

**IN THE MATTER OF THE PUBLIC INQUIRY
INTO THE DEATH OF JERMAINE BAKER**

BEFORE HH CLEMENT GOLDSTONE QC

**OPENING STATEMENT SERVED ON BEHALF OF THE NATIONAL CRIME
AGENCY**

Sir,

The National Crime Agency is grateful for the opportunity to make this short opening statement at the outset of the public hearings for your Inquiry. Before I say anything else I would wish, on behalf of the NCA and all of its representatives in this Inquiry, to express our profound condolences to the Baker family for the loss of Jermaine, and to acknowledge, publically, the dignity and resilience they have shown whilst waiting for these proceedings to commence. Throughout its engagement with this Inquiry, and the Inquest that proceeded it, the NCA has kept at the forefront of its mind the need to ensure that a comprehensive investigation into the circumstances of his death is conducted and that there is a bereaved family at the heart of this process.

As you are aware, the NCA has a limited role in this Inquiry but remains keen to assist. Although it was not directly involved in the shooting incident that occurred on the morning of 11 December 2015 it does hold material that is relevant to a thorough investigation of that incident, and it is important that this material is placed before the Inquiry. It is for this purpose that the NCA has been designated a Core Participant in this Inquiry and the NCA has been engaged in the preparation and presentation of relevant material to the Inquiry since its inception.

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In short, that has involved the preparation of detailed witness statements from corporate witnesses prepared in response to extensive Rule 9 Requests by the Inquiry, along with a statement from a further witness, SE11, who is able to provide first-hand evidence relating to some of the NCA material. In addition to this witness evidence, the NCA has also provided the Inquiry with full and unrestricted access to the material that it holds so as to enable the Inquiry to identify, and request disclosure of, any material it deems to be relevant. That exercise has been rigorously undertaken by the Inquiry and all the relevant material has been duly disclosed to the Inquiry. In addition to these conventional processes for the collection of relevant evidence the NCA has also assisted the Inquiry in collecting evidence in a number of other different respects, the detail of which I am afraid I cannot go into, but of which the Inquiry will be well aware.

I make these points because although this background will be well known to you, Sir, and your team, the nature of the material held by the NCA is such that it has not been possible to disclose it more widely and I would wish to make clear, for the avoidance of any doubt, that this is not the result of any desire on the part of the NCA to avoid scrutiny of its role or of any lack of co-operation with the Inquiry. On the contrary, the conversion of your investigation from Inquest to Inquiry was largely, if not entirely, motivated by a desire, on the part of all those concerned, to ensure that the material held by the NCA could be disclosed to, and scrutinised by, you and the Inquiry team. There has been no withholding, or exclusion, of relevant material by the NCA to the Inquiry, whether on grounds of public interest immunity or otherwise. This is in contrast to other investigations involving sensitive material. And so I repeat the submission I made the hearing of the NCA's restriction order application, that the procedures available to you under s.19 of the Inquiries Act 2005 act, in the particular circumstances of this case to facilitate and promote the full and fearless investigation of the full facts, and not to inhibit it.

I would also wish to repeat the submission I made at the earlier hearing, so there is no doubt about it, that restriction orders over NCA material have only been sought and, I should add, have only been granted in circumstances where it has been necessary to do so as a matter of law and following rigorous analysis on the part of the Inquiry. The NCA has not invited you to exercise a discretion as to the disclosure of its material, and you have not done so. As your

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ruling makes clear you have been satisfied that the NCA have sought restrictions over the circumstances in which its material may be considered only where it has been necessary to do so as a matter of law.

The nature of the NCA material, and the effect of the restriction orders you have made mean that I cannot, of necessity, say anything in this forum about the substance of the NCA's involvement in this case, or the nature of the material it has provided to the Inquiry. Once again, I make clear that this is not a matter of choice but rather one of obligation. What I can say, for the reassurance of all that may be listening, is that the NCA has answered the questions posed by the Inquiry thoroughly and in detail, and has provided a substantial body of material. I can also assure you, Sir, that the full and constructive co-operation you and the Inquiry team have received from the NCA to date will be maintained throughout the rest of your investigation, including the restricted hearings that are due to commence shortly.

Finally, Sir, I would wish to re-state the NCA's commitment to assisting you and your team in establishing the truth of what occurred on 11 December 2015 and in ensuring that the appropriate lessons are learned from this very sad case.

Neil Sheldon QC

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