

THE CHIEF CORONER OF ENGLAND AND WALES

SITTING AT THE CENTRAL CRIMINAL COURT

CORONER'S INQUESTS INTO THE DEATHS
IN THE WESTMINSTER TERROR ATTACK OF 22 MARCH 2017

SUBMISSIONS ON PREVENTION OF FUTURE DEATHS
ON BEHALF OF THE WIDOW OF PC PALMER

1. These submissions are made on behalf of the Widow of PC Palmer.
2. The legal principles set out in paragraphs 18-24 of CTI's note and in paragraphs 1-12 of the submissions issued by Mr Patterson QC on behalf of the victims on the bridge are agreed.
3. As regards PC Palmer's death the Learned Chief Coroner concluded as follows:-

*Before the start of the attack, the armed officers stationed at New Palace Yard had not been in close proximity to the Carriage Gates entrance. They had been some distance away and out of view of the entrance because they had understood their duty to involve a roving patrol around the yard. In fact , tactical advice and written instructions stated that armed officers should be stationed close to the Carriage Gates entrance so as to protect those in the estate and their unarmed colleagues. **Due to shortcomings in the security system at New Palace Yard, including the supervision of those engaged in such duties, the armed officers were not aware of a requirement to remain in close proximity to the gates. Had they been stationed there, it is possible they may have been able to prevent PC Palmer suffering fatal injuries.***

4. It is submitted that there were indeed profound shortcomings in the security system in New Palace Yard. Lack of awareness both of the content of the Post Instructions (at PC level) and of non-compliance with them (at Sergeant level and above) must have been endemic because nobody identified the problems in the years prior to 22 March 2017.
5. There was a conspicuous unwillingness on the part of the MPS to acknowledge any systemic failings within the inquest process. It became abundantly clear as the inquest progressed that the MPS regarded PCs Ashby and Sanders as being entirely responsible

for their non-compliance with the Post Instructions. The MPS's refusal to acknowledge its own responsibility on the part of any officer of a more senior rank does not give PC Palmer's Widow any confidence that any lessons have actually been learned as a result of her husband's death.

6. Whilst PC Palmer's widow must (and does) acknowledge that the MM1¹ suggests that some very limited action was taken in the aftermath of the incident, it was plainly not taken on the basis of a proper understanding of the scale of the failings which were exposed by the inquest process. For example, it was clear that Commander Usher did not have any proper understanding of the scale of the problem of non-utilisation of ADAM. It was only as a result of further enquiries that we discovered that a mere 13% had accessed the system after the December 2015 post instruction was issued.
7. There was, according to the MM1, '*Organisational Learning*' across the whole command because there were '*a number of officers who have either not registered to use the system or who have not logged on for considerable periods of time*'. We never received a clear explanation of how many officers were not registered. The MM1 stated that '*the OCU should consider dip sampling team officers use of ADAM when any armed post note is altered*'. With respect, PC Palmer's widow does not accept that the OCU '*dip sampling*' utilisation of ADAM by AFOs in the aftermath of new post instructions being issued adequately addresses the failings which were identified in the inquest process.
8. It is difficult to understand how any officer could be permitted to undertake AFO duties at all if he or she was not registered on ADAM. And yet on the basis of their own data the MPS reckoned that approximately 17% of AFOs had never accessed ADAM at all. It is not clear what has been done in respect of that very significant body of officers. We observe that it is surely must be possible for the system to operate in a way which highlights the fact that officers are not registered before they commence work as an AFO.
9. It is also unclear why it is not mandatory for AFOs to acknowledge that they have received and digested new post instructions either through the ADAM system (or some other means) and for some documented record to be kept to demonstrate that the information has been acknowledged and understood. At present there appears to be no such requirement. As was observed, post instructions are not changed as a matter of routine and so a requirement for officers to formally acknowledge their understanding of the post instructions would not create an unduly onerous administrative burden (should that be suggested as a reason why such action should not be taken).
10. It is essential that the system disseminating post instructions must rigorously ensure that AFOs have read and understood them. Any system which lacks rigour (such as the current one in place) puts lives at risk.
11. A further concern which emerged during the course of the inquest was that the relevant Post Instruction was interpreted differently by different officers. For example, contrast the differing interpretations of Commander Usher and Inspector Rose with regard to the

¹ WS5099/39

scope of a patrol pursuant to the Post Instruction. This raises significant concerns over the manner in which the patrol was both described in the post instruction and interpreted. This suggests that Post Instructions can be improved where they require AFOs to conduct patrols. The advantages of a plan are obvious. Plans are readily understood (it was clear that PCs Ashby and Sanders understood a plan) in a way that words might not be.

12. We also note that the Post Instruction required recorded checks of compliance to be completed. That requirement was not enforced from February 2016 onwards. No adequate explanation for the complete breakdown of this aspect of the system was provided.
13. PC Palmer's widow has indicated that it is her understanding that there were only a limited number of computer terminals available within the AFO's mess to access ADAM and that the system could be unreliable. The MPS will be in a position to indicate whether this is in fact the case. If that is the case, then consideration should be given to improving terminal access and the reliability of ADAM².
14. PC Palmer's widow is conscious that the security arrangements have been altered since the incident. For example, we know that the gates are not now routinely left open. We also know that there have been changes in the provision of armed support in New Palace Yard. However, she wants to be confident that all the arrangements have been given appropriate thought. In her view, there ought to be a fixed post at the gates of New Palace Yard in addition to any other support deemed necessary to protect the totality of sector 3. She also considers that the fact that the gates are still manually operated is antiquated and unsafe.
15. The Carriage Gates are still operated manually. It has been suggested that the process of manually operating gates can distract unarmed officers' attention away from a potential threat. PC Palmer's widow invites consideration of the installation of electronic gates so that unarmed officers at the gates can focus on the potential threats whilst they are being opened (it is recognised that this may need to be considered by both the MPS and the Parliamentary Authority).
16. PC Palmer's widow is conscious that taser provision has been considered previously. It remains the case that unarmed officers face great danger if they are unsupported by armed officers. She invites reconsideration of whether unarmed officers can be equipped with tasers so that they have a protection device which enables them to defend themselves at a distance further than arms-length.
17. Finally, it was clear that during the evidence of Mr Fenne that the Metvest currently in use has not changed in excess of 20 years. The Metvest provides no protection in the area where PC Palmer sustained the fatal wound. If the surface area of the vest was increased, it is likely that improvements in safety could be achieved without substantially interfering with arm articulation. PC Palmer's Widow invites the Physical Protection

² It is acknowledged that this was not a feature of the evidence given the widespread non-use ADAM of the system there must at least be a concern that this could explain why.

Group to consider (with manufacturer input if necessary) whether such adjustments can be made to the size of the vest to provide that protection.

18. Therefore, it is our submission that the Coroner should consider preparing a report in relation to the following matters:-

- (a) The MPS should consider the adequacy of the arrangements for registering with ADAM and consider whether there should be a mandatory requirement that AFOs be registered to ADAM before being permitted to perform AFO duties.**
- (b) The MPS should consider the adequacy of the arrangements for the dissemination of Post Instructions and assess whether there ought to be a mandatory requirement for officers to acknowledge receipt of and their understanding of the Post Instructions before being permitted to carry out duties.**
- (c) The MPS should review the adequacy of access to computer terminals to access the ADAM system and the reliability of the system itself.**
- (d) The MPS should consider the adequacy of the arrangements for defining the scope of non-fixed post patrols and consider whether diagrams should be provided to ensure that the scope of patrols are adequately understood.**
- (e) The MPS should review the arrangements for recording supervisory checks of compliance with post instructions so as to ensure that there is an effective system in place.**
- (f) The MPS should be reconsider of availability of tasers for all unarmed officers working in New Palace Yard.**
- (g) The MPS and the Parliamentary Authorities should consider whether the Carriage Gates which are presently operated manually by unarmed officers could be operated electronically to enable officers at the gates to focus on potential hazards.**
- (h) The Physical Protection Group should consider to whether the Metvest design could be altered to provide greater coverage and protection from knife attack.**

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11 October 2018