

## WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: K Souster

Age if under 18: Over 18 *(if over 18 insert 'over 18')*

Occupation: Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  (witness)

Date: 22/06/2022

I am the above named and work as a response police officer at Acomb Police Station, York. I am the officer in charge of an investigation into a suspected drink spiking incident which is believed to have occurred at the Sky Blue Chinese restaurant and karaoke bar on Barbican Road, York on the evening of the 21st January 2022. As part of this criminal investigation, I required the CCTV from Sky Blue, the North Yorkshire Police incident reference for this is 12220012237.

On the 23rd of January 2022 I contacted the Sky Blue by telephone to request their CCTV, and provide them with the date and the times of the incident. I was told that they did have CCTV but that no one could access it that day, but the owner would be in the following day to assist.

On the 5th of February 2022 I had a conversation over text message on my work issued mobile with a male called Kevin, who works at Sky Blue. This was from my work number [REDACTED]452 to Kevin's mobile number [REDACTED]129. He told me that he was having a problem getting the CCTV clips for me. I have screen shot these messages and I exhibit them as KS/05.

By the 13th of February 2022 I had had several conversations had with Sky Blue Chinese over the phone regarding CCTV. At first they said they had cameras in all the rooms, then they called back to say it wasn't working in the room the victim and her friends were in were in. They then rang back again to say actually the CCTV was wiped at the end of the month and cannot be viewed (despite telling me it is kept for 30 days).

I contacted the team that were overseeing Operation Night, which is looking into incidents of spiking for advice. They in turn contacted North Yorkshire Police Licencing unit to assist me with my enquiries and advise me on the licencing laws. On the 14<sup>th</sup> of February 2022 an officer from the licencing team contacted Sky Blue to advise them that they are required to provide the footage and that I would re-attend.

On 15th February 2022 I attended Sky Blue Chinese to obtain their CCTV in person, they had been advised that if they did not make their CCTV available they may be in breach of their licence. The CCTV was still not available and no one present was able to work the system. We were at the premises for around 1.5 hours whilst the staff made calls to a 'technical specialist' from one of their other restaurants.

We agreed that this 'technical specialist' would attend, burn off the required footage and drop this at York Fulford Road police station, in the next 24 hours.

Whilst I was there I attempted to gain the details of the staff working on the day. The logs presented to me did not cover the date of the incident, I took a photograph of this on my work mobile and I exhibit this as KS/04.

On the 16th of February 2022 the CCTV had still not been received, so I attended the Sky Blue Chinese and seized the CCTV hard drive under section 19 of PACE, for examination by specialist officers.

On Monday the 6th June 2022 I attended Calder Park, our digital forensics unit, with the hard drive for a specialist examine it for footage. I was told by the examining officer that the memory in the hard drive was full, and this is why it was not recording properly. Footage was being written over less than 30 days from when it was taken and that not all of the cameras were working. There was no footage from 21st January 2022, the date that I required.

I then returned to my police station with the hard drive.

I have had no more dealings with the Sky Blue Chinese restaurant.

Signature: 

Signature witnessed by: