

IN THE MATTER OF THE INQUIRIES ACT 2005
AND IN THE MATTER OF THE INQUIRY RULES 2006

THE ANTHONY GRAINGER INQUIRY

**GIST OF PARTS OF THE CLOSED HEARINGS [3]:
DCI ROBERT COUSEN**

Introduction

1. The Inquiry heard oral evidence DCI Cousen from 4.00pm to 4.37pm on 16.2.17 and from 9.45am to 1.05pm on 17.2.17.

The Evidence

2. The Inquiry heard evidence that:

David Totton and Aaron Corkovic

3. There was intelligence available to SOCA [following dissemination of item 4 on the Intelligence Chronology] that Aaron Corkovic and David Totton were not planning robberies together and were not working as a team.
4. Had DCI Cousen known the intelligence summarised in paragraph 3 above at the time of completing his investigative assessment he probably would not have made David Totton a subject of Operation Shire or, potentially, would have considered a separate operation for David Totton (depending on the available intelligence).

Robbery

5. From 22.2.12 to 2.3.12 no intelligence that originated from SOCA was verbally disseminated to DCI Cousen.

1.3.12

6. On 1.3.12 no intelligence that originated from SOCA was disseminated to DCI Cousen (whether verbally or otherwise).
7. DCI Cousen did not read intelligence reporting from SOCA relating to 1.3.12 until after Anthony Grainger had died (and, in particular, did not read in SOCA's reporting the intelligence in the redacted passage on page G1/3601 of ACC Heywood's *Log* until after Anthony Grainger's death).

2.3.12

8. On 2.3.12 at approximately 7.00-7.30am DCI Cousen finished work and went home to rest. From approximately 4.00pm he worked on Operation Shire from home.
9. On 2.3.12 C3 (a GMP employee responsible for receiving intelligence from SOCA and then distributing it, or some of it, to operational officers) disseminated intelligence to DCI Cousen which he, DCI Cousen, understood to be an assessment that David Totton, Anthony Grainger and Robert Rimmer were going to commit a robbery on 3.3.12 or, if not then, on 5.3.12.
10. DCI Cousen agreed that his notes of his conversation with C3 make no record or reference to robbery and he explained that it was not his practice at this time to record assessments passed to him.
11. DCI Cousen was questioned in respect of the evidence summarised in paragraph 9 above, and the evidence that C3 had given the Inquiry (to the effect that he did not inform DCI Cousen that there was intelligence that had been assessed to indicate that David Totton and Anthony Grainger and another person intended to commit a robbery on 3.3.12 if the opportunity arose and, if not, to conduct reconnaissance on that day, or to commit a robbery on 5.3.12). DCI Cousen:
 - a. Maintained that the assessment given to him by C3 was that there was to be such a robbery;
 - b. Maintained that if he had not been passed such intelligence he would not have committed the resources to the operation that he did on 3.3.12;
 - c. Suggested that his recollection of C3 having passed on to him an assessment of a robbery was supported by a recollection of having a conversation with C3 about the places that would be open on 3.3.12 in Culcheth.
12. DCI Cousen was questioned about the fact that on 1.3.12 he had received no intelligence of a planned robbery but had nonetheless committed resources and mounted a firearms operation [1.3.12 into the morning of 2.3.12]. DCI Cousen said that he had done this due to:
 - a. The sighting of the hacksaw;
 - b. The fact that there was intelligence to suggest that David Totton was seeking to obtain a false passport;
 - c. The use of a stolen vehicle on false registration plates; and
 - d. The fact that, after the robbery in Kirkham in 2005, David Totton had gone to Thailand (despite DCI Cousen being aware that he had been neither arrested nor charged in respect of that offence).
13. DCI Cousen agreed that C3 had passed no intelligence to him on 2.3.12 that David Totton, Anthony Grainger or Robert Rimmer had access to firearms or would be carrying firearms.
14. DCI Cousen said that C3 did not positively tell him that there was no intelligence that David Totton, Anthony Grainger or Robert Rimmer had access to firearms or would be carrying firearms.
15. DCI Cousen said that:
 - a. He told Supt. Granby that it had been assessed that David Totton, Anthony

Grainger and Robert Rimmer were going to commit a robbery on 3.3.12 and, if not then, on 5.3.12 (and shared some of the intelligence that had been disseminated to him by C3);

- b. He did not tell Supt. Granby, by reference to intelligence disseminated to him by C3, that David Totton, Anthony Grainger or Robert Rimmer would or might be armed;
- c. He did not make a written record of the content of the intelligence that he disseminated to Supt. Granby (in part because he did not know of a GMP policy document which required him to make a written record of such a dissemination).

16. DCI Cousen accepted that on 2.3.12 Operation Shire had completely missed the visit by the stolen Audi to Culcheth on the evening of that day.

17. DCI Cousen said that part of the information given to him by C3 on 2.3.12 (along with other information emanating from surveillance officers and the VTD) caused him to alter the previous tipping points in consultation with Supt Granby.

3.3.12

18. DCI Cousen agreed that C3 had passed no intelligence to him on 3.3.12 that David Totton, Anthony Grainger or Robert Rimmer had access to firearms or would be carrying firearms.

19. DCI Cousen said that C3 did not positively tell him on 3rd March 2012 that there was no intelligence that that David Totton, Anthony Grainger or Robert Rimmer had access to firearms or would be carrying firearms.

20. DCI Cousen stated that he did not contact C3, or cause C3 to be contacted, after 6.00pm on 3.3.12 in order to ask C3 to contact SOCA to check whether SOCA was sure that there was no intelligence that David Totton, Anthony Grainger or Robert Rimmer were or may be armed.

21. The Chairman will, in due course, analyse and make findings about, amongst other things:

- a. The material underlying this intelligence;
- b. The words used by C3 to convey this intelligence to DI Cousen; and
- c. DCI Cousen's recollection of the intelligence that was passed to him by C3.

This Gist

22. This gist is not a summary of all of the evidence received in the Inquiry's Closed Hearings.

23. This gist has been seen by the NCA and GMP - each agrees that:

- a. It is accurate and fair; and
- b. The information contained within it can be disclosed to the Core Participants in the Inquiry and to the public.

24. The Chairman has yet to reach conclusions on what the written and oral evidence

he received establishes. The purpose of this document is to give to Core Participants in general terms a gist of some of the evidence heard by the Inquiry in its Closed Hearings.

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Sophie Cartwright
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21.3.17