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**JERMAINE BAKER INQUIRY**

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**OPEN**

**CLOSING SUBMISSIONS ON BEHALF OF THE NATIONAL CRIME AGENCY**

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1. As the Inquiry and the other Core Participants will be well aware, the NCA's contribution to this Inquiry, whilst significant, has been subject to a series of restriction orders made by the Chairman the effect of which is such that it is not possible to address, in open submissions, the substance of that contribution. The Core Participants, including Mr Baker's family, know that that those orders were made following very careful consideration by the Chairman, and were a matter of obligation rather than discretion.
2. The effect of the restriction orders made by the Chairman has been to enable a careful, rigorous and comprehensive investigation to be undertaken of all and any relevant intelligence that was gathered and/or disseminated in the period leading up to the events of 11 December 2015. It has enabled the questions identified by Mr Baker's family, both in their opening submissions and during the course of the Inquiry, to be asked and for the issues they have identified to be explored. All of the NCA witnesses who have given evidence have answered the questions posed by the Inquiry fully and frankly.
3. In addition to the evidence given by the NCA witnesses, a large quantity of documentary evidence has been disclosed. This includes all of the potentially relevant intelligence gathered by the NCA along with a comprehensive set of all the applicable policies and procedures, so as to enable the Inquiry to assess whether that intelligence was handled appropriately. Consideration has been given to the adequacy of the training of the individuals who dealt directly with the relevant intelligence and there has been careful investigation of whether the actions of those involved were in accordance with their training.

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4. Whilst the primary focus of the Inquiry's investigation has been on the circumstances surrounding the death of Jermaine Baker, and the intelligence relevant to Operation ANKAA, the Inquiry has also investigated the handling of sensitive intelligence by the NCA more generally, including the extent to which recommendations made in previous investigations have been implemented. Certain NCA witness evidence was concerned primarily with matters of policy and procedure relating to the handling of sensitive intelligence and enabled the Inquiry to assess whether the facts of Mr Baker's case give rise to the need for amendments to those policies and procedures.
5. Where it has been possible to do so, the Inquiry has provided open gists of the evidence given in restricted session, and the NCA has co-operated fully with the formulation of those gists. When doing so it has kept firmly in mind the overriding importance of ensuring that as much of the Inquiry's investigation as possible is placed in the public domain, and considerable effort has been devoted to making the gists as full and informative as the legal framework allows.
6. The NCA has provided the Inquiry with a detailed set of Closed written submissions dealing with all of the relevant issues that have arisen during the course of the evidence given in the restricted sessions. It is not possible to address the detail of those submissions in open but, in short, the NCA has invited the Inquiry to conclude that:
  - (i) The key intelligence relevant to the circumstances of Mr Baker's death was disseminated to the MPS promptly, efficiently and accurately; and there is a clear audit trail demonstrating that this is the case.
  - (ii) There was no omission or deficiency, on the part of the NCA, in the handling of intelligence which had any material bearing on the circumstances of Mr Baker's death.
  - (iii) The NCA has responded adequately and appropriately to recommendations made in previous investigations and, to the extent that the facts of this case demonstrate the need for improvements in the relevant policies and procedures, those improvements have been implemented during the 5 ½ years since the material events.

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7. The NCA would wish to take this opportunity to express, once again, its condolences to Mr Baker's family, and repeat its admiration for the way they have dealt with what must have been an extremely difficult process. The NCA has provided the Inquiry with its full co-operation, and unequivocal support, from the outset and would wish to ensure the Baker family, and the Chairman, that it will continue to do so until the Inquiry finally concludes.
  
8. Finally, the NCA would wish to record its appreciation for the manner in which this Inquiry has been conducted, by the Chairman and the entire Inquiry team. We would respectfully observe that the presentation of the evidence in this challenging case, which has required a very careful distinction to be maintained between what can and cannot be said in public, has been exemplary; and the NCA has been treated, throughout this Inquiry, with the highest standards of professionalism and courtesy. The NCA looks forward to publication of the Chairman's report and if it can provide the Inquiry with any further assistance in the meantime it would, of course, be very happy to do so.

**NEIL SHELDON QC**

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