

**IN HER MAJESTY'S CORONER'S COURT
BEFORE THE CHIEF CORONER HHJ LUCRAFT QC**

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

**NOTE ON BEHALF OF MICHELLE PALMER
IN RESPONSE TO THE SUBMISSIONS OF THE SISTERS OF PC PALMER**

Request for an Adjournment

1. The request for an adjournment by PC Palmer's Sisters has been considered with anxious care. PC Palmer's widow is sympathetic but she is unable to support that application. It is now almost 18 months since the events surrounding her husband's death. She would prefer the inquest to be concluded at this time. Having prepared for this hearing she does not relish the prospect of having to go through that process once again. She also acknowledges the obvious practical implications and difficulties of an adjournment at this time.

Article 2

2. There is obvious force in the submissions made by PC Palmer's Sisters as to the engagement of article 2 (see also Brief Submissions on Article 2 below). Had PC Palmer's widow known what she knows now about the security arrangements before the last PIR in July 2018 it is highly likely that she would have pressed for a determination on the issue of article 2 at that time.
3. PC Palmer's Sisters are rightly critical of the time it has taken for the flaws in the security arrangements in New Palace Yard which are now apparent to emerge. MPS accepts that it knew within a few months of the incident and long before the PIR in January 2018 (let alone July) that there was a failing in the security arrangements on the day. It is a source of great disappointment to her that it took almost 16 months for this to emerge.
4. That said, we are where we are. PC Palmer's widow accepts that the issue of whether article 2 is engaged can be determined at the conclusion of the evidence and that the Coroner has a discretion as to when he must resolve this issue. It is vital that there is a full and fearless inquiry into the circumstances surrounding her husband's death

which thereafter reaches appropriate conclusions. Deferring the decision on article 2 ought not to compromise that requirement. PC Palmer's widow therefore is prepared to accept the pragmatic position adopted by CTI.

Disclosure

5. PC Palmer's widow is also content to proceed on the basis of the material currently available. It is recognised by her that some of the material sought by PC Palmer's Sister's may be security sensitive. However, we trust that careful thought is being given by MPS to their request. It would be regrettable if – in due course – it became apparent that relevant material had not been disclosed (in some form).

Brief Submissions on Art 2 if the Determination is to be made at this at this Juncture

6. The governing principles set out at paragraph 7 of CTI's note on this matter are agreed.
7. The nub of the argument as set out in paragraph 8 of CTI's submissions is also agreed i.e. there was a failure to provide adequate, and properly located armed support at Carriage Gates on 22 March 2017.
8. As noted above a proper understanding of the failings has only emerged since the last Pre-Inquest Review Hearing after Interested Persons were provided with multiple statements from Commander Usher and a statement from Mr Hepburn. They provide details of the nature and extent of the security arrangements at the Palace of Westminster. Even after these statements were provided, further supplementary statements have been supplied by PCs Ashby and Sanders who were the firearms officers on duty in New Palace Yard on the day of the attack.
9. There is fundamental disagreement between PCs Sanders and Ashby, on the one hand, and Commander Usher on the other, with respect to the scope firearms officers' duties in New Palace Yard.
10. Their duties were set out in the Post Instruction. The relevant Post Instruction for PCs Ashby and Sanders for "Sector 3 – Carriage Gate" (see Commander Usher's first statement para 67) stated as follows:-

*"...Officers to be positioned in **close proximity** to the gates when they are open, but not outside.*

Both officers are to be positioned in line of sight of each other with the ability to respond to Cromwell Green Entrance search point and should include a short patrol into New Palace Yard towards the Cromwell Green Entrance Search point and should include a

short patrol into New Palace Yard (NPY) towards the exit point of the Cromwell Green Search area” (emphasis added)

11. PC Sanders, in his statement dated 28 August 2018, refers to a map given to him 1 month before the incident:

“This set of maps given to me 1 month before the attack along with the maps I have already exhibited led me to believe that the whole of New Palace Yard should be covered during our patrol.

This along with the fact that on the day I had patrolled Sector 3 over a period of 5 years without ever being questioned about my actions or areas of patrol it never occurred to me to adapt my patrol”.

12. PC Ashby is also clear in his statement dated 29 June 2018:

“Sector 3 covers the entire New Palace Yard and Crowell Green Search Point. In my opinion all firearms officers at PoW know this to be the case”

13. At the time of the attack PCs Ashby and Sanders were in or near the Colonnade which is on the eastern aspect of New Palace Yard. In the statements of PCs Ashby and Sanders there is – in no sense – any recognition that they were in the wrong place at the time of this attack. Indeed, it seems they will say that what they were doing on this day was no different from any other and that nobody informed them that what they were doing was wrong.

14. Conversely, Commander Usher has concluded that PC Sanders and PC Ashby should not have been where they were at the time of the attack. He has concluded that they were not acting in accordance with their Post Instructions at the material time. He states officers are not allowed to exercise *‘any degree of flexibility or personal interpretation in respect of the instructions given’* (para 68 statement 1).

15. The various reviews of Security at PoW insofar as they concern the New Palace Yard acknowledge the obvious point that the Carriage Gates represented a particularly vulnerable location to an attack (see e.g. Commander Usher’s third statement para 14, see also the Tactical Planning Review). Therefore, unarmed officers, like PC Palmer, indisputably needed the support and protection of firearms officers in the event of an attack.

16. At the time of the attack the PCs Ashby and Sanders could scarcely have been further away from that vulnerable location and those stationed at it. They provided PC Palmer

with no protection at all. And on the current evidence, this failure to provide adequate protection was a daily occurrence (in the sense that they were not where they needed to be). These were not isolated incidents or occasional errors of judgment. This was a system which was failing on a daily basis. The only difference between the 22 March 2017 and every day before is that the threat which those responsible for the security at New Palace Yard knew existed (that is to say the threat of an armed attack) and which they knew they ought to guard against materialised.

17. There are only two viable conclusions with respect to the Post Instructions neither of which reflects well on the adequacy of the security arrangements at Carriage Gates:-
 - (a) The Post Instruction was insufficiently clear and not adequately understood with the inevitable consequence that adequate protection would routinely not be provided to unarmed officers at the gates.
 - (b) The Post Instruction was sufficiently clear but it was routinely not followed with the consequence that there was no effective procedure to protect the lives of unarmed officers at the gate including PC Palmer.
18. In either event, the supervision arrangements were plainly inadequate because the routine non-compliance with the requirements of the Post Instructions had not been identified over a prolonged period of time.
19. We know that non-compliance with Post Instructions had been a problem in the past (see the 2015 e-mail exchanges attached to Commander Usher's 2nd statement). The events of 22 March 2017 show that, despite being on notice of the problem, the MPS had not adequately addressed it. To describe, as Commander Usher does (see his 2nd Statement – paragraph 1(g)), the supervision of armed officers who were routinely not complying with Post Instructions (for whatever reason) as merely 'not perfect' understates the magnitude of these inadequacies.
20. In all the circumstances it is plainly arguable that there was a systemic failure in the security arrangements in New Palace Yard. Based on the written evidence, there was no effective procedure to protect the lives of unarmed officers at the Carriage Gates in the event of an attack such as the one which occurred. This failing is all the more damning given that (i) the threat level at the time of this attack was classified as severe and (ii) the vulnerability and attractiveness of this location in particular to a terrorist attack.
21. Had firearms officers been where they ought to have been then there is substantial chance that PC Keith Palmer would still be alive today (see *Van Colle v Chief Constable* [2009] 1 AC 225 at 138). The DPS Misconduct Initial Report into PCs Sanders and Ashby

acknowledged that it is 'debatable' whether PC Palmer's life might have been saved if the officers had been acting in accordance with the Post Instruction. If it is 'debatable', it is plainly 'arguable' that there was a substantial chance that his life would have been saved.

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12 September 2018