

IN THE MATTER OF THE INQUIRIES ACT 2005

AND IN THE MATTER OF THE INQUIRY RULES 2006

THE ANTHONY GRAINGER INQUIRY

RECOMMENDATIONS:

ISSUES FOR CONSIDERATION [OPEN]

A. Introduction

1. As the Core Participants have previously been informed, in order to discharge that part of his Terms of Reference which requires him "...to make any such recommendations as may seem appropriate", the Chairman considers that it is necessary to adopt a staged approach.
2. This Note constitutes Stage 1 of the process, namely the communication to all Core Participants, to public authorities that have a proper interest in the issues, and to the wider public a list of the issues which the Chairman believes that it necessary to consider in order to determine (i) whether in due course to make a recommendation; and (ii) if so, the nature and terms of that recommendation (and the appropriate individual, organisation or public authority to whom it should be addressed).
3. The issues set out below should not be taken by any person as indicating in any way the view that the Chairman has taken on the other issues identified in his Terms of Reference or as to the necessity of making any recommendation(s).
4. The issues identified below raise issues which are the responsibility, and relate to the work, of:
 - a. Greater Manchester Police;
 - b. The College of Policing;
 - c. The National Police Chiefs' Council;
 - d. The Independent Police Complaints Commission;
 - e. Her Majesty's Inspectorate of Constabulary; and
 - f. The Home Office.

5. Accordingly, a copy of this Note has been sent to each of them. The Chairman requests that these public authorities, and any other organisation with a proper interest in the subject matter of the issues set out below, should provide the Inquiry with witness and documentary evidence relevant to the issues identified below, or some of them, that relate to their work, responsibilities or duties; or upon which they feel able to offer assistance to the Inquiry.
6. The Chairman is interested to learn whether *current* policies, doctrines or practices have changed from those that operated in 2011 and 2012; if so, what those policies and doctrines are, and how they operate in practice; and how to ensure that any recommendations made are both practical and effective.
7. The Chairman does not require disclosure of iterative versions of documents that have been superseded in the last 5½ years, but requires disclosure of documents that go to current policies, doctrine and practices in the areas identified below.
8. Stage 2 of the process is the response of organisations and public authorities by 4.30pm on Friday 22nd December 2018. The Inquiry expects and requires complete openness from organisations and public authorities in this stage of the Inquiry's work concerning the position that has now been reached, the improvements made since 2011 to 2012, and where work still needs to be done. The Chairman does not intend to be prescriptive as to the number and identity of witnesses that should speak to the issues set out below, and will instead rely – in the first instance at least – on liaison within and between the public authorities set out above as to the provision of documents and witness statements to the Inquiry so that duplication of material disclosed to the Inquiry is minimised. Organisations and public authorities must ensure that witnesses who provide evidence in relation to the issues identified are able to speak with real authority on the areas they address. They should be fully acquainted with the policy and training aspects involved and sufficiently senior to deal with a searching analysis of the current position.
9. Stage 3 of the process involves the disclosure by the Inquiry (subject to any necessary redaction exercise), to Core Participants of the witness and documentary evidence that it receives in response to the requests made under Stage 1 above (save for such evidence that concerns the issues about which the Inquiry has already heard evidence in closed session). The Inquiry currently envisages giving such disclosure by Friday 12th January 2018.
10. Stage 4 of the process consists of the Inquiry's hearings to receive evidence from relevant witnesses. Core Participants should be aware that in this stage of the Inquiry's work the aim will be to undertake a constructively searching analysis of the adequacy of current policy, doctrine and practice and the possible need for future change. While it is obviously impossible entirely to rule out criticism of witnesses for the evidence that they give, this stage of the process will not generally

involve the criticism of witnesses. Rather, to the extent that there are shortcomings in the areas addressed, this is likely to feature in the Chairman's recommendations. The Inquiry anticipates that most of its hearings can be held as full public hearings. Some limited evidence may need to be heard in closed session. As always, Core Participants will be advised in advance when issues do arise. For this part of the process, the Inquiry will not necessarily hear evidence from individual witnesses in the conventional way for adversarial proceedings. A seminar-like approach to some evidence sessions, and hearing evidence from groups of witnesses where this may be helpful, may be considered. The Inquiry proposes to undertake these hearings on Thursday 15nd and Friday 16rd February 2018. Any core participants who wish to make written submissions on the evidence and documents disclosed to them in Stage 3 of the process should do so by 4.00pm on 9th February 2018.

B. Intelligence Collection, Analysis and Dissemination

1. What (i) GMP and (ii) national policies exist as to the collection, analysis and dissemination of intelligence for the purposes of a planned armed deployment within the meaning of the *Armed Policing Authorised Professional Practice*?
2. What (i) GMP and (ii) national policies exist as to how a threat assessment should be created, quality assured and presented to AFOs for the purposes of a planned armed deployment within the meaning of the *Armed Policing Authorised Professional Practice*:
 - a. Generally; and
 - b. Where AFOs have participated in an operation involving more than one authorisation or deployment but which involves changes in the intelligence picture and / or subjects of the operation?
3. How in practice within GMP are such threat assessments (i) created, (ii) quality assured, and (iii) presented to AFOs – in particular:
 - a. Who has responsibility for the creation of a threat assessment that is to be provided to AFOs;
 - b. Who has responsibility for quality assuring such a threat assessment; and
 - c. Who has responsibility for presenting such an assessment?

C. Evaluation, procurement and authorisation of specialist munitions

4. What (i) GMP and (ii) national policies exist in relation to evaluation, procurement and authorisation of specialist munitions for use by the police service?
5. What checks, audits and / or inspections do national police bodies (such as the College of Policing, the NPCC or HMIC) conduct of each Force's evaluation, procurement and evaluation of specialist munitions?
6. How in practice does GMP evaluate, procure and authorise specialist munitions?

7. Is there a national pro forma document recording the authorisation (or the refusal of such an authorisation) to deploy on an operation specialist munitions so as to ensure that all benefits and risks are fully considered and documented from the outset of an armed deployment and that only 'approved' munitions are considered for deployment?
8. What review, if any has been conducted of the 'authorisation' for CS RIP Rounds that occurred prior to the introduction of the 2003 *Code of Practice* to ensure that all guidance and approved use criteria fit the current operational policing requirements and Home Office expectations regarding less lethal approval and use?

D. CS Dispersal Canisters

9. When, by who, and why was the CS Dispersal Canister removed from operational deployment and use by the police service?
10. Is it intended to re-introduce the CS Dispersal Canister into operational deployment and use by the police service?

E. Firearms Operations and Training

11. What (i) GMP and (ii) national policies exist as to the planning, command, control and execution of Mobile Armed Support to Surveillance ("MASTS") operations?
12. To what extent do such documents clearly differentiate between MASTS as an operational method of supporting surveillance (and delivering a standard range of tactical options) and the additional tactical options of 'intervention' and 'interception' that MASTS-trained AFOs can deliver?
13. To what extent do such documents make express provision for the manner of the conduct of cross-border firearms operations?
14. What (i) GMP and (ii) national policies exist as to the (contemporaneous) completion of records concerning the planning, command, control and execution of a planned firearms operation within the meaning of the *Armed Policing Authorised Professional Practice*?
15. What (i) GMP and (ii) national policies exist concern the communication of the outcomes of firearms training courses from the host Force to the home Force of an officer and the consideration of such outcomes by the home Force?
16. How within GMP are the terms of such policies carried into effect in practice?
17. What (i) GMP and (ii) national policies exist as concerning the initial and refresher training of:
 - a. Strategic Firearms Commanders;

- b. Tactical Firearms Commanders;
- c. Operational Firearms Commanders;
- d. Tactical Advisors; and
- e. AFOs?

18. How within GMP are the terms of such policies carried into effect in practice – in particular:

- a. What records of such training are maintained; and
- b. What, if any, systematic review or audit of such training is conducted?

19. Has GMP commissioned a review of armed policing policy and training to ensure compliance with the *Code of Practice*, the *Armed Policing Authorised Professional Practice* and the NPFTC and which incorporates any lessons learned from Operation Shire?

F. Post-Incident Procedures

20. What (i) GMP and (ii) national policies exist concerning post incident procedures following the discharge of a firearm by an AFO? In particular, what is the current policy as to:

- a. The recording of first and subsequent accounts from police officers who have been involved in an incident in which a police officer has discharged a firearm?
- b. The permissibility or otherwise of separating police officers from each other after such an incident?

G. Audio and Video Evidence

21. What (i) GMP and (ii) national policies exist as to the recording of the radio communications of AFOs when deployed on an operation for which authorisation to carry firearms has been given?

22. What is the position of national police bodies as to whether such radio communications should be so recorded?

23. What (i) GMP and (ii) national policies exist as to the need for AFOs to be equipped with body worn videos when deployed on an operation for which authorisation to carry firearms has been given?

24. What is the position of national police bodies as to whether AFOs should be so equipped on such operations?

25. What (i) GMP and (ii) national policies exist as to the need for vehicles in which AFOs are carried to be equipped with audio and / or video recording equipment when deployed on an operation for which authorisation to carry firearms has been given?

26. What is the position of national police bodies as to whether such vehicles should be so equipped on such operations?

H. **Firearms Doctrine and Policy Generally**

27. In the light of the circumstances of the deaths of Azelle Rodney on 30.4.05 (and the report of the Inquiry into his death of 5.7.13) and of the circumstances of the death of Mark Duggan on 4.8.11 (and the PFD report of 29.5.14) what national reviews or revaluations have been undertaken as to the necessity and risks of:
- a. The use of decisive action intervention firearms tactics in relation to a person suspected of carrying a firearm or firearms when that person is contained within a motor vehicle;
 - b. The provision of 'static cover' in the course of such an intervention;
 - c. The use of apparatus to identify to subjects that AFOs conducting such interventions are police officers – specifically (i) the illumination of (hitherto) hidden blue lights on unmarked police vehicles, and / or (ii) integral loud speaker systems that could be used to broadcast information or instructions outside an unmarked police vehicle.