

**THE HONOURABLE MR JUSTICE SWEENEY KT**

**Judge in Charge of the Terrorism List**

I have been contacted on behalf of the Coroner (HH Clement Goldstone QC) who is to conduct an Inquest into the death of a man called Jermaine Baker, who was shot dead by the Police in the street not far from Wood Green Crown Court on Friday 11 December 2015 – whilst, I understand, it was alleged, he was getting ready, with others, to effect the escape of a prisoner (or possibly two prisoners) who was / were being driven to the Court in a prison van in order to be sentenced in respect of very serious offences.

The Police operation on 11 December was preceded by a Request, as a contingency, for an overt armed unit to be able to deploy (if necessary) at the front door of Wood Green Crown Court, and for two covert armed officers to be deployed within the precincts of the Court building.

The Coroner wishes me to provide all information that I have in connection with the authorisation of that Request.

The then procedure in relation to such Requests (see the 2015 Criminal Practice Direction at 3M) was that the Request had to be made in writing and would be considered first by the relevant Lead Presider (which I then was in the SE) and, if recommended by the Lead Presider, would then be considered and authorised or not by the Senior Presiding Judge (then Gross LJ).

The first approach by the Police was made orally by a Detective Inspector at a meeting with the Court Operations Manager at Wood Green on Monday 7 December 2015 - when it was explained that the Police had good intelligence that there was going to be attack on the prison van bringing the two prisoners to the Court for sentence on Friday 11 December.

The matter was brought to my attention later that day and I sought a steer from the Senior Presiding Judge. Thereafter I required an Officer of ACPO rank to provide a written document as to the exact role of the court of sentence in the proposed Police Operation and to provide an assessment of the risks involved. I also indicated that I required a meeting with the ACPO rank Officer at 2pm the following day. The Police were also directed to the Template for the making of firearms Requests.

In the morning of Tuesday 8 December 2015, the Police, using the Template, duly provided a detailed written Request (copy now marked NS/1).

That afternoon I held a meeting (attended by Jo Clow, who was then the SE Regional Listing Co-ordinator) with DCS Manson (who was in charge of the Met Police Organised Crime Command and was representing Commander Ball who was then in command of Gangs and Organised Crime, Specialist Crime and Operations at the Met) and FE16

I do not recall whether I made any notes at the meeting but cannot find any now. However, I still have a number of emails sent and received during the process, from which I have refreshed my memory, and copies of which I can provide if required.

At the meeting I indicated that in the event that the van was not attacked prior to its arrival at Court more needed to be done to secure the safety of all Court users, and that a firearms survey also needed to be carried out at the court .

Later that day I discussed the Request with the Senior Presiding Judge, who was generally supportive, including of the prisoners' case remaining at Wood Green (which was not an approved firearms court). However, he stressed that the operational arrangements set out in the Request needed to be amended to reflect the discussion that I had had with the Police - in particular as to the circumstances in which armed officers would be deployed outside the court at Wood Green, and the need for a quiet firearms survey of the interior of the Court building before 11 December. He further indicated that in

the event of that all being done he was very likely to grant permission for both armed officers to be outside the Court and two covert armed officers to be inside the building.

Jo Clow passed that on to the Police that evening in an email.

On Wednesday 9 December the Police forwarded a revised written Request (copy now marked NS/2) to me which, in boxes 5 & 8 addressed the amended operational arrangements but made no reference to a quiet firearms survey of the interior of the Court building. I queried the absence of any such reference, and the Police responded that the survey had, in fact, already been carried out on Monday 7 December, and that no further reconnaissance was required. I amended box 6 of the Request accordingly, with which the Police agreed.

I then had a meeting with the SPJ, which was also attended by Pratibha Gogna from the Senior Presiding Judge's Office. At the conclusion of the meeting we both signed the final amended version of the Request (now marked NS/3) - with the Senior Presiding Judge dating his signature.

In the afternoon of 10 December 2015 Jo Clow forwarded the following message from me to the Police: "Just to confirm - all formalities completed at this end. As they will understand the Senior Presiding Judge's consent is limited to the Crown Court end of the equation".

Sentence was listed for 2pm on 11 December 2015. As I understand it, before / whilst the relevant prison van was on its way to the Court, the Police had trailed those who they believed were going to carry out the attack on it to a street not far from the Court. The Police then decided to move in to arrest them whilst the van was still some miles from the Court. It was then that Jermaine Baker was shot.

After that, and after I had liaised with the sentencing judge (HHJ Browne QC) it was decided that the sentence of the two prisoners (who had by then been safely delivered to the Court) should proceed at 4.30pm and, against that background, I recommended and the Senior Presiding Judge authorised that, during the sentencing hearing, five officers could carry tazers within the precincts of the Court building, and that two of those officers could covertly carry firearms as well.

The sentence passed off without incident.

There was some further email traffic, including with the Senior Presiding Judge, on 14 or 15 December.

In 2016 Jo Clow (after consulting, amongst others, with me and the Senior Presiding Judge) provided much of the above-mentioned material to the IPCC, which was then investigating the shooting.

That was accompanied by a Note from the Senior Presiding Judge's Office to the effect that:

1. The judiciary were entirely content to release to the IPCC the documents dealing with the application for the authorisation for the presence of armed officers within the precincts of Wood Green Crown Court.
2. It was, however, important that the context of such applications was clearly understood by the IPCC, so that there was no risk of misunderstanding in that regard.
3. Judicial approval is required for the presence of armed police officers within the precincts of any Crown Court or Magistrates' Court building, and the Protocol for obtaining such approval was to be found in the 2015 Practice Direction at Part 3M.
4. The scope and limits of such authorisations are clear and well understood. They relate, geographically, to the precincts of the court (in question) not beyond. Moreover, and for the avoidance of any doubt, they do not involve the judiciary in the conduct of police operations or the deployment of police officers – beyond giving consideration to the presence of armed officers in the numbers and circumstances as proposed by the police in the application for authorisation, which the Judiciary either accept or reject. Still less, do the judiciary have any control whatever over the conduct of police operations. The focus of the judiciary is the safety of the court premises and those within the court precincts.

5. In the Wood Green matter, the Judiciary, through the then Senior Presiding Judge and the then lead Presiding Judge for the South Eastern Circuit, approved the application for the presence of armed police officers within the precincts of Wood Green Crown Court and, in the circumstances, were satisfied that that application was justified although Wood Green is not one of the designated Courts for firearms deployment within Part 3M. Plainly, the Judiciary had no further involvement in the conduct of the police operation.

There may be PII issues in relation to the copies of the Request, given that the Police operation was intelligence led and that there is reference to the intelligence in all of them. No doubt the Coroner has already / will take that up with the Police.

Sweeney J

7 November 2019

Clerk: Mr Butler – DPA

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