

IN THE CENTRAL CRIMINAL COURT

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

**WRITTEN SUBMISSIONS ON BEHALF OF THE FAMILY OF PC KEITH
PALMER ON DETERMINATIONS TO BE MADE BY THE CORONER**

Introduction

1. The following submissions are made on behalf of the family and are set out in further detail below:
 - a. Article 2 is engaged in respect of the inquest of PC Palmer.
 - b. There are a number of arguable Article 2 breaches on the part of the MPS.
 - c. It is appropriate to return a short-form conclusion, combined with a supplementary narrative as to the circumstances of PC Palmer's death. A proposed form of narrative conclusion is to be found at paragraph 19.
 - d. There is sufficient evidence that the arguable breaches of Article 2 more than minimally or trivially contributed to the death of PC Palmer.
 - e. In the alternative, even if not strictly causative, there is sufficient evidence to justify inclusion of systemic failings in a narrative conclusion where these may have contributed to PC Palmer's death and/or caused a loss of a chance of survival.

Article 2 Breaches

A. Systemic Failures

2. It is submitted that the matters identified by CTI at paragraphs 11(a) to (h) clearly satisfy the low threshold of an arguable breach of Article 2. It is submitted that the following also constitute systemic security failings:
 - a. The provision of two AFOs in New Palace Yard (“NPY”) was inadequate to provide sufficient protection of the unarmed officers at Carriage Gates (“CG”) in that:
 - i. The Tactical Firearms Assessment of 1.06.15 identified value in the patrol of NPY as a whole by Authorised Firearms Officers (“AFOs”) and vulnerable locations at CG, Cromwell Green Public Entrance (“CGE”), Member’s Entrance and the perimeter.¹
 - ii. The 14.12.15 Post Instruction, derived from the Tactical Firearms Assessment, required AFOs to remain in close proximity to CG.² However, no provision was made in the Post Instruction for the other vulnerable locations.
 - iii. By March 2017 the MPS had sufficient knowledge of terrorist distraction techniques and marauding terrorist attacks. Such attacks as had occurred in France and internationally made clear the need for a sufficient number of AFOs to cover attacks at multiple locations.
 - iv. Those working at NPY had developed a practice to try and cover all the vulnerable points, namely a routine patrol of the entirety of NPY³. This practice would not have been required if there had been more AFOs to cover the vulnerable locations.
 - v. The Firearms Tactical Review of 1st June 2015 ended the ability of AFOs to act separately, in that single posts were removed⁴. This in turn

¹ WS5099/36

² DC8032

³ See Appendix 1 summarising the evidence of PCs Ashby, Sanders, Ross and Glaze. Also see Inspector Rose WS5132.

⁴ WS5099/34

removed the previous protection of a single fixed post at CG, whilst one AFO conducted a patrol⁵.

- b. The security system in place in March 2017 was outdated in that it was based on an assessment in June 2015. A review and change of the system should have occurred after a number of terrorist incidents which demonstrated that distraction tactics and marauding attacks were likely threats and required changes of the security systems in place, in that:
 - i. The number of AFOs in NPY should have been increased beyond two.
 - ii. If unarmed officers were to be retained at CG, fixed AFOs were required there at all times.⁶

- c. Over and above the issue of the number of AFOs, the security systems in force at the time provided insufficient protection for PC Palmer at CG. This is evidenced by the changes in the security systems which have occurred since:
 - i. CG should have been closed in light of the known risk of terrorist attacks and the vulnerability of both the location and those serving at CG. Mr Hepburn made plain that the MPS had not been to see him to raise any concern that the open gates posed a risk to unarmed officers and that, if the MPS had done so, such concerns would have been more important than principles of open democracy.⁷ Since the murder of PC Palmer, CG has been closed.⁸
 - ii. PC Palmer should have been armed or had armed protection in the form of fixed AFOs at all times. Since the murder, AFOs are fixed at CG⁹. Further, the number of AFOs in NPY has increased, to include on the evidence at least additional AFOs at times of the day at Member's Entrance (which had previously been identified as a vulnerability).¹⁰

⁵ DC8043/2

⁶ PC Ashby day 7 p.91-92 evidence in respect of the previous fixed post at Carriage Gates being set back and provided with adequate reaction time

⁷ Eric Hepburn day 13 p.180

⁸ Eric Hepburn day 13 p.182: closed in October 2017. The immediate period after the murder is not relevant as there were fixed AFOs at CG and therefore a different system.

⁹ Commander Usher day 10 p.192

¹⁰ Commander Usher day 13 p.65-66

- d. The Post Instruction in force at the time of the attack was inadequate in that:
 - i. There was a conflict between the terms of the Post Instruction, requiring AFOs to be in close proximity of CG with “a short patrol towards CGE” and the Firearms Tactical Advisor’s assessment that there was value in a patrol around the entirety of NPY. There was no provision within the Post Instruction to resolve the conflict.
 - ii. The wording of the Post Instruction was imprecise in terms of the geographical limitations of the patrol and its regularity.
 - iii. No map was provided with the Post Instruction.
 - iv. Commander Usher stated that no guidance was provided with the Post Instruction¹¹.

 - e. The submissions by CTI at paragraph 11(e) as to systemic failures, caused by the practice of AFOs contrary to the Post Instruction, are agreed. However, an additional part of the systemic failings is that AFOs were given briefing information contrary to the Post Instruction requirement to remain in close proximity to CG in that:
 - i. A map was attached to the wall in the base room entitled Sector 3, with the entirety of NPY shaded blue. AFOs were told to patrol as per this map¹².
 - ii. A map was provided with briefing emails that had a box around the entirety of NPY.

 - f. The submissions at paragraph 11 (f – h) as to further systemic failures are agreed.
3. The result was that in the event of armed attack anywhere other than Carriage Gates, any AFO, even following the Post Instruction, would be forced to either stay to protect unarmed officers or leave them exposed to counter a threat elsewhere in Sector 3. Such a system was plainly inadequate in view of the recognised potential of a marauding terrorist attack.

¹¹ WS5103/1

¹² PC Ashby day 7 p.71

B. Operational failures

4. At paragraph 31 of *Van Colle v Chief Constable of Hertfordshire* [2009] 1 AC 225 Lord Bingham stated that:

“It is plain from Osman and later cases that article 2 may be invoked where there has been a systemic failure by member states to enact laws or provide procedures reasonably needed to protect the right to life. But the Article may also be invoked where, although there has been no systemic failure of that kind, a real and immediate risk to life is demonstrated and individual agents of the state have reprehensibly failed to exercise the powers available to them for the purpose of protecting life....”

5. In addition, or in the alternative, even if there were no breaches of the state’s general duty there is evidence of a breach of the state’s operational duty in that:
- a. Various reviews had identified the real and immediate risk to unarmed officers at Carriage Gates from a terrorist attack;
 - b. The result of those reviews was that it was recognised that Carriage Gates was one of the most vulnerable points in the POW and unarmed officers stationed there required AFOs to be in close proximity to them so as to provide immediate armed support in the face of any attack;
 - c. Despite this known risk, the MPS failed to ensure that AFOs were in close proximity to the gates at all times when the gates were open.

Sufficient evidence that Article 2 breaches contributed to PC Palmer's death

6. The appropriate test to apply in considering whether a conclusion should be left to the Court is that set out in the criminal case of *Galbraith* [1981] 1 WLR 1039 , as modified and confirmed in *R (Secretary of State for Justice) v HM Deputy Coroner for the Eastern District of West Yorkshire* [2012] EWHC 1634 (Admin). It was stated by Haddon-Cave J at paragraph 23 that:

“It is clear, therefore, that when coroners are deciding whether or not to leave a particular verdict to a jury, they should apply a dual test comprising both limbs or ‘schools of thought’ [as discussed in Galbraith], i.e. coroners should (a) ask the classic pure Galbraith question “Is there evidence on which a jury properly directed could properly convict etc.?” ... plus (b) also ask the question “Would it be safe for the jury to convict on the evidence before it?”

7. The issue for the Court is whether the absence of AFOs at CG made any material difference in contributing to the death of PC Palmer. The family has submitted that the evidence which can best address this issue of causation would come from a firearms expert equipped to answer the question of whether or not an AFO located in close proximity to CG would have had the opportunity to shoot KM, before he inflicted the fatal blow on PC Palmer.
8. Notwithstanding the lack of independent expert evidence, it is submitted that there is sufficient evidence to properly conclude that the absence of AFOs more than minimally or trivially,¹³ contributed to PC Palmer's death. In that had AFOs been present, it is more likely than not KM would have been unable to inflict the fatal wound to PC Palmer. The basis for this submission is as follows:

¹³ *Regina v Her Majesty's Coroner for Exeter and East Devon ex parte Palmer* [2000] Inquest L.R. 78

- a. The fatal blow to PC Palmer was the wound to his left chest delivered by a stab wound under his arm.¹⁴This area was not protected by, and could not reasonably have been protected by, his body armour.¹⁵
- b. The fatal blow appears most likely to have been delivered to PC Palmer, not in the initial struggle at the gate, but following his fall to the floor by the concrete barrier. Therefore, an AFO and/or AFOs had more time and opportunity to take a shot.¹⁶
- c. It can be seen from the CCTV, that at this time, PC Palmer was isolated and entirely unprotected by his unarmed or armed colleagues.
- d. It is more likely than not that the lethal threat posed by KM would have been visible and obvious in sufficient time for an AFO to take a shot to protect PC Palmer. The following events, individually and cumulatively would have caused an AFO to ready and raise his loaded weapon, had he been within close proximity to CG:
 - i. An unusual loud noise of a car crashing into the railings, whether it sounded like a loud bang, crash or explosion, would have amounted to an indicator of risk for an AFO;¹⁷
 - ii. The shouting and screaming of members of the public;¹⁸
 - iii. The sight, through the railings, of people running from the site of the car crash;¹⁹
 - iv. Warnings from members of the public by indicating behind them and/or shouting about a man attacking people with knives;²⁰

¹⁴ Dr Chapman Day 7 p.180

¹⁵ Paul Fenne Day 14 p.187-188

¹⁶ Dr Chapman Day 7 p.184-185

¹⁷ See Appendix 2

¹⁸ PC Sanders day 8 p.35

¹⁹ PC Sanders day 8 p.35

²⁰ PC Sanders day 8 p.38

- v. A swathe of people all running in the same direction, away from a threat coming in the direction of CG.²¹
- e. The large knives that KM was holding throughout would have been obvious, given their size and the way in which he was holding them. Therefore, the production of knives was not a last minute surprise as he approached PC Palmer.²²
- f. KM was described as moving in a lumbering, robotic and deliberate manner rather than moving at speed.²³
- g. There was sufficient time for other unarmed officers to react to KM and retreat back. PC Palmer however bravely moved forward to meet KM, armed as he was with knives, and there was an initial struggle. If AFOs had been present, there would have been no need for PC Palmer to have stepped forward. It is clear that as an unarmed officer, without the support of an AFO, PC Palmer had only two options: either to retreat or step forward to confront the threat.²⁴ Had AFOs been present, PC Palmer would not have needed to step forward. Further, any AFO stationed in close proximity at CG, with his weapon already raised, could have immediately eradicated the threat.
- h. After the initial struggle there was a second opportunity to take a shot, namely the period of time during which KM was moving into NPY towards PC Palmer and the vehicle barrier.
- i. There was then a third period of opportunity, when PC Palmer was on the ground and KM was stood over him.²⁵ It can be seen from the CCTV and the area map that this location is one within the range of 25m, even had an AFO

²¹ PC Sanders day 8 p.36

²² Carl Knight day 5 p.60-61

²³ Antonia Kerridge day 5 p.90: *"He was obviously trying to run but he wasn't the most athletic of people. He kind of lumbered down towards Parliament Square"*

²⁴ PC Ashby day 7 p.125-126

²⁵ DC Osland Day 5 p.56-57

been at CGE and/or had walked off towards the collision site.²⁶ Further, from the CCTV and site view, the view would have been unobstructed.

- j. Timings on the CCTV show that there was sufficient opportunity to immediately remove the threat:
 - i. Following the impact of the collision at 14:40:56 PC Palmer can be seen moving towards CG;
 - ii. At around 14:41.04 KM appeared at CG and was then confronted by PC Palmer;
 - iii. At 14:41.12 PC Palmer fell to the floor by the vehicle barrier;
 - iv. From 14:41.12 to 14:41.19 KM is seen stood over PC Palmer who is unprotected.

- k. The loaded weapons that AFOs carry (MP5 and G36 carbines) place them in a better position to engage KM than the Close Protection officer armed only with a pistol.²⁷

- l. AFOs are trained expert marksmen, with the ability to take a shot immediately.²⁸

- m. The CCTV of the Close Protection Officer demonstrates the speed and marksmanship which a trained officer can engage a lethal threat. The rationale of a Post Instruction requiring an AFO to be at Carriage Gates is that they would be better placed to take an effective shot than a fortuitously placed Close Protection officer responding on ad hoc basis faced with an unanticipated set of circumstances. The Close Protection officer, unlike the AFOs, did not have any formal responsibility to protect Carriage Gates and/or the unarmed officers stationed there. Therefore, it is significant that he was able to act so quickly and decisively to defeat an otherwise immediately lethal threat.

²⁶ See distances and layout DC760/81

²⁷ PC Ashby Day 7 p.128-129

²⁸ PC Ashby day 6 p.129-130

9. All of the above would have provided, not just one AFO, but two, with an opportunity to take the definitive shot.

10. It is submitted that there is sufficient evidence to support a conclusion that had AFOs been in close proximity to Carriage Gates at the material time either a) KM would not have had the opportunity to inflict the fatal blow on PC Palmer, or at a minimum b) PC Palmer would have gained a substantial chance of survival. Further, in a situation of life or death where an unarmed colleague is being attacked with large knives, it is inconceivable that an AFO would have stood by, in close proximity to Carriage Gates, without taking a shot or quickly manoeuvring himself into a position to take such a shot.²⁹

Evidence of matters possibly causative

11. If the Court concludes that there is insufficient evidence to consider a conclusion that the lack of AFOs contributed to PC Palmer's death then it is submitted that any narrative conclusion, should, in any event include the lack of AFOs. The proposal of CTI of a narrative including reference to the absence of AFOs, even where not strictly causative, is therefore supported.

12. The basis for these submissions is *R (Lewis) v Mid and North Shropshire Coroner* [2010] 1 W.L.R. 1836 and *R (Tainton) v HM Senior Coroner for Preston and West Lancashire* [2016] 4 W.L.R. 157.

13. In *Lewis* it was held that the Coroner may allow inclusion, in a jury's narrative conclusion, possible as well as probable causes of death [paras 28 to 29].

14. In *Tainton* even where the Coroner properly decided not to leave to the jury a number of admitted systemic failings where it would have been speculative as to whether these contributed to the cause of death, he was nevertheless entitled, under his general

²⁹ PC Ross day 5 p.140, PC Glaze day 5 p.186; PC Glaze at [186], PC Ashby day 6 p.130

discretion, to leave to the jury the question of whether there was merely a possibility that these contributed to death [paras 66-68, 70, 71, 72].

15. Further in *Tainton* at paragraph 74 to 75 it was said by Sir Brian Leveson P that:

“where the possibility of a violation of the deceased's right to life cannot be wholly excluded, section 5(1)(b) and (2) of the 2009 Act should require the inclusion in the Record of Inquest of any admitted failings forming part of the circumstances in which the deceased came by his death, which are given in evidence before the coroner, even if, on the balance of probabilities, the jury cannot properly find them causative of the death.

75 This was a matter of fairness to the family of the deceased, and was required in this case in order to discharge in full the obligation on the state imposed by article 2 of the ECHR and on the coroner by section 5(1) and (2) of the 2009 Act. Our conclusion is not altered by the fact that the coroner was not bound to decide to make a report with a view to the prevention of future deaths under regulation 28 of the Coroners (Investigations) Regulations 2013. The coroner properly decided that he did not need to make such a report, because the Trust had addressed the criticisms of its health care staff, which had emerged from Dr Bicknell's review and from the PPO report.”

16. In *Tainton* it was pointed out that without the admitted failings forming part of the narrative in box 3 of the Record of Inquest, the conclusion was materially incomplete and verged on misleading by omission. In support of that view reference was made to Lord Bingham at paragraph 18 of *Middleton* where it was said that:

“a verdict of an inquest jury ... which does not express the jury's conclusion on a major issue canvassed in the evidence at the inquest cannot satisfy or meet the expectations of the deceased's family or next-of-kin. Yet they, like the deceased, may be victims. They have been held to have legitimate interests in the conduct of the investigation (Jordan 37 EHRR 52, para 109), which is why they must be accorded an appropriate level of participation: see also R (Amin) v Secretary of State for the Home Department [2004] 1 AC 653 . An uninformative jury verdict will be unlikely to meet what the House in Amin,

para 31, held to be one of the purposes of an article 2 investigation: ‘that those who have lost their relative may at least have the satisfaction of knowing that lessons learned from his death may save the lives of others’.”

17. It is recognised that in this case the MPS has not formally admitted systemic failings in respect of the creation, implementation and supervision of the security system at NPY. However, it is submitted that such systemic failings ought to be properly included in any determination, even if not causative where:
- a. There is strong evidence of a systemic failure to ensure proper positioning of AFOs over a considerable period of time which would have left unarmed officers at Carriage Gates vulnerable;
 - b. The failure to ensure that AFOs were present at Carriage Gates is, on any view, a central issue in the inquest into PC Palmer’s death;
 - c. It would not be in accordance with the stated purposes of a procedurally compliant Article 2 inquest, if despite evidence emerging of significant and substantial systemic failings on the part of the MPS, no record of this be included in the Court’s formal determination of this matter.

Form of conclusion

18. The result of the identified failings on behalf of the MPS was that in the event of armed attack anywhere other than Carriage Gates, any AFO following the Post Instruction, would be forced to either stay to protect unarmed officers or leave them exposed to counter a threat elsewhere in Sector 3. Such a system was plainly inadequate in view of the recognised potential of a marauding terrorist attack or distraction tactic.
19. Accordingly, although the proposed form of conclusion as set out by CTI at paragraph 17(a) is appropriate, it is submitted that 17(b) does not adequately reflect the circumstances of PC Palmer’s death.

20. It is submitted that as an Article 2 inquest the Court can express its conclusions in such a manner so as to express its judgment on the factual circumstances which led to PC Palmer's death.³⁰ Therefore, judgmental words are permissible, if applicable, including: 'inadequate', 'inappropriate', 'insufficient', 'lacking', 'unsuitable', 'unsatisfactory', and 'failure'. Words denoting causation such as 'because' and 'contributed to' are equally appropriate.³¹
21. In respect of the suggested narrative at paragraph 17(b) it is submitted that limiting the shortcomings to the system of supervision is inappropriate as the security failures go beyond supervision to include the design and implementation of the system. Further, that a test of certainty in terms of causation is too high. Therefore, the family propose the following wording:

*[Due to shortcomings in the security systems at New Palace Yard, the armed officers were not aware of a requirement to remain in **close proximity** to the Gates. It is **probable that the absence of armed officers at the Gates contributed to PC Palmer's death as** had they been stationed there, they would have been able to prevent PC Palmer suffering fatal injuries.] (see submissions at paragraphs 8 to 10)*

OR

*[Due to shortcomings in the security systems at New Palace Yard, the armed officers were not aware of a requirement to remain in **close proximity** to the Gates. Had they been stationed there, **it is probable that they would have had an opportunity** to have been able to prevent PC Palmer suffering fatal injuries] (See submissions at paragraphs 11 to 17)*

**SUSANNAH STEVENS
THOMAS COKE-SMYTH
Q.E.B. HOLLIS WHITEMAN
2nd October 2018**

³⁰ *R (Middleton) v HM Coroner for West Somerset* [2004] 2 AC 182 paragraph 37

³¹ Chief Coroner's Guidance Note 17, "Conclusions: Short-Form and Narrative" paragraphs 52 and 53 (January 2015 updated January 2016)

APPENDIX 1: EVIDENCE ON AFO LOCATIONS IN NPY

WITNESS	REFERENCE	EVIDENCE
PC Ross (pedestrian gate)	Transcript day 5 p.106-107	<p>106:24 Q. So far as you were aware, what was the patrolling 25 practice of the armed officers who were on duty in 107: 1 New Palace Yard around that time? 2 A. I actually used to work at the Palace as an armed 3 officer, so from my recollection and memory of doing 4 that post, it's a roving patrol, so you can be at the 5 gates or you can be down by the colonnades, down by the 6 members' entrance. It's a roving patrol all round. So 7 it's not static at any one point.</p> <p>107:11 Q. You don't have to be very precise. 12 A. I was an armed officer for five years on DPG and during 13 that time I spent about three and a half years at the 14 Palace. 15 Q. How recently, how close to the times of this event? 16 A. Five years ago.</p>
	Transcript day 5 p.124	<p>124: 6 Q. Right. Are you able to say whether in your experience 7 as an officer at the gate you would expect armed 8 officers to be present in the -- in close proximity of 9 the gate regularly? 10 A. Not at all, no. Just every now and again you might see 11 them passing by, but you weren't -- it wasn't 12 an everyday thing, they weren't expected to be there all 13 the time because they had quite a large area to cover.</p>
	Transcript day 5 p.125	<p>125: 4 Q. But ever since your time as an AFO through to 2017, it 5 would be routine --</p>

		<p>6 A. Yes.</p> <p>7 Q. -- for AFOs not to be present at the gates, or within</p> <p>8 close proximity of the gates?</p> <p>9 A. It would be routine for them to be there, it would be</p> <p>10 routine for them to be elsewhere along that blueprint.</p>
PC Glaze (CG south)	Transcript day 5 p.158	<p>158:17 Q. It was a static position. Was that throughout the time</p> <p>18 that you were an AFO with duties taking you into</p> <p>19 New Palace Yard?</p> <p>20 A. At Carriage Gates it would have been two officers on</p> <p>21 a static post at Carriage Gates. Behind the officers,</p> <p>22 obviously, but at that post.</p>
	Transcript day 5 p.160	<p>160:21 Q. Did a time come when it did change so that the firearms</p> <p>22 officers started patrolling in a different way?</p> <p>23 A. Yes, sir, obviously not being a firearms officer, I had</p> <p>24 my own roles and responsibilities, so I didn't get</p> <p>25 involved with their side, but my understanding was the</p> <p>161: 1 firearms officers were meant to patrol.</p>
	Transcript day 5 p.161	<p>161: 2 Q. Did you understand that from discussions with people or</p> <p>3 from just what you saw?</p> <p>4 A. No, what we were told, basically, by all the other</p> <p>5 firearms officers. I believe they had routes, certain</p> <p>6 areas, sectors I think they were calling them then.</p> <p>7 Q. Now, in March 2017, did you have any understanding of</p> <p>8 where precisely the firearms officers would be at any</p> <p>9 given time of day?</p> <p>10 A. I knew they'd be, depending, again, on what time it was,</p> <p>11 if the House was sitting that they would be in a certain</p> <p>12 area within a certain sector.</p> <p>13 Q. Would you expect there always to be firearms officers in</p> <p>14 New Palace Yard, in the area of New Palace Yard?</p> <p>15 A. If -- it depends what you mean by "New Palace Yard",</p> <p>16 sir. I mean, it goes all the way down to the</p>

		<p>17 colonnades. 18 Q. Yes. 19 A. My understanding was that was all part of their patrol 20 area, their sector.</p>
	Transcript day 5 p.179	<p>179: 6 From your time as an unarmed officer at the gates, 7 were you aware that there was routinely no firearm 8 officer presence within the vicinity of the gates? 9 A. I was aware that firearms officers were patrolling 10 within their sector. 11 Q. Yes. 12 A. I knew they'd be within that sector. 13 Q. And did you know what the sector was? 14 A. Roughly, through speaking to the firearms and seeing the 15 plans, it was the whole of New Palace Yard and down to 16 what I'd call the colonnades. 17 Q. And so it would be routine for officers to be patrolling 18 the eastern aspect of the New Palace Yard down towards 19 the colonnade? 20 A. That was my understanding of it, sir, yes.</p>
	Transcript day 5 p.184	<p>184: 5 Q. And so the reality is, isn't it, that in 2017 when this 6 heinous attack occurred, on your guess, half the time 7 the officers at the gates would be effectively 8 unsupported by firearms officers during the course of 9 their work? 10 A. If you put it like that, sir, yes. 11 Q. I appreciate I put it like that: do you agree? 12 A. Sir, they wouldn't be effective down there for 13 Carriage Gates, with an incident at Carriage Gates. 14 Q. And that was the system that was operating at that time; 15 do you agree? 16 A. Again, I believe so, sir. I didn't follow the post 17 notes.</p>

		<p>18 Q. I appreciate the post notes for the AFOs were not 19 something that you would have to consider because you 20 were not an AFO at that time, but the reality is that 21 that's what was happening on a daily basis; do you 22 agree? 23 A. Sir. 184:23 A. Sir. 24 Q. Yes. And anyone who was reviewing security in the 25 New Palace Yard at a given time, knew, or ought to have 185: 1 known, that that's what was happening; do you agree? 2 A. That's right, sir. 3 Q. Because it wouldn't come as a surprise to anybody that 4 that's what was happening because your recollection is 5 that that's what all AFOs did; is that right? 6 A. That's correct, sir. 7 Q. And if we think about it for a moment, if there was</p>
<p>PC Ashby (AFO)</p>	<p>Transcript day 6 p.154</p>	<p>154:14 Q. When you were deployed to that sector in March 2017, as 15 you were at the time of the attack, what was your 16 understanding of where you were supposed to stand or to 17 patrol? 18 A. Sector 3 is anywhere within the blue area. My 19 understanding is that when sectors came in part of the 20 reason was to make us more unpredictable to hostile 21 reconnaissance, a terrorist attack. For that reason we 22 were encouraged to be unpredictable in our movements. 23 So as long as we were within that area we could stop in 24 a certain area, walk to a certain area. There were no 25 particular timing or any location in particular we had 155: 1 to be. 155: 2 Q. Were you aware of what the general practice of your 3 colleagues was in March 2017 when deployed in sector 3? 4 A. Yes, sir.</p>

		<p>5 Q. What was their general practice as regards patrolling or 6 being stationed within that yard?</p> <p>7 A. As far as I'm aware, every firearms officer that 8 performed sector 3 understood it to be exactly the same 9 as I've just explained it to you.</p> <p>10 Q. Were there any particular expectations of where you 11 ought to be at any particular times of day or under any 12 particular conditions?</p> <p>13 A. Not particularly, sir, however, there were certain days, 14 Wednesday being one of them, where, as a result of PMQs, 15 you were actively encouraged to be near the members' 16 entrance part because of the high profile MPs, cabinet 17 ministers, et cetera.</p>
	<p>Transcript day 5 p.156</p>	<p>156: 4 A. But prior to sectors coming in, we performed a different 5 role, yes.</p> <p>6 Q. Now, first of all, when did that change take place?</p> <p>7 A. Sir, I couldn't be exactly sure.</p> <p>8 Q. Months or years prior to the attack?</p> <p>9 A. I would say years into, 18 months, two years, yes, it 10 was a long period.</p> <p>11 Q. Before that change came in, what was expected of you or 12 what instructions were you given?</p> <p>13 A. We were on a fixed post near Carriage Gates.</p> <p>14 Q. Were you supposed to stand anywhere particular in 15 relation to Carriage Gates when being stationed there?</p> <p>16 A. Yes, sir, we were behind the unarmed officers.</p> <p>17 Q. How far behind? Any particular distance?</p> <p>18 A. Not far from where I am to you, sir.</p> <p>156:19 Q. Now, were you aware in March 2017 of post instructions 20 and what they were?</p> <p>21 A. As far as I'm aware, sir, my post instructions were what 22 we see on the screen here.</p>

	Transcript day 5 p.162	<p>162:24 Q. Can we now look at -- I'm sorry, could you give that 25 answer again, because it wasn't audible to some.</p> <p>163: 1 A. No, for me what we had prior to sectors was a better 2 option.</p> <p>3 Q. And why was that?</p> <p>4 A. Because I believe that you should have fixed point 5 firearms officers at every entry point to the estate.</p> <p>6 Q. Would that mean firearms officers at a number of 7 different positions within New Palace Yard?</p> <p>8 A. That would be firearms officers at members' entrance, 9 Cromwell Green, subway, and at Carriage Gates.</p>
	Transcript day 6 p.65	<p>65:15 Q. So what we see on the CCTV footage would be typical of 16 any day prior to 22 March?</p> <p>17 A. Absolutely.</p> <p>18 Q. And that would have been the arrangement for several 19 years prior to 22 March; would you agree with that?</p> <p>20 A. That's exactly what we was instructed to do, sir.</p>
PC Sanders (AFO)	Transcript day 7 p.189	<p>189:12 Q. If we leave that on the screen, we know that it shows 13 New Palace Yard shaded blue.</p> <p>14 How many times had you patrolled that sector or been 15 posted to that sector before March 2017?</p> <p>16 A. Countless times. Many, many times, sir.</p> <p>17 Q. When you were deployed to that sector, as you were at 18 the time of the attack, what was your understanding of 19 where you were supposed to stand or patrol?</p> <p>20 A. My understanding of the sector 3 was that during our 21 times of being deployed there was to be within that area 22 and react or deploy to any part of the sector as and 23 when required.</p> <p>189:24 Q. So far as you're aware, was there any particular area of 25 the yard where you were supposed to station yourselves</p> <p>190: 1 at any particular time or times of day?</p>

		<p>2 A. No, sir, there was no fixed points within the sector 3 area where we would -- well, there was no fixed points 4 within that area, sir.</p> <p>5 Q. How did you understand you were supposed to move when 6 you were posted there?</p> <p>7 A. We were expected to be unpredictable in our movements, 8 to be unpredictable to hostile reconnaissance from 9 outside the Palace and, as I mentioned earlier, to be 10 available to deploy anywhere within that sector as and 11 when required.</p> <p>12 Q. Specifically, did you understand that you had to be 13 either at or within close sight of the Carriage Gates 14 main entrance at any particular times?</p> <p>15 A. No, sir.</p> <p>190:16 Q. So far as you're aware, or, rather, so far as you were 17 aware in March 2017, what was the general practice of 18 your colleagues when deployed to this sector?</p> <p>19 A. Everyone deployed to the Palace at that time completed 20 those sector areas in the same fashion, sir.</p> <p>191:10 Q. Let me ask a more general question: did you appreciate 11 that for officers in the Palace more generally, if you 12 were given a particular duty, there would be 13 an associated post note or post instruction in writing? 14 Did you think that was the case?</p> <p>15 A. Not in relation to the Palace, no, because it was quite 16 unique in the sense that it was the only place on the 17 command that completed sector patrols.</p>
	Transcript day 8 p.194	<p>194:16 Do I take it from the answers you've already given 17 that the instructions here don't reflect what you 18 thought was your responsibility when you were deployed 19 to that sector?</p> <p>20 A. That's correct, sir.</p>

	Transcript day 8 p.199	<p>199:19 Q. Is there any particular reason why you hadn't accessed 20 it to look at duties at the Palace of Westminster? 21 A. Because I believed that my post instructions for the 22 Palace were the maps on the armoury wall, sir.</p>
	Transcript day 9 p.1	<p>1:17 Q. Mr Sanders, you gave evidence yesterday about the nature 18 of your patrols in the New Palace Yard and you were 19 taken to the diagram that we are all now very familiar 20 with, which shows the blue area, the area of 21 New Palace Yard, shaded in blue. And it's right to say 22 that your evidence yesterday was to the effect that your 23 patrols covered the entirety of that area; is that fair? 24 A. That's correct, sir. 25 Q. And it's right to say, isn't it, that your patrols were 2: 1 of that nature throughout the time that you performed 2 sector 3 duties in New Palace Yard? 3 A. That's correct, sir. 4 Q. So there was really no difference between what you were 5 doing when you first started there and what you were 6 doing up to and including 22 March 2017? 7 A. That's correct, sir. 8 Q. We saw some CCTV footage two days ago which plotted your 9 movements over the period of 108 minutes prior to the 10 attack. 11 A. That's right, sir. 12 Q. And we know from that footage that you were within the 13 vicinity of the Carriage Gates for a 14-minute period 14 across that 108-minute period? 15 A. Correct, sir, yes. 16 Q. And is it right, therefore, to say that that was 17 a typical day for you in terms of where you would 18 patrol? 19 A. Yes, sir.</p>

	Transcript day 9 p.7	<p>7: 2 Q. Since January 2015 up to March 2017, how many AFOs do 3 you think you performed sector 3 duties with? Best 4 guess. 5 A. 50 to 100. 6 Q. 50 to 100? 7 A. Maybe. 8 Q. Different officers? 9 A. Yes, definitely, sir. 10 Q. Did any one of them say to you during the course of your 11 duties, "PC Sanders, we are not complying with our post 12 instructions"?" 13 A. No, sir. 14 Q. So the long and short of it seems to be that every 15 officer that you worked with didn't comply with those 16 post instructions as well? 17 A. I can only comment with the officers that worked with me 18 at the time, with me.</p>
	Transcript day 9 p.10	<p>10: 8 Q. Can I ask for us to turn up page 5 of that document 9 {DC8032/5}, and in the large box, penultimate line: 10 "Supervision of this post is the responsibility of 11 the Duty Officer/Patrolling Sergeant. Recorded periodic 12 checks are to be carried out to ensure compliance with 13 these instructions." 14 So is it right that you would see sergeants and 15 inspectors, or other ranks of officer, coming round to 16 see what you were doing? 17 A. Yes, sir. 18 Q. And how often would that happen? Was that daily, 19 weekly, monthly, yearly? 20 A. Daily -- a daily basis, sir. 21 Q. A daily basis. So it would be impossible over 22 a prolonged period of time for a person carrying out</p>

		<p>23 those duties not to appreciate that you were not 24 performing your patrols in accordance with the post 25 instructions unless they themselves were unaware of the 11: 1 post instructions? 2 A. As I say, I can't answer for other people, but on your 3 first point, yes, that's correct. 4 Q. Yes. So if you are wandering around, saying: well, is 5 PC Sanders doing what he ought to be doing? Well, let's 6 go a have a look at sector 3, he's down by the 7 colonnades and they've seen him down there for 46 8 minutes, he's definitely not doing what he ought to be 9 doing as per the post instructions. That would have 10 been obvious to a person carrying out such a check? 11 A. If they were using those post notes as their guidance 12 for the patrol, yes, sir.</p>
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APPENDIX 2: EVIDENCE OF NOISE HEARD OF IMPACT AND REACTION

WITNESS	REFERENCE	EVIDENCE
<p>PC Ross (pedestrian gate)</p>	<p>Transcript day 5 p.108</p>	<p>108:14 Q. If we put on our plan again, {DC7989/80}. So you've 15 described a bang coming from the direction of 16 Bridge Street, so the north wall at the top of the 17 screen. What did it sound like? 18 A. I thought it was a car crash, but I wasn't certain. 19 Q. What did you hear or see next? 20 A. Straightaway there was screaming, like people were 21 screaming, and I didn't know if it was some sort of 22 demonstration just been started off by using a loud 23 banger or whatever, but there was people running, 24 screaming, and they were coming round the corner and 25 turning left down towards the gates.</p>
	<p>Transcript day 5 p.109</p>	<p>109:12 Q. What did you see or hear next as events unfolded? 13 A. There were people running past, screaming and running 14 past my entrance, so I went to my entrance at the gate 15 to actually stop people trying to get in on the gated 16 area.</p>
	<p>Transcript day 5 p.110</p>	<p>110: 4 "There's a man with bloody big knives running this 5 way". 6 Q. Do you recall how you reacted to that? 7 A. Yes. I stepped back and closed the gate. I'm almost 8 sure I closed the gate. I can't think of anything else 9 I would have done. It's a bit of a blur, I apologise.</p>
	<p>WS0170/1</p>	<p><i>"I heard a very loud crash coming from Bridge Street, which sounded like a Road Traffic Accident. Immediately followed by very loud screaming. Doug Glaze was on his Personal Radio to our control</i></p>

		<i>room stating that a believed RTA may have occurred on Bridge Street, could our cameras have a look.”</i>
	WS0170A/1	<i>“I heard a very loud crash directly north of me at the north wall of the parliamentary estate in Bridge Street. This sounded to me to be a Road Traffic Accident. This was immediately followed by very loud screaming coming from the area of the impact.”</i>
PC Glaze (CG south)	Transcript day 5 p.163	163: 5 Q. What first drew your attention to something unusual or 6 concerning happening? 7 A. I heard what I can only describe -- I now know it was 8 the car crashing -- but what I could only describe at 9 the time as an explosion.
	Transcript day 5 p.163	163:22 What next did you heard or see that you recall? 23 A. I heard the explosion and there was, in my mind, an 24 almost eerie millisecond, and that's all I could 25 describe it because I couldn't quantify it, of silence, 164: 1 and then screaming. 2 Q. Screaming from the area of the impact, or the explosion 3 as you saw it? 4 A. From the area of the ... 5 Q. What next? 6 A. I'd started -- I couldn't see anything obvious, if 7 I recollect, and I'd started moving backwards trying to 8 see what was happening from over to my right-hand side, 9 over on Bridge Street, looking over my right shoulder, 10 which would be -- Bridge Street would be elevated from 11 there, and then I just remember screaming and shouting 12 coming round past Carriage Gates, lots of people 13 hysterical, shouting, crying, screaming. 14 Q. Did you see any people moving? 15 A. It was a mass -- I remember a mass of people running 16 round, running around. 17 Q. So round the corner from -- 18 A. Sorry, round the corner from Bridge Street onto

		<p>19 Parliament Square, heading towards our locations, the 20 north gate first, and south gate. 21 Q. What did you do in response? 22 A. I heard my colleague, PC Marsh, shouting "What's 23 happening?" and I remember shouting something similar, 24 "What's going on?". I just then heard -- I'll never 25 forget, it was a female voice, someone shouted "They're 165: 1 throwing grenades."</p>
	Transcript day 5 p.187	<p>187:15 Q. If you, as an authorised firearms officer, as you were 16 in 2012, had been standing where you used to stand, and 17 you saw an attacker like Masood following Keith Palmer 18 as he fell to the floor, you would have discharged your 19 weapon, would you not? You would have shot him? 20 A. I would like to think I would have made the correct 21 assessment. There are other options, backdrop, for 22 example, and things, but yes, sir.</p>
	WS0171/1	<p><i>"At some point in the afternoon, I cannot give an exact time I heard a loud bang and crashing noise. I immediately transmitted on my PR that I had heard what sounded like an explosion near to Portcullis House (across the road). I then heard lots of screaming and what appeared to be large numbers of pedestrians running towards us and past the gate. I was with and we were shouting at them to tell us what was happening."</i></p>
	WS171A/1	<p><i>"At some point that afternoon I cannot give an exact time but after 1400 hrs I heard an extremely loud bang. I remember thinking that it was an explosion coming from the BRIDGE STREET AREA near to PORTCULLIS HOUSE. I looked over but could not see anything obvious and so transmitted with my PR (RADIO) that an explosion had gone off near PORTCULLIS HOUSE. This was pretty much as soon as I heard the noise."</i></p>
PC Ashby (AFO)	Transcript day 6 p.169	<p>169:15 Q. What first drew your attention to the fact that 16 something very much out of the ordinary was happening? 17 A. There was a very, very loud bang to my right-hand side 18 near Bridge Street.</p>
	Transcript day 6 p.170	<p>170: 5 Q. So you first of all headed towards the area at the top 6 of the ramp in order, is this right, to see what had</p>

		<p>7 caused the loud bang? 8 A. Yes, as I approached that area, sir, I could see lots of 9 people, I could hear screaming, I could tell that 10 something was untoward.</p>
	WS1318A/1	<i>“loud bang, similar to an explosion”</i>
	WS1318/2	<i>“I heard a really loud bang, which I initially thought was a really, really bad car crash</i>
	WS1318C/2	<i>“the loud bang off to our right....It was clear that a car had crashed but I did not know any more than that”</i>
PC Sanders (AFO)	Transcript day 7 p.205	<p>205: 1 Q. What sort of noise did you hear? 2 A. A very loud, what can only be described as the sound of 3 an explosion. 4 Q. Did you form an immediate view as to what you thought it 5 was? 6 A. When I first heard it, I thought it was loud enough to 7 be an explosion. Then I thought maybe it could be 8 an accident, but I just didn't know until -- I think 9 that's at that point we started moving off towards the 10 perimeter fence, and that's when the radio transmissions 11 started, sir. 12 Q. Before you heard anything on the radio, did you hear 13 anything else from outside beyond what you thought might 14 be an explosion? 15 A. Following the explosion, there was a lot of screaming, 16 sir. 17 Q. Could you tell anything from the type of screaming? 18 A. That someone was in obvious pain.</p>
	WS1237/1	<i>“loud bang initially sounded like an explosion....no smoke or smell indicative of an explosion....may possible have been an accident involving a bus. I looked in the direction of Carriage Gates to see what the reaction was from the officers posted there. I don't recall anyone leaving the gates.”</i>

	WS1273B/3	<i>"We stayed there until I heard a loud bang and some loud screams coming from Bridge Street."</i>
PC Tipple (CG north)	WS0169/1	<i>"there was a loud bang and screaming from members of the public on bridge street..."got colleagues "to ask control to have CCTV cameras on to the scene on Bridge Street."</i>
PC Marsh (CG south)	WS0176/1	<i>"like an explosion or crash...saw what appeared to be a cloud of dust"</i>
PC Carlisle (CG north)	WS0168A/1	<i>"heard a loud bang in bridge street...had an obstructed view over the perimeter walls through the metal railings I could see the top of a vehicle"</i>
Antonia Kerridge (Portcullis House)	Transcript day 5 p.68	68: 6 A. So the first thing that drew my attention to something 7 happening outside was that we heard a loud crashing 8 sound outside , the windows are quite sound-insulated but 9 it was loud enough that we could hear it in the office, 10 and then the second thing that alerted my attention was 11 that there was what I thought was sort of the sound of 12 people cheering, so sort of loud shouting sort of 13 sounds, which we assumed that there was a protest 14 outside, but that was when we went to the window after 15 hearing the sort of bang or crash, and then the shouting 16 or the cheering, is what we thought it was.
James West (Portcullis House)	Transcript day 5 p.	68: 6 A. So the first thing that drew my attention to something 7 happening outside was that we heard a loud crashing 8 sound outside, the windows are quite sound-insulated but 9 it was loud enough that we could hear it in the office, 10 and then the second thing that alerted my attention was 11 that there was what I thought was sort of the sound of 12 people cheering, so sort of loud shouting sort of 13 sounds, which we assumed that there was a protest 14 outside, but that was when we went to the window after 15 hearing the sort of bang or crash, and then the shouting 16 or the cheering, is what we thought it was.

