

## PUBLIC INQUIRY INTO THE DEATH OF JERMAINE BAKER

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### Witness Statement of Matt Twist

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I make this statement in response to the Rule 9 direction concerning W80's restrictions following the direction that Gross Misconduct proceedings be conducted:

1. I am a Deputy Assistant Commissioner in the Metropolitan Police Service (MPS). I am currently primarily responsible for Specialist Operations and I am the Senior National Co-ordinator for Counter Terrorism 'Protect and Prepare'. I am also the Gold Commander in respect of the death of Jermaine Baker<sup>1</sup>.

#### **Gold Groups**

2. A Gold Group is a meeting designed to add value to the police response to an internal or external incident, crime or other matter. This involves bringing together appropriately skilled and qualified internal or external stakeholders (including legal advisers) who can advise, guide or otherwise support the management of an effective response to the identified incident, crime or other matter. Gold Groups will take place in respect of significant legal proceedings, such as a public inquiry.
3. A key purpose of the Gold Group in this case was to enable me to give instructions and receive advice from our solicitor and counsel as to the

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<sup>1</sup> A Gold Commander is a person who assumes and retains overall command for an operation or incident

conduct of the Jermaine Baker Inquiry. As such much of these documents would be covered by Legal Professional Privilege.

### **The Gold Group of 13 October 202**

4. On 13 October 2020 a Jermaine Baker Gold Group took place. This covered a number of matters, but one issue that was raised was the circumstances of the IOPC's appeal against the decision of the Administrative Court which had quashed the gross misconduct proceedings. The result of this appeal was that the proceedings would now continue, subject to any further appeal by W80.
5. I do not recall this Gold Group, but have been provided with a copy of the relevant minutes. The contributors to this aspect of the Gold Group were Superintendent Ross McKibbin (of Counter Terrorism & Specialist Operations), Superintendent Donna Smith (from Professional Standards) and myself.

*Ross McKibbin asked for clarity around restrictions. Commander Gordon has recommended that W80's remains unchanged.*

*Matt Twist – This is a review and decision for Paul Betts as the AA. Restrictions are placed for a legitimate purpose.*

*Donna Smith – Paul is required to review the suspension facts because of the significant update. There is no material change to the risks.*

*Matt Twist – Technically he could ask to go back onto firearms ops.*

*Ross McKibbin – He has no desire to do that.*

*Matt Twist – Any restrictions would appear to be meaningless and unnecessary as W80 is employed in a full time role. Paul Betts as the decision maker will seek views from all interested parties including the IOPC and make a decision based on all the facts.*

6. Accordingly, it was the expectation of the Gold Group that the issue of restrictions would be considered. I have been shown the minutes of Gold Group which took places during 10 November 2020. The relevant extract indicates that Debbie Ralph (the Head of Misconduct Hearings and Litigation) said that *“following a review there is no change in W80's restrictions”*.

7. However, I have now been informed that restrictions was an issue that was not considered by Commander Paul Betts. Debbie Ralph was mistaken when she stated a review had occurred. At no point was there a request made to Paul Betts to review any restrictions. The result of this is that W80 remains in the same position as he was prior to the Court of Appeal; i.e. without restrictions.
  
8. In light of the above discovery I asked that the question of restrictions be considered as a matter of urgency. That consideration has now been carried out by Donna Smith and I attach her decision herewith.
  
9. For the avoidance of doubt, I confirm that all potentially relevant Gold Group minutes have been reviewed and there is no further reference to specifically discussing imposing/lifting/amending restrictions on W80.

**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:** \_\_\_\_\_

**Dated:** \_\_\_\_\_