

INQUESTS ARISING FROM THE DEATHS

IN THE LONDON BRIDGE AND BOROUGH MARKET TERROR ATTACK

BTP's WRITTEN CLOSING SUBMISSIONS

Introduction

1. The British Transport Police (“BTP”) fully supports the thorough inquiry that has been undertaken by the Coroner and his team into the appalling loss of life following the terrorist attack at London Bridge and Borough Market on 3rd June 2017. It has been mindful throughout that, at the centre of the inquests, are eight much loved individuals whose lives were cut dreadfully short, as well as many others – including families and friends – whose lives have forever been affected.
2. BTP recognise that the conclusion of the inquests is a significant milestone for those who have suffered so profoundly as a result of those events. It earnestly hopes that some answers have been provided as to the circumstances in which eight people died.
3. BTP’s own officers were in harms way. It is determined to ensure that appropriate lessons are learned so as to reduce the risks of such events occurring in the future and to maximise the prospects of effective emergency response.
4. These submissions are provided to assist the Coroner by setting out BTP’s position as to (a) the legal framework, (b) whether Article 2 is engaged and (c) conclusions. We do not intend to address the Coroner further at the hearing on 26th June 2019.

Submissions

The legal framework

5. We agree with and endorse the approach set out by Counsel to the Inquests (“CTI”) at paragraphs 4-7 of their submissions. We agree that an operational duty arises under s6 Human Rights Act 1998 and Article 2 ECHR when a public body is aware of a real and immediate risk to life as a result of the criminal acts of a third party. We do not make

submissions on the ambit of the general positive duty owed by the State under Article 2 ECHR.

Whether Article 2 is engaged

6. It is apparent that Article 2 is not engaged in relation to BTP in the sense that there is no arguable case that BTP acted in breach of Article 2 ECHR. It is not understood that the contrary is suggested by CTI or any of the Interested Persons.

Conclusions

7. So far as BTP's officers are concerned, it is a matter of great personal and institutional regret that they were unable to prevent the attacks sooner, or prevent the loss of life of those who died. It was not, though, for want of trying. It is respectfully submitted that BTP's officers did everything that could reasonably have been expected of them, and more. They have rightly been recognised for the great bravery that they showed.
8. It is not anticipated that any of the Interested Persons will invite the Coroner to make causative or contributory findings in respect of the actions of BTP, given the nature of the involvement of BTP on the 3rd June 2017 as first responders and given that there would be no sound evidential basis for such a proposition.

Regulation 28 report on action to prevent future deaths

9. As explained above, BTP is determined that appropriate lessons should be learned. It will fully support the Coroner if he considers it appropriate to make a regulation 28 report, and it will provide any further information or submissions that would assist. BTP does not, however, make any proactive submissions as to issues that the Coroner ought to consider in accordance with his duty under paragraph 7(1) of Schedule 5 of the Coroners and Justice Act 2009. Separate submissions will be provided to address any matters raised by other Interested Persons or by the Coroner, if necessary. The proposed approach and timetable proposed by CTI at paragraphs 72-73 of their submissions is agreed.

24th June 2019

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