

INQUESTS ARISING FROM

THE DEATHS IN THE LONDON BRIDGE TERROR ATTACK

ON 3rd JUNE 2017

SUBMISSIONS ON BEHALF OF

THE COMMISSIONER OF CITY OF LONDON POLICE ON PFD REPORT

INTRODUCTION

1. These submissions are made on behalf of the Commissioner of City of London Police ('CoLP') in response to written submissions made on behalf of the bereaved families. CoLP does not take issue with the legal framework set out in those submissions.
2. It is submitted that, save where CoLP is expressly identified in the aforesaid written submissions, any reference to "the police" gives rise to national, not local, issues. Any report arising under Paragraph 7(1) of Schedule 5 to the Coroners and Justice Act 2009 should properly be addressed to the Secretary of State for the Home Department as the person empowered to take action in respect of "the police".

Where the submission is not directed at CoLP, CoLP does not intend to address it save where to do so may contribute constructively to the Coroner's consideration of the need for a PFD report arising from that submission.

4. It is submitted that on the evidence and in particular, for the reasons set out herein, there are no grounds for making a Report on Action to Prevent Future Deaths ('PFD Report') to CoLP. Having made that submission, it is specifically conceded that there are always lessons which can be learned from tragic events such as those of 3rd June 2017. Where those improvements were capable of being delivered at local level, those improvements have already been put in place by CoLP, as evidenced, inter alia, by the statement and exhibit of Assistant Commissioner Sutherland (WS5060). The grounds for a PFD Report as against CoLP are therefore not made out.

5. **SUBMISSIONS RE XAVIER THOMAS**

- 5.1 **Paragraph 11**

Recommendation sought - It is submitted that there ought to be a specific recommendation by the Chief Coroner that OSCT consider the effectiveness of the definition of crowded places to avoid rigidity.

Response – This issue is addressed to OSCT not CoLP, however the following issues illustrate that no recommendation is in fact necessary as CoLP understands that a refresh process to consider the entire approach to crowded places is already being undertaken to which CoLP has contributed.

At a local level and in furtherance of new and improved lines of communication between CoLP, the City of London Corporation (COLC) and Transport for London (TfL) this list of all relevant sites has been shared with COLC Assistant Director

(Highways), Ian Hughes. The sites relevant to TfL have also been shared with John Strutton of TfL. CoLP has also liaised with British Transport Police and as a result has now included further locations on CoLP's list of Crowded Places.

Additionally, CoLP Police Sergeant Matthew Hone has been seconded to NaCTSO, initially for six months, to assist with the review of the Crowded Places given his clear interest in and holistic approach to the subject.

CoLP submits that all relevant bodies are working together effectively to improve the understanding of the crowded places model.

5.2 **Paragraph 12**

Recommendation sought - The review referred to above identified above [sic], ought to ensure that the definition of crowded places permits crowded spaces and/or iconic locations (which do not necessarily meet the strict density criteria) to be treated as crowded places.

Response – CoLP does support the aforesaid ongoing review of the crowded places.

5.3 **Paragraph 14(a)**

Recommendation sought - Guidance should be issued to all highway authorities on the scope of their responsibility for assessing locations for which they are responsible.

[Secretary of State/ OSCT/Department for Transport]

Response - CoLP would support the issue of guidance to highway authorities on the scope of their responsibility for assessing locations for which they are responsible. At local level, in the CoLP force area, the situation has improved markedly following the Public Realm Security Advisory Board being established (see below). However, it is submitted that national clarity and consistency is important.

5.4 **Paragraph 14(b)**

Recommendation sought - Guidance should to be issued to Counter-Terrorism Security Advisers on the scope of Highway Authorities to assess locations [OSCT/NaCTSO/MPS/CoLP].

Response - CoLP would support the issue of national guidance to CTSAs on the scope of Highways Authorities to assess locations.

5.5 **Paragraph 14(c)**

Recommendation sought - The SoS should consider whether CTSA's ought to have a power to compel duty holders (whether as highway authorities or otherwise) to implement counter terrorism security measures [SoS].

Response – CoLP does not support this recommendation for 2 reasons. The ability of CTSAs to compel authorities to adopt their advice may have the practical effect of transferring the responsibility for the implementation of CT measures to the police, when their role is an advisory one. It is submitted that the responsibility for implementation should remain with the highway authority or site owner acting upon the advice of CTSAs. CTSAs have only a partial picture, one which relates to assessment of risk. The resulting advice should be assessed by the site owner/manager, who has access to other relevant information, including resourcing and engineering issues, which are not within the knowledge of CTSAs.

5.6 **Paragraph 15**

Comment in paragraph 15 (not replicated in a recommendation sought) – As noted by CTI the processes of CoLP, TfL and the Corporation lacked the “dynamic” quality

which Sarah Nacey said they required. It is submitted that those entities need to review their procedures so that swift action can be taken where necessary.

Response – This action has already been completed.

CoLC has a Public Realm Security Advisory Board (PRSAB) which meets monthly. The Terms of Reference and Agenda have recently been amended to address issues which arose during the Inquests. The CoLP Police Commander (Operations) now attends, as does a representative of TfL. Included within the Terms of Reference for the PRSAB are the following:

- overseeing the technical design & implementation aspects of any HVM proposal;
- ensuring there is sufficient capacity, capability and availability of HVM resources to respond in relative ‘fast time’ to emerging security threats & vulnerabilities, including appropriate processes across all parties to trigger their consideration & proportionate deployment;
- providing oversight to the existing processes to manage HVM requirements for third parties on the public realm, such as developers, the police and special event organisers;
- ensuring due process for changing the public realm is followed, including appropriate engagement with stakeholders & Members;
- acting as the interface with the City Police’s wider Secure City programme in terms of HVM measures;
- co-ordinating the activities of Transport for London, the City Police and the City Corporation in identifying & mitigating threats, vulnerabilities and impacts on the Transport for London Road Network in the Square Mile;

The PRSAB provides both the forum and the processes for consideration of HVM in both fast time and slow time. It involves all 3 partners.

In addition to the PRSAB, very fast time response measures are already in place in the CoLP force area and have been for some considerable time. CoLP and COLC are national leaders in the permanent ATTRO as described in AC Sutherland's statement (WS5060). The ATTRO is reviewed every 12 months. It was last reviewed in January 2019 and its continuation was approved.

5.7 **Paragraph 15(a) and (b)**

Recommendation sought - Advice/training needs to be provided to CTSA's to ensure that they are aware of the full range of rapid response options to combat hostile vehicle attacks are known.

Response – This is a matter for NaCTSO but advice and training are welcomed by CoLP. At a local level in the CoLP force area, local options and availability have been addressed by CoLP as set out in paragraph 5.6 above and CoLP CTSA's are trained in and aware of those options and availability.

At a national level, temporary HVM is a rapid response resource available to all police forces from the National Vehicle Threat Mitigation Unit. All relevant CoLP officers are aware of the availability of this resource.

5.8 **Paragraph 15(b)**

Recommendation sought - OCST/NaCTSO should consider issuing guidance on rapid response options available.

Response – See 5.7 above

5.9 Paragraph 15(c)

Recommendation sought - CoLP should review guidance issued to officers to ensure that e-mails of high importance relating to counter-terrorism security measures are considered promptly.

Response – It is submitted that this recommendation is unnecessary.

CoLP is currently conducting a review of meetings and governance concerning security issues, including CT security measures. This review will be completed by mid October 2019.

A key part of this review is the process by which CT security measures are reported and escalated. The decision has already been made that there is now a prohibition upon the sole reliance on e mails being used to raise fast time requests relating to CT security measures. The new procedure is that this must now be done by written report to the Security Group, via Counter Terrorism Management. There is a facility to convene an Extraordinary Meeting or Gold Group when the matter is considered urgent.

Pending the outcome of the review and the necessary amendments to Terms of Reference, Standard Operating Procedures and Guidance thereafter, on 29th August 2019 instructions were issued to all relevant officers and staff within CoLP that e mail, in isolation, must not be used to report issues of high importance relating to CT measures and requiring them to use the above reporting process with immediate effect. This instruction has been reinforced by being delivered verbally to all relevant personnel in the course of the Team Meetings of relevant Officers and staff at all levels of the organisation.

5.10 **Paragraph 22(a)**

Recommendation sought - The Home Office/Police/MI5 should consider whether a [further] campaign is required to raise awareness of the Anti-Terror Hotline and to impress upon everyone their individual responsibility to report concerns even if they concern a family member.

Response – No recommendation is necessary. CoLP is aware that CT policing initiates regular awareness campaigns, including National Counter Terrorism Weeks.

CoLP supports any positive activity to raise awareness of reporting concerns of terrorist activity. At a local level CoLP seeks to raise awareness of the methods the public may use to report concerns of terrorism. This includes displaying posters in the Front Offices of Police Stations with the details of the Anti-Terrorist hotline (see copy annexed hereto). CoLP has also participated in National Counter Terrorism Weeks, including giving out leaflets to the public relating to what they should do if they think someone may be travelling to Syria etc., which included the Anti-Terrorist Hotline details. Additionally, the CoLP Website contains details of how to report any terrorism concerns to police. The link is <https://www.cityoflondon.police.uk/advice-and-support/countering-terrorism/Pages/act.aspx>.

6. **SUBMISSIONS RE 6 FAMILIES**

6.1 **Paragraph 15 - 19**

Recommendation sought - The Secretary of State for the Home Department, in consultation with police forces and other relevant bodies, should reconsider the definition of a “crowded place” to ensure that it adequately covers places which are crowded and which represent attractive targets.

Response – See paras 5.1 and 5.2 above

6.2 **Paragraph 25 -32**

Recommendation sought - The Secretary of State should consider introducing legislation to provide for a specific statutory duty on highway authorities (and, where necessary, infrastructure owners) to assess and where necessary take action to mitigate the risk of terrorist attacks on the road network.

Response – There is a need to clarify the doubts, which emerged in evidence, as to whether such a duty currently exists pursuant to s.17 of the Crime and Disorder Act 1998 or otherwise. It would also serve to clarify upon whom the duty to install CT measures rests where advice from the police makes the installation of such measures necessary.

6.3 **Paragraph 33 - 36**

Recommendation sought - Police forces, highway authorities and the Home Office should review and enhance their capability to install temporary hostile vehicle mitigation with reasonable speed where a threat is identified.

Response –At a national level, temporary HVM is a rapid response resource available to all police forces from the National Vehicle Threat Mitigation Unit. All relevant CoLP officers are aware of the availability of this resource. Local measures have been put in place to facilitate the installation of temporary measures where they appear necessary upon advice from police (see paragraphs 5.6 -5.8 above).

6.4 **Paragraph 47 - 51**

Recommendation sought - The Government and police forces should assess whether current levels of police firearms officers are appropriate to the risks which the public and police officers face, especially in the London area.

Response – This is a national issue which, CoLP is aware, is periodically reviewed.

At local level CoLP complied with the most recent national uplift.

Currently 1 in 2 response officers in CoLP is armed with a Taser. Within CoLP, consideration is currently being given to arming all response officers with Tasers.

6.5 **Paragraph 88 - 90**

Recommendation sought - Systems should be in place to ensure that contact from members of the public is correctly sent to MI5 and CTP investigators and that all information is correctly routed and filed.

Response - To the knowledge of CoLP such systems already exist.

6.6 **THE EMERGENCY RESPONSE**

This is principally a matter upon which the MPS is likely to comment. In broad terms a review of the Joint Operating Principles (JOPs) for a MTA and the police PLATO guidance has already taken place since the events of June 2017. New JOPs were issued in February 2019.

Paragraph 102 - 106

Recommendation sought - The emergency services should reassess the model of using ‘hot’ and ‘warm’ zones to coordinate the response to a marauding terrorist attack and consider whether it is realistic in light of likely conditions during such an attack.

Response – It is important not to lose sight of the fact that it is necessary to consider the health and safety of emergency responders as well as the needs of victims of attacks. The risk of responders becoming victims and being unable to render the assistance required is a key consideration. The revised MTA JOPs are intended to support commanders in making decision which strike an appropriate balance in what are almost

inevitably very challenging circumstances. CoLP considers that the model of “hot” and “warm” zones is necessary. New JOPs were issued in February 2019.

6.7 **Paragraph 107 - 117**

Recommendation sought - The emergency services should consider whether the model wrongly assumes that ‘hot’ zones will be relatively confined, and will be declassified as soon as a threat is neutralised.

Response – It is submitted that the current model does not make the said assumption. The model must necessarily cover a multitude of circumstances. It is flexible. The latest version of the MTA JOPS were published in 2019. They provide for continuous and dynamic re-assessment of zones by commanders.

6.8 **Paragraph 118 - 124**

Recommendation sought - The emergency services should consider whether the model wrongly assumes that emergency responders will not enter ‘hot’ and ‘warm’ zones, and should put in place plans for coordinating, supporting and communicating with emergency responders who are in those zones.

Response – The revised (2019) MTA JOPs do not make such assumptions. Which responders are deployed into a hot or warm zone will be based upon a command assessment of the nature of the attack and the weaponry believed to be possessed by the terrorist.

6.9 **Paragraph 125 - 127**

Recommendation sought - Plans should be in place for emergency medical assistance to be provided to casualties in 'hot' and 'warm' zones during terrorist attacks at the earliest possible time

Response – See paragraph 6.8 above

6.10 **Paragraph 128 - 129**

Recommendation sought - Plans should be made for the extraction of any casualties in 'hot' and 'warm' zones to 'cold' zones from which they can be removed to hospital

Response - See paragraph 6.8 above.

6.11 **Paragraph 138 - 139**

Recommendation sought - Additional medical equipment and training should be available to the police, in recognition of the fact that they are likely to be the first responders in 'warm' and 'hot' zones.

Response – CoLP has already taken steps to enhance the first aid capability of its officers significantly beyond the national standards.

First Aid Training: All CoLP Officers and front-line Police Staff (PCSO's, Detention Officers) are first aid trained. They complete an initial 2 day course and thereafter attend an annual refresher course. Additionally, following the London Bridge incident, further response officers received enhanced First Aid Training (to Level D13) which is the same as a Firearms officer within CoLP. In future, CoLP plans to train **all** frontline officers to an enhanced level. This training will commence in Q3 2019 and continue into 2020. As well as the enhanced level training, officers will carry a small enhanced first aid kit (tourniquet etc).

First aid kits: All CoLP response vehicles, including ARVs, contain an emergency first aid kit, along with a defibrillator. (CoLP first aid kits and a defibrillator were used by officers responding to Christine Archibald).

Following the 7/7 London bombings of 2005, a number of Emergency Dressing Packs were supplied by the NHS to mainline railway stations for responders to use following a Major Incident. There are 17 Emergency Dressing Packs at 10 stations across the City of London force area.

CoLP has initiated the Emergency Trauma Pack (ETP) scheme. ETPs have been reviewed by the London Ambulance Service and contain specialist medical equipment. ETPs are not conventional first aid kits. The aim of this scheme is to work alongside businesses to enhance the accessibility and availability of industry leading lifesaving medical equipment. ETPs are embedded into businesses that sign up to the scheme and their details are centrally stored by CoLP control room staff who would coordinate the response to a mass casualty incident.

Additionally, CoLP is in the process of procuring a number of ‘stop the bleed’ kits. (Stop the Bleed campaign - Daniel Baird Foundation). These kits aim to stem extreme blood loss and will be placed within participating licenced premises (Night Time Economy). These kits will be in place during Q4 2019.

The location of the nearest specialist first aid kits can be ascertained from the CoLP control room.

6.12 **Paragraph 140 - 142**

It is necessary to correct a number of erroneous factual assertions made in paragraphs 140 -142.

Recommendation sought - The Police should consider whether radio talk groups are being used in the most effective way, especially in communicating with ARVs

Response – This submission is based upon a false evidential premise. The evidence was that PC Duggan did not hear a radio transmission that was in fact broadcast, not that there was a failure in the communication systems or equipment, in particular the use of radio talk groups.

6.13 **Paragraph 140**

Comment in paragraph 140 - It is likely that he [PC Duggan] was dealing with the injured on the bridge for some five minutes before moving to the market area, where it appears that he heard the gunfire at 22:16.

Response – The evidence (as opposed to conjecture) in respect of this issue makes the entirety of this assertion wholly unsustainable and this has been obvious since the assertion was first put to the witness on Day 4 of the Inquests.

The accurate timings are contained within the MPS Report on the Movements of Trojan City 2 ARV (DC8313) which was put in evidence by Det Supt Riggs on Day 33 (Trans Day 33 124-128). This report demonstrates that the assertion is impossible.

In summary and to avoid repetition of an issue with which the Coroner must now be very familiar:

The evidence of the officer (Transcript Day 4 85.21-139.15) was that he remained on the bridge rendering assistance to Christine Archibald until the arrival of an ambulance. He then went with his colleague to the ARV, retrieved his primary weapon and ammunition and together they went to Borough Market (page 105.1-105.11) where, shortly after entering, he heard shots (108.16 – 109.11). After that volley of shots he

heard no further shots. He therefore concluded that the shots he heard could only have been after 22.21. (136.6.- 136.24).

The report (DC8313) painstakingly prepared by the MPS based on CCTV and witness evidence, is entirely consistent with the evidence of the officer. He was still on the bridge when the first shots were fired at 22.16. It shows that the timing of the officer retrieving his weapon from the car was 22.20.04 and that he can be seen running towards the alleyway by Lobos at 22.22.27. Between 22.23.26 and 22.23.59 shots were fired by officers covering Redouane and Butt. It follows that these must have been the shots heard by the officer.

6.14 **Paragraph 141**

Comment in paragraph 141 - It is a matter of concern that the ongoing nature of the terrorist attack did not become apparent to him as a firearms officer in the first ARV on scene.

Response – It is not a matter of concern or surprise that officers arriving in the very early stages of a major incident do not have a full picture of the events because that picture is still evolving, as graphically demonstrated by the evidence in this case. The evidence demonstrates this assertion to be false. As was apparent from the Inquests into the deaths of the attackers (and from the material in the possession of Counsel for the families) Trojan 2 was not the first ARV on scene. MPS officers DA87 and BY5 were the first ARV on the bridge, call sign TJ3S. They, understandably, went straight to the crashed van.

6.15 **Paragraph 143 - 148**

Recommendation sought - Police forces and other Emergency Services should explore technical means to ensure that incident commanders can communicate reliably with emergency responders on the ground.

Response – The availability of new and improved communications technology is constantly being explored. The technology referred to in the above suggested recommendation exists and is being utilised. ES2 is a multi-agency interoperable Airwave talk-group channel. The Pan London PLATO channel can also be utilised to communicate with responders, as can any channel which is designated to the incident. The sheer volume of radio traffic at a major incident is always likely to present a challenge. Communications at major incidents are the subject of regular and frequent evaluation and review and are a focus of training and testing exercises. Since the events of June 2017 CoLP Airwave handsets now have a Hotkey that switches the radio automatically to the Pan London Plato channel when pressed. This channel is a working channel that will be operated by MPS SOR at Lambeth. Additionally, the MPS have the ability to patch this channel through to the City Ops 1 channel. This allows speedy, seamless integration of radio communications.

6.16 **Paragraph 149 - 152**

Recommendation sought - Police Forces should consider whether the ‘emergency button’ on police radios is a sufficiently reliable means of summoning assistance at major incidents.

Response – The police at both national and local level are constantly reviewing both the availability of updated technology and use of communication equipment. It is a fact that in major incidents the sheer volume of radio traffic is extremely challenging. The

urgent assistance button is an effective tool however, its primary role is not to act as a method of summoning assistance at major incidents. The MTA JOPs are designed to produce a rapid multi-agency response, as the evidence shows occurred in this case.

The communication issues highlighted by the events of 3rd June 2017 have been referred to the Emergency Services Network design team by CoLP for consideration.

6.17 **Paragraph 153 - 154**

Recommendation sought - The Emergency Services should consider whether technical measures can be taken to enable the location of vehicles and personnel to be identified.

Response – This is an issue which is currently being addressed at both national and local level on a multi-agency basis. CoLP is currently scoping geolocation solutions. Current Airwave radios have a GPS location facility. CoLP is also examining whether it may be possible to procure and deliver a hybrid of radio and telephone technology to produce superior location information. The timetable is that in Autumn 2019 CoLP will trial 50 Android Smartphones with response officers. In early 2020, there will be an IT project to roll out Android devices to response officers to replace ‘toughpads’ and these new devices will have geolocation.

6.18 **Paragraph 155**

Recommendation sought - The Emergency Services should consider co-location of control rooms as part of the response to major incidents.

Response – It is noted that this recommendation refers to the response to major incidents. Co-location of the Emergency Services is already part of the JESIP Interoperability Framework (edition 2 2016) Section 6 [JESIP - Working together](#),

[Saving Lives](#) All the Emergency Services work to this Framework. However, in practice, it takes time to set up a co-located Control Room, such as at the MPS Specialist Operations Room (SOR) facility and in fast moving rather than sustained incidents, the response phase may be complete before the relevant personnel are able to co-locate. In the initial phase London has the use of 'Emergency Service 2' (ES2), which is a multi-agency interoperable system and allows each emergency service Commander to communicate at the earliest opportunity to establish a Tri-Service response, even in the absence of co-location.

6.19 Paragraphs 156 - 159

Recommendation sought - The Government, in consultation with the Metropolitan Police and City of London Police should consider whether the existence of two police forces, each responsible for separate geographical areas of London, makes it difficult to co-ordinate an effective emergency response to a terrorist attack.

Response – It is submitted that the evidence arising in these inquests is incapable of giving rise to the duty under paragraph 7(1) of Schedule 5 to the 2009 Act.

The important issue is one of interoperability rather than structure. The evidence in these inquests was that the response of CoLP and the MPS to this attack was swift and efficient, with officers from both forces demonstrating the effectiveness of their interoperability. CoLP and the MPS work constantly to improve their interoperability. Evidence regarding CoLP recognition of the importance of interoperability and the extent of joint training and exercising may be found in the statement of the Assistant Commissioner, Alistair Sutherland (WS5060)

The Harris Review was commissioned by the Mayor of London Sadiq Khan. In the Progress Report - One Year On at page 31, dealing with the issue of merger of the MPS and CoLP, the Report recorded as follows:

“It is clear from recent attacks – particularly the attack on London Bridge and Borough Market - that interoperability between the City of London Police (CoLP) and the MPS is essential in responding to terror threats. It is this interoperability which is at the heart of this recommendation, rather than structural reform for its own sake.

This joint-working is a feature of other updates on recommendations in this document, and it is clear that an excellent relationship exists between the two London forces.

At this time, then we consider this recommendation resolved by other means and do not plan to pursue a merger as the most effective means of securing better joint-working.”

CoLP respectfully agrees with the above comments.

6th September 2019

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