

**THE CHIEF CORONER
HHJ LUCRAFT QC**

**INQUESTS ARISING FROM THE DEATHS IN THE WESTMINSTER TERROR ATTACK OF 22
MARCH 2017**

**SUBMISSIONS ON BEHALF OF THE WIDOW OF PC KEITH PALMER
IN RELATION TO THE REQUEST TO HAVE PCs MARSH AND CARLISLE CALLED AS WITNESSES
AND IN RELATION TO DISCLOSURE**

Witness Evidence

1. We support the family's request for Messrs Marsh and Carlisle to be called. It has become apparent that their evidence is likely to be of relevance in terms of assessing the view that an Authorised Firearms Officer would have had if they had been in close proximity of the Carriage Gates at the time of the collision between the Hyundai and the wall of PoW (even if they had started moving towards the Bridge Street perimeter fence). The witnesses need not be utilised as sounding boards against which hypothetical propositions are put. The relevance of this view is demonstrated by consideration of their actual positions when the car hit the wall (consider CHO/02).
2. The CCTV, whilst undoubtedly helpful, does not have sound and so a fuller understanding of the information that would have been available to (and processed by) AFOs in the vicinity of the gates cannot be ascertained from the CCTV alone. There is some evidence from PCs Ross and Glaze in this regard but PCs Glaze and Marsh, if called, may well further our understanding.
3. If the evidence is called from these two individuals it ought not to derail the timetable because it ought to be brief. Their evidence can be confined to their recollection of the events of the attack itself. They would not be required to provide evidence as to the roles and responsibilities of AFOs and/or unarmed officers at the gates because those topics have been extensively covered and there appears to be consensus that:-
 - (i) AFOs as a matter of routine were not in close proximity of the Carriage Gates,
 - (ii) the requirement for AFOs to be in close proximity to the gates whilst they were open was not known by AFOs,
 - (iii) PC Sanders and Ashby were not as a matter of fact in a position from which they could provide effective assistance at the gate at the time of the attack, and
 - (iv) unarmed officers at the gates were particularly vulnerable in that location.

4. MPS raise concern that being called to give evidence would be distressing for PCs Marsh and Carlisle. That is doubtless likely to be correct. However, it is only one factor to be considered. Indeed, the point is perhaps more compelling in relation to Mr Marsh who is not expecting to give evidence. We do not know what efforts have been made to enquire about his willingness to assist. We cannot presume that he would be unable to assist. The point has rather less force in relation to PC Carlisle who is scheduled to give evidence in connection with the inquest into Khalid Masood's death and so it will not come as a surprise to him that he is required to give evidence within these inquests.
5. Finally, we note it has been suggested by MPS that the points which they anticipate Ms Stevens wishes to address with PCs Marsh and Carlisle were not explored by her, on behalf of her clients, with PCs Ross and Glaze. That is an unappealing submission. MPS are aware that Ms Stevens and her clients were, at that time, digesting the Chief Coroner's refusal of their applications for an adjournment and were not present for their examination. This is not a criminal or civil trial. A case does not have to be put. It is a fact-finding exercise. This is a matter which is important to Ms Stevens clients (and not unreasonably so). It is submitted that this factor, together with the fact that they can give relevant evidence, are rather more important to the issue of whether the Court should accede to the application.

Disclosure

6. During these proceedings the MPS sought – in clear terms – to blame PC Ashby for fact that the relevant Post Instructions were not known to him and not followed (see transcript day 7 p.141-142). A series of repetitive questions were put to PC Ashby on behalf of the MPS as to '*whose fault*' it was that he did not know the content of the instructions. The implication of these questions was crystal clear. It was PC Ashby's fault and his alone.
7. There is clearly an issue over whether the MPS could have had any reasonable expectation that the relevant Post Notes were being implemented. The evidence strongly indicates that it could have had no confidence that they were given that no AFOs were in fact complying with them in connection with sector 3. This is a very serious failing given that we know that the change in January 2015 to the Post Instructions occurred because of a change in the threat level.
8. In light of the extraordinary exchange referred to in paragraph 6 above, we have reviewed our stance in relation to disclosure. The MPS ought to supply documents which demonstrate that the Duty Officer(s)/Patrolling Sergeant(s) of AFOs were or ought to have been aware of the relevant Post Instructions and as to the efforts made by those who supervise them. Was the only means of communicating the content of Post Instructions by way of e-mail (which we have not seen) that the Post Instructions had been updated?

9. We now support the request for disclosure at paragraphs 21(b) and (d) of the Families' request in particular. We note that MPS is said to be dealing with paragraph 21(b). It is imperative that this is provided before examination of Commander Usher begins. As to the request at paragraph 21(d) which concerns the reference to wider command practice misunderstanding the post instructions we do not consider that it is sufficient for MPS to say that the meaning is clear. There is a lack of precision in the way in which this has been framed. How far up the chain of command did this failing extend?
10. Finally, we would also seek documentary evidence of the recorded period of checks that the post instructions for sector 3 were being complied between 16 January 2015 and 22 March 2017. If such records exist, they ought to be easily identifiable. The date 16 January 2015 has been selected because that was the date that of the penultimate Post Notes.

Dominic Adamson
Temple Garden Chambers
20 September 2018