

# **PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER**

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## **RESTRICTION ORDER PURSUANT TO SECTION 19 INQUIRIES ACT 2005**

### **ORDERS FOR THE REDACTION AND NON-DISCLOSURE OF DOCUMENTS**

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This Restriction Order is made pursuant to section 19(2)(b) of the Inquiries Act 2005 (“the Act”), read with section 19(3) of the Act.

Any threat to break such an order, or any breach of it, can be certified to the High Court or Court of Session under section 36 of the Act, and the Court will deal with it as though the breach had occurred in proceedings before that Court.

#### **IT IS ORDERED THAT:**

1. This Order is made on 25 March 2021 and remains in force indefinitely.
2. The Chairman may vary or revoke this Order by making a further order at any point.
3. Any breach of this Order by any means whatsoever shall be notified in writing to the Solicitor to the Inquiry (STI) immediately upon identification of the breach.

#### **The Metropolitan Police Service**

4. The material identified in Annex 1 of this Order (the MPS Material) shall be subject to the following restrictions:
  - (i) There shall be no disclosure of any part of the MPS Material by the Inquiry to the Core Participants, the media, or the public.
  - (ii) Any documents created by the Inquiry which contain any reference to the contents or substance of the MPS Material, or otherwise contain information deriving from the MPS Material, shall be subject to the same restrictions as the MPS Material.
5. The terms of this Order will be kept under review.
6. The Metropolitan Police Service will be notified in advance, and with sufficient notice to make representations, of any intention on the part of the Inquiry to modify or vary the terms of this Order as it applies to the material listed on Annex 1.

#### **The National Crime Agency**

7. The Material, as identified in Annex 2 to this Order (the NCA Material), shall be subject to the following restrictions:
  - a. There shall be no disclosure of any part of the NCA Material by the Inquiry to the Core Participants, the media, or the public.
  - b. The Material shall be held securely by the Inquiry and the Inquiry will ensure that access to the NCA Material is restricted only to those Inquiry personnel who hold appropriate security clearance.
  - c. Any documents created by the Inquiry which contain any reference to the contents or substance of the NCA Material, or otherwise contain information deriving from the NCA Material, shall be subject to appropriate security marking and shall be subject to the same restrictions as the NCA Material.
8. Any oral evidence given by any witness relating to the contents or substance of the NCA Material is to be given entirely in CLOSED session.
9. The National Crime Agency will be notified in advance, and with sufficient notice to make representations, of any intention on the part of the Inquiry to modify or vary the terms of this Order as it applies to the material listed on Annex 2.

#### **Serco**

10. There shall be no disclosure of the entirety of the route utilised by Serco vehicles transferring patients between HMP Wormwood Scrubs and Wood Green Crown Court (“the route”) by the Inquiry to the Core Participants, the media, or the public.
11. Any documents created by the Inquiry which contain any reference to the route shall be subject to the same restrictions.
12. This order will not prevent disclosure or publication of the agreed form of words found at Annex 3 to describe the geographical locations that are relevant to this Inquiry.

#### **General**

13. For the purposes of this Restriction Order, ‘CLOSED session’ is defined as follows:
  - a. A hearing conducted at premises accredited to handle evidence relating to material of the security classification of the MPS Material and the NCA Material.
  - b. A hearing attendance at which is restricted to:
    - i. the Chairman;
    - ii. Counsel to the Inquiry, who hold appropriate security clearance;

- iii. Solicitor(s) to the Inquiry, who hold appropriate security clearance;
- iv. Inquiry personnel and court staff who hold appropriate security clearance and whose attendance is necessary for the administration of the hearing;
- v. NCA legal representatives and personnel who hold appropriate security clearance;
- vi. Metropolitan Police Service legal representatives and personnel who hold appropriate security clearance and have a direct interest in the evidence to be given at the hearing.

14. Any recording of the proceedings in a CLOSED session (whether by way of transcription or otherwise) is to be subject to the restrictions set out at paragraph 7 of this Order.

#### **PENAL NOTICE**

15. The High Court and the Court of Session have the power to imprison or fine for any breach of this Order.

**HH Clement Goldstone QC**

**Chairman, Jermaine Baker Inquiry**

26 March 2021

UPDATED 16 JUNE 2021

**ANNEX 1 –METROPOLITAN POLICE SERVICE MATERIAL SUBJECT TO THIS ORDER**

The Material to which this Order relates consists of:

1. The redacted parts of the SCO19 Tactical Support Team Course on MASTS Theory presentation [IPC0000229]:

Redactions appearing on page 4

Redactions appearing on page 11

Redactions appearing on page 15

2. The redacted parts of the TSU request for Operation Utara [MPS0003380], an OPEN copy of which is annexed to this order:

Redactions appearing on page 4

## **ANNEX 2- NATIONAL CRIME AGENCY MATERIAL SUBJECT TO THIS ORDER**

1. The contents of the witness statement(s) and exhibits of Stephen Smart
2. The contents of the witness statements and exhibits of Witness C
3. The contents of the witness statement(s) and exhibits of SE11
4. Evidence served in support of the anonymity application for SE11
5. The redacted parts of the Misconduct Interview Plan for FE16 on 18 August 2016 [IPC0000400]:

Redactions appearing on page 9

Redactions appearing on page 29

Redactions appearing on page 43

6. The redacted parts of the notes of the Misconduct Interview Plan for FE16 on 24 August 2016 [IPC0000402]:

Redactions appearing on page 9

7. The redacted parts of the notes of FE16's response to a Regulation 16 notice, dated 18 August 2016 and containing handwritten notes [IPC0000404]:

Redactions appearing on page 3

8. The redacted parts of handwritten notes relating to Operation Utara [IPC0000408]:

Redactions appearing on page 8

### **ANNEX 3- AGREED DESCRIPTION OF THE RELEVANT GEOGRAPHICAL LOCATIONS IN THE SERCO ROUTE FROM HMP WORMWOOD SCRUBS TO WOOD GREEN CROWN COURT**

After setting off on route from HMP Wormwood Scrubs to Wood Green Crown Court, the staff in the Pecs vehicle received a call from the Operation Control room informing them to avoid the route which the staff would otherwise have taken (the “Optimum route”). The staffs in the Pecs vehicle decided to use an alternative route (the “First Route Deviation”). When approaching Wood Green Crown Court, the staff sought to rejoin the end of the Optimum Route.

The Serco Pecs vehicle attempted to turn onto the Optimum route but the way was blocked off by a police vehicle. The Pecs vehicle continued onto a further alternative route (the “Second Route Deviation”). Serco Pecs employees noticed that the vehicle was being followed by a motorcycle with a pillion passenger whilst proceeding on the Second Route Deviation. The staff performed a three-point turn on the Second Route Deviation, to turn back towards the Optimum Route.

The staff were just about to press the emergency alarm when the motorcycle pulled alongside the vehicle and the pillion passenger said that he was a police officer.

The only entrance for a Pecs vehicle to take, into Wood Green Crown Court, is on Winkfield Road, near to the junction with Lordship Lane. Whichever route the Pecs vehicle took between HMP Wormwood Scrubs and Wood Green Crown Court, it would have to travel down Winkfield Road at the end of the journey.