

**INQUESTS INTO THE DEATHS AS A RESULT
OF THE TERROR ATTACK AT FISHMONGERS' HALL
ON 29TH NOVEMBER 2019**

CLOSING SUBMISSIONS ON BEHALF OF STAFFORDSHIRE POLICE

1. In summary, Staffordshire Police :
 - a. Agree that the Jury should be directed to return a short-form conclusion of unlawful killing in relation to the deaths of Jack Merritt and Saskia Jones;
 - b. Acknowledge that the Jury may be asked to answer further questions touching upon issues which contributed or may have contributed to their deaths;
 - c. Agree, subject to modest suggested amendment, the form of questionnaire proposed by CTI;
 - d. Agree with the proposed directions concerning the production of any PFD report.

Article 2

2. The Inquest in relation to the deaths of Jack Merritt and Saskia Jones has enabled all pertinent and material questions to be raised about their deaths. Such answers as can be provided about the factual circumstances of their deaths and the expert medical explanations have been publicly aired and conflicts within the factual matrix have been fully explored. It can clearly be acknowledged that a fully “Article 2 compliant” inquest has been held.
3. Given the low threshold for engagement of Article 2 and the issues identified by CTI @ §17(a)-(f) regarding all state agencies who attended MAPPAs, and given that UK was subject to an ongoing and active investigation by WMCTU and the Security Service, Staffordshire Police acknowledge that the threshold can be met. As Lady Justice Hallett observed in *R (Sreedharan) v HM Coroner for the County of Greater Manchester* [2013] EWCA

Civ 181 @ §23 once the procedural duty under Article 2 is engaged in relation to any one state agency the roles of all agents, state or otherwise, then fall to be examined fully.

Those roles have been examined fully and to satisfy the Article 2 procedural duty, it is accordingly acknowledged that as a matter of law a conclusion addressing the circumstances of the deaths by way of questionnaire is appropriate.

4. Given the approach taken by CTI to the engagement of the procedural duty under Article 2 on the basis of an arguable breach of the general duty [§61-64], and given that it is not necessary to do so, we do not propose to address that particularly complex issue in these submissions. We do reserve the right to respond to the submissions of others if it is positively advanced.

The Form of Questionnaire

5. Staffordshire Police have no objection to the wording of Qs 1, 2(a), 2(b) and 3.
6. In respect of the “considerations and issues” for Q3 set out at p9 of the Questionnaire, and with regard to the fifth bullet point thereunder on the issue of “experience” the Coroner is invited to consider reminding the Jury of the points below. Staffordshire Police are of course acutely aware that the Coroner can not remind the Jury of all aspects of the evidence. We are confident that the Coroner will strike the appropriate balance when addressing the considerations and issues expressly identified in the Questionnaire. The following are an attempt to assist in that endeavour in relation to “experience” :
 - a. The Staffordshire Prevent officers were not “inexperienced” officers per se – they all had many years of policing experience¹;
 - b. In addition, their experience as Prevent officers (steeped in extremism/radicalisation work in the community) was a positive attribute for the role²;
 - c. UK was only the second RTO who had been released into Staffordshire and accordingly the “experience” of the Prevent team in handling such an offender was by dint of that rare eventuality and not as a result of (a) their own personal

¹ CF : T/20/27; T/20/32; T/20/47; CH T21/145; T21/174; IO T/21/181 – 182; T/21/201-202; VB T/21/205-206; T21/206

² See ACC Ward’s evidence T/27/13-14

inexperience as police officers; or (b) Staffordshire Police *selecting* inexperienced officers.

- d. The Prevent team, led by Sgt Forsyth, were as a matter of fact the only officers within Staffordshire with experience of this role – they managed Mohibur Rahman, RTO1 and UK as RTO2. They also managed the other Part 4s released until transferred back to West Midlands Team 7 in late 2019³.
- e. Their previous experience in the role had resulted in successful management⁴ in the RTO1 case which they led on and the successful identification of breaches by him⁵.
- f. Both senior officers who gave evidence, Det Chief Supt Oomer⁶ and ACC Ward, the regional lead for counter terrorism, supported the use of the Prevent officers knowing the disparity in numbers released into Staffordshire as compared with those released into the West Midlands police area. Both felt that as Prevent officers with the skill set they possessed they were suitable for the role – which Prevent officers in forces across the UK also fulfilled :

“Because the Prevent officers generally have the required skills that we would want to be able to carry out this work. Prevent officers are specialist CT officers, they’re used to working in partnership with other agencies delivering interventions, they’re used to building a rapport and a long-term relationship with people who often have complex and multiple needs, and they have a good understanding of ideology and are able to recognise the signs of radicalisation to be able to escalate any change in behaviour that may give rise to a threat or risk”⁷.

- g. There were some very modest initial issues / teething problems raised by DC Harthill which were satisfactorily resolved⁸. Otherwise there were no concerns raised about how the Prevent officers actually performed their role in relation to any of the RTOs they managed, including UK⁹. Whilst there is reference to concern being raised (by the Prevent team) it was due to capacity not because of an inability to do the job¹⁰. Further, none of the officers felt they could or would have done things differently either with more intel or more training¹¹.

³ T/20/156

⁴ T/21/44-45

⁵ T/25/163

⁶ T/25/163-164

⁷ T/25/167-168; T/27/13-14

⁸ T/25/81

⁹ T/21/184

¹⁰ T/20/45; T/20/43-44

¹¹ T/21/177; T/21/200; T/21/232

7. The reference in §29 of CTT's submissions that Staffordshire SB were aware that PS Forsyth and his team had "no experience of managing TACT offenders in the community" is factually inaccurate and not borne out by the evidence, or the cross-references from the transcript in CTT's footnote 69.¹² The officers did have previous experience of managing a TACT offender in the community. They did not have significant counter-terrorism investigation or intelligence experience, which is different. Respectfully, the Jury should not be addressed on the basis that Staffordshire Prevent officers had no experience in the management of TACT offenders.

8. On the issue of "proper access to information" Staffordshire Police are again confident that the Coroner will have considered reminding the Jury of the following:
 - a. The Prevent Sergeant attended all of the MAPPAs meetings, was privy to the contents of the MAPPAs F forms, the minutes of previous MAPPAs meetings, the mentor reports, the tagging data and all reports produced by the Prevent Team.
 - b. The provision to the Prevent team in March 2019 of the UK Subject Profile¹³.
 - c. The evidence of DI Hessell¹⁴ and DCI Chambers¹⁵ to the effect that PS Forsyth was at the JOT on the 18th December when intelligence [both strands] was discussed. There is an apparent conflict on that issue, but the evidence is certainly not all one way and the Jury should not be left with the impression that it is.

9. In relation to Q4 it is not understood from CTT's submissions that there is any suggestion that Staffordshire SB omitted or failed in the performance of its role "in the investigation" of UK.

10. It is not understood that there is any suggestion that Staffordshire SB did not feed in to that P Op investigation, adopting the structure of OIMU and the NCIA platform, relevant intelligence or information.

¹² T/25/7 DCI Hessell refers to the fact that he was aware Prevent had performed the management role before in the Rahman case and T/25/127; Mr Omer refers to their previous and positive experience managing MR whilst acknowledging they did not have significant "counter-terrorist investigation experience".

¹³ T/24/57

¹⁴ T/25/24

¹⁵ T/26/30-32

11. Indeed in *addition* to that established process, DS Stephenson raised issues regarding (i) UK's anger/frustration in the mentor engagement¹⁶; (ii) the dumper truck¹⁷ (iii) isolation following the visit on 31st October¹⁸. A report of Prevent's engagement on 14th November was also provided¹⁹. DC Plimley provided WMCTU with details of the F Hall trip²⁰ and DS Jerromes, by then the Dep SIO, confirmed receipt and forwarded to the SIO²¹. MI5 were also fully sighted on the details of UK's travel plans and visit courtesy of SB²². Not only were WMCTU and MI5 sighted on all relevant intelligence/information they were also likely to have been privy to further information from their ongoing "coverage".
12. It has also not been suggested that SB were the recipient of any intelligence or information *from* MI5 or WMCTU during the running of the P Op which SB in some way failed to assess or act upon in some way. Witness A and DCI Chambers confirmed there was no such intelligence.
13. As a result it is not clear on what basis the Jury should be asked to answer any question in relation to Staffordshire SB on the basis that there was an "omission or failure" by it "in the investigation of UK" or any basis to invite the Jury to consider the fourth bullet point so long as it relates to Staffordshire SB.
14. In keeping with the phraseology of Q3, Q4 could be re-phrased as follows which encapsulates any concerns the Jury may have regarding the involvement of WMCTU / MI5 given their awareness of both strands of intel and the impending solo trip to London :
- "Was there any omission or failure in relation to Usman Khan by agencies of the state outside of the MAPPa process which contributed to the deaths of Jack Merritt and Saskia Jones?"

¹⁶ DC7441/580

¹⁷ DC7442/338

¹⁸ DC7443/119

¹⁹ DC7443/213

²⁰ DC7443/173

²¹ DC7443/175

²² DC7505

Causation

15. Staffordshire Police do not disagree with the submissions of CTI in relation to the test for causation as set out at §10(e) – (i).

Preventing Further Deaths

16. Staffordshire Police do not disagree with the proposed approach set out at §84-85 of CTI's submissions.

GERARD BOYLE QC

LOUISA BROWN

Serjeants' Inn Chambers

24th May 2021