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When calling or telephoning
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Date: 15 March 2017

Dear Sir

Re: Late disclosure of two GMP policies and emails concerning X7 and Z15

This is the first of two letters addressing the issue of GMP disclosure of information to the Anthony Grainger Inquiry. The first letter will deal with the specific documents disclosed by GMP in week 8 of the Inquiry and the steps taken to date to effect disclosure. The second letter will describe the continuing efforts to ensure that all relevant material is placed before you.

The IPCC investigation into the circumstances of the shooting of Mr Grainger began in March 2012. It was quickly apparent that this independent investigation was to be wide ranging as the subsequent report would demonstrate. GMP gave access to diverse categories of material as requested by the IPCC. The IPCC report was received in June 2013. That body then referred the matter to the CPS for consideration of criminal charges. In January 2014 the force was informed that the Chief Constable was to be prosecuted under Health and Safety legislation. The IPCC continued to act as the principle investigative body for that prosecution. All requests for further information were referred through the Operation Idris team. As the principle investigative body, the IPCC was responsible for assessing the material it requested from GMP and for collating that material into used and unused material.

During the prosecution, GMP wished to take statements from officers and to collate material to be used in the defence of the matter. The GMP legal team had restrictions not only in relation to which officers and staff we could speak to because they were prosecution witnesses but who we could disclose material to due to restrictions placed on us by IPCC, HMC and the CPS. At that stage we were not allowed to release the IPCC report, say, to Q9 let alone other relevant officers/unit heads. We are still restricted from doing so save on a need to know basis and with individual undertakings. Such additional information as GMP was able to obtain from prosecution witnesses and other officers has been disclosed. It was not considered appropriate to contact every potentially involved person in the force, copying the IPCC in, to ask if they held potentially relevant material as the focus was on addressing the criticisms set out in the IPCC investigation.

Furthermore, for a protracted period, GMP did not have a full picture of the extent of material collated by the IPCC. Whilst the Idris team had acted as the SPOC and attempted to record all material obtained by the IPCC, in fact the IPCC contacted other Units direct and obtained disclosure of material which the Idris Team was not always aware of.

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After the conclusion of the criminal proceedings, GMP resumed its concentration on the Coronial proceedings. GMP's approach to disclosure has been reactive to the investigative and criminal process but also proactive in nature. A vast amount of material was generated by both the IPCC investigation and the criminal prosecution and this provided GMP with the most significant signposts for its disclosure exercise because of the width of issues identified by the IPCC and Mr Molloy and his team. Additionally, CTI have made extensive disclosure requests and this has assisted GMP in identifying previously undisclosed material such as emails etc. In relation to emails, the disclosure requests were restricted to specific witnesses in the form of Rule 9 requests and each witness responded as requested.

GMP has sought to obtain further material whenever it has been aware of its possible existence. More often than not this has been because such material has been referred to or hinted at in previously disclosed material. Generally speaking, once obtained, we have simply disclosed such material, rather than superimposing GMP's own relevance filter.

You will be aware of the very demanding timetable imposed for this Inquiry. GMP's priority has been to facilitate the requests made of it by the Inquiry team. CTI will be well aware of the volume and nature of these requests and of the time consuming efforts of GMP to respond to them. The redaction process itself has diverted valuable time and manpower and has likewise taken precedence in order to respect the timetable. It is possible that the need to adhere to the strictness of the timetable and those requests has consumed most of the time that would have been available to pause and check for gaps in disclosure with individuals. Such a pause would have been beneficial given (a) the width of the terms of reference, (b) the number of GMP witnesses, and (c) the number of Branches, police Units and IT systems involved. In making this observation, we fully recognise the critical importance of disclosure and the enduring hard work of CTI and indeed the need for this Inquiry to conclude within an appropriate timeframe.

After DCI Cousen produced documentation whilst giving evidence, the existence of which we had been unaware, we contacted all witnesses yet to give evidence. This was done on 23.2.17. We stressed the importance of ensuring that all documentation (whether evidential or unused material) was disclosed / submitted to the IPCC and we asked them to confirm by return email that they had disclosed such material. We indicated that if, for any reason, the witness had retained any material that had not been disclosed to the IPCC, they should advise the Operation Idris Team immediately.

This email was sent to Insp. Marcus Williams who sent a negative response. In his reply dated 2.3.17 Insp. Williams indicated *"I have supplied everything I have been asked to. I have no idea what other documentation there may be as I have [sic]no part in the investigation other than to answer enquiries/give professional opinions."*

On 3.3.17, DI Iain Foulkes of the Operation Idris team made a separate specific request to Insp. Williams about any notes he had about his or Mike Lawler's feedback to the two TA's (Steve Allen & Y19). This was as a result of a request from Bhatt Murphy about the reviews of both TAC's logs in the context of minimum standards. On the evening of 3.3.17, Insp. Williams sent 11 emails which included the information requested about Steve Allen and Y19 but also included the email dated 15.3.12, which contains reference to X7 attending the MPS SFO Course and failing it.

The same email from GMP legal dated 23.2.17 was sent to Mr Lawler who replied on 28.2.17 indicating that he had not retained any documentation not previously disclosed to the IPCC. Having retired in 2013, Mr Lawler would no longer have access to his GMP emails.

We suspect that one cause of the on-going difficulty is that witnesses do not know what has been disclosed (the indices to the Bundles are extremely voluminous and have not been sent to each witness). Likewise it appears that witnesses have not necessarily accessed or tried to access dated emails. Of significance is that on a phased basis from October 2011, GMP migrated from Lotus Notes to Outlook.

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The vast majority of officers and staff will not have had cause to access historic Lotus Notes email accounts for many years and many will no longer have the software on the computers. Although such emails, if retained, can be accessed on a terminal with the software or via IT services it is possible that individuals may believe that their emails no longer exist. Also, in fairness to some of the witnesses, it might be said that the prosecution of GMP caused substantial delay to the process as a whole such that witnesses might legitimately not recall that emails may exist about specific issues.

On 23.2.17 a request was made to Sgt Dave Whittle of the Force Training Unit ("FTU") in his capacity as a witness. His reply of 24.2.17 was, *"I have not retained any materials regarding the enquiry."*

At the same time we contacted officers who may hold relevant material and who could represent the DSU, FIB and FTU. We contacted Sgt Whittle to provide a response on behalf of the FTU (on the basis he was acting Insp. and CFI at the relevant time [June 2011/July 2013]) in respect of disclosure of all relevant policies because that unit also houses, as we understand it, all of the TFU policies. Although we believed that all relevant firearms policies and protocols had been identified and disclosed, we wanted to ensure that this was the case and also needed to respond to CTI's queries about policies. We attached a copy of the Index to the Policy & Procedure Bundle prepared by the Public Inquiry and asked Sgt Whittle to consider it and confirm if there were any other relevant SOP's / Manuals / Guidance relating to Firearms which were relevant and in force (locally or nationally) in 2012 which were missing from this index. We chased this on 28.2.17 and by week 8 had yet to receive a response.

As you know, whilst giving evidence, Mike Lawler referred to a SOP on Briefing a Firearms Operations and the SOP for FTU version 12. These documents had not been previously been disclosed and we were not aware of their existence. DC Paul Glover was able to access the system whilst at court and obtained copies of the documents and then redacted them for dissemination to the Core Participants.

On 9.3.17, we referred this back to the FTU since these SOP's did not appear in the Policy & Procedure Bundle. We have since become aware that there is an electronic folder which centralises the FTU policies. We tried to gain access to this folder last week as soon as we learned of its existence. DC Glover has taken steps to ensure that we obtain access with a view to reviewing the policies which were in force at the relevant time. This work is on-going.

We wish to apologise unreservedly both for the fact that there has been late disclosure of highly relevant material and for the inconvenience that this has caused you, your team and the Core Participants. We are acutely conscious of the need to ensure that all relevant material is placed before you, regardless of whether it points to or away from criticism of GMP or any of its officers and staff. The need to place such material before you has informed our approach to disclosure to date, and will continue to do so.

It is clear that previous generalised requests for witnesses to ensure that all relevant material has been disclosed are insufficient for the Inquiry's purposes. That being so, we are in the process of taking steps to investigate whether there have been any other failures in disclosure and these steps will be explained in detail by cover of separate correspondence.

Please do not hesitate to indicate whether you require any further information from us at this stage about the contents of this letter.

Yours faithfully

Sandra Pope
Head of Legal Services