

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

THE ANTHONY GRAINGER INQUIRY

**RULING RE: APPLICATION FOR ANONYMITY
AND OTHER PROTECTIVE MEASURES – Q3**

1. This ruling should be read in conjunction with paragraphs 4 – 13 and 18 – 31 of the Open Ruling that I issued on 9 December 2016.
2. The witness presently known as Q3 is a former Authorised Firearms Officer. He served as *Operation Shire*'s Tactical Firearms Adviser on 3 March 2012, although he handed over that responsibility to Y19 at 1515, some four hours before the attempted arrest of Anthony Grainger. He has never been a member of the SOT and has in any event now retired from the police service. In all those respects, save for the fact that he was not on duty when Mr Grainger was shot, his position is similar to that of Y19.
3. In addition to the material I had before me when I made my earlier ruling on applications for anonymity and protective measures, I have been provided with:
 - (i) a signed application dated 6 January 2017;
 - (ii) written submissions ('*Note 3*') dated 9 January 2017;
 - (iii) an open (*i.e.* partially redacted) witness statement from Q3 dated 6 January 2017;
 - (iv) an open (*i.e.* partially redacted) witness statement from Chief Superintendent John O'Hare dated 9 January; and
 - (v) closed (*i.e.* unredacted) versions of (iii) and (iv) above.

4. In essence, Q3's application is based upon concerns for his safety and that of his family, together with his (and their) subjective fears. I should make it clear that I do not regard the lateness of the application as having any bearing on its merits, which I have scrutinised anxiously and with care. While I have reminded myself of my ruling¹ in respect of the other *Operation Shire* Tactical Firearms Adviser, Y19, I have approached the present application on its own merits and have given it separate consideration.

5. As I stated in my earlier ruling², I would not have granted Y19's application for anonymity had it not been for certain matters contained within the closed material submitted in relation to that officer. Similar considerations apply to Q3's open application with, if anything, greater force. Although his advisory role was an important one, he was not present (or even on duty) when Mr Grainger was shot, and had no direct or immediate control over events at that stage. He is no longer a member of the TFU and retired from GMP in March 2014. For reasons set out in my earlier ruling³, I am unable to say that there is presently any real and immediate risk to the life of any officer or former officer other than Q9. It follows that there is no such objective risk in the case of Q3 or any member of his family. Further, without in any way minimising the subjective fears to which I have already referred, those fears are in my judgment far outweighed by the public interest in transparency and accountability, and do not warrant the preservation of Q3's anonymity or the provision of a screen.

6. For those reasons, I refuse this application. I have expanded on my reasoning in a separate closed addendum.

HHJ Teague QC
Chairman of the Inquiry
13.1.17

¹ *Ruling re: Applications for anonymity and other protective measures*, 9 December 2016, §§45ff.

² *Ibid.*, §§46 – 47.

³ *Ibid.*, §§18 – 22.