

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 METROPOLITAN POLICE SERVICE

IN RESPONSE TO THE DISCLOSURE REQUESTS MADE ON

FRIDAY 21 and SATURDAY 22 SEPTEMBER 2018

1. There is no proper foundation for the unjustified implication in the submissions that have been advanced that the MPS has not dealt properly and expeditiously in connection with its evidential and disclosure obligations in these proceedings. The MPS is, as would be expected, fully aware of its obligations. The fact that it has not been possible to respond to many of the requests from PC Palmer's family's lawyers is not due, contrary to what is asserted, to a supposed adversarial and unhelpful stance on the part of the MPS, but is because many of the requests were ill-founded and/or were not processed further by the inquests team. All the disclosure requests to the MPS from the inquests team (on behalf of the Chief Coroner) have been met.
2. The MPS has responded, as required, to all the requests for evidence received from the inquests team. It also responded on 12 September to the discursive and wide-ranging written submissions that were filed by PC Palmer's sisters only on 10 September, the first day of the inquests. It responded on Thursday 20 September (two days after the inquest team had itself responded) to the largely unformulated requests for disclosure that were filed for the first time during the evening of 13 September (over a month following the instruction of Kingsley Napley).
3. In advance of the 20 September submissions, the MPS provided a schedule of historic post instructions (the full post instructions were provided to the inquests team) and an earlier tactical review, which, although not strictly relevant, were disclosed in order to assist the inquests to resolve an evidential issue which had arisen in the course of PC Ashby's evidence.
4. A statement from Supt Shannon was taken in response to one request for disclosure, and paragraphs 12 and 21 of the 20 September submissions noted that further

inquiries were ongoing. On Friday 21 September, a handful of historic emails were disclosed in response to specific requests from the inquests team.

5. On the same day, unrelated to the general issue of disclosure, a statement was provided from Chief Superintendent Aldworth in response to the anonymous email, and offensive and unattributed texts, sent to counsel for PC Palmer's widow. He exhibited some further emails.
6. It is abundantly clear that the MPS does not accept that the AFOs should have been patrolling the whole of New Palace Yard, or that no focus should have been paid to Carriage Gates. PCs Ashby and Sanders both accept that (whatever their understanding was at the time) the post instructions required a patrol in close proximity to Carriage Gates, and that had they looked at ADAM, they would have appreciated this.
7. The clear evidence is that the AFOs on 22.03.17 were not acting in accordance with their post instructions. The inquest continues, properly, to hear evidence as to how and why this occurred, and what those instructions were, and it can be expected that the issue will be thoroughly explored during the evidence of Commander Usher and Chief Superintendent Aldworth, both senior officers with command responsibility at the relevant time. The inquests team has at no time requested the provision of any other evidence.
8. The historic issue of when, and to what extent, there was a change from completely fixed to mobile patrol is, by contrast, an ancillary issue. The view of the MPS is that historic post instructions before 2015 are outside the proper scope of PC Palmer's inquest because they are not relevant to the system by which AFOs were meant to understand their obligations in March 2017. They therefore did not form part of the IT scope document for good reason, and only received recent attention through the evidence of PCs Ashby and Sanders, who told the inquest of their belief (not contained in their statements) that there was previously a fixed post at New Palace Yard.
9. In light of their evidence, however, the MPS accordingly collated and disclosed, as noted above, in full to the IT all the post instructions from 2010 onwards, and a schedule was created of the relevant information relating to NPY, which was disclosed directly to the IPs. These documents show that there was no fixed post at NPY in any post instruction before, at least, 2010, although one document, located on Friday 21 September, and which will be given to the inquests team, appears to show that a fixed post was in place as far back as 2002 (15 years before the events of March 2017).
10. In light of the new disclosure requests, further enquiries will nevertheless be made as to whether there were fixed posts between 2002 and 2010. The material, if any, will then be considered for disclosure. It is, however, simply wrong to suggest [see para 13 family submissions] that the MPS is only now intending to call evidence to the effect that no fixed post was called for as at 22 March 2017. Commander Usher has made clear from his very first statement what the arrangements were meant to be as at 22 March 2017, and he specifically exhibited the amended December 2015 post

instructions. His second statement exhibited the January 2015 instructions, prior to their amendment. The calling of evidence is, in any event, a matter exclusively for the inquests team.

11. Turning to the remainder of the most recent request, the family repeat requests for items [4], [6] and [16] of the 10.09.18 disclosure schedule. These requests have already been addressed by the IT, and responded to by the MPS as required by it.
12. In relation to the submissions at [15], the full post notes have been disclosed to the IT.
13. The request for disclosure of “tactical assessments that led to all post notes” is resisted. The inquests team has made no such request of the MPS. The relevant “tactical planning review” is that which informed the post instruction current on 22.03.17. This has been dealt with by Commander Usher. The relevant section of the preceding tactical assessment from November 2014 has been disclosed. Earlier planning reviews are simply not relevant to this inquest.
14. In relation to Commander Usher [family submission paragraph 17], his statements were served before these disclosure requests were made. The evidence is that there was no fixed post at least since 2010. Commander Usher will be able to give limited evidence about historic regimes. For the reasons set out above, the historic position is of no relevance to this inquest.
15. The submissions at [17] to [20] are matters of forensic evidence, and, if appropriate, comment in due course. Commander Usher is the appropriate witness to deal with policy and management decisions for police operations at the Palace of Westminster.
16. It is not understood why the family now wishes to obtain expert evidence, if it believes that it will not receive a response to the necessary request for funding before the conclusion of the inquest. The MPS would note that the hypothetical issue of whether the AFOs might have been able to shoot Masood had they been in the close proximity of Carriage Gates (regardless of the issue concerning the post instructions) must have been apparent to them and their lawyers from the very commencement of these proceedings, and certainly from 17 August (when they first gained access to Opus, and Commander Usher’s first statement).
17. It is not accepted that there are any “outstanding” disclosure requests. The MPS has responded fully to the requests made to it by the inquests team. As to the specifics in sub-paragraphs, the MPS response is set out below:
 - (a) The full post instructions have been disclosed to the IT. The relevant parts dealing with New Palace Yard have been disclosed to IPs. The relevant tactical planning review and its 2014 predecessor have also been disclosed to the IT and the relevant parts disclosed to the IPs. There was no fixed post up to at least 2010. The earlier position is of no relevance but, as set out above,, enquiries continue with archived documents.

- (b) IPs were informed on 21.09.18 that there is no central record of checks on compliance with post notes before 22.03.17.
 - (c) All relevant material has been disclosed. The evidence about apparent conversations with supervisors was not mentioned until PCs Ashby and Sanders gave evidence.
 - (d) All such evidence has been disclosed in the statements and exhibits of Commander Usher and Mr Hepburn.
 - (e) These questions have been answered more than once by the MPS and the IT. Commander Usher can be asked about this. However, he was of course not the author of the MM1, and this is simply a PaDP officer's opinion which informed the decision relating to misconduct.
 - (f) The matter was referred back from DPS. These questions have been answered more than once by the MPS and the IT. Commander Usher can be asked about this, although he was of course not the author of the MM1 and this is simply a PaDP officer's opinion which informed the decision relating to misconduct.
 - (g) These requests have already been answered by the MPS and the IT. Disclosure has been made of appropriate training documents.
18. There is no reason why Commander Usher could or should not be called on Monday. Any delay in his evidence would cause considerable inconvenience.
19. A request has been made by the widow of PC Palmer for the disclosure of the recording apparently made by the unarmed officer of his conversation with Chief Superintendent Aldworth. As far as we have been able to ascertain (in the very limited time available over the weekend) this is not material in possession of the MPS (as the WhatsApp messages and the statement of Chief Superintendent Aldworth make clear).
20. However, any recording (assuming it still exists) is of no relevancy at all to the issues in this inquest. A recording of a disagreement between an unarmed PC and a senior officer is completely removed from the circumstances of PC Palmer's death, and even if what is sought to be obtained is evidence as to the circumstances by which Chief Superintendent Aldworth altered the security arrangements at POW, this can plainly be sought from the witness himself.

Hugo Keith QC

23 September 2018

Matthew Butt

Three Raymond Buildings