

## WITNESS STATEMENT

**Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

<b>Statement of:</b> David Fairclough	<b>URN</b>			
Age (if under 18): N/A	Occupation:			

I am Police Constable 8620 Fairclough of Lancashire Constabulary and currently attached to the Neighbourhood Policing Team at Ormskirk Police Station. This is my witness statement in relation to two incidents I attended on Thursday 17th March 2022. The incidents I attended were in relation to a boy who was being reported as Missing From Home and the same male who was later found in possession of a bladed article. This statement has been written in August 2024 with the assistance of the Connect Investigations, Storm Incident Logs and my Pocket Notebook entries from the time.

The people I shall mention in this statement are as follows: Axel RUDAKABANA is the male who was reported missing from home and was later found in possession of the knife. I will also mention his mother Laetita MUZAYIRE and his father Alphonse RUDAKABANA. I was in company with Police Constable 1719 RHODES for the second incident and was in consultation with Police Sergeant 8515 CLARKE via private radio call.

Axel went missing from his home address in Old School Close in Banks, Lancashire. This is a semi-detached house and is the location I initially visited when taking details for the missing from home report. This house is located in a small cul-de-sac. Axel was found later that day on Holmeswood Road in Rufford, Lancashire. This location is only a couple of miles from the home address.

On Thursday 17th March 2022 I was on mobile patrol and using the callsign SBCAR9E. At the time of this incident I was an Immediate Response Officer. At approximately 11:45 hours, I was asked by the control room to attend a report of a fifteen year old male who had left his home address a few hours earlier. The report was made by his mother. I have arrived at the address approximately thirty minutes later and spoke with the mother who I now know to be Laetita MUZAYIRE. I asked Laetita for some background information so I could help assess the risk grading for this child and so we could start our enquiries. I detailed what I was told by Laetita directly onto a Missing From Home report using my Police issued Samsung device. It quickly became apparent that there were concerns around Axel's mental health and these seem to be the reason he had left the address. I was told Axel suffered with severe autism and ADHD, that he had left mainstream education and was that day due to meet his new teachers at a school that catered for children with special needs and learning difficulties. Axel was aware of this meeting and left the home address when his mother was out. Laetita described how Axel did not like change as a result of his autism diagnosis. I was told Axel was on Sertraline to help with these

conditions, he did not have this medication with him when he went missing. I have read on the Missing From Home incident log that Axel had previously attended his previous High School with a knife and attacked another student. Laetita stated this was because Axel believed he was being bullied. Laetita then disclosed Axel may be in possession of a knife as she had noticed one missing from her kitchen. Due to being aware of the previous incident and the possibility Axel was in possession of a knife, I have contacted Range High School to see if Axel had attended and to warn them he was missing from home. Axel had not told anyone he was going to attend this school on this occasion. From my pocket note book entries, the person I spoke to at Range High School was Vicky Ashworth. I was told the new school Axel would be attending is called Pressfield Highschool and Specialist College. This school specialises in providing an education for children with autism spectrum disorder or Aspergers. Laetita disclosed Axel was already under CAMH's but felt they needed to do more.

I have asked Laetita if any preparations had been made by Axel to leave that morning, I was told it was spontaneous and unexpected. I have then conducted a search of the address to see if there were any obvious signs of preparation made by Axel or if there was anything else that would concern me and affect the risk grading for Axel. I did not see anything of note. Laetita was then asked if there were any friends or relatives where Axel may travel to. I was told he had no other family or known friends. With limited information or exact addresses to attend, I have then put what information I had onto the report and submitted it to be linked. I have asked the control room to circulate a description of Axel over the air. I have also requested the log be sent to Merseyside Police for their information, this was because Axel lived only a few miles from the border with their Force area and he had previously attended the Range High School. I have asked if colleagues can assist with an area search and numerous PCSO's have attended to conduct a search in the local area. Officers were advised Axel may be in possession of a knife.

As I have left the address, I have noticed two council run cameras in the area. There was a few hours time range in which Axel could have left the address, I have asked colleagues in the CCTV office if they can shorten this window and obtain a direction of travel. I have then contacted local taxi companies to see if any had attended the home address that morning, this was negative. The control room had already confirmed Axel was not in custody. I was told Axel was in possession of a mobile phone, I have called this but it has gone straight through to his voicemail service. I have then left the area with the intention of further populating the Missing From Home report. This is easier to do on a desktop computer, therefore I was heading to a police station to do this. Other officers remained in the area to conduct an area search. Axel was placed onto the system as a medium risk missing from home. Axel had not made any comment about self-harm and was fifteen years old. Axel knew the area well and there appeared to be a reason why he may have left the address for a few hours.

All of the completed actions are listed on the Storm incident log, PNB entries or the Connect Missing From Home report. I will exhibit these in this statement. Several hours have then passed without a sighting of Axel. At approximately 14:50 hours the control room has made Police Sergeant 8515 Clarke aware of a young male who was on a bus in the Rufford area. The male was described as not threatening but refusing to leave the bus. PS 8515 has made the control room and myself aware that from the description that has been given, this is likely going to be

Axel. PC 1719 has informed the control room she will attend as she was not too far away from the location of the now parked bus. I have also told the control room I would attend due to the possibility of Axel being in possession of a knife and because I took the initial details. When I was made aware of this incident I was in Ormskirk Town Centre, this is approximately fifteen minute drive from where this male was. I have made the decision to attend this incident as a Grade One incident, I have attended with blue lights and arrived at 15:05 hours. PC 1719 had arrived a few minutes before myself and had made me aware over the air that this male was confirmed to be Axel.

I have arrived and entered the bus. I have seen PC 1719 talking to this male who appeared fully compliant. The bus had several elderly people on board. The driver was waiting at the door of the bus. Axel gave officers a small knife at the first time of asking, he left the bus as he was asked to do so. A further search did not find anything further. I have checked with the bus driver if any threats had been made, the driver had confirmed there had not. The driver only wished for the male to leave as he had not paid and was concerned by the way the male sat at the back of the bus. I was only aware of the possibility of Axel being in possession of a knife due to his mother making the disclosure earlier in the day. Neither the driver nor any of his passengers had witnessed the knife. The knife was in Axel's pants pocket. I was still aware of the disclosure from Laetita about Axel's autism diagnosis and distress with change, as such I afforded him vulnerable person status. He had not made any threats to either officer and was fully compliant.

I did not feel it was appropriate to arrest Axel as this appeared to be a mental health concern and I believed mental health services were the best agency to address the underlying problem. As Axel was a fifteen year old child with a severe autism diagnosis I did not believe custody was the best place for him and I did not feel Axel's behaviour would change or benefit from a prosecution or police intervention. I strongly believed Axel needed further mental health support. I called PS 8515 on private radio and updated him on what had happened. He asked if any threats had been made with the knife and what Axel's demeanour was like. When PS 8515 was updated no threats had been made and Axel was calm and compliant. The Sergeant agreed the best course of action would be to take Axel home to his parents so they can safeguard him and the relevant referrals can then be made. Myself and PC 1719 could then submit a High Risk Vulnerable Child Form in order to get Axel long term help. Consideration was also given to detaining Axel under S136 Powers under the Mental Health Act, however, the threshold was not met by the behaviour being displayed by Axel. At this time, he was not making any threats to harm himself and he had not made any threats to harm anyone else. Axel had been missing for a number of hours and had ample opportunity to harm himself had he wished. Axel was then placed in our police vehicle and we started driving him to his home address. PC 1719 accompanied me during this journey. I was the driver and PC 1719 sat in the rear of the vehicle with Axel.

The journey from the incident to the home address was approximately ten minutes. I cannot recall who asked specific questions but myself and PC 1719 conversed with Axel throughout. During the journey, Axel was asked why he had a knife. Axel stated "I want to stab someone". When he was asked why he wants to stab someone, Axel has stated he was told by his psychiatrist that the best way for Axel to have his phone seized by Police was for him to commit a serious offence. He knew stabbing someone would be a serious offence. When Axel was asked why he wanted his

phone seizing, Axel stated he had embarrassing videos on his social media which he wished to be deleted. Axel informed officers he had lost access to these accounts and this was the only way he could think of getting his mobile phone seized. Axel had stated he had also thought about poisoning people for the same reason. Axel did not appear to understand the consequences of what he was saying and the impact this would have. Axel was fixated on having these social media accounts deleting. Axel was asked if there was a particular person or people he wants to stab or hurt, he stated words to the affect of just people, he did not appear to have a particular target. Axel did not appear to have any political or religious beliefs that were impacting this decision, it appeared this was all so he could have his social media accounts deleted. This recent behaviour demonstrated further that Axel needed support with his mental health. With this new information I have again ran through the National Decision Model to myself and considered detaining Axel under S136 Powers, however, I still did not believe the threshold had been met. I was aware Axel had made these concerning comments and these would be shared on the Vulnerable Child form, however, Axel had just been on a bus with several elderly and vulnerable passengers, he was in possession of a knife and had ample opportunity to injure someone had he wished prior to police officers attending. Axel was also missing for several hours before police found him, he would have met other members of the public who he could have injured had he wished to do so. During his time missing, Axel had not injured himself. As concerning as these disclosures from Axel were, I still did not believe Axel was at immediate risk of harming other people or himself. There was not a particular person or people myself or PC 1719 could safeguard as Axel did not appear to have a target. The conversation in the car kept coming back to Axel wanting to have these social media accounts deleted.

We have arrived at the home address approximately ten minutes later. Both Axel's mother and father, Alphonse RUDAKABANA, were present. Myself and PC 1719 have then entered the address and told both parents of the disclosures Axel had just made. The knife was returned to Laetita as it was missing from her kitchen. This is documented on the Connect Investigation. PC 1719 has passed advice in relation to locking knives away at the address. His parents again reiterated they needed more from CAMH's and were supportive of a vulnerable child referral. Both parents gave consent to share theirs and Axel's information, however, Axel asked for any contact to be made with his mother as he did not get along with his father. Laetita was advised to take Axel to hospital for a mental health assessment. Laetita informed myself that Axel had spoken about poison to her previously. When I had searched the address earlier when taking the initial Missing From Home details, I did not see anything of concern in relation to making poison. This was still noted on the vulnerable child referral. I was now happy Axel was safeguarded at his home address, he had been left in the care of his two parents. No further offences had been disclosed by members of the public on the bus and the relevant referrals would be submitted.

PC 1719 has completed a High-Risk Vulnerable Child form as a result of this incident. This referral was shared via MASH with: Child Social Care, Education and Health Services. The MFH Connect Investigation was reviewed on the enquiry log by a Constable from the Early Action Team and consideration was given to making a full referral to their team for further work with Axel, however, as already stated in this statement, this appeared to be a mental health condition that had worsened due to the fear of starting a new school. Mental Health services were best

equipped to offer a long term solution for Axel and confirmation was on the vulnerable child referral that this had been shared with health services.

I will exhibit the following:

- DLF/8620/01: Copy of MFH Connect Investigation 04/53134/22 – MFH
- DLF/8620/02: MFH PNC Template
- DLF/8620/03: MFH Local Authority
- DLF/8620/04: MFH Local Authority Finalisation Report
- DLF/8620/05: Copy of Connect investigation 04/53346/22 – Possession of a bladed article
- DLF/8620/06: Storm Incident LC-20220317-0431 – MFH log for Axel
- DLF/8620/07: Storm Incident LC-20220317-0737 - Axel on the bus incident
- DLF/8620/08: Pocket Notebook Entry – Description of MFH
- DLF/8620/09: Pocket Notebook Entry – Medical conditions
- DLF/8620/10: Pocket Notebook Entry – Taxi call
- DLF/8620/11: Pocket Notebook Entry – New school name
- DLF/8620/12: Pocket Notebook Entry – Range High School name reference
- DLF/8620/13: Photograph from Pronto of MFH
- DLF/8620/14 – WAV recording for the bus incident

I have searched both Video Manager and Nice Investigates system for my Body-Worn Video in relation to this incident. I have also contacted ICT and Professional Standards Department to see if they can find and retrieve any footage, they have not been able to. I am told by the ICT Department that Lancashire Constabulary's guidance is for footage to be deleted after thirty days if it is not marked as evidential. At the time I did not view this incident as evidential as I believed partner agencies were assisting this male.

After seeing the referral has been submitted and shared with the key agencies, I sent the crime report for Axel for closure the following week.

I have had no further involvement with this family since this incident in March 2022.

This statement 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 of witness:

**Signature**

Date: 23/08/2024 21:00