

The Jermaine Baker Public Inquiry

5 July 2022

Today, my report following the Public Inquiry into the death of Jermaine Baker is published and laid before Parliament.

Mr Baker was fatally shot during the course of a Metropolitan Police investigation, known as Operation Ankaa, as long ago as 11 December 2015. He was one of three occupants of a car who were guilty of two conspiracies - one to affect the escape from custody of an extremely dangerous Turkish gang leader while he was being conveyed to Wood Green Crown Court from HMP Wormwood Scrubs, and the other, the related conspiracy of being in possession of an imitation firearm with intent to commit an indictable offence [i.e. escape]. It was an audacious plot in the extreme, which needed to be, and was taken very seriously by the Metropolitan Police Service. That it culminated in the death of Mr Baker was a tragedy; as his mother said, so poignantly, in her evidence "he was involved in a crime and should have gone to prison like the others involved", but that "nobody needed to die".

Quite apart from the outcome of the Inquiry, the public will wish to know why it has taken so long for this Report to be published and why it was necessary to hold a Public Inquiry, rather than conduct an inquest into the cause of Mr Baker's death, at the conclusion of which a jury would have returned its verdict. Without in any way detracting from the importance of the Inquiry or the substance of my findings, I consider it appropriate to address those matters at this point.

As to delay, I cannot speak as to the history of the matter before my appointment as an Assistant Coroner in April 2019, at which time the matter was proceeding as an inquest; however, soon after, it became apparent to me, and was readily accepted by all interested parties that only in an Inquiry, would I have access to all the evidence which I needed to consider in order to determine why and how Mr Baker died. An inquest jury enquiring into the cause of death could not, because of the sensitive nature of some of the relevant material, have had before it all it needed in order to reach a fair and proper verdict. As a result, in August 2019, I invited the Home Secretary to establish a statutory Inquiry under section 5 of the Inquiries Act 2005; in due course, she agreed, and I was appointed to chair the Inquiry in February 2020. Notwithstanding the impact of the pandemic, and due entirely to the professionalism, hard work and commitment of everyone connected with the preparation and presentation of the Inquiry, which led to the generation of no fewer than 880 witness statements and 65372 pages of documentation in all, the principal deadlines were met, and the Inquiry commenced in public on 14th June 2021. I had indicated upon my appointment that I expected to be able to produce a report within approximately a year of that commencement date.

I do not intend to use this short statement as an opportunity to summarise my findings and conclusions; they are set out in the report in considerable detail, together with certain practical recommendations which I hope will be implemented.

There are, however, certain conclusions which, in my judgment, require headlining.

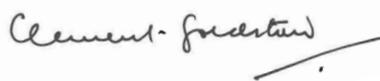
First, I am satisfied that race or colour played no part in the fatal shooting of Mr Baker. Indeed, although at an early stage in the Inquiry, I was invited to consider the possibility, it was a feature which played very little, if any, part thereafter, and was one of the least challenging decisions which I had to make.

Second, I am satisfied that, although there were many failures and shortcomings on the part of the MPS in the planning of and preparation for the implementation of Operation Ankaa, they did not, whether considered collectively or individually, cause or contribute to the circumstances which prevailed at the time that Mr Baker was shot, or to his death. Nevertheless, even though the decision to run the operation and/or the way in which it was carried out on the ground are not themselves the subject of criticism, I am left in no doubt that had there not been a tragic fatality, none of those failures and shortcomings would have been the subject of detailed external or internal scrutiny, far less criticism, and the outcome of the operation and the way in which it was carried out would have been hailed as a resounding success for the MPS

Third, I am satisfied, for reasons which I have set out in full in the report, that the circumstances in which Mr Baker was shot do not amount to an unlawful killing, either on the part of W80, the firearms officer who fired the fatal shot, or on the part of Operation Ankaa's Tactical Firearms Commander, DCI Williams on the basis of gross negligence manslaughter. It will be for others to determine whether all or any of the acts and omissions of the MPS which I have highlighted and criticised amount to a breach of Mr Baker's right to life under Article 2 of the European Convention of Human Rights.

I hope and believe that the Inquiry which has led to the production of this report has left no stone reasonably unturned in my effort to get to the truth and to address the questions posed by the Inquiry's terms of reference. Its contents will not bring entire satisfaction to all the Core Participants, but that will come as no surprise to any of them.

I conclude by expressing my condolences to the family of Mr Baker, and by thanking them for the patience which they have shown at all times, and for the dignity with which I am confident they will receive my conclusions.

A handwritten signature in black ink that reads "Clement Goldstone". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

His Honour Clement Goldstone QC
Chairman - The Jermaine Baker Public Inquiry