

INQUEST INTO THE DEATH OF USMAN KHAN

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. The answers to the four questions are given by completing a Record of Inquest form. That form also contains the information required for registration of the death (e.g. date and place of birth). As you will see, the undisputed facts and the death registration information have been entered on the form. If you have any concerns about what has been entered, you should pass a note to the jury bailiff. At the end of the hearing, you and I will sign the form for Usman Khan.
7. In these inquests (as in many inquests), the answers to the first three questions are clear and obvious. The fourth question is “how” Usman Khan came by his death. That question means: “by what means and in what circumstances did he come by his death.” It has been decided that for Usman Khan that question should be answered by providing (a) a “short-form conclusion” and (b) a further narrative of the means and circumstances of death. There will be a separate Determination Sheet which will in the end be attached to the Record of Inquest. You are being provided with copies of the Determination Sheet. I shall ask my usher to provide you with a single copy of the record of inquest for all of you together (not one copy of each for each of you).

Short-Form Conclusion: Lawful Killing

8. The “short-form conclusion” is a word or short phrase which expresses a conclusion as to the death.
9. 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.
10. 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

Usman Khan is “lawful killing”; in other words, that he was lawfully killed. Therefore, you the jury are directed to return that short-form conclusion.

11. The reasons why “lawful killing” is the only short-form conclusion which a jury could safely return in each case are as follows:
 - (a) “Lawful killing” is a conclusion that, as a matter of probability, death resulted from the use of lawful force. It is a finding that death resulted from an act which would otherwise be a crime, such as murder or manslaughter, but which is legally justified under the criminal law. One example of lawful killing is when a person kills another in lawful self-defence or defence of others.
 - (b) When deciding whether use of force is legally justified in self-defence or in defence of others, a coroner or jury asks two questions. First, did the person who used force honestly believe that it was necessary to do so in defence of him-/herself or in defence of others? Secondly, if so, did the person use no more force than was reasonably necessary in the circumstances as he/she believed them to be? If the answer to each question is “yes”, then the use of force is legally justified.
 - (c) The law does not require a person in the heat of the moment to calculate precisely the amount of force required. In addition, the law does not require a person who anticipates a threat to wait passively for an attack. Circumstances may justify a pre-emptive use of force.
 - (d) In this case, I as Coroner have decided that the only conclusion which a jury could safely reach on the evidence is that (i) each of the officers who shot Usman Khan at every stage honestly believed that it was necessary to use force in defence of himself and others; and (ii) the amount of force used at each stage was no more than reasonably necessary in the circumstances. Therefore, the only safe conclusion is that Usman Khan was lawfully killed.

12. On that basis, as a matter of law, as the Coroner I direct you to return a short-form conclusion of lawful killing. In accordance with this direction, the Determination Sheet has printed on it the short-form conclusion of lawful killing.

Narrative of the Means and Circumstances of Death

13. You are being asked to carry out the important task of writing a short narrative account of how Usman Khan came by his death; the means and circumstances of his death. You should write this in your own words on the Determination Sheet, directly below the short-form conclusion of lawful killing.
14. You should follow these directions when drafting your narrative:
- (a) Although there is no fixed limit for this narrative, a length of one or two paragraphs should be sufficient.
 - (b) This narrative should be a summary of the means and circumstances of death. It may address the following topics –
 - i. A very brief account of Usman Khan’s actions immediately prior to the arrival of armed police officers, including (for example) (a) that he had armed himself with knives and stabbed multiple people in Fishmongers’ Hall and (b) that he had left the Hall and been pursued and tackled on London Bridge by attendees of the event and members of the public;
 - ii. The device being worn by Usman Khan and its resemblance to an improvised explosive device (“IED”);
 - iii. The arrival of the ARV carrying the first three armed officers on the scene at 14:01:59;
 - iv. The actions the first three armed officers and of Usman Khan during the initial phase of the armed response, including (a) any instructions given by those officers, (b) Usman Khan’s movements, (c) the use of the taser by YX16, (d) the first two shots fired and (e) YX99’s reasons for firing;

- v. The actions of the armed police officers in the immediate aftermath to this first phase, including the arrival of further armed officers and their decisions in positioning themselves and providing cover;
 - vi. The conduct of the officers in assessing the threat posed and any commands they issued to Usman Khan;
 - vii. Usman Khan’s actions and movements throughout the second phase of the armed response (i.e. from 14:03 to 14:12) and the way in which these were interpreted by the officers observing him; and
 - viii. The actions of the armed police officers between 14:10 and 14:11 in firing on Usman Khan multiple times and their reasons for firing at him.
- (c) The narrative should address only the means and circumstances of death. It should not make any statement or comment on any other subject.
- (d) When deciding any question of fact for the purpose of drafting the narrative, you should apply the “balance of probabilities” standard of proof. In other words, you should ask yourselves whether something is more probable than not.
- (e) You should try to be concise and to the point. The narrative should not be long or complicated. So far as possible, clear and simple language should be used in a narrative of this kind.
- (f) You should avoid using words and phrases such as “crime / criminal”, “illegal / unlawful”, “negligence / negligent”, “breach of duty”, “duty of care”, “careless”, “reckless”, “liability” or “guilt / guilty”. However, you may use ordinary and non-technical language which expresses factual judgments.
- (g) You should not in your narrative criticise the actions of any of the police officers who fired at Khan. That is because all of the officers provided justifications in their evidence for why they fired, and these explanations were not challenged by anyone in the course of these inquests. In addition, you heard from the Chief Firearms Instructors for the City of London Police and the Metropolitan Police

about the officers' training which made clear that each acted in accordance with their training.

Final Directions

15. You should leave the courtroom together, retire to your jury room and consider your conclusions. Your task is to prepare one copy of a narrative as directed above, on a Determination Sheet.
16. You should attempt to reach unanimous conclusions, by producing a narrative on which you are all agreed. If there comes a time when any majority conclusions can be accepted, you will be brought back into Court and told.
17. 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.
18. 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.
19. When you have completed your task, you should inform the jury bailiff. I will check the narrative you have prepared, and a copy will be typed up. You will then be brought into Court to deliver your conclusions.
20. 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.

His Honour Judge Mark Lucraft QC

Recorder of London

10th June 2021