

## **ADDENDUM TO DISCLOSURE NOTE: 23 SEPTEMBER 2018**

1. Further to the service of a statement and materials from Chief Superintendent Aldworth at 5.17 on Friday 21<sup>st</sup> September 2018 the following further requests for disclosure arise:
  - a. In the email sent by Chief Inspector Aldworth 16 January 2015 20:02 subject: PoW Enhanced Policing Measures 2015 – evidence of who was included in the email [SO17-SMT@met.police.uk](mailto:SO17-SMT@met.police.uk).
  - b. The roles and ranks of those sent the email 5 January 2015 13:17 subject: FW PoW post notes update.
  - c. Copies of the emails said to be sent to PC Ashby and Sanders and referred to by counsel to the MPS: Transcript day 7 (18<sup>th</sup> September) p.140-141, Transcript day 8 (19<sup>th</sup> September) p.66-68.
  - d. *“Interim Enhanced Security Measures from 16<sup>th</sup> of January 2015”* clarification is sought of what is meant by *“the SO from post 002 will advance and join the posted PC”*:
    - i. Who is the SO?
    - ii. Where was post 002?
    - iii. Details of how this relates in any way to AFOs and their location in NPY.
  - e. Sector maps from 2010 to 2017.
  - f. Statement of CSupt. Aldworth:
    - i. Para 5. When did this incident occur? Where was the unarmed officer? What are the *“changes”* being referred to in the social media message? Who is this Police Officer? Disclosure of the recording referred to is requested as this is relevant to issues being known and raised about the security systems (on the basis of the anonymous email, it will evidence the concerns of an AFO being made clear to the Chief Inspector of Operations or, according to CSupt. Aldworth, it will reveal non-compliance with instructions on the part of an AFO). Either way this evidence relates to problems with the security systems in NPY.

- ii. Para 14. Confirmation or disclosure of any document which sets out the detail of the plan as briefed to AFOs that “*armed support was right next to unarmed staff*”. When was this plan in force from and to?
2. In view of the questioning of PC Ashby and Sanders in respect of emails (Transcript day 7 p.140-141, Transcript day 8 p.66-68) clarification is required as to which emails were being referred to by the MPS. Further, explanation is sought as to when any of the emails disclosed on 21<sup>st</sup> September 2018, were made known to the MPS and why these were not provided to the IPs prior to questioning of PC Ashby and Sanders. Further, the emails were not provided to PC Ashby and PC Sanders and so they had no opportunity to give their account about: whether they received the emails; what they understood the content of the emails to mean and why the emails did not cause any change to the practice of AFOs patrolling NPY. The family asked for the inquest to be adjourned precisely to avoid disclosure being provided after the opportunity to ask questions has passed. The family is concerned that there can be no full, fair and fearless search for the truth if matters are dealt with through the senior leadership responsible for the security systems, rather than with the AFOs and PS who were on the ground.
3. To date disclosure of the report of Sir John Murphy and other reviews post 22<sup>nd</sup> March 2017 has been refused on the basis that “*The Palace of Westminster is, as everyone has repeatedly said , an iconic building which has certain security limitations built into its structure . Historic reviews will highlight those matters as a matter of course, and it is entirely to be expected that they will include many sensitivities which are both important and matters which can’t be gone into in open court.*”<sup>1</sup> The result of this is that even after the statement of CSupt. Aldworth:
  - a. There is no evidence as to whether any shortcomings were identified in terms of the numbers of AFOs stationed in NPY up to and including 22<sup>nd</sup> March 2017. It is known that there were only 2 AFOs in NPY;
  - b. There is no evidence, even in the most general terms, as to whether the numbers of AFOs in NPY, have since March 2017 increased (an increase

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<sup>1</sup> Day 4 transcript CTI submissions p.211

would in itself suggest recognition that previous numbers were inadequate). This disclosure can be given without the actual numbers being provided, a simple statement that numbers have increased will suffice;

- c. There is no evidence beyond the DPS misconduct report, which we are told was the only MPS report into any systemic failings identified which would explain why AFOs were not present on 22<sup>nd</sup> March 2017.
4. It now appears to be the MPS' position that the absence of PC Ashby and Sanders at Carriage Gates is due to individual failings, rather than broader practices and systemic failings, notwithstanding the clear and unchallenged evidence of PCs Ross, Glaze, Sanders and Ashby.. There is clearly a strong public interest in ascertaining whether, and the extent to which, the system of security in NPY failed to provide the protection it should have done to PC Palmer on 22<sup>nd</sup> March 2017 and how such a situation can be prevented in the future. Therefore material which goes to that issue is undoubtedly relevant and will be central to the Inquest's conclusions.
  5. The family finds it hard to understand how a report into the security systems in place on the 22<sup>nd</sup> March 2017, which was according to media reports highly critical of the systems, does not make any reference to any of the following issues:
    - a. Numbers of AFOs;
    - b. The fact that those at the outer layer of security at the Gates were unarmed;
    - c. The unarmed officers at the Gates had to wear high visibility jackets;
    - d. The Gates were open;
    - e. The Gates were too heavy to have closed and open as required;
    - f. The AFOs were not at the Gates for periods of time and were patrolling elsewhere;
    - g. The instructions provided to AFOs;
    - h. The positioning of AFOs;
    - i. The supervision of AFOs;
  6. The family is concerned that previous assurances to the effect that all relevant material had been provided, have been shown to be misplaced (see Appendix 1).

7. The family requests that the Sir Jon Murphy report is viewed and/or reconsidered by the Chief Coroner to ensure that all relevant material is disclosed.
8. Therefore, it is respectfully submitted that a “*pragmatic*”<sup>2</sup> approach to disclosure does not satisfy either the interest in public justice or the legal principles as to the proper process, as set out in out in *Secretary of State for Foreign and Commonwealth Affairs v Assistant Deputy Coroner for Inner North London* [2013] EWHC 3724 (Admin) by Goldring LJ, at [53-61]. The submissions made in writing on 14 September 2018 at paragraphs 28 to 35 are maintained.
9. In those circumstances the Court is invited to:
  - j. Determine whether or not the report or parts of the report of Sir John Murphy and any other report post 22<sup>nd</sup> March 2017 is relevant to the question of inadequate security in NPY and recommendations for the future;
  - k. If relevant, determine whether there is evidence that disclosure of the report or relevant parts of the report would have the real risk of damaging national security and whether there is evidence to support such an assertion by way of certificate from the Secretary of State;
  - l. Even if there is such evidence it is submitted that to refuse disclosure, the Court must conclude that the damage to national security, as assessed by the Secretary of State, would not be outweighed by the damage to the administration of justice by upholding the certificate.
  - m. Consideration should be given to providing redacted extracts and/or summaries.
  - n. In following this process clear reasons ought to be given for the decision reached.
10. It is submitted that it would be wrong, given the anxious public scrutiny required and the issues as they have now developed, to depart from the process set out in *Secretary of State for Foreign and Commonwealth Affairs v Assistant Deputy Coroner for Inner North London* [2013] EWHC 3724 (Admin). To depart from this process would in itself have a material impact on the perception of public justice in this important and

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<sup>2</sup> Day 4 transcript CTI submissions p.211

highly sensitive matter. Such important decisions cannot be made by Government organisations or delegated to others.

SUSANNAH STEVENS  
THOMAS COKE-SMYTH  
Q.E.B.  
23<sup>rd</sup> September 2018

**APPENDIX 1: DISLCOSURE RECEIVED TO DATE**

DATE	DISCLOSURE OF MATERIAL	REQUEST	CTI RESPONSE	MPS RESPONSE	COMMENT
17.09.18	PaPD Post Instruction 14.12.15	10.09.18 para 24(j)	13.09.18 Transcript Day 4 p. 213 <i>“Ms Stevens asked for the post instruction dated January 2015. Sir , the relevant parts of that post instruction I understand appear in Commander Usher’s statement, but it may be that the document itself , or relevant parts of the original document, can be disclosed . In any event, the difference between disclosure of parts of the document and its full citation in Commander Usher’s statement may be thought somewhat academic”</i>	12.09.18 para 16 <i>“Commander Usher’s first, 27-page, statement, in particular, is self-evidently thorough and detailed, and plainly addresses the many various aspects of parliamentary security.”</i>	No reference by Commander Usher to: <i>“all relevant maps and post times are displayed within the base room at POW”</i> or to <i>“supervision of this post is the responsibility of the Duty Officer/ Patrolling Sergeant. Recorded periodic checks are to be carried out to ensure compliance with these instructions”</i>
18.09.18 – 13:00	Summary table of Post Instructions between 26.05.10 and 14.12.15	10.09.18 paras 24 (d), (e), (f),(g) and (h)  13.09.18 para 16.	13.09.18 Transcript Day 4 p.212  <i>“At the sixth , seventh and eighth subparagraphs she asks for material relating to historic patrol arrangements for firearms officers at New Palace Yard. Now, Commander Usher has given the rationale for the patrol arrangements as they were in March 2017, and he has</i>		Provided following CTI and DA questioning of PC Ashby whilst SS questioning PC Ashby, after evidence of PC Ross and Glaze. On the face of it this contradicts PC Ross, Glaze and Ashby’s evidence of a move from mobile to fixed posts.  No explanation of the contents of the table or

			<p><i>disclosed the details of the instructions to AFOs. We are not persuaded, sir , that historic security arrangements are relevant . The arrangements as they stood in March 2017 can be analysed and criticised fully with the material we have. Furthermore, investigation of historic arrangements would require more extensive evidence of the context in the Palace at each of those occasions in the past . While this is an important issue , that sort of an investigation would take us well away from the focus of these Inquests.”</i></p>		<p>whether it is the MPS position is that there were no fixed posts.</p>
18.09.18 – 13:00	Tactical Planning Review dated 5.11.14	13.09.18 para 4 and 16	<p><i>17.09.18 letter para 4: “You have had disclosure of the relevant Tactical Firearms Assessment, which is based on an Assessment first written on 1 June 2075. We consider this to be the relevant assessment. We can see that the previous review, dated January 2075, is of some but limited relevance and will ask the Metropolitan Police Service to consider providing it in redacted form. The queries which you raise as to the numbers of AFOs in New Palace Yard can be asked of Commander Usher in</i></p>	<p><i>19.09.18: “this is not strictly relevant to this inquest. However, in light of the evidence of PCs Ross and Glaze, a copy of the relevant part of the 2014 Tactical Firearms Assessment has been provided to the IT (this was the predecessor to the 01.06.15 assessment).”</i></p>	<p>Provided following CTI and DA questioning of PC Ashby whilst SS questioning PC Ashby, after evidence of PC Ross and Glaze. On the face of it this contradicts PC Ross, Glaze and Ashby’s evidence of a move from mobile to fixed posts.</p>

			<i>his evidence; following circulation of your list, he is now on notice of your interest in these matters.”</i>		
18.09.18 13:40	Statement of Superintendent Shannon dated 17 September 2018	14.09.18 para 10	17.0918 letter: <i>“We would expect the Metropolitan Police Service to have disclosed any such notes insofar as they exist. We shall make immediate enquiries to confirm that this is the case.”</i>		Produced only after PC Ashby questioned by CTI and DA. During questioning of SS.
18.09.18 13:04	Email referred to by PC Sanders in statement WS1237C/1	Email to CTI 16.09.18			
21.09.18 17:17	Statement of Chief Superintendent Aldworth with attached emails in respect of ADAMs and updated Post Instructions. Includes: <ul style="list-style-type: none"> <li>• Concerns raised by unarmed officer (not detailed)</li> <li>• Emails relating to changes in Post Instructions</li> <li>• Emails relating to change in posture January 2015</li> <li>• Emails relating to introduction of ADAMs</li> </ul>	10.09.18 Para 24 (d), (e), (f)  14.09.18 para 17	13.09.18 Transcript Day 4 p.212  <i>“At the sixth , seventh and eighth subparagraphs she asks for material relating to historic patrol arrangements for firearms officers at New Palace Yard. Now, Commander Usher has given the rationale for the patrol arrangements as they were in March 2017, and he has disclosed the details of the instructions to AFOs. We are not persuaded, sir , that historic security arrangements are relevant. The arrangements as they stood in March 2017 can be analysed and criticised fully with the material we have.</i>	12.09.18 para 16 <i>“Commander Usher’s first, 27-page, statement, in particular, is self-evidently thorough and detailed, and plainly addresses the many various aspects of parliamentary security.”</i>  19.09.18: <i>“17. This is dealt with by Commander Usher and Chief Inspector Sheridan.”</i>	Produced only after questioning of PCs Ross, Glaze, Ashby and Sanders. This evidence was not able to be challenged or explored adequately through these witnesses. Para 16 <i>“It is inconceivable that any officer on DPG was not aware that their direction came from post notes”.</i>

			<i>Furthermore, investigation of historic arrangements would require more extensive evidence of the context in the Palace at each of those occasions in the past . While this is an important issue , that sort of an investigation would take us well away from the focus of these Inquests.”</i>		
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