INQUESTS ARISING FROM THE DEATHS IN THE LONDON BRIDGE TERROR ATTACK OF 3 JUNE 2017

SUBMISSIONS ON BEHALF OF THE FAMILIES OF

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AS TO THE PREVENTION OF FUTURE DEATHS

INTRODUCTION

1. These submissions are made on behalf of the families of the above six deceased ('the families').

2. The families would like to record their gratitude to the Coroner and his legal team for the thorough investigations that have been conducted into the events of 3 June 2017 and the steps that were and were not taken to protect the public from such attacks.

3. Both family members who have been present in court and those who have followed proceedings from elsewhere consider that inquests such as these serve a valuable purpose. Many of the witnesses who gave evidence acted heroically, and it is important that their efforts to save lives are recognised and commended. It is equally important that lessons are learnt which may save lives in the future and that is for many family members the most important purpose which these inquests can serve. They have every confidence that the Coroner will consider the contents of his report

with rigour. They hope that any recommendations will lead to substantive and effective changes being made to existing systems by those to whom recommendations are addressed.

LEGAL FRAMEWORK

4. Paragraph 7(1) of Schedule 5 to the Coroners and Justice Act 2009 makes provision for Reports on Action to Prevent Future Deaths ('reports').

> *7 (1) Where—*
>
> > *(a) a senior coroner has been conducting an investigation under this Part into a person's death,*
> >
> > *(b) anything revealed by the investigation gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future, and*
> >
> > *(c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,*
>
> *the coroner must report the matter to a person who the coroner believes may have power to take such action.*
>
> *(2) A person to whom a senior coroner makes a report under this paragraph must give the senior coroner a written response to it.*

5. The families invite the Coroner to make a report under these provisions, incorporating the matters set out below.

6. The making of such a report, where the conditions for doing so are met, is mandatory rather than discretionary. Where paragraphs 7(1)(b) and (c) apply, a report must be made.

7. Such reports serve a vital function (in every sense). Paragraph 2 of the Chief Coroner's Guidance No. 5 (Reports to Prevent Future Deaths) notes:

> *"These reports are important. Coroners have a duty not just to decide how somebody came by their death but also, where appropriate, to report about that death with a view to preventing future deaths. A bereaved family wants to*

be able to say: 'His death was tragic and terrible, but at least it shouldn't happen to somebody else."

8. Reports also form part of the *"framework of laws, precautions, procedures and means of enforcement"* by which the United Kingdom complies with its obligation under Article 2 of the European Convention on Human Rights to take steps to protect life and may in an inquest in which Article 2 is engaged complete the state's duty to inquire fully: see *R (Lewis) v HM Coroner for the Mid and North Division of the County of Shropshire* [2009] EWCA Civ 1403 and *Chief Constable of Devon and Cornwall Police v HM Coroner for Plymouth* [2013] EWHC 3729 (Admin).

9. Giving rise to a concern is a relatively low threshold (Coroners Inquests into the London Bombings of 7 July 2005, per Lady Justice Heather Hallett, Assistant Deputy Coroner for Inner West London, ruling 6 May 2011, transcript p15).

10. Moreover, it is irrelevant whether the matters giving rise to concern are matters that had any causative impact (or even potential causative impact) on the particular deaths under investigation (see paragraph 16(4) of *Devon and Cornwall Police*, above):

> *"The coroner's duty to report (now under paragraph 7(1) of Schedule 5) is an integral part of the procedure that satisfies the requirements of Article 2... It is to be noted that the obligation arises whenever there is a "concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future." It is not necessary for the inquest to have disclosed that the circumstances giving rise to concern have in fact caused or contributed to a death already, or that the circumstances giving rise to the concern have been shown to involve a breach by the State of its Article 2 obligations (or by any person of their obligations, though not arising under Article 2)."*

It need not even be the case that the concern is that deaths will occur in similar circumstances to those under investigation (Chief Coroner's Guidance no 5, paragraph 17)

11. Indeed, the matters giving rise to concern under paragraph 7 may be *"anything revealed by the investigation"*. This contrasts with the previous position where the matters giving rise to concern had to form part of the evidence: matters giving rise to concern may now be revealed at any stage of the Coroner's investigation and need not be covered in evidence at the Inquest.

12. It is a pre-condition to making a report that *"the coroner has considered all the documents, evidence and information that in the opinion of the coroner is relevant to the investigation"* (Regulation 28(3)). It appears from this that the Coroner is entitled to (indeed, must) consider all relevant information, including the information which was considered relevant to the investigation but over which he has made an order for public interest immunity. The families anticipate that any matter giving rise to concern on the basis of the public evidence will prompt a report, but that the Coroner should also consider the PII material which they have not been able to see to ensure that there are no further matters which, on scrutiny, give rise to concern in light of the other information.

MATTERS OF CONCERN

13. During the course of the Inquests, the evidence revealed matters giving rise to concern in a number of areas. These fall within three main areas:

    (i) Prevention, including protective security;

    (ii) The investigation into Khuram Butt prior to the attacks; and

    (iii) The emergency response.

14. The families invite the Coroner to make a number of recommendations in each area, and have set out proposals below under each heading. Acknowledging that it is not for the Coroner to prescribe particular remedies, the term 'recommendation' is intended to convey that a particular subject is a matter of concern and that the Coroner should suggest, recommend or encourage that it be addressed. Accordingly, the suggested drafts are intended to be drafted in neutral terms, drawing attention to concerns rather than identifying the action to be taken. It is however no bar to including a concern that the action to be taken in response to a report is obvious.

PREVENTION

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.

15. As the Coroner noted in his summing up [day 35 pp 1 – 3], London Bridge – which spans the river Thames, carries the name of the capital city, and features in films, poems, songs and a nursery rhyme – is an iconic bridge in a constantly busy part of London and there are many images of it with its pavements packed with people making their way between offices in the City of London and London Bridge Station. As a symbolic location which was, on any ordinary meaning of the term, densely crowded at certain times of day, London Bridge had an obvious attraction as the target for a terrorist attack.

16. In these circumstances, it is a matter of concern that London Bridge, like Westminster Bridge, did not fit the criteria for a crowded place, and in fact did not fit into any national criteria at all [PS Hone, day 29, p 156]. It is now evident that the Government's definition of a crowded place focussed on areas that were quite geographically defined, like buildings or particular installations [D'Orsi, day 28, p 88]. The consequence was that Counter-terrorism Security Advisors ('CTSAs') were not required to provide advice on sections of the road such as London Bridge and would not have been applying their minds to such areas.

17. Counsel to the Inquest submitted that the definition of a crowded place was arguably too rigid. Ms Nacey acknowledged in evidence that there was legitimate criticism of the definition of a crowded place on two bases: in the approach to crowd density and in the requirement of geographic specificity. She accepted that this subject should be reconsidered in light of the evidence heard at the inquests. Given these acknowledgements and the Coroner's conclusions, it is anticipated that a recommendation along these lines will be uncontroversial.

18. The families note the Coroner's recommendation, following the Westminster inquests, that the Home Secretary should *"ask the authorities responsible for preparing and delivering advice on protective security to consider whether any further work can usefully be done on this subject, particularly in preparing and delivering consistent and up to date national advice"*. In the context of this area of concern, it should be noted that although the Government accepted this

recommendation, the response to it made reference to "crowded places". This suggests that the action taken in response to the Westminster attacks may be relying on existing definitions and frameworks rather than reconsidering them wholesale. Without change to the definition, the legitimate criticism recognised by the Home Office witness Sarah Nacey will not be addressed and there remains a concern about iconic and busy sites which represent attractive targets but do not meet the rigid criteria.

19. One subsidiary matter which may merit exploration is whether the system of 'tiers' within the crowded places scheme remains 'fit for purpose' or whether it may automatically accord a lower prioritisation to sites which are in fact high risk but not within specific criteria. The families suggest that the definition of crowded places therefore requires to be considered entirely afresh, and merits a specific recommendation.

The Secretary of State for the Home Department should consider appointing an independent reviewer of protective security to conduct a periodic review of counter-terrorism measures to protect the public.

20. It is a striking feature of the evidence, and a matter of concern, that prior to 3 June 2017 the risk of a vehicle attack on London Bridge appears to have been far more obvious to members of the general public and Press than it was to the professionals responsible for protective security.

21. The obviousness of London Bridge as a target was not based simply on it being a bridge, and vulnerable as such following the Westminster attack. The bridge was an ideal target for a vehicle attack as a stretch of roadway for all the reasons given by PC Hone [WS5014/33]: low kerbs, wide pavements, a long uninterrupted stretch of around 450m without any form of barriers or street furniture, with no parked cars along its length and with no escape routes for pedestrians (such as side streets or doorways or because of the presence of parapets). The map of London shows that there are not many streets with these features, and even fewer which are likely to have a significant number of pedestrians, or which could also be said to have the iconic status which would make them attractive to terrorists as the location for an attack.

22. There are psychological and institutional factors which mean that it can be difficult for organisations to recognise when they have overlooked the obvious, or when the models with which they are accustomed to working are flawed or can be improved. This may be particularly the case when a system or way of working was initially well-designed, but becomes outdated as a result of changes to the threat: here, the rise of low sophistication attacks.

23. An independent reviewer would also have value in challenging unduly bureaucratic processes. For example, the families note that in respect of temporary measures, the Coroner has said in his ruling on Article 2 (at paragraph 82): "*The key individuals, such as PS Hone, Commander Gyford and Mr Woolford, struck me as conscientious and committed to public safety. The concern lies in the systems within which they operated.".* It is particularly striking that an imaginative and energetic individual such as PS Hone was unable to conceive that rapid action would be taken. This demonstrates the importance of an external view.

24. The families suggest that an independent reviewer of protective security might offer a valuable oversight mechanism, acting as a fresh pair of eyes, scrutinising and challenging decisions about priorities and bureaucratic obstacles to action, and helping to guard against the dangers of 'groupthink'. It follows from the above that such a role would promote the protection of the public by periodic review not only of the definitions and framework itself but also its implementation in practice.

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

25. Section 17 of the Crime and Disorder Act 1998 places a duty on certain authorities, including Transport for London and local authorities, to exercise their functions with due regard to the likely effect of the exercise of those functions on, and the need to do all they can to prevent (amongst other things) crime and disorder. However, this is not widely understood to impose a duty on the highway authorities to whom it applies to take steps to prevent or mitigate acts of terrorism: neither Transport for London nor

the City of London Corporation believed that they were under any legal duty prior to the attacks. It is evident that the legal position is, at best, moot.

26. The proposal set out above does not presuppose the outcome of any particular assessment which a Highway Authority might conduct under the scheme. The threat from terrorism may in many cases not be sufficient to require measures on a given road, and any measures of course need to be considered together with other questions including the risk from road traffic accidents if barriers or other fixtures are installed. Indeed, the need to consider all of the potential consequences of changes to the streetscape is one reason why the duty needs to rest with the relevant highway authority.

27. It is a matter of concern that no such statutory duty currently exists. The lack of a clear statutory duty means that:

    (i) highway authorities are not currently systematically assessing the risk of terrorism to their highways (see e.g. Siwan Hayward, day 30, p 209 – 210).

    (ii) there is no effective mechanism for highway authorities to obtain any advice they need, for example from CTSAs, on the threat level; and

    (iii) neither the highway authorities nor any other body can be compelled to provide funding for the design and installation of such measures.

28. It appears to have led to the extraordinary situation in which DACSO, on behalf of the Metropolitan Police, was left to install temporary barriers on London Bridge immediately after the attack because there was no clearly identified body with the power and capacity to act – the temporary intervention appears to have been done outside any existing legal framework and without accepting that the Metropolitan Police would ordinarily be responsible for such work, but on the basis that it was necessary to cut through red tape in *extremis* and that it was the *"morally right"* thing to do [Day 28, page 73]. While the decision to take urgent steps, even after the event, was obviously required in itself, the confusion over lines of responsibility is a matter of concern which this proposed recommendation seeks to highlight.

29. The Secretary of State may also need to consider whether additional legislative measures are needed to require the owners of structures such as bridges to cooperate in the design and installation of security measures appropriate to the structure, and not unreasonably to withhold their consent to such measures.

30. As part of this general concern, it is an additional matter of concern that CTSAs did not engage with Transport for London or the City of London Corporation about protective security on London Bridge prior to 2017, and that doing so remains discretionary (on the basis that it is not a 'crowded place'). The Secretary of State may need to consider whether changes to policy or other measures are required to ensure that highway authorities receive the necessary advice or guidance concerning the risk of terrorism on the highways, either as a result of changes to the definition of "crowded places" (see above) or by taking other steps to ensure that Counter Terrorism Security Advisors or others with the requisite experience and expertise provide advice.

31. The Secretary of State may further need to consider what the enforcement mechanism should be and, particularly, what power a Counter Terrorism Security Advisor should be given to take action if he or she considered that a Highway Authority was failing to discharge its obligations.

32. In considering these issues, however, the Secretary of State will no doubt wish to ensure that the ultimate responsibility for protective security on the road network is made clear.

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.

33. It is a matter of concern that the proposal by PC Hone to install hostile vehicle mitigation on London Bridge on the basis of the threat he had identified was expected by all involved (including himself) to involve very significant delay and that it does not appear to have been anticipated that any interim measures would be taken.

34. The families do not wish to be unrealistic: it is recognised that if a threat is identified in the ordinary course of a Counter Terrorism Security Advisor's work, and if it is based on the general features and profile of a location rather than any specific evidence of attack planning, mitigation measures cannot be expected within days.

35. However, where permanent measures were likely to a matter of years to install, as was the case on London Bridge before the attacks, it is a matter of concern that temporary measures were not even explored. It appears that the likelihood of long delay merely contributed to the sense that there was no urgency, rather than prompting consideration of interim steps.

36. There were at least two options identified in the evidence as available at the time for taking temporary measures: use of the National Barrier Asset (albeit that in practice it had only ever been used for special events or in response to specific intelligence prior to the attacks) or private procurement of hostile vehicle mitigation (which, it appears, was in fact an option but not one of which there was any great awareness). It may be that other options can be developed in response to a recommendation, such as the purchase of additional assets. The families do not seek to be prescriptive, but do hope to see a system which enables the police and highway authorities to install temporary hostile vehicle mitigation with due speed when a threat is identified.

Consideration should be given to devising a system which ensures that before a job applicant is given a job at a significant site on the transport network (such as the London underground, airports or notable railway stations) checks are conducted against terrorist subjects of interest.

37. It emerged that no such checks are currently carried out. The subject of a priority investigation could, in principle, take employment at a major underground station without the Security Service or counter-terrorism police being aware. Given that there have been a number of terrorist attacks on the transport network in London, this is a matter of concern.

38. In evidence it was suggested that data protection and employment law issues may give rise to difficulties. This is no bar to raising the issue as a matter of concern. There was no evidence that the Government has explored the extent to which these

issues will in fact cause difficulties or whether any scheme could circumvent or constitute an exception to them. Proportionate measures to safeguard life are lawful and indeed required under the Human Rights Act 1998. It may be that in an individual case, an assessment is made that a particular individual can safely be allowed to work on the transport network, but that would be a matter of judgment for those responsible for the investigation based on all of the available information, whereas at present the matter of concern is that they may not have the information on which to make any assessment.

The Secretary of State and the British Vehicle Rental & Leasing Association should introduce new measures specifically aimed at detecting, deterring and preventing vehicle hire for the purpose of terror attack. They should reconsider making compliance with those measures mandatory. They should consider whether such measures should include exchange (including real time exchange) of information with law enforcement agencies and/or the Security Service.

39. It is a matter of concern that rental vehicles have been used without apparent difficulty to perpetrate 'vehicle as weapon' attacks. This has occurred not only in the London Bridge attacks but also on Westminster bridge and in the subsequent attack on 19 June 2017 at Finsbury Park mosque. The Coroner heard evidence of a lengthy list of occasions on which terrorists have used rental vehicles to commit murder. Dr Fegan-Earl in both inquests highlighted just how lethal vehicles can be, even when they are cars rather than larger vehicles and even when driven at modest speeds.

40. In particular, it is of concern that Khuram Butt, the subject of a priority MI5 investigation, was able to hire a vehicle in his own name, in circumstances which might have appeared suspicious had they been fully known, on very short notice, without any face-to-face meeting and without any concern being raised. For example, had law enforcement personnel seen the attempt to hire a 7.5 tonne lorry, it is possible that they would have been more concerned.

41. The evidence of Barry Fulbrook was that Hertz' practice in July 2017 was to confirm the details of an individual's driving licence, and to verify that the card payment details related to the address provided and (via an Experian check) that the address appeared to relate to the individual. These checks were not a regulatory requirement,

although they were consistent with the guidance issued by the relevant trade body, the British Vehicle Rental & Leasing Association. As Mr Fulbrook acknowledged, these checks are primarily directed towards fraud prevention rather than the risk of terror attacks [Day 33, p 8]. Hertz did not follow the guidance in Khuram Butt's case by trying to establish what the vehicle would be used for and there was no face-to-face contact with him.

42. Beyond checks for driving licence verification and details of driving convictions, Hertz had no links to external databases such as the police national computer. There was no requirement to provide information to law enforcement agencies, although Hertz complies with the requirements to do so in other countries. Moreover, it is evident that more extensive measures had been discussed (see WS1872A/82 - 3), including access via the banking system and enabling the police to check names against their watch list: it seems that while businesses were content to act, and to submit to a mandatory scheme, there was little activity from Government, which merely *"needed to be seen to be doing something"*.

43. In particular, the families submit that it would be surprising if no technological means could be found to establish a system which would alert the Security Service and/or counter-terrorism police if a subject of interest attempted to book or obtain a rental vehicle. For example, it would surely be possible to send the name and / or driving licence numbers of renters to MI5 in real time to be checked automatically against a database of driving licence details or names of subjects of interest, with details of the vehicle to be hired; the details would not need to be retained or considered by any investigator if they did not trigger an alert and this system would not involve the disclosure of any sensitive information to rental companies. Other systems could no doubt be devised. The families simply invite the intelligence community to consider the possibilities.

44. Following the inquests into the deaths at Westminster Bridge, the following recommendation was made:

> *"I recommend that the Department for Transport and the British Vehicle Rental & Leasing Association consider introducing a Code of Practice (or at least guidance) on checks to be carried out and/or enquiries made before vehicles are rented."*

45. The families submit that, on the evidence heard in these inquests, that recommendation needs to be strengthened. The current scheme is voluntary. A large number (including 250 out of 300 BVRLA businesses, and probably others outside that body: see day 33 p 32 – 34) of businesses have not signed up to it. It is a matter of concern that so many vehicle rental businesses have chosen not to comply. To the extent that the potential delay was a factor in deciding to introduce a non-mandatory scheme, the answer is to maintain a voluntary scheme until a mandatory scheme is enacted, rather than to abandon the suggestion of a mandatory scheme.

46. It should be recalled that effective security checks do not only have the potential to identify and prevent an attack that is actually planned. They also have the potential to deter attackers. A low sophistication attack is so easy to carry out that even relatively low level security checks may significantly increase the fear of detection and the difficulty of perpetrating an attack.

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.

47. Most of the families live in countries (France, Canada and Australia) where police officers carry firearms on a relatively routine basis. Indeed, this is so in many countries around the world.

48. From their perspective, the British approach in which police officers are not usually seen with firearms appears antiquated and unrealistic. Acts of terrorism (and especially low sophisticated attacks such as this one) might more rapidly be halted if a greater number of police officers had firearms. While armed response vehicles ("ARVs") arrive as soon as they can, it is relatively likely that officers on foot will be the first to confront terrorists, as happened here. Attacks might also be deterred entirely if the perception of assailants is that firearms may be used against them.

49. It is evident that the police have already recognised that greater firearms capability is required given the possibility of a Bataclan-type multi-seated terrorist attack (see day 28 p 146) and that this led to approximately a doubling of the ARV capability. This is

to be welcomed, but there is still scope to consider whether greater resources should be devoted to increasing the number of firearms trained officers.

50. Although the question how many officers should carry guns is a complex one, the issue has already been raised by others: press reporting suggests that there have been early stage discussions by the National Police Chief's Council [DC8302] which specifically focussed on the need for weapons in a marauding terrorist attack, although the outcome of that discussion is unclear. The same article indicates that a majority of Metropolitan Police Federation members would carry a gun routinely if asked to do so.

51. As with any recommendation, the families do not seek to be prescriptive about the outcome of any reconsideration of the issues. They also acknowledge that there are public policy as well as practical considerations. However, this should not prevent the Home Secretary from considering the matter further in light of the atrocious London Bridge attacks and the position should be reviewed, and any further future review should be based on a hard headed assessment of the terrorist threat and not on nostalgia or the assumption that the status quo is sufficient.

THE INVESTIGATION INTO KHURAM BUTT

52. To any objective and independent onlooker, the live evidence of witness L, and the further revelations that emerged during his examination, disclosed areas of concern. Likewise in relation to the evidence of M and the counter-terrorism police ("CTP") investigation.

53. The Director-General of the Security Service has indicated a wish to *"squeeze every last drop of learning"* from the attacks in 2017 in order to improve procedures. This approach is commendable and is obviously required. Given the importance of MI5's role in protecting the public from acts of terror, any improvement which can be made is potentially one which will save lives in the future. The same applies for CTP.

54. The families recognise the important work done in the field of counter-terrorism by police and intelligence officers, and their role in keeping the public safe. They trust that the issues which have been explored in evidence, and the suggested

recommendations in this document, are accepted in the spirit of the families' desire to explore every issue in order to assist the Director-General in fulfilling his wish to learn lessons.

Systems should be in place to ensure that high priority counter-terrorism investigations are not routinely suspended and that where decisions have to be made about the need to do so, these are made at the highest level

55. The families consider that it was a matter of serious concern for the public to hear that MI5 routinely suspend priority counter-terrorism investigations. Although the investigation into Khuram Butt in particular was suspended at times of particularly high demand on resources (notably the period from March 2017 which was a period which was said to have placed unprecedented demands on counter-terrorism resources), the evidence of Witness M was that decisions to suspend investigations are made *"day in and day out"* [Day 20 p 65]. This included multiple P2H investigations, which were investigations into those categorised as high risk subjects linked to attack planning.

56. The families do not dissent from the proposition that there must be a prioritisation in the allocation of resources to investigations. However, to suspend multiple P2H investigations (which, by definition, relate to high priority individuals linked to attack planning) seems an indication that resources are insufficient. The frequency with which this was happening means that it is no answer to say that it takes time to recruit and train staff and that staffing is therefore not the answer. These are not investigations where the risk is perceived to be low, and the public would naturally expect that the security and intelligence agencies should have sufficient resources to investigate all individuals and groups which meet this high threshold. It appears, in fact, that the Home Secretary was only aware of the decision to suspend multiple investigations in March 2017 *"in general terms"* and, in particular, that there was no request to the Treasury to make funding available so that suspensions ceased.

57. Both witness M and witness L made it clear that the suspensions were motivated entirely by funding constraints. Witness M did also suggest that the investigation into Khuram Butt was a natural candidate for suspension on the basis that it was *"moving towards closure"* (see witness M day 20 p 64). However, if the position had

genuinely been that the risk was not as high as the P2H level would suggest, this could presumably have been reflected in a recategorisation. In fact, the assessment of risk did not change at this point.

58. It is a matter of particularly acute concern that the evidence revealed that the times at which MI5 is likely to have insufficient staff to cover such investigations are the periods in the immediate aftermath of an attack, which is exactly when the risk of copycat attacks must be highest and there is a risk that those who are already linked to attack planning may be galvanised into implementing their plans.

59. There were two responses to the suggestion that the fact of the suspensions would have been deeply troubling to the public, if it had been known at the time. The first was that increasing capacity was not a simple matter of recruiting new staff: considerable time and training was required before they would become competent and experienced investigators. The families entirely accept this. But although the explanation that resources cannot be surged rapidly is cogent, it misses the point and is not an answer to the concern but rather demonstrates the extent and difficulty of it. The resourcing constraints are not a question which can be approached on an ad hoc basis. Given how frequently suspensions of investigation are occurring in relation to high risk terror suspects, MI5 may need to plan its staffing levels on the basis that a degree of spare capacity is required to ensure that it can cope not only with business as usual but also with times of peak demand which are, by the nature of the work, capable of arising suddenly and without warning.

60. The second response was that these questions would take us to a wider conversation about how large an institution like MI5 should be in a democratic society [day 24, p 99]. This argument was also advanced by MI5 after the 7/7 attacks. However, the families are not arguing for 'a police state', merely for the Home Secretary to consider whether national security requires increased resources for the fight against terrorism. Put another way, the families do not suggest that the existing thresholds for starting an investigation should be lowered – but there should surely be sufficient resources to carry out an adequate investigation into targets who meet the existing threshold. The families accept that it is not for them to prejudge the outcome of any re-consideration of resources, but consider that it was a concerning picture that emerged: namely that counter-terrorism investigators regarded it as unsurprising that

the priority investigation into Khuram Butt was suspended twice, including in the months leading up to the attack. It is impossible to rule out the possibility that the investigation, if it had continued, would have detected the attack planning which it is likely was under discussion between March and May of 2017, and that the attack would have been disrupted. Those making decisions as to the allocation of scarce resources between departments need to be fully aware of the practical consequences of budgetary constraints in this area.

61. Accordingly, the families would not suggest that the Coroner has power to make a direct recommendation for additional funding; this is a question for others to consider. However, the Coroner is invited to raise the matter for consideration. If the ultimate assessment is that the public prefers a smaller Security Service which is unable to pursue investigations into high risk targets linked to attack planning during busy periods, at least the conclusion is one which will have been reached by the government following a consideration of the competing arguments.

Consideration should be given to greater flexibility in the level of coverage to be maintained where it is necessary to de-prioritise an investigation for resourcing reasons.

62. It is a matter of concern that, when the decisions were taken to suspend the investigation into Khuram Butt, the Security Service decided to cease its investigations and coverage without giving serious consideration to any middle course. There may be many cases in which total suspension of an investigation is the right answer when difficult decisions have to be made about the allocation of scarce resources, however the families suggest that there would be merit in considering the possibility of a reduction in, rather than suspension of, coverage in each case.

MI5 should review its Potential Lone Actor assessment process and in particular consider whether 'capability' remains a valid consideration in cases where a low sophistication attack is in contemplation.

63. It is a matter of concern that MI5 continues to rely on the notion of 'capability' in order to assess the risk that an individual will carry out a lone actor attack, including

in cases where a low sophistication attack is contemplated. With hindsight it appears that insufficient emphasis was given at the outset to Butt's assessed strong intent, which in the context of a vehicle and knife attack was probably the most significant factor, and too much weight to his assessed weak capability. It is a matter of concern that a similar miscalculation may be being made in other cases.

64. It is plain that, apart from any psychological factors (which may be thought to overlap with intent), all that is required for an individual to have a *practical* 'capability' to carry out a vehicle attack is that they should obtain possession of a vehicle. What is needed to carry out a knife attack is still lower. There is a reduced opportunity to obtain evidence in relation to capability and planning of low sophistication attacks [Witness M, Day 19, p 156] and this means that opportunities to detect attacks may be missed. As Witness L rightly said [day 24, p 74], at the start of the investigation the assessment was that Butt *"lacked the capability to carry out an attack"* but *"if capability equates to getting a vehicle or getting a knife, clearly he could have done those things"*.

65. The other objective risk factor identified as contributing to capability is a period spent in a terrorist training camp [L, day 24, p 33]. Such training may suggest a risk (for example, if the subject of interest receives training in explosives) but the fact someone has not spent time in a terrorist training camp does not demonstrate that they have low capability, at least in relation to low sophistication attacks.

66. As to the overall conclusion of the Potential Lone Actor team that Butt had weak capability, it was acknowledged that this was *"an art not a science"* and that different conclusions might be reached on the same evidence.

67. The concern, therefore, is that a prioritisation of resources based on assessments of 'capability' may underestimate the risk in some cases.

68. Accordingly, the Security Service should review (or should continue and conclude its review of) the effectiveness of this process with specific reference to low sophistication attacks. The review should consider whether overreliance is placed on potential lone actor assessments.

The Security Service and CTP should review and challenge their assumptions about the weight that should be placed on evidence of 'mindset' when assessing the risk posed by investigation subjects.

69. The approach taken to the material which was obtained from Khuram Butt's electronic devices gave rise to concern.

70. It is evident that from a police perspective, the question to which minds were turned was whether an offence had been committed in relation to the material (see e.g. Witness M, day 20, p 17). This is a question which should of course be considered, and it is understood that it is the issue on which the police lead, however it is only one respect in which the material is of assistance to both agencies. Witness M said that he could not say that the police would have raised with the Security Service the fact that it demonstrated that Khuram Butt, a fit, healthy young 27 year old, had a real obsession with martyrdom, but that *"that would have been obvious from the material"* [day 20, p 19].

71. Witness M's assessment – that it was obvious from the material that Khuram Butt had a real obsession with martyrdom – was plainly right. The analysis by DS Ager demonstrated that the material viewed by Khuram Butt, of which the police were aware prior to the attack, was not only extremist in nature but contained repeated references, in particular to martyrdom. It was witness M's understanding that this was something which MI5 would feed into the potential lone actor assessment, which would consider matters such as whether the material showed a willingness to fight and die.

72. It was therefore alarming that witness L took a completely different view from witness M. Asked whether he agreed that the items on his devices disclosed an obsession with martyrdom, he said that he did not agree [day 25 p 79]. There were a number of alarming indicators, which the families submit include the contact with Jibril and the pleasure which Butt showed at the thought of cutting the throats of Jewish men in the footage from his honeymoon, as well as the evident obsession with martyrdom, which do not appear to have been accorded sufficient weight by MI5.

73. Witness L's responses to these issues were framed in terms of what the Security Service would or would not have considered significant. The Security Service should

analyse whether its consideration of these issues places sufficient weight on evidence indicating a willingness to fight and die, which is a significant mental hurdle to clear. Given that it appears that Witness L disagreed with a view regarded as 'obvious' by Witness M, there are real questions about whether institutional assumptions have been allowed to develop about the limited value of 'mindset' material in assessing risk, and whether those views require to be challenged.

74. It may be argued that mindset material is voluminous when MI5 and CTP deal with their subjects of interest and that many of their devices contain similar material. The scale of the problem is recognised by the families, however this makes it all the more necessary to ensure (a) that investigators are appropriately alert to the significance of material which to the trained eye reveals a willingness to fight and die, and (b) that appropriate proforma templates or checklists are used to ensure that such material is reviewed and assessed accurately. The risk is that such material is treated simply as 'more of the same' and that indications of significant risk are missed.

Investigations should seek to identify the principal locations in which targets spend time

75. It is a matter of concern that Khuram Butt's daily attendance at Ad-Deen primary school was not identified.

76. While the question as to the extent to which it is appropriate to investigate each location must be a question for consideration on a case by case basis, the families submit that it is a matter of concern that MI5 did not even know where Butt was spending a significant part of his time.

77. Identifying a location will enable identification of associates at that location. and in Butt's case might have led to the identification of Zaghba as an associate. Witness L accepted the possibility that if the school had been identified it would have given a better opportunity to identify Zaghba as a daily associate of Butt. He also accepted that it would potentially have given the opportunity to investigate Zaghba, depending on the additional information which might possibly have been obtained through identifying the school. [L, day 24, p 138]. It is also possible that Sajeel Shahid would have been identified as the common link behind both the gym and the school. It

appears that all of these potential lines of investigation were closed off because the police and MI5 did not know where Butt was for part of each day.[1]

78. It is not accepted that rapid identification of the Ad Deen School, which was a Muslim faith primary school close to Khuram Butt's home address, as a possible location where he was teaching was an investigative lead which would or should have taken up any significant time or resources.

MI5 should analyse how the significance of the Ummah Fitness Centre came to be missed

79. It was a matter of real concern that, although aware of Butt's attendance at the Ummah Fitness Centre, MI5 did not identify the significance of it until after the attacks.

80. From the information that emerged during the inquest, the gym should have been a significant investigative target. Butt had ceased paid work and was spending much of his time there for little or no pay. The gym was owned, as MI5 knew, by Sajeel Shahid. Shahid had links with ALM and MI5 were aware of the evidence in the Operation Crevice trial that he had had run a terrorist training camp in Pakistan for ALM-linked terrorists including Mohammed Sidique Khan, leader of the 7/7 bombers. Moreover, even two years on, open source research swiftly identifies material that should have concerned an investigator, and prompted proper investigations of activities within the gym: see DC8307 (summarising various pieces of information about the gym publicly available before the attack, linking it to Shahid) and DC8305 (image still available on the internet showing what appears to be a Samurai sword or scabbard displayed on its wall; the black flag used by ISIS was on its Facebook page; black banners were hanging inside the gym).

[1] It is also relevant to note the police's PREVENT obligation to protect children at the school from indoctrination by the target of a priority investigation. It may be suspected that MI5, who had the intelligence lead, were not sufficiently focussed on this issue because they did not regard it as one for which they had responsibility, whereas the Metropolitan Police had responsibility but were not in charge of the investigative direction. That question may not be one for a report since the concern does not relate directly to the risk of future deaths, but if the Coroner considers that it is a matter of concern then it is a subject on which he could write a separate letter. Any letter might also address the systems which should have prevented Khuram Butt from teaching at a school without CRB checks, the protective steps which the Department for Education should take when an individual like Sajeel Shahid is connected to a school, and the role of OfSted in safeguarding children.

81. Gyms have played significant roles in the past in allowing extremists to associate for terrorist purposes, and it is evident from Butt's usage of it that this was not simply an exercise facility: it was a place where he worked, socialised, prayed, broke fast and spent much of his time. It became one of the dominant features of his life, and it would have been natural to wish to investigate whether it was a place to which he was going because there were others there who, at the very least, shared and encouraged his extremist views.

82. With hindsight, better investigation of the gym might have revealed the association with Redouane (as conceded by Witness M, Day 20, p 34 line 2), might have detected attack planning, might have detected suspicious activity such as the *"walk and talk"* meeting at midnight on 29 May 2017, or produced evidence of the attackers training together for the attacks. It turned out to have been a significant opportunity missed.

83. The families are not in a position to assess whether the failure to identify the full significance of the gym was one which resulted from insufficient open source searches on it, an underappreciation of the significance of gyms in general, an insufficient understanding of the pattern of Butt's life or the fact that attempts to obtain coverage of the gym had not come to fruition. However, noting that the failure to identify the significance of the gym is not something that is covered in the public report by Lord Anderson, the families submit that MI5 should further review what happened in order to identify whether any lessons can now be learnt.

MI5 and the Metropolitan Police should explore ways of working more closely on investigations

84. This is not a new problem: see the criticisms following the 7/7 attacks and the Lee Rigby murder.

85. Although there was evidence that joint working has improved since the attacks, and in particular that Lord Anderson's recommendation that there should be consultation before an investigation is suspended has been implemented, there remains cause for concern about the arm's length nature of the relationship.

86. The families are pleased to know that intelligence-led investigations are no longer suspended without consultation between the Security Service and the police. However, there appears to be no good reason why separation is maintained between the information available to the police and to MI5. With current technology, it should be possible for much if not all of the intelligence file to be freely accessible to both organisations as needed. Alternatively, co-location of offices might enable this.

87. Witness L agreed that as a matter of general principle it was important to have as much sharing of information as possible. However, the evidence in fact demonstrated alarming gaps in what was disclosed to the police. For example, the fact that the Security Service did not consider the fact that Butt was working at a gym owned by a man with a significant terrorist pedigree, Sajeel Shahid, was a sufficiently important fact to share with the police is a matter of concern. Irrespective of the suggestion that the intelligence files are freely available to both organisations at a document level, the police and Security Service should analyse whether additional information should be shared.

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

88. To lose one report from a member of the public is very unfortunate. In fact it emerged in evidence that two separate reports failed to find their way to investigators, one the call made by Usman Darr to the CTP counter-terrorism hotline and one the anonymous call directly to MI5. The call by Usman Darr was, it seems, sent to the wrong team due to human error and a supervision issue; the call to MI5 predated the investigation into Khuram Butt but was said to have not been identified when the investigation opened due to a difficulty in drawing together records. The latter error was not identified until a late stage.

89. In addition, the Inquest heard that a request from the Italian authorities, which was sent in the first instance to SIS, for traces on Zaghba was never filed on MI5's system. This meant that a search on MI5's systems for Zaghba would have produced a nil response, notwithstanding that the questions asked by the Italian authorities should

have alerted MI5 to the fact that Zaghba was of security interest to the Italian authorities.

90. Given such a high level of misfiled or unfiled intelligence in a single case, the MPS and MI5 should also explore whether any systemic issues have resulted in other information being misfiled.

Systems should be in place to alert the Security Service where an individual has been placed on the Schengen system under the wrong alert

91. Youssef Zaghba attempted to fly from Bologna to Istanbul on 15 March 2016, and was stopped when he told airport officials that he was travelling *"to be a terrorist"* before correcting this to *"tourist"*. Other relevant matters were also discovered by Italian investigators. It is a matter of concern that this information was not known to MI5. Had this information been available, it must be possible that Butt's association with Zaghba would have identified as more than merely social, and that Zaghba might also have been the subject of an investigation.

92. Witness L's evidence was that it would be for the Italian authorities to raise any concerns with MI5 (day 25, p 5). Because they were serious crime alerts rather than anti-terrorism alerts, MI5 was never notified.

93. While the inquest was not able to explore in detail what happened in this particular case, it is plainly a matter of concern that a simple administrative error by the Italian authorities appears to have left Zaghba free to travel without the terrorism alert that should have been triggered when he entered or left the country. Whether the solution is to engage directly with the Italian authorities or whether internal systems can be devised within the United Kingdom, this position is plainly not satisfactory and, by allowing terrorist suspects to enter unchecked, creates a risk to life.

Systems should be in place to ensure that maximum information is extracted from callers reporting on friends or relatives.

94. Both witness M and witness L appeared somewhat dismissive of the value of reports from members of the public, on the basis that such calls were sometimes malicious.

There may or may not be validity in these concerns where the subject of the report was not previously known to the police. However, it is submitted that where a report is made about an individual of existing Security Service/counter-terrorism police interest, it is necessarily corroborated by the other evidence that gave rise to the investigation and is comparatively unlikely to be made for improper reasons. In these circumstances, the fact that a family member has chosen to report the subject to the authorities notwithstanding the bonds of loyalty which are ordinarily to be expected is an indicator of the level of concern which that family member has.

95. The responses by witnesses L and M appear to suggest that they regarded any follow up or renewal of contact with Usman Darr as something which would only be appropriate had a decision been made to approach him as a potential informant. The families do not accept that a simple follow up call would have established such a relationship or given rise to any particular sensitivity. Alternatively, additional follow-up questions might be scripted for hotline call handlers as standard. For example, the questions whether the subject of a report concerning Islamist extremism has ever evidenced any intention to travel to Syria, and fight or whether he or she has any training or expertise which would enable them to carry out an attack, are questions which might be asked routinely when calls are received and will add valuable information in some cases. In this case, Usman Darr would have been willing to provide information, had he been asked, about Butt's intended travel to Syria to fight, and the fact that he used to attend a gym and teach people how to fight [Darr, day 21, p 246]. These facts were not known and would have added significantly to the intelligence picture, and possibly to the levels of coverage.

The Government should consider whether the legal framework surrounding the need to report plans to engage in terrorism is sufficiently robust

96. It emerged through the evidence given at the inquest that Butt had evidenced a desire to travel to Syria and fight, and, in particular, that he had purchased a one way ticket to Turkey. His wife and their family all concluded – no doubt rightly – that the reason why he had done this was that he intended to travel to Syria through Turkey. They took action to prevent him from travelling by destroying the ticket and his passport.

97. It is a matter of concern that the authorities were not made aware of Butt's intention, especially given that his planning was sufficiently advanced that he had bought a ticket and that the family had clearly concluded that he would travel to fight unless they took steps to prevent it. This is information which would have been of significant value to investigators at the time.

98. Consideration should therefore be given to whether the offence under section 38B of the Terrorism Act 2000 is sufficiently robust to cover situations in which family members know that an individual is planning to travel overseas to fight alongside ISIS or whether any expansion of the definition of 'acts of terrorism', or other change, is needed. If existing offences are sufficient to cover this situation, they should consider whether sufficient consideration is being given to prosecution in practice.

THE EMERGENCY RESPONSE

99. The final category within which the families submit recommendations should be made is the emergency response.

100. At the outset, they wish to reiterate their appreciation of all those who came to the assistance of the victims, either in the course of their duties or as members of the public. The inquest heard evidence from witnesses who acted not only with personal bravery but also with considerable presence of mind in very difficult circumstances. The families pay tribute to them, and are also conscious that the coroner heard from only a few of the very large number of police officers and others who responded commendably on the night.

101. The need for the emergency services to respond to a marauding terror attack of this scale is, thankfully, rare. It is unlikely that any training exercise could come close to replicating the experience of responding to a real terrorist incident. It is all the more important that full advantage is taken of the opportunity to learn lessons from what happened, the better to protect both the public and emergency services personnel in the future.

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

102. This issue is a complex one, and a number of sub-issues are identified below.

103. In conception, a 'hot' zone is (or was at the time) the location where suspects or terrorists were believed to be, or where armed assets are engaging with them. The 'warm' zone is (or was at the time) an area adjacent to the 'hot' zone, to which suspects may have been and to which they may have the ability to return (see McKibben, DC6825 para 4.21 and [day 23, p 21]). The safety of emergency services personnel in the 'warm' zone cannot be guaranteed.

104. The expectation under this model is that only firearms officers will enter the 'hot' zone (for the purpose of neutralising the threat). Only specially trained and protected units will enter the 'warm' zone. Otherwise, the 'hot' and 'warm' zones will be cleared. The threat may be reassessed and the size of the 'hot' and 'warm' zones reduced as threats are neutralised and areas cleared. Most emergency responders will work in the 'cold' zone throughout.

105. This model is clearly intended to avoid putting unarmed police officers and paramedics without special equipment and training in danger by keeping them out of 'hot' and 'warm' zones.

106. However, the evidence at the inquest suggested that the model is seriously flawed when it is implemented in practice in a marauding attack in an urban environment. There appear to be several reasons for this, identified in the sub-issues below:

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

107. The basic premise of the model is that the first priority is for firearms officers to neutralise any threat, and then steps should then be taken to assist victims. A significant and swift medical response is clearly envisaged: as soon as a major incident is declared, at least 20 ambulances together with specialist units such as

Tactical Response Unit paramedics, the HART team and the London Air Ambulance are automatically deployed.

108. However, under the model medical treatment can only be offered to (i) those in the 'cold' zone – who, by definition, must have moved or been moved from the 'hot' or 'warm' zones where the attack has taken place; and (ii) through the deployment of specialist paramedics into the 'warm' zone under armed cover (in particular, Tactical Response Unit paramedics who are trained to work in the 'warm' zone during a marauding terror attack).

109. If the model is rigidly applied, no one in the 'hot' zone will receive medical treatment until that zone is declassified, unless they are able to leave the 'hot' zone without assistance.

110. This approach would have been a reasonable one if the 'hot' zone had been the immediate vicinity of the attackers, and if it had been declassified to 'warm' once they had left a given area, and to 'warm' or 'cold' once they had been shot. Rapid emergency assistance could then have been provided to seriously injured victims, as envisaged by the attendance of numerous ambulances and paramedics. This seems to be the expectation in the description given by Supt McKibben (DC6825 at paragraph 4.21). Most notably, he refers to the possibility that there will be members of the public in the 'warm' zone who require assistance, and cannot reach the 'cold' zone without assistance. The model does not appear to recognise the possibility that there will be members of the public in the 'hot' zone in this category, or that the 'hot' zone may be large and remain 'hot' for many hours. We know that this was in fact the case.

111. If there was any expectation, when the model was created, that the 'hot' zone would be relatively confined and that the zone would be declassified once the threat was *in fact* neutralised (for present purposes, when the attackers were shot), the evidence demonstrates that this was wholly unrealistic. It presupposes that commanding officers on the night would have had far greater clarity about the nature of the attack and the location of the attackers than was the case.

112. During the immediate aftermath of these attacks, however, the picture was confused as a result of misunderstandings and miscommunications which led to the belief that

there might be further attackers or attacks. This is to be expected when dealing with a marauding terrorist attack. These areas of confusion included reports from members of the public and emergency services of continued hostile activity based on what was in fact 'friendly' gunfire and explosions, delayed reports of the original attack, reports of hostage situations which were based on decisions to contain people within buildings for their own protection and reports of attacks in other areas which it seems can only have been based on rumour or misunderstanding of the actions of members of the public who were unconnected with the attack. Emergency services personnel were also aware of the possibility of secondary attacks, including the risk of explosives in the van or elsewhere.

113. It is evident that it was not realistic to expect senior officers to identify with confidence the nature and location of any ongoing threat. In practice, the level of confusion which continued for many hours about how many attackers there were, where they were or had been, and whether they had been neutralised seems likely to be replicated in most or all marauding terrorist attacks. This may particularly be so where attacks take place in a three dimensional urban environment with multiple passages, alleyways and buildings and without clear lines of sight across the scene of the attack.

114. Accordingly, it is foreseeable that where such attacks take place, senior officers confronted with a large volume of confused and alarming information will often have to designate a large and complicated geographical area including the principal scene of the attack as 'hot', and that it will remain 'hot' for a period of hours. This will not necessarily reflect an *actual* risk, but will result from the lack of information about where and to what extent there is an ongoing risk. In particular, any area from which gunfire or explosions are audible (even if discharged by the police) is likely to be perceived and reported to the police as unsafe, and may therefore become 'hot' even if there was no prior perception of risk.

115. On the basis of the model, none of those in the Boro Bistro courtyard and probably none of those in the market, or on the bridge in the vicinity of the van, should have been given any medical assistance for a period of many hours. Even those on the bridge north of the van or on Borough High Street (at least 'warm' zones since the attackers had been there) should have been treated only by specially equipped

paramedics with armed support. The families do not consider that this was the outcome expected when the model was devised, or that the public would consider it acceptable as an emergency response – indeed, it would not be acceptable to emergency responders themselves.

116. Even at a much later stage, the impracticability of the model was demonstrated when Mr Rainey decided to disapply the policy and ask paramedics to deploy into a hot zone on a voluntary basis [day 27, p 43]. Whether or not the decision to send paramedics to the casualties in Boro Bistro courtyard was somewhat belated, the concern that there might still be casualties requiring treatment was plainly right. None of the circumstances which necessitated the decision to send in paramedics even though the area was still 'hot' is likely to be unique to this attack: the decision recognises, by implication, that the policy of not deploying any paramedics into 'hot' zones was unrealistic.

117. Accordingly, it is necessary for the emergency services to consider either whether the definitions of 'hot' and 'warm' zones should be radically changed, or if the same or a similar approach is taken, whether a greater level of emergency response should be permitted within those areas.[2] In particular, it is necessary to take proper account of the fact that designation of hot and warm zones will need to be done on the basis of perceived risk, rather than the lower level risk which may become evident in hindsight.

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

118. The reality was very different from the model. Humanely, the police and members of the public rushed to the scene to assist. Although they did not go into danger to the same extent, the families acknowledge the Coroner's observation that paramedics such as Mr Beasley also remained in unsafe areas to keep working on the emergency response.

[2] The families note the evidence of Supt McKibben that this has already changed somewhat to a risk-based approach, although it does not appear that the change is a radical one.

119. It seems that there were two reasons for this. First, the boundary of what was later deemed a 'hot' zone was not necessarily obvious on the ground. It is recognised that formal designation and agreement between agencies as to the extent of a 'hot' zone will often take some time, and that in the immediate aftermath of an attack it will be dealt with in practice by the perception of those on the ground, who may not agree. In the early stages of an emergency response it is inevitable that different people will reach different conclusions about the safety of an area, and have different risk tolerances. Assessment may be somewhat impressionistic in the early stages (e.g. Keir Rutherford said that Green Dragon Court *"seemed fairly dark and looked a fairly unsafe place to be"*) and will not be informed by all of the information which is later available to scene commanders and those in the control room. Police and paramedics are likely to enter zones that are 'warm' or 'hot' simply because that is where casualties are to be found.

120. Secondly, whatever the policy (which they may or may not have been aware of), police officers in particular plainly considered it their duty to do what they could in the circumstances. The Coroner has rightly commended the actions of those who went into the Boro Bistro courtyard to try to save lives. Those officers would no doubt have rejected any suggestion that they should not do so, or that they should abandon dying victims, out of concern for their own safety.

121. The picture that emerged was that there was an expectation that police officers would be willing to put themselves in a degree of danger in order to save lives – most of all, that was the expectation of the police officers themselves. This expectation was not only individual (though individual officers' personal courage, and the culture within forces which helps to develop and support it, are very much to be commended). Officers at the scene during the immediate aftermath were working together and, on occasion, instructing or asking their colleagues to enter areas which they knew were potentially dangerous in order to try to save lives. There was no evidence that any officer refused to do so.

122. If the reality of the position is that police officers are likely to be willing to provide medical treatment in areas where paramedics may not, it does such police officers a disservice if the emergency services do not plan for this eventuality. Because the model did not envisage the police providing medical assistance within 'hot' and

'warm' zones, there was no prior plan to make sure that equipment was made available to them. There was no prior plan for the extraction of casualties to casualty clearing stations. There was no prior plan for communication with the London Ambulance Service and in many cases no appreciation by the officers providing treatment that paramedics would not be willing to enter the area. Any triage was informal. The officers at the scene were, in effect, attempting to provide an emergency medical response for which they had not trained. As already stated, the families commend those officers who did assist the injured and dying in the dangerous areas.

123. The failure to plan for the presence of the police in the 'hot' and 'warm' zones in the early stages of the emergency response also meant that some officers were exposed to greater danger than was needed because they were waiting for paramedics who would not attend. Importantly, and as a matter of generality, planning needs to recognise that a large number of emergency responders (whether police or others) and some members of the public will provide voluntary assistance and operate in 'warm' and 'hot' zones, even if not required or asked to do so, and should consider how to maximise their safety in those circumstances.

124. These observations suggest the following further recommendations:

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

125. It is trite to observe that time is of the essence when treating catastrophic haemorrhage and similar injuries.

126. There are a number of options for providing medical assistance to victims: as the Coroner noted during evidence, one option is to consider whether army medics could be made available.

127. As noted above, if plans are not made police officers are likely to provide an ad hoc response regardless. Any plan should recognise the likelihood that those who arrive at the scene first will do what they can until help arrives, and that if no such help is

forthcoming, they are likely to remain in danger for longer. It should also recognise that assistance needs to be provided quickly if it is to save lives, and should not, for example, need to await the appointment of a Plato Commander.

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

128. When radioing for assistance, officers on the ground were not told by controllers to bring the injured to the ambulances on the High Street. Part of the problem was no doubt that the 'hot' zone model did not envisage that unarmed police officers would be providing treatment in areas that paramedics would be unwilling to enter.

129. To the extent that the policy provided for the location and extraction of casualties by 'Bronze Extraction', Mr Beasley's understanding was that it did so only in relation to the 'cold' zones. For the reasons set out above, the places where victims are injured are unlikely to be 'cold' zones and victims in the 'cold' zones are often likely to be the "walking wounded" who do not need extraction. Planning should make proper arrangements for taking victims in 'hot' or 'warm' zones to a place of safety, removing the need for officers and members of the public to stay with them, at danger to themselves.

The London Ambulance Service should put procedures in place to ensure that specialist teams with training on working in 'warm' zones should be deployed rapidly

130. Teams such as the 'HART' team with specialist training on working in 'warm' zones, or otherwise in hazardous environments, and responding to terrorist attacks are at a premium. The 'HART' team has special expertise and training in going into dangerous areas and finding, locating and dealing with undiscovered casualties [Collison, day 8, p 199]. The vast majority of emergency responders have no such training. These teams also have specialist equipment.

131. In these circumstances, it is a matter of concern that the HART team was not brought urgently to the scene, but was instructed to wait at a series of rendez-vous points. Although tasked at 22.33, Gail Collison's vehicle did not actually reach the scene

until 23.26 [Collison, day 8, p 207]. It is further a matter of concern that the HART teams were not in fact deployed until after midnight.

132. If the HART team is brought much more rapidly to the scene and deployed with a sense of urgency, such paramedics might replace police officers who remain on the scene without specialist equipment and training in responding to terrorist incidents. The victims would then have the benefit of the considerable HART medical expertise.

A designated person should have responsibility for analysing reports to ascertain the location of casualties

133. The Government's current policy is to encourage members of the public to 'run, hide, tell'.

134. If it is followed, the expectation is that members of the public who may be seriously injured will attempt to remove themselves from the scene of the attack; to conceal themselves; and then to communicate with the emergency services, probably by way of a 999 call. This means that there may be hidden, injured victims scattered across the area.

135. In these circumstances, it is a matter of concern that 999 calls and radio messages from police officers on the ground were never considered with a view to locating victims. This failure undermines the 'tell' part of the guidance: telling the 999 operator about a particular victim needing medical assistance had no practical effect. It seems that information from calls was essentially discarded on the basis of the volume of calls and on the basis that the London Ambulance Service would not enter the scene.

136. Although the volume of calls was high, the families suggest that an identified individual in the control room at a major incident might take responsibility for analysing and assimilating information about the location of victims at the scene of an attack. This would enable the emergency services to prioritise the response at the scene.

The Government should reconsider 'run, hide, tell'

137. The Government should also consider whether the 'run, hide, tell' message is the right one. The need for this recommendation will depend on the response to the other matters set out above. However, if it remains the case that there are likely to be delays in emergency medical assistance reaching casualties within dangerous areas during or following a marauding terrorist attack, , then the question arises whether public messaging should reflect this and warn members of the public to make their own way to a place where they can obtain assistance. The Coroner heard evidence of walking casualties who finally abandoned waiting and made their own way to medical assistance.

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.

138. Dr Wrigley noted that tourniquets are life saving devices, and that had one been available for Sebastien Belanger earlier, it might have been of some assistance in extending the period during which his life was potentially capable of being saved. For this reason, she has been working with the Metropolitan Police to get them rolled out across London. This process is commendable. Consideration should be given to whether it should be rolled out nationally, and whether there is any other life-saving equipment that should be made available to the police.

139. If it is concluded that police officers are likely to provide an initial medical response in areas where paramedics do not, lives may also be saved if all police officers are given a higher level of first aid training.

The Police should consider whether radio talkgroups are being used in the most effective way, especially in communicating with ARVs

140. PC Andrew Duggan's ARV was at London Bridge within 60 seconds of the shout on the radio to attend that location. It is likely that he 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. His evidence described switching from a British

Transport Police channel to a City of London Police channel. As he noted, the latter channel had no information about Borough Market (which was in the Metropolitan Police area). He said, as one would expect, that if he had been told on the bridge that there was an incident in Borough Market involving people being stabbed, he would have gone straight there. It is acknowledged that he could not have arrived soon enough to confront the attackers before any of the fatal injuries were inflicted, so that the communication issues were not causative of death. It is possible, however, that injuries sustained by victims during later parts of the attack could have been prevented if PC Duggan had proceeded straight across the bridge.

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. Despite significant messages on three separate radio channels, he was unaware that it was a terrorist attack and unaware that there was an ongoing threat to be neutralised during the crucial early minutes, and said that the only information that he had was that it was a road traffic collision. To put this another way, it is a matter of concern that those in the police control rooms were unable swiftly and clearly to alert either all armed response vehicles, or those in the nearest armed response vehicle, to a terrorist threat requiring urgent action. It does not appear that this inability was a result of particularly unusual circumstances, of a technical fault or of human error: the systems were being used in the usual way. His evidence was that he did not hear all messages. Such a failure of communication plainly creates an avoidable risk to life. It appears that the problem was compounded by an incident occurring close to the boundary between two police areas in the centre of the capital city.

142. The evidence of V134 [day 23 p 185] was that she has to consider multiple channels when communicating with Armed Response Vehicles. The officers listen to the local channel, the hailing channel and the back-to-back channel. It is a matter of concern that this increases the risk that during a fast moving episode an officer misses something important.

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

143. More widely, it is a matter of concern that the emergency services, individually and collectively, appear to be unable to convey messages reliably to all emergency service personnel responding to a major incident.

144. For example, a number of officers, including PC Wallis, PC Norton, PC Orr, PC Kerr, PC Miah and PC Attwood, were near the Boro Bistro in Green Dragon Court treating casualties with the assistance of members of the public. None of these officers received a clear communication that they were in an area that was deemed a 'hot' zone to which help would not be sent (on the contrary, Jake Carlson of the LAS had told an officer that someone would be with them shortly) and the radio requests for assistance support their evidence that they were waiting for and expecting medical assistance. PC Norton, for example, gave evidence that he received no message that there were paramedics or ambulances at the scene, and had he been aware he would have taken steps to get the casualties up the stairs. In fact, he remained to treat Sebastien Belanger while aware that they were open to attack from both sides of the archway and the alleyway, unaware whether the attackers had been contained or caught and keeping a look out in case they returned. PC Miah gave similar evidence in relation to James McMullan.

145. Moreover, these officers were not all from the same force meaning that those responding to a single incident were not necessarily listening to the same radio channel. For example, PC Attwood was a BTP officer using a BTP firearms channel [day 8 p 180] who noted that he relied on the fact that he could also overhear the communications set to PC Wallis, a Metropolitan police officer, over his own radio. It is evident that the radios could not be used to communicate directly with those on scene. No dedicated multi-agency channel had been set up at this stage and such a channel is not, in any event expected to be used by officers on the ground such as PC Attwood [Fry, day 22, p 212]. It is also a matter of concern that these officers, who needed to communicate with LAS about the medical assistance which they needed in Green Dragon Court, were unable to use airwave radio to communicate directly with

LAS. Had they been able to do so they might have been told that help would not come to them and been informed of the location of ambulances.

146. In any event, it appears to have been recognised that radio communication, even if made, was unreliable. A number of witnesses described being unaware of what was going on around them while they were carrying out CPR: see for example David Anderson [day 4 p 84] and the evidence of Lisa Deacon that she was unaware of gunfire [day 6 p 146]. PC Kerr gave evidence that she would not have been able to hear every radio transmission. Indeed, this difficulty is recognised by senior officers: when asked about why PC Attwood was not told about the ambulances on the High Street, Chief Superintendent Fry said *"I don't know how much attention PC Attwood was able to pay to radio transmissions given what he was doing in respect of providing CPR and first aid"*. This suggests that senior officers recognise that radio does not offer a sufficiently reliable means of communication.

147. The unusual demands of responding to a terrorist attack both in terms of the noise and activity at the scene and the stress of the situation mean that it may be particularly desirable for the police to use means of communication to be used that do not require live monitoring (for example, text based communication setting out information about casualty clearing stations and danger zones which could be checked periodically rather than requiring constant attention).

148. The families recognise that this is a complex area but note that more reliable communications from the control room to officers on the ground are likely to have a significant impact in practice.

Police Forces should consider whether the 'emergency button' on police radios is a sufficiently reliable means of summoning assistance at major incidents

149. Where it works, the 'emergency button' is a valuable tool enabling police officers to communicate immediately with other officers to seek assistance.

150. It is a matter of concern, however, that several officers described how this tool did not work because so many officers were trying to use it at once. PC Tchorzewski described it as *"close to the white noise because so many people were trying to*

scream over the radio just to give their positions" [day 12 p 62]. PC Balfour was unable to get through for this reason.

151. In this instance, assistance did in fact come very rapidly. It is nevertheless a cause for concern that this vital tool appears to have broken down just at the point when it was most necessary to protect the officers and the public by communicating the location of an ongoing terrorist attack. Similar difficulties appear likely to recur in other cases where multiple police officers arrive at the scene of a terrorist attack.

152. Police forces should consider whether ongoing technological developments would enable this tool to be improved.

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

153. It was a matter of concern that not only the police officers providing treatment at the scene, but also those in the control room, were unaware of the location of ambulances and that information about casualty clearing stations was not clearly communicated.

154. The evidence of Mr Woodrow [day 27, p 65] was that one potential solution to this issue was GPS or similar technology which would enable relevant personnel to identify the locations of particular people or vehicles. Superintendent McKibben [day 23, pp 68 – 69] agreed that there was *"absolutely"* a case for officers being given more direct access to information about where LAS resources were with a view to saving lives in the future. This issue should be explored. It is to be noted that the high level of congestion over radio channels during an incident of this nature means that any means of communication about the location of resources which enables officers on the ground to transmit and obtain location information without adding to the radio chatter is particularly to be welcomed.

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

155. The evidence of Mr Woodrow [day 27, p 64] was that this was likely to improve communication and was worth considering, at least in responding to major incidents. Superintendent McKibben [day 23, p 69] agreed.

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

156. It is a matter of concern that the emergency response to this attack was impeded by the fact that it took place across the boundary of two police areas. No other major UK city contains such a boundary at its heart.

157. In particular PC Duggan's evidence was that the jurisdictional boundary was the reason that he only heard messages about events on the bridge and not about Borough Market, which meant that he did not go on to confront the threat.

158. Although the speed of the armed response by another ARV which resulted in the shooting of the attackers was impressive, a failure of communication of this magnitude – meaning that the firearms response to a terrorist attack was not as quick as it could have been – must never be treated lightly. In other circumstances this could easily have led to avoidable loss of life, and in these circumstances it probably led to avoidable injury. In considering how this issue should be addressed, no option should be ignored.

159. It is to be recalled that prior to the London Bridge attacks Lord Harris had suggested consideration should be given to the merger of the two forces, yet we are unaware of any response to that recommendation.

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5 August 2019