

Witness Name: W80

Statement No.:

PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

Witness Statement of W80

I, W80, will say as follows: -

1. I am 50 years old.
2. I have been a police officer for 31 years having joined the Metropolitan Police in 1989. Prior to joining the police, I was a Police Cadet. I left school in 1987 and went into the Cadets. I had a short job working in [DPA] before becoming a cadet.
3. I have been a firearms officer since 1998. My initial firearms course was in 1998 which resulted in me passing an armed response vehicle (ARV) course in [DPA] 2000. I went to what was then Old Street and served as an ARV officer in a team that provided an armed response capability 24 hours a day. I then moved to Lambeth still on ARVs. In 2004 I began to train with a view to becoming a specialist firearms officer (SFO). This involved passing a course to become a tactical support team firearms officer (TST) which I passed in [DPA] 2004. I then worked on the TSTs for just over two years based at Lemn Street. In 2007 I became a firearms instructor based at Gravesend. I applied to become an SFO in August 2010 and completed all my SFO courses in [DPA] 2010. I have been shown records that confirm I joined the SFO operational team on [DPA] 2011, then started a training role at Gravesend on [DPA] 2013, and then joined the SFO operational team again on [DPA] 2015 and I accept these are likely to be accurate. Whilst in a training role I still undertook an operational role on occasions. I have undertaken training and passed examinations in weapons handling and firing, close quarter tactics, rapid intervention, entering premises and vehicles, plain clothes surveillance, intervention and arrest, and judgement training where you get experience on how to make split second decisions on whether to fire or not to fire and be able to justify your actions. I am vetted to handle sensitive intelligence. Since 2011 and up until the date of this incident, save for the period between November 2013 and November 2015 when I worked as a firearms instructor, I have been an operational Counter-Terrorist Specialist Firearms Officer ('CTSFO'). A record of my training is at **IPC0000131**. I believe my training was up to date as at 11 December 2015 and that there was no training outstanding. The process for renewing my authorisation to carry firearms was to ensure that I met all of the competencies required, achieved through regular training when each competency would be ticked off, and to re-classify on each weapon by attending the firing range to shoot each weapon and achieve the required pass mark. My understanding is that Firearms authorities are renewed annually. The Chief Firearms Instructor would be required to sign off my authority to carry firearms. No issues

regarding my renewal process were raised with me. I exhibit a copy of Form 6620 which I believe is the form that has to be completed to renew an officer's firearms authority as **W80/1**.

4. I have prior to this incident been involved in one firearms operation when shots were fired. In 2011 or 12 I was involved in an incident when we confronted armed robbers and a colleague fired his weapon but did not strike a subject. As a very rough estimate I would say that I had been deployed on a firearms operation as an ARV and then as an SFO for approximately 7 years and that I would have deployed with a firearm on average 3 or 4 times a week for each of those years, and therefore on hundreds of such deployments.
5. I have no previous criminal convictions or misconduct findings.
6. My first involvement in this operation was on **Sunday 6 December 2015**. Volunteers were asked to attend Leman Street to help plan and recce an operation. I was given a very brief outline over the phone by my sergeant S105. I was told this was a confidential operation meaning the information was to be kept to those people directly involved because the intelligence was considered to be sensitive. I cannot remember precisely what information I was given but it included information that members of an organised crime network ('OCN') were going to use firearms to attack a prison van delivering prisoners to Wood Green Crown Court and assist a specific prisoner who was in custody for a firearms offence to break free from the prison van. Once at Leman Street I was given a briefing by V64. This was a verbal briefing and was not recorded. I was given an outline of the operation. This included information that there was a stolen Audi vehicle involved, the location of that vehicle near Wood Green Crown Court, the identity of the individuals who it was intended to break free, the offences that these individuals were being taken to Wood Green Crown Court to be sentenced for and the OCN suspects likely to be involved in the operation. This included information that the prisoner or prisoners who were to be broken out of the prison van were attending the Crown Court to be sentenced for offences relating to being in possession of a loaded machine pistol and a pistol when stopped by ARV officers. I was made aware that there would be two SFO teams. My team, Red team, would provide mobile armed support to the surveillance officers ('MAST') in relation to the stolen Audi and once the Tactical Firearms Commander ('TFC') was satisfied there was sufficient evidence to justify intervention and arrest we would move forward and stop the vehicle and arrest the occupants. A second SFO team, Orange team, would provide covert security to follow the prison van. This would be covert as we did not want the prisoner to be alerted to the fact that police were following the prison van.
7. I then went with K78 to undertake a recce of the area around Wood Green Crown Court and Eastern Road which is where the stolen Audi was parked up. We were given instructions not to go anywhere near the Audi to avoid the risk of compromising the police operation. We were told the prison van would be coming from HMP Wormwood Scrubs, but we did not know what route it would travel or whether it would make any stops prior to Wood Green Crown Court.

8. On **Monday 7 December 2015** I was told that the stolen Audi vehicle had been repositioned in the car park and that the identity of one of the individuals who had moved it was the brother of the person the OCN intended to break free from custody. I cannot now recall who told me this, but I think it would have been either V64 or S105. This reinforced the belief that the suspects intended to carry out the offence.
9. My next involvement was on **Tuesday 8 December 2015**. The transcript of the briefing is **IPC0000351_0001 to 0009** commencing 0820. The transcript refers at **IPC0000351_0005** line 10 to an earlier tactical briefing at 0600. I was at this earlier briefing. A 'tactical' briefing is a term for a briefing where responsibilities are allocated, and it is agreed what each person is going to do. It would usually include a brief outline of the operation, postings, equipment and timings. I cannot now recall what was said at this earlier briefing other than the roles that officers would perform. This was an operation to place a covert audio device in the stolen Audi. For the operation on the Tuesday 8 January, I was with K78 and colleagues from Orange team and a technical support unit (TSU) who would be responsible for placing the device in the vehicle. My role was to be armed support to the TSU because of the level of threat and the risk should the operation be compromised and the OCN confront the TSU using firearms as the TSU were unarmed. There was a further back up van with approximately four or five SFOs parked a short distance away in case any compromise required urgent further firearms assistance. K78 and I were deployed in a covert van by the side of the stolen Audi, ready to respond if required, for over half an hour whilst the TSU were dealing with the Audi.
10. I cannot be certain precisely when but sometime on the Tuesday I was given information that the suspect in custody, who was to be broken out, had said words to the effect of *he did not want boys on the job and wanted experienced people*. I do not recall now who said this. It may have been the Detective Sergeant from SCO7 (Steve ALEXANDER) or the Detective Constable (Gary KINCH). I do not believe this was part of the recorded briefing. This caused me to believe the attack was going to take place and that we would be dealing with experienced criminals who would be armed and prepared to use firearms.
11. On the Monday I had started to prepare some maps showing where the stolen Audi was to assist briefing the SFO teams and I continued this on the Tuesday after the recce. I prepared maps showing the vicinity where the stolen Audi was parked, the location of Wood Green Crown Court and some images from street view that I printed in order to provide the team in each car with a pack. I have been shown the document **IPC0000286** 19pp and confirm the PowerPoint containing maps and images is the pack I prepared.
12. On **Wednesday 9 December 2015** I drove two other officers W112 and N79 to the general area around Wood Green Crown Court so that they could familiarise themselves with the area.
13. On **Thursday 10 December 2015** in the afternoon, I was asked to attend a briefing at New Scotland Yard, 5th floor briefing room. This was an overview briefing for surveillance teams. I was the only attendee from the firearms team. This briefing was recorded. The transcript is at **IPC0000257_0001 to 0009**. The briefing was delivered by a chief

inspector FE16, who was the overall TFC for the operation, and an officer whose pseudonym I could not recall when I made my statement, who was a detective from SCO7 who was the main intelligence officer. Having now read the transcript I am aware that DC Gary KINCH delivered part of this briefing. This was to inform the surveillance teams of the operation and the intelligence available as to what the OCN intended to do. When I wrote my statement dated 22 December 2015 – **IPC0000016_001 to 009** I said that, whilst I could not be certain, I thought it was at this briefing that information was given that the same individual who had supplied the machine pistol to the prisoner who was to appear at Wood Green Crown Court for the offence of possession of a firearm and who was to be broken out of the prison van was believed to have supplied firearms to the OCN intending to attack the prison van and effect the break out. Having now been shown the transcript of this briefing I see that this information is not in the transcript. I am not able now to remember who provided this information or at what stage. I am aware that at page 7 of 11 of **IPC0000298** [duplicated at **IPC0000238**] the operational firearms commanders S105 conducting the 0510hrs briefing on the 11 December said: "*you've heard about the weapons these guys have had access to in the past and what they can.....please treat these people as armed until we know otherwise*". This information is very similar to what I have put in my statement as having been given on the 10 December. On reflection, and having thought carefully about this, it is difficult for me to distinguish what I can actually remember now from reconstruction. All I can say is that by the time I deployed out of my vehicle on the 11 December I am sure I had been given this information.

14. Included in this transcript is reference to the *intel cell* **IPC0000257_0005** 10 lines from the foot of the page – I understood this would have been officers in the SCO7 operation that had access to the sensitive information. This would have been more for the Team Leaders because I would not expect all officers being deployed to be contacting the intel cell direct. There is reference to the *mission Audi* and that is the Audi we were to deal with.
15. At this briefing officers were told *we have to be on our A game tomorrow...that that man subject of the breakout attempt ...is a dangerous individual...his associates are dangerous individuals*. All of this would have impacted on my personal risk assessment.
16. On Thursday evening most of the firearms team stayed in a hotel close to Leman Street. This was because we were required to attend a very early briefing on the Friday morning and to ensure the team was fresh.
17. On **Friday 11 December 2015** I attended Leman Street at about 0200 hours. I put up on the wall ready for the briefing the maps I had prepared earlier. I attended the briefing that started at approx. 0300 hours. This was a tactical briefing given by V64 who was the Operational Firearms Commander (OFC) for the security of the prison vehicle, and W97 and I who had been involved in the recce of the area and the stolen Audi. This briefing was not recorded. I was asked in interview why some briefings were not recorded. My understanding is that there is a requirement to record a formal briefing and that there are other types of briefings that do not require to be and are not recorded. V64 gave the team the intelligence (I have used the word *intelligence* in my statement, but I really mean an overview) briefing which included information regarding the operation,

the fact that the OCN would be armed and would use firearms to effect the escape of the named individual from the prison van and the fact that the individual who was to be broken out was being sentenced for an offence of possession of a loaded machine pistol. I gave information as to the current position of the stolen Audi in relation to the court. The SFO teams were given their postings of who would be in what vehicle and their individual roles. I have now seen the briefing note used by V64 (V64/1 - **IPC0000537**) the content of which confirms my recollection of the information which was conveyed during this briefing. I do not believe I saw the note at the time.

18. We then moved to Lincoln Road which was the central base in Enfield. At 0500 hours the whole team, SFOs, ARVs, surveillance officers and the arrest team were given a briefing. This briefing was recorded. The transcript is at **IPC0000298_0001 to 0011**. There is a duplicate at **IPC0000238**. I have been asked about the transcript of another briefing **IPC0000351_009 to 0018** which was at the same time, 0510. This one would have been for the Orange team responsible for the security of the prison van. This is delivered by FE17, Rob WIGGINS and V64. I was not at this briefing. At the briefing that I attended, the operational briefing was given by FE1 the TFC, an intelligence briefing by Detective Constable (DC Gary KINCH) and a tactical briefing by S105. The TFC gave the overall information about the operation named ANKAA and that it was linked to another operation UTALA. The DC gave the intelligence. I cannot remember now which officer gave what information at this briefing. The overall effect of the briefing given by these 3 officers to my mind was that we had a list of names of individuals who were believed to be the OCN suspects, that the prisoner who was to be broken out was being sentenced for an offence of being in possession of a loaded machine pistol and that the OCN were believed to be armed and would use firearms in the course of the attack. I note from the transcript at page 7 of 11 of **IPC0000238** the operational firearms commanders S105 conducting the briefing said: *"you've heard about the weapons these guys have had access to in the past and what they can.....please treat these people as armed until we know otherwise"*. This matches the information I believe I was given and had received by the time of my deployment on 11 December with regard to the OCN being armed and the link to the weapons the OCN had sourced previously when Izzet EREN had been arrested. In this briefing we were told that it was a MAST operation with the intention of arresting the suspects should the TFC believe there was sufficient evidence to justify intervention and to arrest. There would be uniformed ARV officers on standby to provide an overt presence and also arrest teams to enable SFOs to hand over any detained suspects to uniformed officers to deal with the arrest and transport of suspects to custody. This briefing included a reminder of the powers and policies applicable to the operation, that AFOs are individually responsible for any decision to fire their weapon, that if a shot is fired a post incident process will be called and a conferring warning. The briefing concluded at 0530hrs.
19. I have been referred to the reference to a briefing sheet by FE1 at page 3 of 11 of **IPC0000238** *...if anyone needs a copy of the briefing sheet...* I do not believe I was shown or asked to see a copy of the briefing sheet and the information that I received would have been given verbally. I have been asked if I recall S105 asking a question regarding the type of firearms the OCN had access to or the response that they had previously had access to a SKORPION machine pistol and an SLP during a previous arrest? [see S105 statement **MPS0000048_0004**] I do not specifically recall S105 asking

this question or the response, but I do remember that this information was given at some stage.

20. At the end of this briefing my state of mind was that the attack was likely to happen, that it would be undertaken by a group of experienced and dangerous individuals who would be armed and would use firearms in the course of the offence. The fact that the main suspect had previously been caught in possession of a loaded machine pistol caused my threat assessment to be very high. Based on the information given at the briefing I believed that the suspects would be armed with weapons, possibly machine pistols, to enable the attack. Whilst we undertake a lot of operations where the intelligence is that a suspect may be in possession of firearms, it is fairly rare where the intelligence is that the suspect may be armed with a machine pistol. In this operation there was the added factor that the main suspect had actually been arrested in possession of a loaded machine pistol in the past.
21. I have been asked why if the TFC FE1 told us at this briefing that the threat assessment to those involved in the attempted break out, the general public, the prison van staff and armed and unarmed police was low, I did not question this. I cannot remember now why I did not question this. The fact that firearms officers were being deployed on the operation meant there was a risk that the subjects would have access to firearms and use them, so that sort of went without saying.
22. Following this main briefing we kitted up. This included putting on covert body armour and getting ready.
23. We then moved the team to Quicksilver which is a holding area in between Wood Green Crown Court and the location of the stolen Audi. This would give us the opportunity to respond quickly should the Audi start moving once the prison van was in close proximity to the court. Before we got to Quicksilver, we received information that the Audi was moving. This confirmed in my mind that the attack was going to happen that day. The intelligence was proving to be good and it seemed certain the attack was going to happen that day. We were told that the prison van had not left Wormwood Scrubs and so the attack was not imminent.
24. Whilst travelling down the A10 southbound towards Wood Green we were made aware that the Audi was driving around the Wood Green area at quite high speeds and difficult for the surveillance team to follow. We turned into Lordship Lane I think from the Roundway and I heard that the Audi was in Lordship Lane and coming towards us. We were in a queue of traffic in an unmarked vehicle and I saw the Audi drive past us at speed in Lordship Lane in the opposite direction to us. We continued on to Quicksilver. At that time, we were still at state green which means we were not required to be in close support to surveillance and that with surveillance following the Audi and with audio equipment in the Audi we could continue to the location near Wood Green Crown Court where we expected the attack to take place.
25. We made our way to Quicksilver. Whilst at Quicksilver we were sitting in our vehicles and could hear information coming over the radio on the main working channel on the car set. I also had a personal radio with a Walkman type earpiece but whilst in the car I

- would not be listening through my earpiece and would be listening to the car main set. We heard over the radio that the Audi made several stops. We heard that the Audi had stopped in the vicinity of White Hart Lane and that two males in dark clothing with hoodies up and rolled up hats on their heads over the top of the hoodies had got into the Audi. Whilst we were at Quicksilver a comment came over the radio that this offence would be *firearms enabled*. I then knew there were at least three men in the vehicle, with hoodies up and hats on which could be balaclavas ready to carry out the attack on the prison van and that the men were armed.
26. I was in the TROJAN 801 ALPHA vehicle in the rear offside passenger seat. R116 was the driver. S111 was the front seat passenger who was the operational firearms commander (OFC) for the MAST team dealing with the stolen Audi and operator in the vehicle. I had a conversation in the car to the effect that I was not going to take the Benelli shotgun, which is an entry gun used to deflate vehicle tyres if it is suspected that a suspect vehicle might make off. I said this to my colleagues as at that time I perceived that the threat was so great that I needed my primary weapon so as to be able to respond to any firearms threat from the occupants of the Audi. We were parked up just outside Quicksilver ready to be able to respond quickly.
 27. We were told that the Audi had settled in the area of Bracknell Close which is the next road up to the rear of Wood Green Crown court. That information was from the technical equipment, the surveillance officers did not actually have vision on the vehicle. The prison van was not in the vicinity of Wood Green, so the attack was not imminent.
 28. We were given state Amber. This would have been given by S105 who was in the Control vehicle TROJAN 801 CONTROL. All our vehicles were TJ801 – mine was ALPHA. State Amber means that we are to move up into a position where we can stop the suspect vehicle. We moved up to Lordship Lane. We stopped short of the Crown Court and waited for the exact location of the Audi from the surveillance officer. A surveillance officer was tasked to walk down Bracknell Close to be able to give a commentary as to the precise position of the Audi. I think we received intelligence that a male had been seen to get out of the Audi and to walk around, we presumed as a 3rd eye to look out for the prison van. We did not know exactly how many people were in the Audi. We were told the exact position of the Audi which was parked in Bracknell Close near to Olympus Close with the front of the vehicle facing out. The surveillance officer was unable to give the number of occupants. We were told the front windscreen was steamed up.
 29. I did final preparation, putting gloves on, getting my blue police baseball type hat with a chequered police band around it ready to put on, put the sling of my weapon round my right shoulder but keeping the weapon out of sight below window level between my legs. My primary weapon was a SIG MCX carbine, a short rifle. It was already in condition one which means loaded and made ready. I also had my Glock pistol in a holster on my hip as my secondary or back up weapon.
 30. We then drove past the Crown Court, turned left into I think Winkfield Road, made sure that all three SFO covert vehicles, ALPHA, BRAVO and CHARLIE, were together. The plan was that we in the ALPHA car were going to drive past the Audi and stop, the

BRAVO car was going to stop directly in front of the Audi to block it in and the CHARLIE car would stop behind the BRAVO so that officers could deploy quickly down each side of the Audi. As we turned into Bracknell Close and drove towards it, I could see the nose of the Audi and so I knew where the car was. I put my police hat on and my ear defenders. Our vehicle drove past the Audi. Our vehicle came to a stop. I got out of the offside rear passenger door. I moved around the rear of our vehicle and I started to move down the nearside of the Audi. I thought we were going to get shot. I believed that the occupants had firearms, probably machine pistols, they were experienced, and they were intending to attack a prison van and break free a dangerous criminal and I believed the occupants would fight their way out rather than surrender. My selector lever was clicked to fire and I raised my weapon into the off-aim position with the butt extended and pressed into my right shoulder with both hands on the weapon. I had the laser sight switched on which provides a green dot on my point of aim. I was shouting armed police. I could hear other officers shouting armed police. S111 was immediately in front of me as we moved down the nearside of the Audi. The front windscreen was steamed up and I could not see into the vehicle. S111 stopped adjacent to the front nearside passenger door and tried to smash the window with the muzzle of his weapon. He tried at least twice to smash the window. I have been shown photographs of the nearside front passenger door **IPC0000720-721** showing scratch marks to the window. I cannot say for certain, but I think this may have been caused by S111's attempts to smash the window. I could not see into the vehicle, I was not sure of the number of occupants and I was concerned that there might be someone in the rear of the Audi armed with a firearm and at that stage there was no firearms cover into the rear of the Audi. There was not enough room between the nearside of the Audi and whatever was to our right for me to get past S111, so I told S111 to move down or push down meaning for him to move forward to cover anyone in the rear of the Audi. S111 moved down towards the rear of the Audi. I did not attempt to smash the window because I had seen S111 try and fail to do so. I took my left hand off my weapon and opened the nearside front door handle. Everything from this moment happened very quickly. I put my left hand back on the fore grip of my weapon. I believe I was looking through the gap between the door sill and the now open nearside front passenger door. I could see the male sitting in the front passenger seat. He was wearing dark clothing. In my statement of 22 December 2015 [at **IPC0000016_0007**] I said that he was wearing a balaclava pulled down over his face and that I remembered this because later when I started giving first aid, I had to pull the balaclava off over his face. In my statement of 17 August 2016 [at **MPS0000112_0002**], having been told in interview that one of the occupants of the car believed that Mr BAKER had a hoody up over his head and a scarf or jumper over his mouth, I said that I recalled pulling a balaclava up over his face at the point at which I was trying to apply an oxygen mask onto his mouth and nose and that I was sure I pulled the balaclava up over his mouth. I can remember that at the time of giving Mr BAKER first aid I had to pull something up and over his mouth so as to enable application of an oxygen mask to his mouth and nose. At the time I wrote my statements I believed that this was a balaclava. Having thought carefully about this, I accept it is possible that what I pulled up over his mouth was a scarf or jumper and that it was this plus a hoody pulled over his head that had prevented me being able to see his face when I first confronted him rather than a balaclava. I was shouting "Armed Police! Armed Police!". I shouted at him to put his hands on the dashboard. I believe I shouted this several times. His hands moved quickly up towards his chest area. He was wearing a shoulder type bag high in the area of his

chest. I was focused on his hands. This quick movement of his hands and his failure to put his hands on the dash and to obviously surrender made me believe he was going for a gun. I perceived an imminent threat to my life and the life of my colleagues. I could not wait to see if he produced a gun because if I did by that time, he would be in a position to shoot me or my colleagues. I decided that I had no option other than to fire in order to achieve rapid incapacitation to prevent an imminent threat to life. I fired one round. The laser was shining on his upper chest area. I did not have time to take careful aim and I fired instinctively. I cannot be certain precisely where I was at the time that I fired. I believe I was standing outside the open car door with the door between me and the male and that I fired with my weapon pointing somewhere through the gap created by the open car door and the side of the front windscreen. I cannot be certain if the muzzle of my weapon was inside the gap between the door and the front windscreen, level with it or outside it. However, I do not think I would have put the muzzle of my weapon very far over the open door into the vehicle because of the risk then of the subject grabbing the weapon or the weapon getting stuck on the edge of the door which could have then led to an accidental discharge. In training we are taught not to put our weapon within grasping reach of the subject to minimise this risk.

31. I could not deliver a muzzle strike to the male. The position I was in the other side of the open door to the male, the position of the male sat in the seat and the fact that I had the sling of my weapon over my shoulder would have prevented me delivering a muzzle strike, or at least an effective strike that would have neutralised the threat of the male firing a firearm.
32. I could not immediately see any visible sign that the shot I had fired had struck him. But very shortly afterwards I saw the male's hands drop and then I heard R116 say something like get him out or get him to me. R116 is a medic. I remember having to push the door slightly closed to enable me to move down the gap so as to be able to grab hold of the male's left arm to pull him out of the car. By then I could see blood coming from a wound in what at the time I thought to be his upper chest. R116 and I pulled the male out of the car. Because it was narrow, I pulled him out initially and then R116 helped me pull him to the front of the Audi, just to the rear of the ALPHA vehicle in order to start first aid.
33. R116 said to get a first aid kit. I went to the rear of the ALPHA vehicle and collected a first aid kit and took that to where the male was now lying on the ground. I gave R116 the first aid bag. I pulled what, at the time I wrote my statements, I believed was a balaclava off the face and head of the male and put an oxygen mask on his mouth and nose and turned on the oxygen. I accept now that it is possible that what I pulled up and over his head was a scarf or jumper and that the balaclava had not been pulled down over his face. The male was still conscious at this stage. I have said in my statement that I could see an *obvious wound to his upper chest*. I am aware now that the wound is at the join of the neck and the upper chest. I think I made an assumption from the obvious sign of bleeding that the wound was in the upper chest. Also, at the time I believed my point of aim had been the upper chest and so that is where I expected the wound to be. Very quickly other officers came to assist in giving first aid. I was aware that clothing was cut off to enable officers to look for an exit wound. At some stage I assisted by putting pressure on the dressing on the wound to his upper chest in an attempt to stem

the flow of blood. I also remember pulling something away from his mouth to enable an oxygen mask to be attached. When I wrote my statement, I believed this was a balaclava. Having been made aware that other occupants of the car say Mr BAKER had a scarf around his face and a hoody pulled over his head, it is possible that this is what I pulled away to facilitate an oxygen mask. I do not know how long I was there for. Eventually I was relieved once the paramedics arrived. This was before the air ambulance arrived.

34. I remember talking to S105. He asked me for a brief initial account. I gave him a very brief account of what happened. I cannot now remember what I said. [I have been told that S105 has said [see **MPS000048_0009**] that I told him *...he moved his hands up to his chest area...* and I accept this is what I said at the time. Sometime shortly after I walked back to the 'jump off van' with G79. I was then sat in the back of the van with G79. I remember taking my gloves off and G79 gave me some alcohol wipes to wipe the blood off my hands. I had blood on my shoes, my jeans and my coat as a result of close contact with the male whilst giving first aid. We were in the van for a short time and then W51 drove the van back to Leman St. There was another officer in the front passenger seat, but I cannot recall who that was. There was no conversation about the incident on the way back. There was talk but not about the incident.
35. I was then involved in the post incident process. This is normal practice when a police officer discharges a round in the line of duty. I was introduced to the post incident manager, spoken to by an officer from the Department of Professional Standards (DPS), an investigator from the Independent Police Complaints Commission (now the Independent Office for Police Conduct) and obtained advice from the police federation and a solicitor. At some stage I was examined by a forensic medical examiner (FME) who examined me for any injuries of which there were none. I still had my SIG weapon with me. At some stage I was accompanied to the range where in the presence of DPS and IPCC I made my weapon safe, unloading it, clearing it to make sure there is no ammunition left in the weapon before handing it over to DPS. The rounds were then counted out and this established that one round had been fired. The same process was gone through with my Glock, but no rounds were found missing. The countback form is **MPS0000130**. I volunteered my blood-stained clothing to be retained and this was bagged up but later returned to me. I wrote my initial account which is timed as completed at 1902 hours [**MPS000023_0001 to 0002**]. I believe the original of this was handwritten. I was allowed to go home approximately an hour thereafter.
36. It had been arranged that I would return to Leman Street on Monday 14 December 2015 to write my detailed statement. Late in the evening of Sunday 13 December I picked up a message from Superintendent DOBINSON. He had left a number of messages for me, but it was not until approximately 2200 hours that I got these messages and rang him. He informed me that the IPCC intended to interview me as a suspect for the offence of murder. He also informed me that I was to be suspended from duty. This came as a shock to me. S/I DOBINSON told me he had to travel to my home to deal with this face to face. I was served with a Regulation 16 Notice and with a suspension notice at approximately 0200 hours on Monday morning – see **IPC0000518**.
37. I have been asked to try and explain what I did, and why, when I went missing for a few days. To do so I need to go back to the day of the incident.

38. FRIDAY. I was taken home by two colleagues after leaving Leman Street. I am able to recall now that these were Darren EVANS and John ADAMS. Whilst these were SO19 CTSFO colleagues and friends, they were on a different team to me and had not been involved in the incident that day. We did not talk about the incident. I cannot remember much about the journey home, but I do remember falling asleep in the rear seat and looking forward to seeing my partner. I had told her earlier in the day that I had been involved in an incident but had not told her exactly what had happened. When I told her, she was terribly upset and began to worry about me and the process that followed. I was shocked and upset at the reaction from my partner and I had never thought about the wider implications on family and friends of being involved in an incident of this type. We spoke for a while and eventually went to bed, but both found it difficult to sleep. I was aware that all my actions would be scrutinised as I had fired my weapon and as a result someone had died, and I was prepared for this. Although I had been involved in police shootings before, this was the first time that I had been a “principal” officer. I knew that my actions would be scrutinised as I had shot and killed someone and that I would have to justify myself. I also knew that the process would take time. As an authorised firearms officer we all know the possible implications of using lethal force and I had attended lectures and spoken to colleagues about it. But when it happens to you no one could have prepared me for how I felt. Although I was sure that my actions were justified at the time, I began to think things through and played the scenario over and over, which I still do to this day. I was exhausted but found getting to sleep difficult.
39. SATURDAY. I was still exhausted and had also not eaten properly for a few days as I did not feel hungry. My partner had organised for family to come to the house for our annual Christmas advent meal. We were both probably in a state of shock and should have cancelled the event but decided to carry on. During the day some of my partners family made comments about the shooting as they obviously knew my job and had seen the news. I found it difficult to think that they were talking about me. I think it was at this point that I realised that the incident was in the news which again added to my concern. Again, I had not considered these wider implications even though I had been an AFO for almost 17 years and again I found it hard to know that the incident was in the press. When the family had left, we eventually went to bed, but I again found it difficult to sleep.
40. SUNDAY. I can remember getting messages from colleagues on my phone asking how I was feeling throughout the day. I cannot remember who these were from, but I am sure they were messages about my welfare. I probably responded to them stating that I was OK but in hindsight I was both physically and mentally exhausted. I did not discuss the incident with anyone in my responses. My partner and I went for a walk with our dog in a local park. I am usually a quiet person who does not message or phone people without reason. I began to find myself at the centre of attention and I felt uncomfortable with this and not used to it. My partner and I eventually sat down in the evening to watch television. I was thinking about the day ahead tomorrow (Monday) and completing my statement and catching up with my team as previously arranged by the post incident manager. At about 10pm I noticed that I had received 2 missed calls on my mobile phone and a message had been left for me to ring the Superintendent. I phoned back and spoke with him. I cannot remember the exact conversation, but I was told that I was to be

suspended and that the IPCC were going to interview me under caution for murder. I can remember the utter feeling of shock and despair at hearing this. Up until this point I had understood that the post incident procedure had gone as it should and I was given no indication to the contrary. The Superintendent asked me if it was OK for him to come down to my house to visit me that night. I have always respected authority and agreed to see him. There was a period of about 3 hours between the phone call and the Superintendent arriving at my house. During this time, my partner and I were in complete turmoil and my mind began racing. I thought it very unusual due to the time of night and why it could not wait until Monday morning. I also felt an immediate loss of control of my life. I tried to make reason of the phone conversation but could not understand and it seemed totally unreal. At 1am the superintendent arrived and sat down with my partner and I in my front room. He had been driven down by a colleague of mine who I knew. The Superintendent confirmed that I was to be suspended from duty. I was also told that I was to have no contact with my colleagues. I have never been suspended from duty prior to this and have never been told that I cannot communicate with anyone. I felt stunned and shocked and made to feel like a criminal. I felt as if my self-control had been taken from me and that I was now in the hands of others for the first time in my life. Before the Superintendent left, he asked me if I was OK. I was in total shock and probably replied that I was alright just to ensure that he left as I could see that my partner was extremely upset and we both were feeling uncomfortable. I was not given a day or date that the IPCC were going to interview me at that time. The Superintendent then left my house. The Police Federation rep then came to my house, arriving at about 3am. I was pleased to see him, and we talked for a while along with my partner. Due to the circumstances that I now faced there was nothing practical that could be done at this time and he left after a time. I felt completely out of control. My partner had gone to bed and I tried to get some sleep. I tried to comprehend what was going on and what was going to happen next and could not understand why attitudes to my actions had changed. I kept going over the incident in my head and was sure that I had carried out the procedures as I had been trained to do and that my actions, that were to save my life and my colleagues lives, were justified. I kept thinking about my partner and the effect that this would also have on her and felt a sense of guilt as I knew it would also have a massive impact on her too. I was scared about what was to happen next and for the first time in my life, had lost control of it.

41. MONDAY. At about 6am my partner was getting up to go to work. I had not had any sleep. I was aware that my partner knew that I was not right, and she was reluctant to leave me alone. I wanted her to go to work as I did not want to cause any disruption to her life. I did not know what to do. I was very reluctant to talk to anyone as I had been told that I could not talk to colleagues. So that my partner would go to work I told her that I would be going to LONDON to see the solicitor. I can remember feeling the lowest that I have ever been at this point and was probably not thinking straight due to lack of sleep and food and being in a state of shock. It was at this point that I now realise that I was not thinking rationally. Once my partner had gone to work, I made the decision that I needed to get away and think things through. I packed my bag as I normally would for work with some clothes, and also added some Schnapps that we had bought on holiday and some medication that I had been prescribed for toothache. I had no plan at this stage as to what I was going to do. I drove to the train station and decided to get a train to DPA where I had first met my partner. My mind was racing and attempting to

process all the information that I had received, and I obviously was not thinking straight at this time and felt as if I was being pushed into a corner. This was due to the most unusual manner that events had unfolded over the last few hours. I could see no reason why I was being treated in such an unorthodox way. I also felt ashamed of being accused of murder and worried about how my friends, family and colleagues would react. I was distraught. When I arrived at [DPA] I walked to the sea front. I could see that my phone was receiving messages of support. Being concerned about not being able to speak to anyone and worried for my friends I took out the battery and switched my phone off to prevent this happening. As I was walking, I was trying to understand what was happening and kept focusing on my partner and the impact that this would have on her. After a while I returned to [DPA] train station and caught a train towards [DPA]. My partner and I had planned to attend a Christmas event in [DPA], and I had been there before. I wanted to walk along the sea front and so got off the train at Hove station as it was closer to the sea. As I walked along the sea front, I began to drink from the bottle of Schnapps that I had bought with me and took two of the pain relief tablets. I do not know why I did this but thinking back, it gave me back a bit of control of my life that I thought that I had lost. I didn't want people to see me drinking in public, so I went to a public toilet and drank some more Schnapps and took more tablets. I felt tired and terribly upset and so booked into a nearby hotel. I continued to drink and took more tablets and eventually must have fallen asleep. All that I kept thinking about was my partner and my family and the situation that I now found myself in. I can remember waking up and being sick. The next thing that happened was that I took a multitool from my bag and began to cut my left wrist. I do not know why I did this, but it made me feel strangely a bit 'lighter' and lifted a little bit of the weight that I now felt was weighing me down and a sense of control that made me feel better. I can remember thinking about my partner and that she would not be happy with what I was doing. I can remember catching a vein and the blood began to flow out and into the sink. I was crying and I thought to myself that I could not do this in the hotel room and be found by a member of the hotel staff. I took a towel and stopped the bleeding. I checked out of the hotel in the morning and walked back along the sea front towards [DPA] station.

42. TUESDAY. I was still very tired and confused and had still not eaten and I had lost weight. I kept trying to make reason of what was happening and decided to go to [DPA] where my partner and I often went shopping. I felt ashamed of having harmed myself and could not work out why I had done this which added to my confused state. It was irrational for me to harm myself. I knew that my partner would be shocked and disappointed as would my friends and colleagues and I could not go back home. When I got off the train at [DPA] I walked along the canal where my partner and I had been before. I walked for some time until it began to rain. I saw a metal container just off the canal and went inside it to shelter. I remained in the shelter, falling in and out of sleep and constantly trying to make sense of what was happening. I tried to cut my wrist again and re open the wound but as I did it, I kept having deep thoughts about my partner and about how she would cope if I had ended my life. I was deeply ashamed and a feeling of utter confusion. I spent the night in the container. I felt unable to speak to anyone as I could not understand what was happening to me and I did not want to burden anyone else.

43. WEDNESDAY. Early on Wednesday morning I felt that things had clicked in my mind and I began to see events more clearly. I knew that I had done nothing wrong and still could not understand the reason why I had been accused of murder. I decided to switch my phone on and phone my partner. I remember the emotional feeling at hearing her voice. She said that there had been a search for me. I had not until that moment thought about my absence and the issues that it would have caused. I can remember speaking to a colleague who said that he was coming to get me. I have never attempted to harm myself prior to this. The reasons for me leaving and harming myself are due to a culmination of events as I have described. I had never fired my weapon at another person prior to this. I still believe that my actions during the operation were appropriate and proportionate to the risk and events. Despite what my family and I have gone through, if faced with the same situation with the information and intelligence then I would take the same action as I have been trained to do. Looking back, I now realise that my reasons for me leaving were to try to work things out logically. I think that due to the shock of being told in the early hours of Monday morning that I was going to be suspended and interviewed for "murder", all of my logical thought process left, and I was left feeling stunned, tired and irrational. I remember talking to my partner on the phone and to someone else and giving details of where I was. I remember S/I Chris NELSON and Bob NEWTON arriving in a vehicle and collecting me and driving me to my home. I do not remember seeing anyone else at the time that they collected me. I have been made aware of what DC Simon HEPPLWHITE [IPC0001054], DC Judy LEVOIR [IPC0001039] and DC Alan STEWART [IPC0001047] say in their statements. I do not know any of these officers and have no clear recollection of who I spoke to on this day other than my partner, Chris NELSON and Bob NEWTON. I do not remember what was said in the short telephone conversation which DC HEPPLWHITE says he had with me lasting a few seconds. I do not remember what was said in the longer conversation DC HEPPLWHITE says he had with me over the telephone. I do not remember having any contact with DC Judy LEVOIR. I do not recall what conversation I had with anyone other than my partner, Chris NELSON and Bob NEWTON back at my home. Conversations with them were about my welfare and we did not discuss the incident involving Mr BAKER. I have been shown document **MPS0003186** headed '*Meetings with W80*'. I do not know what this is, but it is possibly a document that S/I NELSON required to be created to log any contact with me after I had been suspended. The list shows the names of officers who I presume had or attempted to have contact with me. The names showing contact on 15 and 16 December 2015 and many of the subsequent names are of colleagues from SO19 but none of these were involved in the incident on 11 December 2015. I do not remember these contacts, but I am sure they would have been asking about my welfare and we would not have discussed the incident.
44. On Thursday 17 December 2015 I voluntarily attended a police station with my solicitor. I was arrested and told I was being arrested for the offence of murder. I was interviewed by the IPCC. I was told that I was being interviewed for the criminal offence of murder. I was cautioned. I had a solicitor with me. Having taken legal advice, I did not answer any questions during the interview. At that time, I had been given no disclosure to inform me on what basis it was being alleged that my use of force was not lawful.

45. The first interview was from 15.19 to 16.16hrs. The transcript is at **IPC0000647_0001 to 0027**. I have been through the transcript with my solicitor to see if I can add anything, in answer to any of the questions, that I have not already set out in my various statements.
46. On **IPC0000647_0006** I am asked what I knew about Op ANKAA. I have set out in my initial account page 1 **MPS000023_0001** and in my statement of 22 December 2015 **IPC0000016_0001 to 0003** everything I knew about Op ANKAA. I do not think there is anything I can add. It is now 5 years ago, and it is difficult now to be sure what I knew at the time and what I may have learned from documents I have read over the years.
47. On **IPC0000647_0007** I am asked whether I had any prior knowledge of Jermaine BAKER. I had no prior knowledge of Jermaine BAKER. I did not recall at the time of making my statement whether in any briefing photos of suspects were shown, but having now seen the transcript of the briefing, I recall that photos of other potential suspects were shown, but this did not include any of Mr BAKER. I am sure that I was not aware Mr BAKER was one of the suspects.
48. On **IPC0000647_0008** I am asked what the plan was in relation to weapons that would be most appropriate for officers to use. Whatever the operation was, save unique circumstances, we would always carry our standard weapons.
49. I am asked whether I had ever encountered any of the suspects before. I had no previous experience of any of the suspects.
50. On **IPC0000647_0009** I am asked why I took on a role as a briefing officer. I took part in delivering a part of the briefing because I had done a recce of the vicinity of the Court and the position of the vehicle, we had put the audio device in and this would be useful information for the officers being deployed. I had prepared a briefing sheet which I have referred to in my statement of 22 December 2015 at foot of page 2 **IPC0000016_0002** and top of page 3 **IPC0000016_0003** and page 1 of my statement of 17 August 2016 **MPS0000112_0001**.
51. On **IPC0000647_0010** I am asked why we were put up in an hotel the night before. I was put up in a hotel the night before. This is standard procedure when, as in this case, we are required to attend a late briefing and due to attend an early briefing the following morning. I have dealt with this at p3 of my statement of 22 December 2015 **IPC0000016_0001**.
52. On **IPC0000647_0011** I am asked what my perception of the risk and the threat was. I have set out what my state of mind was at the end of the briefing in the second paragraph on page 4 of my statement of 22 December 2015 **IPC0000016_0004**. I have also set out what my state of mind was as I approached the Audi in the middle of the last paragraph on page 6 **IPC0000016_0006**.
53. On **IPC0000647_0013** I am asked who I was deployed with. I have set out who I was deployed with and who else was in my vehicle at page 5 of my statement of 22 December 2015 para 3 **IPC0000016_0005**.

54. On **IPC0000647_0014** I am asked about what radios and means of communication we had. I have dealt with this at page 5 para 2 of my statement of 22 December 2015 **IPC0000016_0005**. We all had individual personal radios. I am sure these would have been tuned to a dedicated channel for this operation. In addition, there was the main radio in the vehicle over which we would be getting updates from the surveillance team and from the control room. Intel updates could come from any of those sources. Covert sources would have come to us via the control room - that would have been the location of the prison van and information on anything gleaned from the audio device in the Audi.
55. On **IPC0000647_0015** I am asked whether we got information during the operation that the suspects had firearms. The information that the offence would be 'firearms enabled' was provided to us over the main car radio. At that time that caused me to believe that the suspects had firearms and that caused me to increase my assessment of the risk we faced in this operation.
56. I am asked if our weapons were loaded and made ready and what was the status of the safety catch. My Sig MCX weapon would have been in condition 1, meaning loaded and made ready, but the safety catch on Sig MCX would have been on safe and not on fire. The switch/lever is on the right-hand side of the weapon that you flick down with thumb to put in the fire position. I have been shown **MPS0000147** which is a manual issued by the manufacturer of the Sig MCX. Page **MPS00000147_0026** is a diagram of a weapon similar to the one I had that day although it may be different stock as mine pulled out, and the one in the manual looks as though it swivels. At no 10 on the diagram, my weapon had a small foregrip which was how I held the front of the weapon with my left hand, and a torch and laser mounted underneath and in front of my foregrip. The switch for torch and laser is on the left-hand grip. No 5 is the safety, mirrored on left hand side for left-handed users. You would operate the selector lever (called control selector in the diagram) with the thumb of my right hand. Diagram **MPS0000147_0040** shows the safety lever and although this is shown on the left side, it is exactly the same on the right side and shows SAFE and SEMI – we do not have AUTO option. Moving the selector from SAFE to SEMI means pushing the lever from horizontal down to perpendicular with right thumb. SEMI means semi-automatic so that you do not have to cock it each time you pull the trigger, but it only fires one shot per trigger pull. My GLOCK handgun does not have an external safety. Loaded and made ready means that when you draw it you just have to squeeze the trigger to discharge a round. My GLOCK was in a holster on my right hip/waste and my Sig MCX was in the vehicle in the footwell by my feet but covered to avoid anyone accidentally seeing it.
57. On **IPC0000647_0016** I am asked about state amber. I have dealt with this at p5 in my statement of 22 December 2015 **IPC0000016_0005**. State Amber would be a decision made in the Control Room as the officers there will have the whole intelligence picture. S105 in Control vehicle with TFC would give State Amber on basis of information provided by the Control Room.
58. On **IPC0000647_0017** I am asked who made the decision to stop the vehicle. I presume the question is meant to mean who made the decision for officers to deploy to the stationary Audi target vehicle. This is the decision to go to State Red and this would have been given by the team leader S105.

59. On the same page I am asked if we verbally made plans around which officer would go to which door of the subject vehicle. There was no specific discussion as to which officer would go to which door. Officers are trained that these sorts of decisions are dynamic depending on where you are once you have got to the target vehicle. This is recognised by the questioner at **IPC0000647_0019** when the question is put *is it more dynamic in terms of you just reacting to what you see*. The only conversation I recall having with the other officers in the car was to tell them that I was not going to take the Benelli shotgun which I have dealt with at **IPC0000016_0005** and for the reasons stated therein.
60. On **IPC0000647_0025** I am asked was my weapon strapped to me. My Sig MCX has a sling on the weapon that I would have put over my head so that it rested on my right shoulder.
61. The 2nd Taped interview lasted from 1630 to 1721hrs. On **IPC0000650_0002** I am asked about the relative positions of me and S111. I do not think I can add anything to that I have said in my statement of 22 December 2015 in the last 8 lines on page 6 **IPC0000016_0006** and the first three lines of page 7 **IPC0000016_0007**. On
62. On **IPC0000650_0003** I am asked what led me to fear there were people in the back of the car. In my statement of 22 December 2015 at **IPC0000016_0006** 4 lines from the foot of the page I say I could not see into the vehicle and I was not sure of the number of occupants. However, we had been told that two males had got into the Audi as I have set out in paragraph 2 on **IPC0000016_0005** of my statement of 22 December 2015 and so I suspected there may be at least three people in the Audi as we approached it.
63. On **IPC0000650_0004** I am asked how I was holding my weapon and what condition it was in. I have dealt with this in my statement of 22 December 2015 in line 3 on page 7 **IPC0000016_0007**. Apart from when I took my left hand off the weapon to open the Audi front nearside passenger door, I had both hands on the weapon. I would have had my right index finger on the trigger guard up to the point I decide to fire. Training is your finger does not go on the trigger unless and until you perceive an imminent threat to life and make the decision to fire. That is to avoid an accidental discharge that could be caused by bumping into something, or a suspect grabbing the weapon, or a flinch.
64. On **IPC0000650_0007** I am asked about the safety catch and the pressure required to pull the trigger. On the MCX the safety catch and selector lever are the same thing (see para 56 above). I do not know what the trigger pressure is. This would be set by the manufacturer; it is not something we can adapt. I have not fired a similar weapon for over five years since the incident and cannot really describe the trigger pressure from memory as it is relative to other weapons.
65. On **IPC0000650_0008** I am asked whether S111 opened the rear nearside passenger door. I was not aware as to whether S111 opened rear door. By then, I was totally focused on my role and the front passenger seat.
66. On **IPC0000650_0009** I am asked about the position I was in when opening the front nearside passenger door. I have described my recollection at p7 para 1 from line 3 in my

- statement of 22 December 2015 **IPC0000016_0007**. I do not believe I can add anything to that. As I have said in my statement my perception was that from this moment everything happened very quickly. I do not think I could open the door fully. At the time I was not conscious of what prevented the door opening fully as I was totally focused on the front seat passenger who I perceived at that moment as a threat.
67. On **IPC0000650_0009** I am asked if I can explain my exact positioning at the time of opening the door. I have no definite memory of my exact position other than that I have said in my statement of 22 December 2015 at line 5 page 7 **IPC0000016_0007** that I was looking through the gap between the door sill and the open nearside front passenger door. I used my left hand to open the door keeping my right hand on the weapon. I returned my left hand to the weapon instantly the door was open. I cannot be sure of the exact position of the barrel of my weapon and position of my left hand on grip in relation to the open door i.e. whether either of these was inside or outside the line of the open door.
68. On **IPC0000650_0011** I am asked if I can explain the exact position Mr BAKER was sitting. I am not able to add any further detail to what I have said in my statements. I cannot say whether he was slouching down or sitting bolt upright. I cannot say whether his torso was static or moving, all I can say is that his hands were moving upwards. In my further statement dated 19 February 2016 at page 2 paragraph 3 **IPC0001075_0003** I have said his hands moved quickly up to his chest and that I could see both hands and that my decision to shoot would have been made sometime after he started to move his hands and before his hands reached the top of the bag. I cannot add detail as to whether his palms were open or shut or facing forwards or sideways. At this moment I cannot recall whether he had gloves on.
69. I cannot say whether the position of the seat was reclined or bolt upright, but my recollection is that he was sitting back in the chair rather than leaning forward. I have been shown photographs **IPC0000690 to 701**. These show the front passenger seat which is the seat Mr BAKER was sitting in. I cannot assist as to whether this shows the position the passenger seat was in at the time I saw Mr BAKER. Nor can I say whether the seat belt, which is clipped in in the photographs, was in this position at the time. At this moment I was totally focused on his hands as the movement of his hands is what I perceived as a threat.
70. On **IPC0000650_0010** I am asked if I can explain exactly where the bag was. In my statement of 22 December 2015 at line 10/11 page 7 **IPC0000016_0007** I have said the bag was high in the area of his chest. I cannot add any further detail to that. I did not know at the time and did not have time to absorb what type of bag it was nor the precise position. On the following page the question is asked whether the bag was *to his right or to his left on his lap*. The question here makes the assumption that it was "on his lap". I have since seen photos of the bag and so now know it is a shoulder type bag. I cannot say anything more than that at the time, the perception I had was that it was positioned high on his chest area. When I was interviewed on 11 August 2016, I was again asked about this. I was shown a photograph of a mannequin standing with a bag over its shoulder and was told that a forensic analyst had created this as a possible position of the bag on Mr BAKER at the time I fired my shot. I dealt with this in my statement of 17

- August 2016 in the final paragraph in the last four lines **MPS0000112_0003** saying I believed it was higher in the chest area than depicted in the picture. Mr BAKER was sitting and not standing and so the position of the mannequin shown in the photo does not match my recollection of the position Mr BAKER was in nor the position of the bag. I cannot say whether the bag was more to Mr BAKER's right side or left side. I cannot add whether the bag's fastening was a zip and whether fastening was open or shut.
71. On **IPC0000650_0018** I am asked whether I saw a firearm on Mr BAKER. I did not see a firearm on him or in his vicinity. I did not, at that time, see the firearm that was subsequently found in the rear passenger footwell.
72. On **IPC0000650_0020** I am asked if when I pulled the trigger, I intended to shoot Mr BAKER. On **IPC0000650_0024** I am asked if this was an accidental discharge. When I pulled the trigger, I intended to shoot Mr BAKER. My shot was not an accidental discharge.
73. On **IPC0000650_0022** I am asked what I did after I had fired. I have set out what I did after I had fired in my statement of 22 December 2015 at the foot of p7 and top of page 8 **IPC0000016_007** and **008**. My focus then was on doing what I could to try and preserve Mr BAKER's life.
74. After this interview I prepared a detailed statement in which I set out to the best of my recollection my perception of what had happened. This is a written statement under caution. The statement is dated 22 December 2015 – **IPC0000016_001 to 009**.
75. I was further interviewed on 4 February 2016. The first tape is between 11.19 and 12.19hrs. The transcript is **IPC0000651_0001 to 0028**. I did not answer any questions in this interview acting on legal advice. I said at the start of the interview that I did not intend to answer any questions at that stage, but I did intend to listen to the questions and consider carefully after the interview whether there was anything further I could add to what I had already set out in my written statement.
76. On **IPC0000651_0006** I am asked about any specific intelligence that the operation would be firearms enabled. I have dealt with this in the second paragraph of my statement of 19 February 2016 **IPC0001075_0002**. I cannot be certain now what information I received at what stage. But by the time I deployed out of our vehicle I believed, because of the information I had received on various occasions, including the very recent information received that the offence would be firearms enabled, that we would be confronting armed men who would be very likely to use firearms when challenged.
77. On **IPC0000651_0007** I am asked about the risk assessment. I have dealt with this in the third paragraph of my statement of 19 February 2016 **IPC0001075_0002**. I have also dealt with this at paragraph 21 of this statement.
78. On **IPC0000651_0008** I am asked if I have ever known the members of the OCN to engage or shoot at police officers. The short answer to this question is no. But we are trained to be prepared to react to whatever threat we face, from no threat to a threat to life. Whilst the fact that when some members associated with the OCN were confronted

by police they did not try to engage or shoot at the officers is a factor, it does not preclude the possibility that different members associated with the OCN might so act. As I have said in my statement of 19 February 2016 at **IPC0001075_0003** I was aware of incidents when shots had been fired at police, and I have referred to one in particular which occurred in Park Royal in 2007 when a suspect Terry NICHOLAS fired at police. Although this incident was not in my mind on the day, I was aware that there had been incidents when shots had been fired at police. There is also the possibility that an OCN might believe they are being attacked by a rival gang and fire before realising they are being challenged by police officers.

79. On **IPC0000651_0016** I am asked how many firearms incidents I have been involved in. I have dealt with this at para 4 of this statement.
80. On **IPC0000651_0027** I am asked how wide the front passenger door was able to open. I have dealt with this in my statement of 19 February 2016 at **IPC0001075_0003** second paragraph on page 2. I am not able to add anything further. At that moment I would have had intense focus on the front seat passenger and not on the position of the car door. I do not believe the car door swung back and knocked me or my weapon.
81. Tape 2 of this interview lasted from 12.39 to 13.32hrs. The transcript is **IPC0000653_0001** to **0021**. The questions appear to me to repeat matters previously asked and that I have dealt with in my written statements.
82. On **IPC0000653_0013** I am asked about visibility into the Audi and it is put to me that other officers had said they could see the driver and front seat passenger. In my statement of 17 August 2016 in the final paragraph on **MPS0000112_0002** I have said that I did not have visibility into the car until I opened the passenger door. I cannot say now whether this was because it was steamed up or because it was tinted or because the reflection obscured my vision. I had some vision but not clear vision. I have been shown photographs **IPC0000675 to 677** and **IPC0000720 to 721** and **726** which I accept show that you can see into the vehicle. I do not know whether these photographs were taken with a flash or whether it replicates the vision of the human eye. At the time I could not see clearly into the vehicle. I did not spend very much time trying to look through the window as I knew I had to get access into the vehicle to deal with any threat posed by the front seat passenger, so my intention was to open the door as quickly as possible.
83. **IPC0000653_0016** I am asked whether I was aware that W112 had activated his *strobe* on his weapon and whether this improved visibility inside the vehicle. I take this to mean his tactical illuminator which is a torch which sits underneath the barrel and forestock and is illuminated by the holder. I do not recall this.
84. I note the transcript contains an error on **IPC0000653_0019** because shortly after questioners start showing the postmortem photos the transcript jumps back to questions about the audio which they had finished dealing with on the previous page. And final question on **0020** starts mid-sentence with "...are showing that erm...". Also, timings on **0019** show 00:51:00 and on following page jump back to 00:48:16.

85. Tape 3 of this interview lasted from 13.55 to 14.23hrs. The transcript is **IPC0000652_0001 to 0012**. I am asked questions about the postmortem photographs that I had been shown. I am not able to add any further detail to what I have said about the position of Mr BAKER's hands and arms at the time I decided to shoot.
86. On **IPC0000652_0006** I am asked why if I could see both of Mr BAKER's hands and that he was not holding a gun, I perceived him to present an imminent threat to life? I have always been taught that action beats reaction and that you can take pre-emptive action. I could not wait until he put his hand into the bag. If I lost sight of his hands, I could not then prevent him shooting me or a colleague. I did not have room to be able to deliver an effective muzzle strike because of my position outside of the car looking through the gap between the open door and front windscreen. A muzzle strike would not have achieved instant or rapid incapacitation so as to neutralise the threat.
87. On **IPC0000652_0010** I am asked why I went missing. I have dealt with this earlier in this statement.
88. After this interview I prepared a further statement dated 19 February 2016 **IPC0001075_0002 to 0004**.
89. I was further interviewed on 11 August 2016 12.38 to 13.13 – transcript is **IPC0001146_0001 to 0038**. I made a short verbal response on tape reading from a note provided to me by my solicitor. The note is at **IPC0000290_0001**. This confirms what my intentions were in relation to each interview and my intention to provide a further statement if I could add anything to that said in previous statements.
90. I do not believe that I saw the contents of the FA2, FA3, FA4, FA5.
91. I am asked, again, about my risk assessment in comparison to that recorded by the TFC. I have dealt with this in my statement dated 19 February 2016 in the final paragraph **IPC0001075_0002**. I have made further comment about this at paragraph 21 of this statement.
92. On **IPC0001146_0008** I am asked if I can recall what was discussed outside of the tape-recorded briefing. I cannot add to what I have said in the second paragraph of my statement of 19 February 2016 **IOPC0001075_0002** as to what information I received at what stage.
93. On **IPC0001146_0010** I am asked why the 3am tactical briefing at Leman St was not recorded. I have been made aware that V64 provides an explanation for this at **MPS0000060_001** and I am not able to assist further on this.
94. On **IPC0001146_0015** I am asked whether I was informed that the team planning the escape had difficulties obtaining a real firearm. I was not informed of this. I responded to this in my statement dated 17 August 2016 at **MPS0000112_0002** in the first paragraph. I do not believe I can add to what I have said here.

95. On **IPC0001146_0016** I am asked if I recollect getting any specific updates that I knew to be sourced from the covert monitoring post CMP installed in the Audi. I have said in my statement of 19 February 2016 at **IPC0001075_0003** that the term firearms enabled came over the main working channel on the radio and that I knew or believed this was coming from control room C3000 and was likely therefore to have come from the CMP. I do not recollect being specifically told this was the source of the information but that is what I assumed.
96. At **IPC0001146_0017** I am asked if I was aware the occupants of the Audi had used the term *shottie* and that they did not know where it was. I do not recall being made aware of this. Nor do I recall being made aware of any conversation that suggested they did not have a real weapon in the car. I do not recall being made aware that the occupants had said if the door does not open just shoot the lock three times. As I have said in my statement of 17 August 2016 **MPS0000112_0002** I would not expect to be made aware of all communications overheard and I would rely on the officers responsible for the operation to inform me of the essential information.
97. At **IPC0001146_0020** I am asked about the comment alleged to have been recorded by the CPM to the effect *...what was the fucking point, you've put one in that fucking boy...* I did not hear this said. I do not believe any police officer said this. I have responded to this in my statement **MPS0000112_0002**.
98. At **IPC0001146_0028** I am asked if I was mistaken about Mr BAKER having a balaclava covering his face. I am sure that when I first saw Mr BAKER his face was concealed. At the time I wrote my statements I recollected pulling something up and over his face to enable us to provide first aid to Mr BAKER and in order to try to apply an oxygen mask to his mouth and nose. I was told in the interview that other occupants of the car had said Mr BAKER had a scarf or jumper covering his mouth and a hoody over his head. I accept now that it is possible that this is why I could not see his face when I first confronted him, and that what I pulled up and over his head at the time of giving first aid was a scarf or jumper and that the balaclava had not been pulled down over his face.
99. After this interview I prepared a further statement dated 17 August 2016 **MPS0000112_0001 to 003**.
100. I am aware that the IOPC submitted its report to the Crown Prosecution Service in 2016. On 14 June 2017 I was informed that the CPS had made the decision that there was insufficient evidence to justify any criminal proceedings against me. I am aware that Mr BAKER's family exercised the victim's right of review and that I was then informed on 19 March 2018 that the CPS had confirmed its decision not to bring criminal proceedings. I was served with a Regulation 21 notice on 23 February 2019 informing me that the IOPC had directed that I should face gross misconduct proceedings. Those proceedings are currently the subject of an appeal to the Supreme Court.
101. My current position, at the time of making this statement, is that I remain a serving police officer within the MPS and I am still currently posted to SCO19 Specialist Firearms Command. My current role is as a National Firearms instructor within the Command. I continue to maintain my operational firearms officer skills including fitness tests,

classification shoots and tactical training. My intention is to remain within SCO19 with a return to operational firearms duties once my posting to training is completed. In the future I also intend to become an armed close protection officer.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed: W80

Dated: 4TH MARCH 2021.

W80/1

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**METROPOLITAN
POLICE**

TOTAL POLICING

Form 6620

Authorised Firearms Officer - Annual Authorisation

This Form should be completed electronically and its completion recorded in the AFOs PDR. An electronic copy of the form should be forwarded to the SCO19 Mailbox at MPSTC

Authorised Firearms Officers:

It is your responsibility to initiate and complete **Part One** of this form as part of your annual PDR process and in any event no later than the 31st March each year. Once complete through your Line Managers a copy of the form should be forwarded to the **SCO19 Mailbox - MPSTC 6620** in the following format. OCU_6620_Year_Last name_six digit warrant number. For example; **SCO19_6620_2014_Shoot_245321**. Your HR record will be updated through your BOCU SPOC.

First line Managers of AFOs working on armed / non armed OCUs:

You should complete **Part Two** of this report which must be submitted annually as part of the PDR process no later than the 31st March for each AFO. This form should then be passed to the officer's Second Line Manager to endorse **Part Three** as appropriate **unless** the officer has failed any of the required assessments during the previous year. If the officer has failed any of the required assessments during the previous year this form must be passed to the OCU Commander to complete **Part Four** as appropriate. If the First Line Supervisor has concerns regarding the authorisation, Form 6621 should be completed.

NOTE; If the AFO is working on a non armed command advice for the Line Managers can be obtained from the SC&O19 Firearms Policy Unit

Second Line Managers of AFOs working on armed / non armed OCUs:

The Second Line Manager must be either a temporary or substantive Inspector or above. You should then endorse **Part Three** as appropriate, **unless** the officer has failed any of the required assessments during the previous year or you have any concerns regarding the authorisation. If the officer has failed any of the required assessments during the previous year then this form must be passed to the OCU Commander to complete **Part Four** as appropriate.

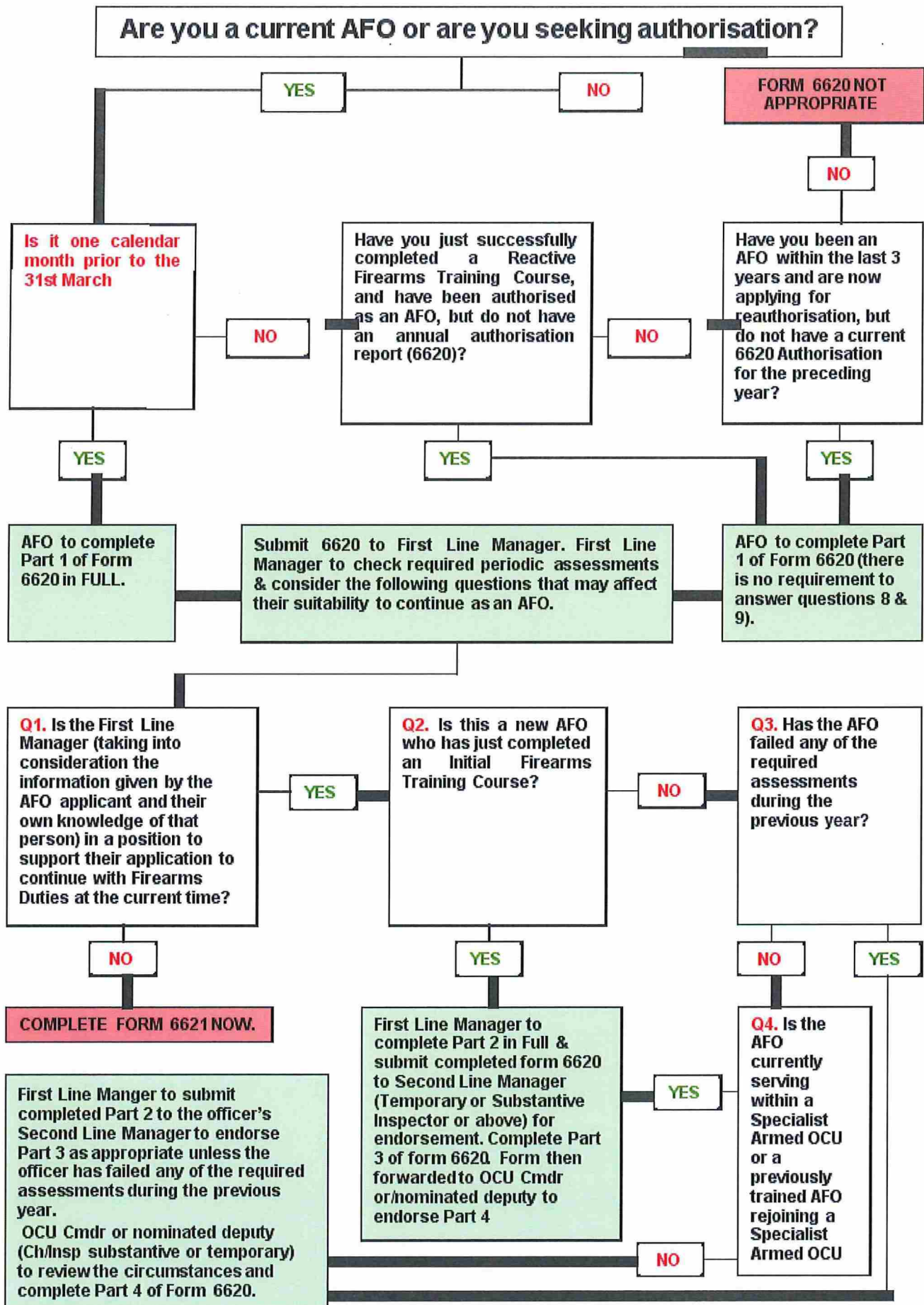
OCU Commanders/Nominated Deputy:

Part Four should be endorsed by the OCU Commander or their nominated deputy acting on their authority. It must be minimum rank of a Chief Inspector (substantive or temporary). OCU Commanders working on non-armed OCUs requiring any forms of guidance please liaise with SC&O19 Firearms Policy Unit. If the officer has failed any of the required assessments during the previous year or there are concerns around the AFOs suitability the final decision regarding the endorsement will rest with the officer's current OCU Commander.

If you do not fall within the above examples please see the flow chart on page 2.

[Where an AFO wishes to be relieved from armed duties for any reason, Form 6621 may be used at any time. Also, line managers may use Form 6621 at any time to make such requests on behalf of an AFO].

On completion of the form details of the officer and the date of the reauthorisation should be recorded by the OCU SPOC. An electronic copy of the form must be forwarded to the following mailbox SCO19 Mailbox - MPSTC 6620.



Notes for Guidance

To be read by all authorised firearms officers and line managers

Health restrictions

Any officer who develops any new medical condition of a serious nature, either acute or chronic, must report this to a supervisor. Note the officer does not necessarily need to report the nature or details of the condition. It is sufficient to inform the manager and ask for a referral to OH on Form 6112 for assessment and advice. Examples of such conditions will include diabetes mellitus, any suggested or proven epilepsy seizure, any heart condition, stress related problems or asthma requiring treatment (including inhalers).

Note: Laser eye surgery - Existing AFOs are permitted to have laser eye surgery (other than Radial Keratotomy or Photorefractive Keratoplasty) Following surgery the AFO will not be permitted to return to firearms duties until four weeks have elapsed. The AFO will be required to obtain a report of fitness from their treating Consultant Ophthalmologist which should be forwarded to an OHA who will assess their fitness to return to firearms duties. If not available the AFO once the four weeks have elapsed will need to be referred to OH for an assessment from the MPS Consultant Ophthalmologist.

Fitness for duty

The Authorised Professional Practice - Armed Policing states, 'AFOs have a personal responsibility to inform the issuing officer or a supervisor of ANY circumstances where they believe that they may be unfit to carry out their duties as an AFO. The issuing officer or supervisor is responsible for deciding whether that officer should be issued with a firearm and record their decision and the rationale for it'.

Temporarily stood down

This is particularly relevant where there are medical, emotional or other life stresses which may interfere with the discharge of critical decision making or their overall effectiveness.

Physical fitness

Officers must be aware that the role of AFO can be physically demanding, both operationally and during training sessions. It is therefore, important that AFOs have and maintain a fitness standard that reflects the physical demand on the role. AFOs are required to attend and pass an annual JRFT specific to their role.

Misconduct / Discipline

Officer will be subject to regular checks in terms of their discipline and conduct records. AFOs MUST bring to the immediate attention of their supervisors if they enter a legal process for any reason.

Guidance can be found [here](#) for Line Managers and OCU Commanders reporting on AFOs currently not serving on Armed OCUs.

Personal Details

1.	Full name:	
2.	Rank:	
3.	Warrant No:	
4.	Date of Joining:	
5.	Current duties and location:	
6.	Date of starting at current OCU:	
7.	Date became an AFO:	

PART ONE – AFO’s Self-Assessment

Operational Details (Please answer all questions and continue on page 5 if necessary)

8. Since your last annual report, have you been relieved from firearms duties for any reason?

Yes No N/A If 'Yes', please give brief details and dates

9. Since your last annual report, have you had to take time off work, for any reason, as the result of your involvement in an operational firearms incident?

Yes No N/A If 'Yes', please give brief details and dates

10. Since your last annual report, have you been subject to a public complaint, misconduct findings including local management action or civil action claims

Yes No N/A If 'Yes', please give brief details and dates

11. Having read the 'Notes for Guidance', please mention any other factors not already covered that may affect your ability to continue to function effectively in your role as a firearms officer.

Reminder - *The carrying of firearms places additional responsibilities and stresses on a police officer. Conversely, an officer who is experiencing difficulties in their work or domestic environment should be aware that this can adversely affect performance as an AFO and this role will in turn exacerbate any existing pressures. Careful consideration should be given to any request to continue with firearms duties under such circumstances, even though they may be temporary. Such circumstances may be temporary and may not necessarily affect this request. AFOs who find themselves in this position are strongly advised to seek advice/guidance from their line managers and /or Occupational Health Advisors.*

IMPORTANT

As an AFO, you have a responsibility to ensure that the requirements for specified periodic assessments, e.g., weapon reclassification, fitness competency, hearing test, etc., are up to date and valid at the time of this report. Your annual re-authorisation may not be endorsed if you cannot provide evidence of meeting these criteria.

Considering the 'Notes for Guidance' and this officer's annual appraisal, please mention any factors/concerns that may affect their ability to function effectively as a firearms officer. (Please continue overleaf if necessary.)

I have read and considered the 'Notes for Guidance' and discussed my role as a firearms officer in conjunction with my annual PDR. I request that my authorisation to continue as a firearms officer is endorsed.

Declaration - The information I have provided is true and accurate to the best of my knowledge

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Signature: _____	Date: _____
PART TWO – First Line Manager’s Report	
Has this officer provided appropriate evidence of meeting the criteria for the following periodic assessments?	
Weapon reclassification	<input type="checkbox"/>
Fitness competency	<input type="checkbox"/>
Emergency Life Support certificate	<input type="checkbox"/>
Form 456 Attendance Management	<input type="checkbox"/>
Tactical refresher	<input type="checkbox"/>
Audiometry / Health screening	<input type="checkbox"/>
Eyesight assessment	<input type="checkbox"/>
Three year sickness report	<input type="checkbox"/>
Based on the information provided in this report and any additional knowledge you may have, please make one of the following recommendations.	
I support this request for the applicant to continue as an authorised firearms officer. Go to Part Three , or if the AFO is based on a non armed OCU. Go to Part Four .	<input type="checkbox"/>
Referred to OCU Commander due to assessment failure(s) during the previous year.	<input type="checkbox"/>
*I am unable to support this request at this time. (Please complete Form 6621 now.)	<input type="checkbox"/>
IMPORTANT: I declare that I have checked this officer’s mandatory AFO qualifications, as listed above, and found them to be valid at the time this Annual Report and PDR is due.	
Print name: _____	Rank: _____
Signature: _____	Date: _____

*Officers must be informed **personally** and counselled as necessary.

If the officer has failed any of the required assessments during the previous year, then this form must be passed to their OCU Commander to complete Part Four as appropriate.

PART THREE – Second Line Manager’s Endorsement	
The Line Manager must be either a temporary or substantive Inspector or above	
Checks must be carried out through the OCU Professional Standards Champion / Unit to confirm the answers provided at point 10.	
Based on the information provided in this report and any additional knowledge you may have, please make one of the following recommendations (there is a space to comment on page 7).	
I have checked the officers discipline file and attached the following;	
Details of all discipline findings if an AFO prior to August 2013	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Details of discipline finding for the annual reporting period.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
I endorse this request for the applicant to continue as an AFO.	<input type="checkbox"/>
*I am unable to support this request at this time. (Please complete Form 6621 now.)	<input type="checkbox"/>
Print name: _____	Rank: _____

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Signature:		Date:	
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*Officers must be informed **personally** and counselled as necessary.

PART FOUR – OCU Commander’s Endorsement			
This part may be completed by the OCU Commander’s authorised deputy. However, the authorising signatory MUST be minimum rank of Chief Inspector (substantive or temporary). Unless the AFO has failed any of the required elements then it must be completed by the OCU Commander			
Based on the information provided in this report and any additional knowledge you may have, please make one of the following recommendations (there is a space to comment on the next page).			
I endorse this request to continue as an authorised firearms officer.			<input type="checkbox"/>
*I am unable to support this request at this time. (Please complete Form 6621 now.)			<input type="checkbox"/>
Print name:		Rank:	
Signature:		Date:	

An entry confirming the reviewed status of the AFO should be included in their PDR.

Authorised Firearms Officer – Additional Comments			
Signature:		Date:	

First Line Supervisor – Additional Comments			

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Signature:		Date:	
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Line Manager – Additional Comments			
Signature:		Date:	

OCU Commander – Additional Comments			
Signature:		Date:	

When complete the details of the officer and the date of the reauthorisation should be recorded by the OCU SPOC and details forwarded to HR for inclusion in the AFOs HR records. An electronic copy of the form should be forwarded to the admin unit at MPSTC via the mailbox SCO19 Mailbox - MPSTC 6620 using the following format;

OCU_From no_Year_AFO's Last Name_six digit warrant no.

e.g. SCO19_6620_2014_Shoot_245321

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Retention Period: 7 Years
MP 75/14