

PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

Witness Statement of Brian Whitaker

1. I am Brian Whitaker the Strategic Engineering Advisor within the Metropolitan Police Service Technical Surveillance Unit (TSU).
2. Further to my previous statements, I have been asked to provide further information about the support of the TSU to Operation Ankaa in December 2015.
3. I can confirm that the diagram/annotated photo of CMP equipment produced by Mark Brown appropriately reflects the equipment that was actually used during the operation on 11 December 2015. On 18 July 2021, I located the audio recorder that, according to TSU records, is the device that was used on that occasion. Two photographs of that recorder are included as figures 1 and 2 at the end of this statement. The item photographed by Mark Brown is the same make and model, with a minor layout difference on the rear panel.
4. I am aware that TSU engineer EG39 has given evidence to the inquiry explaining that there was no practicable way for him to reinstate the scrub-back replay facility when it malfunctioned on the day. I concur that the only viable way to have reinstated this function would have been to 'reboot' the equipment – this would not have been an appropriate choice in circumstances when the live-listening function and the recording function were both working and needed to be constantly monitored by the CMP staff.
5. My view is that EG39 was also correct that the configuration of the equipment was such that truly simultaneous dual replay/live listening would not have been possible, even if the playback malfunction had not occurred. In other words, had one officer used the 'slider' to re-play a portion of the conversation in the Audi, this would have inhibited the ability of others in the CMP to listen to the audio live while that replay took place.
6. It would, however, have been technically possible to configure the Audio Recorder in a different way when it was installed in the CMP ahead of the operation.
7. I have not seen any statement from Mark Brown on this point, but I have seen the diagram/annotated photo of the CMP equipment which he has produced. I understand from this diagram/annotated photo that he is inviting the Inquiry to explore whether a 'split feed' configuration could have been used to allow for truly simultaneous replay and live listening functions.

8. This type of configuration would have required more equipment. It could be done by connecting a second distribution amplifier to the Audio output on the rear of the Audio Recorder (colour coded Blue on Mark Brown's diagram) and associated headphones connected to it. This would then form the 'live' product and the 'replay' product would be available via the original Distribution amplifier / headphone installation. In this configuration the failure of the scrub-back replay facility experienced on the 11th December would have resulted in the same predicament for the CMP staff in that they could not fast-time review the audio product as the scrub-back facility had failed.
9. In my opinion it would only have been appropriate to have set up this 'split feed' prior to the commencement of the operation. Re-configuring the Audio recorder to provide a 'split feed' once the live operation had begun would not have been a viable option, due to the same risks of undermining the effective functioning of the live feed that EG39 encountered on 11 December 2015.
10. In any 'split feed' configuration there is also more chance of confusion between the 'live' and 'replay' feeds. Physical separation of these two feeds (i.e headphones on separate desks) and the clear definition of roles / responsibilities (i.e potentially supported by introduction of signage) of those monitoring the audio product are ways to mitigate this risk. The way that the CMP equipment was configured on the day (i.e. without a split feed) was such that the equipment operator could not listen to the audio without automatically recording. This ensured the evidential capture of the audio product, removing the risk of user error.
11. I was not involved in the strategy meetings for this TSU deployment in 2015 and I cannot comment as to whether or not a 'split feed' system was considered or discussed at any point.