

INQUESTS INTO THE DEATHS OF SASKIA JONES & JACK MERRITT

LEGAL DIRECTIONS TO THE JURY

Introduction

1. As the Coroner in these Inquests I am responsible for giving legal directions to you as the jury and you must accept these directions and apply them to the evidence. It is for you to reach factual conclusions following these legal directions.
2. Your findings must be based solely on the evidence you have heard or seen in Court. You should ignore anything else, such as media coverage of the case.
3. I have summarised the evidence for you. However, subject to these legal directions, you should decide what features of the evidence are important and you should form your own view of the evidence.

Purpose of an Inquest and Record of Inquest

4. The primary purpose of an inquest is to provide answers to four factual questions:
 - (a) who the deceased person was;
 - (b) when did he/she come by his/her death;
 - (c) where did he/she come by his/her death; and
 - (d) how did he/she come by his/her death.

A coroner's jury should not address any other matters in their conclusions (except for confirming certain information required for registration of death). In addition, a jury's conclusions must not be framed in such a way that they appear to determine any question of criminal liability of a named person or any question of civil liability.

5. Very often, the evidence at an inquest will be much more wide-ranging than is necessary to allow the jury to answer the four questions mentioned above. That is mainly because the process of hearing the evidence and conducting a full and rigorous inquiry in public is important in itself.
6. In these inquests (as in many inquests), the answers to the first three questions are clear and obvious. The fourth question is “how” each of Saskia Jones and Jack Merritt came by her or his death. That question means: “by what means and in what circumstances did each come by his death.”

Documents for Completion

7. In this case, you will give your conclusions by completing a questionnaire. I shall ask my usher to provide each of you with a copy, although you will together complete just one copy with your collective conclusions. I repeat: you will only complete one copy of this questionnaire between all of you. It is in two parts: the first four pages (stapled separately) contain notes to guide you; the remaining pages form the actual questionnaire. You will see that it has five questions.
8. Once you have reached your conclusions and completed the questionnaire, you will be asked to sign a formal record of inquest for each of Jack Merritt and Saskia Jones. I shall ask my usher to provide you with a single copy of each record of inquest for all of you together (not one copy of each for each of you). These have been pre-completed with the formal particulars of death, and the sections on the means and circumstances of death refer to the questionnaire.

Question 1 - Short-Form Conclusion: Unlawful Killing

9. A “short-form conclusion” is a word or short phrase which expresses a conclusion as to the death.
10. The law says that, in an inquest, a coroner may only leave to a jury the short-form conclusion or conclusions that they could safely return on the evidence. If there is only one short-form conclusion that a jury could safely return, the coroner should direct the jury to return that conclusion.

11. In this case I have decided, with no objection from any Interested Person, that the only short-form conclusion which you, the jury, could safely return on the evidence for each of those who died is “unlawful killing”; in other words, that each of Saskia Jones and Jack Merritt was unlawfully killed. Therefore, you the jury are directed to return that short-form conclusion for each of them.
12. Question 1 of the questionnaire, on page 5, is the part which deals with this short-form conclusion. As the questionnaire says on that page, I am directing you to answer “yes” to that question.

The Questionnaire – general points

13. I am now going to go through the Notes to the Jury section of the questionnaire, which you can follow on pages 2 to 4.
14. The questionnaire you have has been prepared by me as Coroner after receiving submissions from Interested Persons. By answering the questions, you will give your determinations on the key factual issues in the case. All are intended to address the central question: by what means and in what circumstances did Jack Merritt and Saskia Jones come by their deaths?
15. After the inquests, a completed copy of this questionnaire will form part of the Record of Inquest for each of Jack Merritt and Saskia Jones.
16. For a number of the questions (Questions 3 to 5), you are asked for a “yes” or “no” answer, and you are then given the option to explain further in a box. You are not obliged to fill in the box. Considerations and issues are then listed which you may want to consider, although you should feel free to give your own answers (provided that you follow the legal directions in these Notes and the summing-up).
17. For some of the questions (again, Questions 3 to 5), you are first asked whether there was some error, omission or circumstance that (probably) caused or contributed to the two deaths. If you have answered “no” to that, you are then asked whether the same thing may have caused or contributed to the two deaths. If answering the second part

of such a question, you will need to consider whether there is a realistic possibility that an error, omission or circumstance as described caused or contributed to the two deaths.

18. You may only say that something contributed to the two deaths if you consider that it made a more than minimal contribution.
19. You should only give an answer to a question if all of you agree upon the answer. If you find yourselves unable to agree on an answer to one question, you may move on to the next and return to the question later. If a time comes when I can accept any answer on which you are not all agreed, I shall tell you.
20. In resolving factual issues, you should give your answers in accordance with the “balance of probabilities”; what is more likely than not. (However please note that if you are deciding whether something may have caused or contributed to the deaths, you should consider whether there is a realistic possibility that it did so (see note above).)
21. If you choose to give further explanation in any of the boxes where you are given the option to do so, please follow these directions when writing your responses:
 - a. Your responses should all be directed to answering the question by what means and in what circumstances the deaths occurred. You should not make any statement or comment which does not assist in answering that question.
 - b. It might help you at each stage to consider the cause(s) of the deaths; any defects in systems and practices which contributed to the deaths; and any other factors which are relevant to the circumstances of the deaths.
 - c. You should try to be brief and to the point.
 - d. If you wish to write more than the space in any of the boxes permits, you may continue on a separate sheet. At the top of the sheet, you should write the number of the question and the words “Answer to Question [x] Continued”.
 - e. You should not make any comment on any circumstance, act, omission or event unless there is at least a realistic possibility that it caused or contributed to the deaths.

- f. You should not say anything to the effect that a breach of civil law has been committed or that any named person has committed a crime. Because of this legal rule, when writing any explanations, you should avoid using words and phrases such as “negligence / negligent”, “breach of duty”, “duty of care”, “careless”, “reckless”, “liability”, “guilt / guilty”, “crime / criminal”, “illegal / unlawful”. This rule does not prevent you confirming in question 1 that those who died were unlawfully killed: the proposed form of words in that question avoids naming the person responsible.
- g. You may use ordinary and non-technical words which express factual judgments. So, you may say that errors or mistakes were made and you may use words such as “failure”, “missed opportunity”, “inappropriate”, “inadequate”, “unsuitable”, “unsatisfactory”, “insufficient”, “omit / omission”, “unacceptable” or “lacking”. Equally, you may indicate in your answer if you consider that particular errors or mistakes were not made. You may add adjectives, such as “serious” or “important”, to indicate the strength of your findings.
- h. If you are uncertain about what may be written, you may ask a question in writing to the Coroner during your deliberations.

The Questions

- 22. I have already mentioned the key questions which you will be asked to address. Let me now run through all the questions.
- 23. On page 5, you will find Question 1. That asks you to confirm that each of Saskia Jones and Jack Merritt was unlawfully killed. As I have said, I am directing you to answer “yes” to that question, because it is the only proper answer on the evidence and the law says that I should direct a conclusion in those circumstances.
- 24. On page 6, you will find Question 2(a). This sets out a short factual summary of the basic facts of the death of Jack Merritt. It has been agreed with the representatives of Jack’s family. You are asked either to confirm that you agree with the summary, by writing “confirmed” or “agreed” in the box, or to indicate any amendments you would like to make.

25. On page 7, you will find Question 2(b). This similarly provides a summary of the basic facts of the death of Saskia Jones, which has been agreed with her family's representatives. Once again, you are asked either to confirm agreement to that summary or to indicate amendments you would like made.
26. Question 3 (page 8) asks first whether there was any omission or failure in the management of Usman Khan (as an offender in the community) by agencies of the state which [probably] contributed to the deaths of Jack Merritt and Saskia Jones. If you think that there was, you answer "yes" in the upper right box and you provide any reasons in the box at the bottom of the page. If not, you answer "no" in the upper right box and you then go on to the second question on the page. As you will see, that asks whether there was any omission or failure in the management of Usman Khan (as an offender in the community) by agencies of the state which may have contributed to the deaths of Jack Merritt and Saskia Jones. A "yes" or "no" answer should be written in the box next to the question and any reasons given in the box at the bottom.
27. On pages 9-10, you will find a series of factors and considerations which you may wish to consider in answering Question 3.
28. Question 4 (p11) is in similar form to Question 3. It asks first whether there was any omission or failure in the sharing of information by agencies responsible for monitoring / management of Usman Khan which [probably] contributed to the deaths of Jack Merritt and Saskia Jones. If you answer "no" to that question, you are asked to say whether there was any such omission or failure which may have contributed to the deaths. Again, you approach the question in the same manner, giving reasons for your answer in the box at the bottom of p11. Again, pages 12-13 set out factors and considerations you may wish to bear in mind when answering Question 4.
29. Question 5 (p14) is the final question. It asks first whether there was any omission or deficiency in the organisation of and security measures for the event at Fishmongers' Hall which [probably] contributed to the deaths of Jack Merritt and Saskia Jones. If you answer "no" to that question, you are asked to say whether there was any such omission or deficiency which may have contributed to the deaths. Again, you approach the question in the same manner, giving reasons for your answer in the box at the bottom

of p14. Page 15, meanwhile, contains factors and considerations you may wish to take into account in answering.

30. You should aim to produce a set of answers on which you all agree – so that you all agree on all parts of a single questionnaire. We can give you as many copies of the questionnaire as you wish to prepare draft answers, but when you have reached a set of conclusions on which you are all agreed, we shall want one single completed master copy of the questionnaire containing answers to all the questions on which you are all agreed.
31. There are a few points I should emphasise in respect of the factors which are listed variously after Questions 3, 4 and 5.
 - a. First, that the factors are only examples. The lists are not exhaustive. You may take into account other factors which you consider to be proper answers to the questions to which you are responding. Likewise, you may consider that some or all of the factors do not assist you in answering the questions to which you are responding, in which case you must disregard them.
 - b. Secondly, the fact that a particular factor has been included in a list is not an indication that I believe that the presence of that factor would, on its own, indicate that you should answer “yes” to the question of whether particular omissions or failures caused or contributed to the deaths, or the question whether they may have done. That is a matter for you.
 - c. As a example: if, in a hypothetical inquest concerning the death of a patient in hospital following an operation, you were considering the question “did any omission or failure in medical care provision cause or contribute to the death?” and one of the factors in the questionnaire was “whether or not on the day of the death the staffing levels at the hospital were below the recommended minimum level”, you would have to go through this thought process in order to rely on that factor in answering “yes” to the question.
 - i. First, you would wish to consider your finding of fact: on the balance of probabilities, were staffing levels on the day of the death below the recommended minimum level?

- ii. If you were to answer “yes” to that question, and find as fact that the staffing levels on the day of the death were below the recommended minimum level, that would not automatically mean that you should answer “yes” to the question of whether any omission or failure in medical care provision caused or contributed to the death.
- iii. Secondly, you would wish to consider whether the fact of low staffing levels did probably cause or contribute to the death, either on its own or in combination with other facts that you have found to be the case. You may, instead, be of the view that even though staffing levels were below the minimum recommended level, it would not *probably* have saved the life of the deceased if staffing levels had been at the appropriate level. That would be a question for the jury, on the evidence heard in that case.
- iv. Thirdly, if you do not consider that such omissions or failures *did probably* cause or contribute to the death, you would go on to consider the second part of this hypothetical question: whether there is a realistic possibility that such an omission or failure as described caused or contributed to the death. In the example I have given, you would have to decide whether or not staffing levels at the appropriate level *may realistically* have saved the life (even though you could not say that they *probably* would have done).

Final Directions

32. You should leave the courtroom together, retire to your jury room and consider your conclusions. Your task is to complete the questionnaire as directed above. As well as the individual copies you have, you will be provided with the master version to record your final version.
33. If you have not already done so, please elect a foreman or forewoman; someone to chair your discussions and to speak on your behalf when you return to Court.

34. If you would like further directions or to be reminded of any evidence, you should pass a note to the jury bailiff and you will be brought back into Court.

35. When you have completed your task, you should inform the jury bailiff. I will check the questionnaire you have prepared. You will then be brought into Court to deliver your conclusions.

36. Finally, you are reminded of the warning given at the outset. You decide this case only on the evidence you have heard in Court. You should not carry out your own research. You should not discuss the case except with other jurors and when you are all together in the jury room.

The Recorder of London
His Honour Judge Mark Lucraft QC

27th May 2021