not want any adverse effect upon the on-going civil proceedings.

12<sup>th</sup> of June 2009

46. At 11:50 hours, I recorded at Policy entry 40 my decision to defer the arrest of Mr Kirk pending further notice. This was my decision which was

subsequently agreed by the Gold Group. I note that I made this policy pending the progression of additional lines of enquiry identified following an intelligence development.

47. At Policy entry 41, I reiterated the fact that witness protection and Community Impact Assessment issues would be addressed by Gold/Silver meetings. I noted that a Silver Group meeting had taken place that morning. I refer to a copy of the minutes which are exhibited above (Exhibit SM/3).
48. At Policy entry 42, I recorded that I would arrange for Superintendent Clarke and A/DCI Hughes to liaise with the Force Solicitor regarding the potential issue of a contempt of court. I noted that I had stressed at the Silver Group meeting that morning the importance of detaching both enquiries to maintain integrity and protect organisational reputation.

20<sup>th</sup> of June 2009

49. At 12:10 hours at Policy entry 43, I recorded that I had a meeting with DCS Isaac. A/DCI Hughes had brought to my attention an incident where Mr Kirk had threatened to cause criminal damage at the offices of Dolmans Solicitors. I was of the view that the risk of danger from Mr Kirk to members of the public was accelerating and that the 'balancing exercise' was tipping in favour of effecting the arrest of Mr Kirk.
50. At 12:15 hours at Policy entry 44, I recorded that Mr Kirk was to be arrested for 1) Possession of prohibited weapon and ammunition 2) Threats to cause criminal damage. I recorded the following reason:

*"I am getting increasingly concerned regarding Mr KIRK's state of mind and the escalation of his offending. I had suggested to DCS Isaac that he should be arrested, bearing in mind my primary objective. Any intelligence gathering opportunities are long term and I believe we have to act NOW. There will be opportunities to secure and preserve evidence from the suspect interviews with KIRK and subsequent searches."*

21<sup>st</sup> of June 2009

51. At 1700 hours, I recorded at Policy entry 47 that I was attending a two-week training course and that A/DCI Hughes would be assuming responsibility for the investigation. However, I emphasised that I would still be overseeing the investigation and would take ultimate responsibility for any decisions made. I confirmed that I would liaise with A/DCI Hughes via telephone. I had requested A/DCI Hughes to name me as the Officer in the Case at the time of Mr Kirk's arrest. This was with a view to protecting the identity of my staff, bearing in mind the advert which Mr Kirk had placed on his website for information leading to the prosecution of individuals, including home addresses, places frequented, vehicles etc. The entries thereafter in the Policy File were made by A/DCI Hughes.
52. Following A/DCI Hughes taking over responsibility as the Senior Investigating Officer, I had limited operational involvement with the investigation. I note that upon my return to the Force area, I signed a number of policy entries made by A/DCI Hughes on 22nd and 23<sup>rd</sup> of June 2009. It is my recollection that A/DCI Hughes telephoned me whilst I was away on the training course to discuss these policy decisions. I specifically recall discussions regarding the parameters of the search of Mr Kirk's home (policy entries 65 and 69) and the decision to treat Mr Cooper, the person to whom Mr Kirk had sold the Lewis gun, as a significant witness (policy entry 72). In the event that Mr Cooper failed to give an explanation or made a statement which incriminated himself in knowingly purchasing / possessing a prohibited weapon, the questioning was to be stopped and Mr Cooper was to be cautioned and arrested for any offences disclosed.
53. I note that A/DCI Hughes recorded the decision to charge Mr Kirk with firearm offences following consultation with the Crown Prosecution Service at policy entry 75. It is my recollection that I had no involvement with the Crown Prosecution Service at this time.

54. I have been provided with and read a copy of the Particulars of Claim in respect of Mr Kirk's action against the Chief Constable of South Wales Police which he has signed and dated the 28th of June, 2016.
55. I can confirm that I was the Senior Investigating Officer in the investigation that led to Mr Kirk's arrest on the 22<sup>nd</sup> of June 2009. I deny the allegations at paragraph 2 of the Particulars of Claim. I deny that I or any other officer, to my knowledge, pursued that investigation in bad faith and / or for an improper or ulterior motive.
56. I deny the allegation at paragraph 6 that the arrest of Mr Kirk constituted a false imprisonment.
57. I further deny that I, or any other officer to my knowledge, presented highly exaggerated accounts to the Crown Prosecution Service as alleged at paragraph 6. As to any allegations that I falsely represented the facts in this matter, those allegations are also categorically denied.
58. I am of the opinion that there were reasonable grounds to suspect that Mr Kirk had committed the offences at the time his arrest was made. I specifically deny the allegation at paragraph 6 that the decision to arrest Mr Kirk was flawed by an improper motive, namely frustration / irritation on the part of the Chief Constable with regard to the civil claims brought by Mr Kirk.
59. I further deny the allegation at paragraph 6 that at each bail application, the Police propounded any falsehoods.
60. I deny the allegation at paragraph 7 that Mr Kirk was maliciously prosecuted. I deny that any malice was targeted at Mr Kirk or that the prosecution of him was instituted and continued without reasonable or probable cause, or maliciously. At no time did I act with any malice towards Mr Kirk, nor did any other Police Officer do so to my knowledge.

The Crown Prosecution Service were consulted from an early stage in this matter. At all times I acted in good faith in seeking to progress the investigation and in the decision I made to arrest Mr Kirk for the disclosed offences.

61. I deny the allegation at paragraph 11, that my actions, or those of any Officers acting with my knowledge, were intended to be arbitrary, oppressive and unconstitutional.

62. I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

SIGNED:



Stuart McKenzie

DATED:

24<sup>th</sup> of June 2020

( 24 - 06 - 2020 )