

<p>1 Tuesday, 17 January 2017 2 (10.30 am) 3 Introductory remarks 4 THE CHAIRMAN: Mr Beer, today's hearing marks an important 5 moment in the progress of this Inquiry. The first of 6 its three stages, the investigative phase, is now 7 largely complete, as you know. Today, ten months to the 8 day in fact since the Home Secretary, as she then was, 9 announced the setting up of the Inquiry and less than 10 six months after its opening session, we embark on the 11 second stage, that of receiving evidence. 12 When that process has finished, I will be able to 13 complete the third and last phase, the preparation of my 14 report and recommendations. 15 The timetable I set for the investigative phase of 16 this large and complex Inquiry was deliberately 17 ambitious. That we have managed to maintain it without 18 the need for any adjournment is primarily due to the 19 extraordinary industry of my team, particularly if I may 20 respectfully say so, Ms Cartwright and yourself, 21 Mr Beer, but at the same time, it could not have been 22 achieved without the constructive participation of the 23 core participants and their legal teams, as well as 24 those others who have actively cooperated in the 25 necessarily protracted process of disclosure.</p> <p style="text-align: center;">Page 1</p>	<p>1 The public will be accommodated on a first 2 come-first served basis as directed by the Inquiry's 3 principal usher, Mrs Bernie Shaw. 4 The reporting media have been allocated seating at 5 each side of the court. I should however make it clear 6 to everybody that the current arrangements are 7 provisional and may need to be modified in the light of 8 experience, indeed there will be some times and 9 situations when they will certainly have to be changed. 10 For example when witnesses who are to be screened give 11 evidence, the seats opposite the witness box obviously 12 cannot be used and that means that we will need to 13 devise alternative arrangements. Such arrangements 14 necessarily will involve a reduction in the number of 15 seats available to the media and public, but we will do 16 what we can to keep any reduction in seating to 17 a minimum. 18 When the Inquiry takes place in closed or takes 19 evidence in closed hearings, that is to say next week 20 and the week following it, the courtroom, the Inquiry 21 room, will remain closed and the entrances and exits 22 will be secured. 23 When the Inquiry takes evidence in open hearings 24 from witnesses who are not screened and do not have the 25 benefit of anonymity orders, the usual rules as to</p> <p style="text-align: center;">Page 3</p>
<p>1 I am very grateful to everybody concerned. 2 I should like to place on record at this stage, 3 right at the outset of these proceedings, my gratitude 4 to the presiding judges of the northern circuit and to 5 the Recorder of Liverpool for agreeing to release me 6 from my normal duties in the Crown Court and for 7 providing us with the use of this courtroom as our 8 Inquiry room. I must also of course thank the court 9 staff, whose already heavy administrative burden has 10 I am afraid been significantly increased, without 11 complaint from them, by the need to accommodate the 12 present hearing. 13 With that, may I now, Mr Beer turn to a few 14 practical matters. The seating space in this room is 15 relatively limited. Not all the seats are occupied at 16 the moment but there may well be days in the course of 17 the next few weeks when demand is higher. 18 It will be necessary for me to give directions as to 19 how the available seating will be filled during the oral 20 hearings of the Inquiry. 21 Seating has been reserved for Mr and Mrs Schofield 22 and for Ms Hadfield-Grainger, as well as for 23 representatives of other core participants. 24 Mr Stuart Grainger is following these proceedings by 25 means of a live remote link.</p> <p style="text-align: center;">Page 2</p>	<p>1 attendance in a courtroom will apply, in particular 2 there must be no photography, video recording or audio 3 recording in the Inquiry room but sketching of a witness 4 is permissible. 5 When the Inquiry takes evidence in open hearings 6 from witnesses who are not screened from public view but 7 where I have made an order prohibiting the revelation of 8 their names, that is to say an anonymity order, then for 9 the reasons given in my ruling on that issue, in the 10 first place the making of sketches while such witnesses 11 give evidence will be strictly prohibited and, secondly, 12 all those attending the hearings, including core 13 participants and the legal representatives and the media 14 will be required to surrender mobile telephones, cameras 15 and other devices capable of recording images before 16 entering the Inquiry room. These will be kept securely 17 by Inquiry staff and held against receipts to be 18 returned at the end of each session of the Inquiry. The 19 substance of those directions has been placed in a short 20 statement on the Inquiry website and if necessary can 21 I think be posted outside this room, so that there is no 22 doubt about what rules apply. 23 I should say that the same arrangements I have 24 outlined for anonymous witnesses will apply in the case 25 of the screened witnesses.</p> <p style="text-align: center;">Page 4</p>

1 Mr Beer, that is all that I intend to say at this
 2 stage. I think you are now about to embark upon your
 3 opening statement. Can I just mention that I think it
 4 would be sensible for us to take a break, for your own
 5 sake of course but also for that of the loggists, in
 6 about an hour's time, maybe around 11.45, perhaps you
 7 would like to choose a convenient point at which to
 8 begin that break.
 9 MR BEER: I shall, sir, thank you.
 10 THE CHAIRMAN: Thank you very much.
 11 Opening submissions by MR BEER
 12 MR BEER: Sir, on 3 March 2012 officers from Greater
 13 Manchester Police, which I will call GMP, were taking
 14 part in an ongoing investigation that had been given the
 15 title "Operation Shire", it was concerned with the
 16 alleged activities of a number of individuals, including
 17 Anthony Grainger, who were suspected of committing or
 18 conspiring to commit armed robberies.
 19 At about 7.13 pm on Saturday, 3 March in a car park
 20 off Jackson Avenue in Culcheth, Cheshire armed officers
 21 moved to arrest the three outputs of a stolen Audi motor
 22 vehicle. An authorised firearms officer, an AFO, from
 23 the GMP tactical firearms unit, TFU, known in this
 24 Inquiry by the cypher "Q9", discharged a single shot
 25 from his firearm. Anthony Grainger, who was 36 years of

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1 age was sitting in the driver's seat of the stolen Audi
 2 and sustained fatal injuries to his chest.
 3 No firearms or other weapons were recovered from the
 4 Audi or from any of the other occupants at that time or
 5 subsequently following searches conducted at their
 6 homes.
 7 On 17 March 2016 you were appointed by the then Home
 8 Secretary, pursuant to section 1 of the Inquiries Act
 9 2005, the 2005 Act, as chairman of this Inquiry to
 10 ascertain when, where, how and in what circumstances
 11 Anthony Grainger came by his death during this GMP
 12 operation and to make any such recommendations as may
 13 seem appropriate.
 14 Before I start the substance of our opening,
 15 I should say something about representation.
 16 THE CHAIRMAN: Yes.
 17 MR BEER: As you know, I appear with Ms Cartwright as
 18 counsel to the Inquiry. Our role is a neutral one. We
 19 are not here to pursue the interests of any of the core
 20 participants. We do not have a case to make. Our
 21 function is to identify and gather all of the relevant
 22 evidence, to place that evidence before you, and to
 23 provide you with independent advice as to any legal or
 24 procedural issues that may arise. We shall instead
 25 present the evidence to you fairly, impartially and

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1 dispassionately while seeking to ensure that you have
 2 all of the evidence that is necessary and relevant to
 3 discharging your terms of reference.
 4 As you explained at the opening session of the
 5 Inquiry back in July last year, you have made it clear
 6 to us that you regard our duty as encompassing a right
 7 to examine witnesses robustly and in appropriate cases
 8 to challenge their evidence.
 9 Mr Thomas and Mr Straw appear on behalf of Marina
 10 and John Schofield, Anthony Grainger's mother and
 11 stepfather, and Stuart Grainger, Anthony Grainger's
 12 brother.
 13 Mr Weatherby and Ms Murphy appear on behalf of
 14 Gail Hadfield-Grainger, who was Anthony's partner at the
 15 time of his death.
 16 Ms Whyte and Mr Evans appear on behalf of GMP.
 17 Ms Barton and Mr Dixey -- Mr Dixey is not here
 18 today -- appear on behalf of the National Crime Agency,
 19 the NCA.
 20 Mr Davies and Ms Collins -- Ms Collins is not here
 21 today -- appear on behalf of Q9, the officer who fatally
 22 shot Anthony Grainger.
 23 Each of the people that I have mentioned are core
 24 participants in the Inquiry and have been granted such
 25 status by you.

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1 Additionally, the Independent Police Complaints
 2 Commission, the IPCC, appears through Ms Palmer, the
 3 IPCC is not a core participant in the Inquiry but is
 4 here to observe the proceedings, to assist the Inquiry
 5 if the need arises to locate or obtain evidence and may
 6 apply to you exceptionally to ask questions of
 7 witnesses.
 8 As to timetabling, four days have been set aside for
 9 opening statements. I hope to conclude my oral opening
 10 statement well within two days, namely by the close of
 11 play on Wednesday this week. There are then opening
 12 statements to be made by each of Mr Thomas, for up to
 13 one and a half hours, Mr Weatherby for up to one and
 14 a half hours, Ms Whyte for up to one and a half hours
 15 and Q9 for up to one and a half hours.
 16 THE CHAIRMAN: Yes.
 17 MR BEER: The NCA has elected not to make either a written
 18 or oral opening statement.
 19 On that basis we should conclude the opening
 20 statements by mid-Friday morning and will then hear
 21 evidence on Friday about the personality and background
 22 of Anthony Grainger from those who were close to him,
 23 his mother, Marina Schofield, and his partner,
 24 Gail Hadfield-Grainger. Written opening statements from
 25 each of the core participants, save of course for the

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<p>1 NCA, were uploaded to the Inquiry's website this morning 2 and are available for public viewing.</p> <p>3 The following week, starting on Tuesday, 24 January, 4 the Inquiry will hear two weeks of evidence in closed 5 session. You ruled on 9 December last year that in 6 relation to all of the witnesses who will give evidence 7 in this two-week period, let's say for one individual 8 called Chris Farrimond, firstly that they should be 9 identified within the proceedings by reference to the 10 cypher which they have been allocated and that no 11 reference should be made within the proceedings to his 12 or her name or any other identifying feature.</p> <p>13 Secondly, when called to give evidence, they should 14 do so in closed proceedings. In relation to 15 Chris Farrimond, you ordered that when he is called to 16 give evidence, he should do so in closed proceedings.</p> <p>17 Insofar as the orders you made were orders that 18 these witnesses should give evidence in closed 19 proceedings, they were made under section 19(1)(a) of 20 the 2005 Act, namely a restriction on the attendance at 21 particular parts of an Inquiry of all individuals save 22 for counsel to the Inquiry, the legal representatives of 23 the NCA and, where applicable, GMP, and lastly 24 appropriately security-cleared shorthand writers or 25 loggists.</p> <p style="text-align: center;">Page 9</p>	<p>1 in the event that a minister issues a restriction notice 2 under section 19 of the 2005 Act, the Inquiry will 3 publish the fact that a restriction notice has been 4 issued and, as far as the law allows, publish the 5 contents of that restriction notice. I can confirm that 6 no such restriction notice has been issued to the 7 Inquiry by any minister.</p> <p>8 Secondly, you have confirmed that if we, a core 9 participant or a third party suggest that a restriction 10 order should be made, then as you did in relation to the 11 applications for anonymity and as you did in relation to 12 the four categories of material that were to be the 13 subject of argument on 15 December, you will consider 14 whether the suggested basis of the application and the 15 category of material concerned can be disclosed to all 16 core participants and in open court.</p> <p>17 Thirdly, if you make or decline to make 18 a restriction order, that as you did in relation to the 19 applications for anonymity, and again in relation to the 20 contested closed submissions on 15 December, you will 21 disclose to all core participants as much as possible of 22 your formal ruling on the application.</p> <p>23 Lastly, the Inquiry has confirmed to core 24 participants that when evidence is heard in closed 25 session you will consider if some of the evidence, or</p> <p style="text-align: center;">Page 11</p>
<p>1 You made these orders under section 19(3)(a) and (b) 2 of the 2005 Act, in the case of certain witnesses, they 3 were required to be made under section 19(3)(a) of the 4 2005 Act, in that the restriction on attendance was 5 required by a statutory provision. In relation to other 6 witnesses the orders were required under section 7 19(3)(b) on the grounds that it was necessary in the 8 public interest to restrict such attendance.</p> <p>9 In both cases the underlying grounds for the making 10 of the orders could not be set out in an open ruling as 11 to do so would cause the very harm which the orders were 12 designed to prevent from occurring and/or it would not 13 be lawful for you to have done so. However, you did set 14 out your reasoning fully in a closed ruling.</p> <p>15 It is presently planned to hear live evidence from 16 15 witnesses in closed hearings in that two-week period, 17 with the statements of 12 other witnesses being taken as 18 read. These are former or serving police officers or 19 members of the NCA which at that time in 2011/2012 was 20 known as the Serious Organised Crime Agency, or SOCA, 21 although through the Inquiry we are going to refer to 22 SOCA by its current title, namely the NCA.</p> <p>23 They were involved in obtaining, assessing and 24 disseminating intelligence relevant to Operation Shire.</p> <p>25 The Inquiry has explained to core participants that</p> <p style="text-align: center;">Page 10</p>	<p>1 a gist of it, can be disclosed in open session. You 2 will not, contrary to a submission that had been made to 3 you, express a provisional view as to the credibility of 4 such evidence.</p> <p>5 We realise, as Mr Thomas puts it in his submissions, 6 that the exclusion of all core participants save for the 7 NCA and for some limited parts of the closed hearings 8 the GMP means we as counsel for the Inquiry carry 9 a heavy burden thoroughly to test of the evidence of the 10 witnesses in the closed hearings. That is of course one 11 the principal reasons why this Inquiry was established 12 in place of an inquest. The facility to hold such 13 closed hearings means the evidence can be brought into 14 account, rather than it being simply locked away in 15 secret, as would have been the case in an inquest.</p> <p>16 Secondly, the ability of counsel to the Inquiry to 17 test such evidence in closed hearings and the ability to 18 reach conclusions in a report, including, where the 19 evidence supports it, critical conclusions following 20 such closed hearings are all reasons for this Inquiry 21 under the 2005 Act.</p> <p>22 In such closed hearings, we shall be sedulous in 23 pursuing amongst many other matters the issues mentioned 24 by Mr Thomas in paragraph 24 of his written submissions.</p> <p>25 Then, from Tuesday, 7 February, the Inquiry will</p> <p style="text-align: center;">Page 12</p>

<p>1 begin to hear evidence principally in open session, 2 although there will be occasions when it will be 3 necessary to receive some evidence from some witnesses 4 in closed session. 5 We have timetabled the evidence by reference to the 6 following ten broad headings: 1, planning the operation; 7 2, the intelligence case; 3, surveillance; 4, the 8 investigation; 5, Cheshire Police; 6, strategic and 9 tactical planning; 7, the tactical firearms operation; 10 8, training; 9, post-incident investigation; and 10, 11 expert evidence. 12 It is presently planned to hear from 70 witnesses in 13 open hearings. We shall not sit on the Monday of each 14 week and will not be sitting in the week commencing 15 Monday, 13 March. As matters stand, it is envisaged 16 that we shall conclude oral evidence by Friday, 17 21 April. 18 THE CHAIRMAN: Yes. 19 MR BEER: The hearings will create inevitable and 20 considerable disruption to the private and working lives 21 of witnesses and it is right that I should express my 22 gratitude on behalf of the Inquiry for the wholehearted 23 willingness of the witnesses to cooperate and facilitate 24 the work of the Inquiry. Similarly, this courtroom and 25 the other facilities here at the QEII have been made</p> <p style="text-align: center;">Page 13</p>	<p>1 that all may properly understand both the events which 2 have gone on before now and why this Inquiry begins as 3 it does today, some 4 years and 10 months after 4 Anthony Grainger's death. 5 To start with, the IPCC investigation. The IPCC 6 state that Cheshire constabulary informed them about the 7 shooting at 8.40 pm on the evening of Saturday, 3 March 8 and an independent investigation was commenced. 9 The matter was formally referred to the IPCC by GMP 10 at 6.30 pm on Sunday, 4 March. 11 The terms of reference of the IPCC investigation 12 agreed on 6 March 2012 were as follows. 13 To investigate the circumstances surrounding the 14 police contact with Anthony Grainger, to include the 15 actions of the officers firing shots on 3 March. 16 The intelligence, planning, decision making and 17 command and control of the GMP operation. 18 To assist in fulfilling the state's obligations 19 arising under the European Convention on Human Rights by 20 ensuring as far as possible that the investigation is 21 independent, effective, open and prompt, that the full 22 facts are brought to light and any lessons are learnt. 23 To identify whether any subject of the investigation 24 may have committed a criminal offence and if appropriate 25 make early contact with the relevant prosecuting body.</p> <p style="text-align: center;">Page 15</p>
<p>1 available by the Recorder of Liverpool. To him and the 2 court staff we offer our thanks for allowing us to be 3 here and for putting up with the inevitable disruption 4 to the functioning of the court that this Inquiry will 5 cause. 6 Can I turn then to the background to and conduct of 7 the Inquiry and start with the genesis of the Inquiry. 8 The Inquiry has as its genesis a decision by the Home 9 Secretary by her initiating this Inquiry by reference to 10 section 1 of the 2005 Act that particular events have 11 caused or are capable of causing public concern. 12 That decision was taken against the background of 13 the shooting of an unarmed man by a police officer. 14 A report of the IPCC that was highly critical of a wide 15 range of decisions by GMP as an organisation and by 16 individual GMP officers. A decision that there was 17 sufficient evidence to bring criminal proceedings for 18 a health and safety offence against a Chief Constable. 19 The subsequent failure of that offence to be tried on 20 its facts by a jury following legal argument raised by 21 the Chief Constable as to whether he could have a fair 22 trial in the absence of public disclosure of certain 23 intelligence and the inability to hold an inquest into 24 Anthony Grainger's death. 25 I shall chart very briefly some of that context so</p> <p style="text-align: center;">Page 14</p>	<p>1 To identify whether any subject of the investigation 2 may have breached their standards of professional 3 behaviour. If such a breach may have occurred, to 4 determine whether the breach amounts to misconduct or 5 gross misconduct and whether there is a case to answer. 6 Lastly, to consider and report on whether there is 7 any organisational learning, including whether any 8 change in policy or practice would help to prevent 9 a recurrence of the event, incident or conduct 10 investigated and whether the incident highlights any 11 good practice that should be shared. 12 The IPCC's lead investigator was Stephen Liston, taking 13 over the role from the initial IPCC investigator, 14 Mark Bergmanski assisted by the deputy senior 15 investigator Darren Quinlan. 16 The issues upon which the IPCC investigation focused 17 specifically were: first, what information was available 18 to the planners by the time of the shooting; how 19 reliable was the intelligence and whether this was 20 developed; what plans were put in place to deal with 21 events and were these correctly authorised; was the 22 strategic approach appropriate to minimise to the 23 greatest extent possible the risk to life; was the 24 tactical approach similarly appropriate; was the plan 25 implemented so as to minimise to the greatest extent the</p> <p style="text-align: center;">Page 16</p>

<p>1 risk to life; was the operation conducted with any 2 necessary force; and, lastly, the post-incident 3 procedures. 4 On 2 April 2012, Q9 was served with a notice of 5 investigation pursuant to regulation 14(a) of the police 6 complaints and misconduct regulations 2004. This was 7 because Q9 had discharged his firearm resulting in the 8 death of Anthony Grainger. The evidence from the scene 9 and initial witness accounts indicated that 10 Anthony Grainger had not been armed with a firearm or 11 other weapon when he was shot or at all. And, 12 accordingly, there was an indication that a criminal 13 offence may have been committed and/or Q9's conduct may 14 have been such that it would justify misconduct 15 proceedings. 16 The notice stated as follows: 17 "At about 7.20 pm on 3 March 2012 you were involved 18 along with fellow officers in a pre-planned firearms 19 operation on the car park adjacent to Jackson Avenue, 20 Culcheth Mr Anthony Grainger was sat in the driver's 21 seat of an Audi A6 estate car at this time, he was being 22 challenged by another firearms officer. Whilst this was 23 occurring, you discharged a single round from your 24 police issue Heckler & Koch MP5 firearm, that round 25 struck Mr Grainger in the chest causing him fatal</p> <p style="text-align: center;">Page 17</p>	<p>1 by the national working group on armed policing to 2 provide assistance to the IPCC to review the strategy 3 and tactics employed in Operation Shire up to and during 4 the firearms deployment which resulted in the death of 5 Anthony Grainger. 6 On 27 June 2013, the IPCC produced its final 7 investigation report. This made the following findings. 8 Finding 1: 9 "The intelligence utilised in Operation Shire that 10 we have seen was not sufficiently operation and subject 11 specific, and, in respect of Mr Grainger, relied too 12 heavily on out-of-date intelligence. It did not support 13 a reasonable view that Mr Grainger himself was violent, 14 in possession of a firearm on 3 March 2012 or involved 15 in armed robberies." 16 Finding 2: 17 "Briefings for officers involved in Operation Shire 18 were flawed in that they contained inaccurate 19 information about the involvement of the subjects of the 20 operation in armed robberies. This situation was 21 exacerbated by sharing of inaccurate anecdotal evidence 22 between officers about the subjects." 23 Finding 3: 24 "Q9 either ignored information that suggested that 25 there were gaps in his understanding of the intelligence</p> <p style="text-align: center;">Page 19</p>
<p>1 injuries. A subsequent search of the Audi A6 motor 2 vehicle and of Mr Grainger revealed that he was unarmed. 3 As such the investigation will determine whether the use 4 of force was excessive in these circumstances." 5 On 10 April 2012 the IPCC interviewed Q9 under 6 criminal caution. Again on 13 June 2012, the IPCC again 7 interviewed Q9 under criminal caution. I have given the 8 references to the transcripts of those interviews in the 9 note. 10 The IPCC sought to treat the 15 other AFOs, ie all 11 of the AFOs that were deployed, save for Q9, as 12 significant witnesses. But, following advice from the 13 Association of Police Firearms Officers, they all 14 declined to be so treated or to provide a witness 15 statement whilst being audio recorded. Instead they 16 provided their own accounts in witness statements that 17 were sent to the IPCC and thereafter provided additional 18 witness statements where necessary following requests by 19 the IPCC for specific items to be addressed. 20 The IPCC instructed Martin Molloy as an expert 21 witness to assist them in the discharge of their terms 22 of reference. He was a deputy director within the NCA, 23 had been a law enforcement officer for 29 years and had 24 performed a number of roles in relation to both 25 strategic and tactical firearms command. He was asked</p> <p style="text-align: center;">Page 18</p>	<p>1 picture for Operation Shire or else provided inaccurate 2 information to this investigation in order to justify 3 his subsequent actions." 4 Finding 4: 5 "The tipping points decided by GMP influenced the 6 firearms tactics selected by directing an approach based 7 on intervention in the act of committing a robbery, 8 rather than alternative options such as disruption." 9 Finding 5: 10 "The tactical firearms commander did not explore 11 options with the firearms tactical adviser that could 12 better minimise the risk to life." 13 Finding 6: 14 "The recording for rationales for decisions and 15 tactical options selected and rejected was poor, and not 16 in line with the ACPO manual of guidance requirements. 17 Too often selections appear to be based on wider 18 knowledge rather than specific evidence or intelligence 19 about the subjects of Operation Shire." 20 Finding 7: 21 "In pursuing tipping points for conspiracy to rob 22 charges, not fully considering less risky options and 23 working from an overstated intelligence picture about 24 the subject's involvement in previous armed robberies, 25 a plan with a high risk to life was selected for the</p> <p style="text-align: center;">Page 20</p>

<p>1 arrest phase of Operation Shire." 2 Finding 8: 3 "In not fully considering the options, selecting 4 a high risk intervention based option, with special 5 munitions, in pursuit of tipping points for conspiracy 6 to rob charges, the planning did not meet article 2 ECHR 7 obligations to proactively safeguard life and minimise 8 risk to the greatest extent possible." 9 Finding 9: 10 "The firearms officers had been on duty for 11 an extended period of time. There was little evidence 12 of consideration of the impact of this in operational 13 planning and decision making, with the main 14 preoccupation being to achieve the tipping point for 15 conspiracy to rob." 16 Finding 10: 17 "Despite the location of the Audi in the car park at 18 Culcheth being known in advance from the surveillance 19 team, an alignment was selected that exposed W4 [that is 20 another cyphered officer] and Q9 to the occupants of the 21 Audi and could have heightened their vulnerability and 22 perceived risk." 23 Finding 11: 24 "The tactics were pre-authorized and were not 25 deployment, subject or situation specific. They were</p> <p style="text-align: center;">Page 21</p>	<p>1 We think that is a typographical error and should 2 read: 3 "The evidence provided to this investigation is that 4 post-incident procedures were incorrectly conducted 5 against ACPO guidelines." 6 Finding 16: 7 "That the firearms officers conferred about their 8 statements and failed to record this as required, 9 despite evidence of repeated advice to do so." 10 Finding 17: 11 "Overwritten entries between 7.30 and 7.40, that is 12 on the SFC, the strategic firearms commander, the TFC, 13 the tactical firearms commander and the FTA, the 14 firearms tactical adviser's logs are genuine errors by 15 the authors of these logs and didn't have any bearing on 16 the subsequent events." 17 In the light of those findings the IPCC concluded as 18 follows: 19 "The investigation has identified serious failings 20 in the use and briefing of intelligence to firearms 21 officers and in the development of operation specific 22 firearms tactics that balance the need to apprehend 23 offenders for the most serious crimes whilst 24 demonstrating that there has been appropriate 25 consideration of legal obligations to proactively</p> <p style="text-align: center;">Page 23</p>
<p>1 not therefore either necessary or proportionate to the 2 risks in the situation. 3 Finding 12: 4 "There is evidence that Q9 may have committed 5 a criminal offence in firing his weapon at Mr Grainger 6 on 3 March 2012 and this will be referred to the CPS." 7 Finding 13: 8 "Z15's [another cyphered officer] use of force [that 9 is the discharge of Hatton rounds] was not operational 10 or subject specific to the threat he and his catalogues 11 faced from Mr Grainger at the time of his use." 12 THE CHAIRMAN: Those were rounds used to disable the car, as 13 I understand it. 14 MR BEER: Yes, the tyres on the car. 15 Finding 14: 16 "The decision of X9 to use force, a CS canister [X9 17 is another cyphered officer] was formulaic, being based 18 on his previous experience of this type of incident 19 rather than being deployment or subject specific to the 20 level of threat he actually faced at the time of its 21 use." 22 Finding 15: 23 "The evidence provided to this investigation is that 24 the post-incident procedure was correctly conducted by 25 GMP against ACPO guidelines."</p> <p style="text-align: center;">Page 22</p>	<p>1 safeguard life. 2 "In addition to these organisational failings, 3 individual failings have been identified for specific 4 officers in their decisions to use force. These 5 aspects, including any causal link or interaction 6 between the use of force will be considered by the CPS 7 to identify if any officers should face criminal 8 charges. 9 "Lastly, the evidence gathered in the course of this 10 investigation suggests that some of the decision making 11 in respect of planning and tactics, options and the use 12 of force was formulaic and suggestive of 13 a pre-determination to use MASTS [that is mobile armed 14 support to surveillance] combined with Hatton rounds and 15 CS dispersal canisters and that decisions on operational 16 deployment were based on training and prior experience 17 rather than being situation or deployment specific. The 18 degree to which this was a result of misconduct, poor 19 performance by officers or purely a training issue will 20 require further consideration. 21 "A further learning report will therefore be 22 produced separately to the conclusion of any coronial 23 and/or criminal processes to cover these aspects and 24 where appropriate to set out any learning from these 25 tragic events."</p> <p style="text-align: center;">Page 24</p>

<p>1 The Inquiry will have the advantage of having at its 2 disposal much of the investigative work done by the 3 IPCC. For the avoidance of doubt you will be assessing 4 the evidence afresh, forming your own conclusions 5 unaffected by the views of the IPCC. 6 THE CHAIRMAN: Yes. 7 MR BEER: In the light of the investigation and the 8 conclusions in the investigation report, which I have 9 just summarised, pursuant to schedule 3 of the Police 10 Reform Act 2002, the IPCC passed its report to the Crown 11 Prosecution Service, the CPS, to determine whether 12 criminal proceedings should be initiated against any 13 individual or organisation. 14 On 16 January 2014, the CPS announced that no 15 criminal proceedings would be brought against Q9 or 16 indeed any other individual police officer. The CPS 17 explained its decision publicly as follows: 18 "The CPS also considered whether the firearms 19 officer who shot Mr Grainger should be charged with 20 murder, gross negligence, manslaughter or misconduct in 21 a public office. The officer has stated that he was 22 acting in defence of himself and other officers when he 23 fired. Any prosecution for murder would require the CPS 24 amongst other elements to prove beyond reasonable doubt 25 that (a) the officer did not honestly believe it was</p> <p style="text-align: center;">Page 25</p>	<p>1 "On and before 3 March 2012, as holder of the office 2 of Chief Constable of the Greater Manchester Police, and 3 being an employer within the meaning of the 1974 Act, 4 Sir Peter Fahy, as holder of the office of Chief 5 Constable of Greater Manchester Police, failed to 6 conduct his undertaking in such a way as to ensure, as 7 far as was reasonably practicable, that in the police 8 planning for and in the police actions leading to the 9 attended arrest of Anthony Grainger, David Totton and 10 Joseph Travers, the said Anthony Grainger, David Totton 11 and Joseph Travers not being persons in his employment 12 but being persons who may be affected thereby were not 13 thereby exposed to risks to their health or safety." 14 For the purposes of the 1974 Act, the Chief 15 Constable of GMP fell to be treated as a corporation 16 sole and it was in that capacity, not in any personal 17 capacity that this charge was brought against Sir Peter. 18 Announcing the decision on 16 January 2014, the CPS 19 explained publicly that: 20 "The CPS has decided after careful consideration of 21 all the evidence in this case that there is sufficient 22 evidence to prove that GMP breached the 1974 Act by 23 failing to ensure that unnecessary risk to the suspects 24 was avoided. It is alleged that an unnecessary exposure 25 to risk was caused by serious deficiencies in the</p> <p style="text-align: center;">Page 27</p>
<p>1 necessary to use force and (b) that the force used was 2 disproportionate in the circumstances as the officer 3 believed them to be. 4 "In the circumstances of this case, our assessment 5 of the evidence is that a jury would accept that the 6 officer did believe his actions were necessary and that 7 the level of force used in response to the threat as he 8 perceived it to be was proportionate. The basis for the 9 officer's belief in the necessity of his actions is 10 relevant to the criminal proceedings under the Health 11 and Safety at Work Act [I will come to those in 12 a moment] and it would be inappropriate to publish any 13 further detail at this time. There is also insufficient 14 evidence to prosecute the officer for gross negligence, 15 manslaughter or misconduct in a public office. It would 16 be inappropriate to explain these decisions in detail at 17 this time for the same reason." 18 Turning then to the prosecution of the then Chief 19 Constable, Sir Peter Fahy. On 14 January 2014, 20 Sir Peter Fahy was charged with a single offence of 21 failing to discharge a duty under section 3(1) of the 22 Health and Safety at Work Act 1974, the 1974 Act, in 23 breach of section 33(1)(a) of the 1974 act. The 24 particulars of the offence that were subsequently 25 included on the indictment were:</p> <p style="text-align: center;">Page 26</p>	<p>1 preparation for the police operation. In accordance 2 with the Act, criminal liability falls on chief officers 3 of police as corporations sole. A corporation sole is 4 a distinct legal entity and the person holding the 5 office does not share the criminal liability or have 6 personally to appear in court. 7 "Accordingly there is sufficient evidence and it is 8 in the public interest for the chief constable of GMP, 9 Sir Peter Fahy, to be prosecuted as a corporation sole." 10 Alison Saunders said, I think she was the director 11 of public prosecutions: 12 "We have completed our review of the evidence 13 provided by the IPCC in relation to the death of 14 Anthony Grainger, after careful consideration we have 15 decided that the Chief Constable of GMP Peter Fahy 16 should be prosecuted as a corporation sole for failing 17 to discharge his duty under the 1974 Act." 18 In addition to every employer's responsibility 19 towards their employees, the law also imposes a duty to 20 ensure that work is carried out in a way that ensures so 21 far as is reasonable practicable that persons outside of 22 their employment are not exposed to risk, chief officers 23 of police are treated as employers for this purpose. It 24 is alleged that there were serious deficiencies in the 25 preparation of this operation that unnecessarily exposed</p> <p style="text-align: center;">Page 28</p>

<p>1 individuals to risk.</p> <p>2 Sir Peter Fahy pleaded not guilty to the charge. In</p> <p>3 the course of the proceedings the prosecution relied on</p> <p>4 the expert evidence of, amongst others, Martin Molloy,</p> <p>5 that is the expert I have mentioned to you already.</p> <p>6 THE CHAIRMAN: Yes.</p> <p>7 MR BEER: GMP for their part instructed David Sturman,</p> <p>8 a chief superintendent from West Midlands Police and</p> <p>9 Simon Pemberton, a temporary chief inspector from West</p> <p>10 Midlands Police, to prepare reports on behalf of</p> <p>11 Sir Peter. On 22 December 2014 Sir Peter applied to</p> <p>12 stay the indictment against him as an abuse of the</p> <p>13 process of the court. The grounds were that he could</p> <p>14 not have a fair trial or that to try him would breach</p> <p>15 his human rights. In relation to the first ground, GMP</p> <p>16 argued in summary that, firstly, it could not adduce</p> <p>17 before the jury all relevant evidence in order to meet</p> <p>18 the prosecution case and to discharge the reverse onus</p> <p>19 upon Sir Peter as to reasonable practicability.</p> <p>20 Secondly, that key police prosecution witnesses</p> <p>21 whose alleged errors if any exposed GMP to corporate</p> <p>22 liability could not give a full account to the jury of</p> <p>23 themselves and of the intelligence behind important</p> <p>24 aspects of their decision making.</p> <p>25 Third, some of such witnesses could not refresh</p> <p style="text-align: center;">Page 29</p>	<p>1 stay the indictment and Sir Peter's application came on</p> <p>2 for hearing before Mr Justice William Davis in the week</p> <p>3 commencing 12 January 2015. On 15 January 2015</p> <p>4 Mr Justice Davis made a ruling as to the disclosure of</p> <p>5 certain material by the prosecution to the defence.</p> <p>6 After making that ruling, he allowed the prosecution</p> <p>7 time to consider the content and effect of his ruling.</p> <p>8 The prosecution duly did so and on 16 January 2015</p> <p>9 offered no evidence against Sir Peter and invited</p> <p>10 Mr Justice Davis to direct a verdict of not guilty in</p> <p>11 respect of the charge against him. Announcing that</p> <p>12 decision, the prosecution said:</p> <p>13 "The prosecution has carefully analysed every</p> <p>14 possible way forward following the ruling.</p> <p>15 Consideration has been given as to whether adapting the</p> <p>16 trial procedure itself might permit a way forward and</p> <p>17 every avenue has been explored as to how material that</p> <p>18 must be made available to the defence might be provided</p> <p>19 to the defence in a manner consistent with the</p> <p>20 prosecution's obligations to the wider public interest.</p> <p>21 The prosecution has concluded that there are no possible</p> <p>22 grounds of appeal against the judge's ruling. There is</p> <p>23 no adaptation of the trial process which might permit</p> <p>24 a way forward, nor is there any route by which the</p> <p>25 prosecution might make the disclosure required by the</p> <p style="text-align: center;">Page 31</p>
<p>1 their memory should that be necessary, nearly three</p> <p>2 years after the event about the content of that</p> <p>3 intelligence.</p> <p>4 Fourthly, the jury could not properly evaluate the</p> <p>5 true effect of any alleged failure in the absence of</p> <p>6 full disclosure by the prosecution of all relevant</p> <p>7 intelligence.</p> <p>8 Fifthly, the jury could not properly evaluate</p> <p>9 evidence as to the reasonably practicable steps that</p> <p>10 Sir Peter took to ensure that the intelligence picture</p> <p>11 was up to date and as complete as it could be or the</p> <p>12 systems in place for acquiring and deploying certain</p> <p>13 intelligence and recording it.</p> <p>14 Lastly, Sir Peter via his lawyers could not in the</p> <p>15 preparation of his defence ask his own officers about</p> <p>16 any relevant covert intelligence, notwithstanding that</p> <p>17 such matters were within their knowledge.</p> <p>18 As to the second ground, breach of his human rights,</p> <p>19 he argued that the reverse onus of proof that he carried</p> <p>20 to prove that the risk that he created by deploying</p> <p>21 armed officers in Operation Shire was addressed as far</p> <p>22 as was reasonably practicable, was incompatible with his</p> <p>23 right to a fair trial under article 6 of the European</p> <p>24 Convention on Human Rights.</p> <p>25 The prosecution, the CPS, opposed the application to</p> <p style="text-align: center;">Page 30</p>	<p>1 judge's ruling whilst at the same time upholding its</p> <p>2 duty in relation to the public interest.</p> <p>3 "It is against that background, finding that there</p> <p>4 is no route by which the prosecution is able to comply</p> <p>5 with the judge's rulings whilst maintaining the public</p> <p>6 interest, that the prosecution has concluded that it is</p> <p>7 obliged to offer no evidence in relation to this</p> <p>8 indictment."</p> <p>9 Meanwhile, and entirely separately, David Totton,</p> <p>10 Robert Rimmer and Joseph Travers appeared at Manchester</p> <p>11 Crown Court charged with conspiracy to commit robbery.</p> <p>12 They each entered not guilty pleas, and I should add</p> <p>13 that Mr Grainger was also named on the indictment as</p> <p>14 a co-conspirator.</p> <p>15 Albeit at the start of the trial before His Honour</p> <p>16 Judge Henshall on 4 September 2012 some of the</p> <p>17 defendants offered to the prosecution to plead guilty to</p> <p>18 a charge of conspiring to steal, as opposed to</p> <p>19 conspiring to commit robberies. The proposed basis of</p> <p>20 plea is that they were in the car park in Culcheth to</p> <p>21 steal cars. The prosecution rejected that offer and the</p> <p>22 trial proceeded.</p> <p>23 The trial proceeded with David Totton giving</p> <p>24 evidence over 12 and 13 December, Joseph Travers giving</p> <p>25 evidence on 14 September and Robert Rimmer giving</p> <p style="text-align: center;">Page 32</p>

<p>1 evidence on 18 and 19 September. On 21 September the 2 jury returned a verdict of not guilty, acquitting the 3 defendants of the charge of conspiring to commit 4 robberies.</p> <p>5 Turning then to the inquest, an inquest into 6 Anthony Grainger's death was opened by Her Majesty's 7 coroner Nicholas Rheinberg at Warrington Coroner's Court 8 on 5 March 2012, on that day the inquest was adjourned 9 until after the conclusion of the IPCC's investigation. 10 The coroner held a number of pre-inquest reviews but 11 in May 2015, following a nomination by the Lord Chief 12 Justice, you were appointed, sir, as a judge coroner 13 pursuant to the Coroners and Justice Act 2009.</p> <p>14 You also held a number of pre-inquest reviews and on 15 30 October 2015 you upheld claims by, amongst others, 16 GMP to withhold disclosure to the interested persons and 17 to the public of certain categories of material on 18 grounds of public interest immunity. You delivered 19 an open ruling setting out as far as you were lawfully 20 able to your reasons for upholding those claims and also 21 prepared a number of closed rulings setting out more 22 fully the material on which your decisions were based 23 and the reasons for them.</p> <p>24 In the open ruling, you expressed the view that no 25 jury would be able to ascertain the circumstances in</p> <p style="text-align: center;">Page 33</p>	<p>1 ascertain when, where, how and in what circumstances 2 Mr Anthony Grainger came by his death during a Greater 3 Manchester Police operation and then to make any such 4 recommendations as may seem appropriate.</p> <p>5 "In particular, it will investigate, 1, the 6 objectives and planning of the operation; 2, the 7 information available to those who planned the operation 8 and the accuracy, reliability, interpretation, 9 evaluation, transmission, and dissemination of such 10 information; 3, the decision to deploy armed officers 11 and to make arrests and the criteria applied in reaching 12 those decisions; 4, the command and control of the 13 operation, its implementation, the actions of officers 14 during the arrest phase and the circumstances in which 15 the officer who fired the fatal shot came to discharge 16 his weapon; 5, the suitability or otherwise of the 17 firearms, ammunition and other munitions deployed in the 18 operation; 6, any relevant firearms policies, protocols 19 and manuals in force at the material time, together with 20 any subsequent revisions or amendments; 7, whether and 21 if so to what extent the judgment, reactions or 22 operational effectiveness of any of the planners, 23 commanders or firearms officers were compromised by the 24 extended hours of duty or by limitations in their 25 professional capabilities; 8, the extent to which</p> <p style="text-align: center;">Page 35</p>
<p>1 which Anthony Grainger came by his death without access 2 to the material that you had decided required to be 3 withheld from disclosure. You also observed that any 4 inquest which was precluded from investigating those 5 circumstances would not provide the level of scrutiny 6 required by article 2 of the European Convention on 7 Human Rights.</p> <p>8 Following further submissions from the interested 9 persons, you wrote to the then Home Secretary 10 Theresa May MP setting out these views and urging her to 11 convert the inquest into an Inquiry under the 2005 Act.</p> <p>12 On 17 March 2016 the Home Secretary, Theresa May, 13 duly appointed you to chair an Inquiry under the 14 provisions of the 2005 Act to investigate Mr Grainger's 15 death. The statement made by the Home Secretary in the 16 house was as follows:</p> <p>17 "Judge Teague is a circuit judge who was nominated 18 by the Lord Chief Justice to lead the investigation and 19 inquest into Mr Grainger's death. It has been necessary 20 to convert the inquest into a statutory inquiry so as to 21 permit all relevant evidence to be heard by the judge. 22 I have agreed with Judge Teague that the Inquiry will 23 have the same scope as the current inquest which is 24 being adjourned prior to the setting up of the Inquiry. 25 The terms of reference of the Inquiry are therefore to</p> <p style="text-align: center;">Page 34</p>	<p>1 Mr Grainger's injuries would have incapacitated him 2 whilst he remained conscious; 9, whether, after 3 Mr Grainger was shot, his life could have been saved.</p> <p>4 "The arrangements for the Inquiry will now be 5 a matter for Judge Teague."</p> <p>6 You held the opening session of this Inquiry on 7 20 July 2016 and gave directions for the future conduct 8 of the Inquiry, setting a timetable that would begin the 9 oral hearings of the Inquiry in less than six months 10 after its opening. You took the view that those 11 involved in the proceedings, especially the family of 12 Anthony Grainger and the police officers who took part 13 in the operation that led to his death, had already 14 waited too long for matters to be resolved. You rightly 15 described the timetable as a tight one. Since then you 16 have held preliminary hearings on 14 November 2016 and 17 15 December 2016.</p> <p>18 Shortly before the opening session of the Inquiry, 19 pursuant to rule 5 of the Inquiry Rules 2006, you 20 designated Marina Schofield, John Schofield, 21 Stuart Grainger, Gail Hadfield-Grainger, the NCA, GMP, 22 and Q9 as core participants in the Inquiry. You 23 declined applications for core participant status made 24 on behalf of Anthony Grainger's two children. At the 25 opening session on 26 July 2016 and for the reasons that</p> <p style="text-align: center;">Page 36</p>

<p>1 you gave, you explained that you proposed to seek 2 an undertaking from the Attorney General as to the 3 future use in criminal proceedings or in deciding 4 whether to bring such proceedings against a witness in 5 the Inquiry of evidence given or provided to the Inquiry 6 by that witness. 7 On 15 August 2016, you requested the following 8 undertaking from the Attorney General: 9 "It is undertaken that in respect of any person who 10 provides evidence to the Inquiry, no evidence he or she 11 may give before the Inquiry, whether orally or by 12 written statement, nor any written statement made 13 preparatory to giving evidence, nor any document, thing 14 or information produced by that person to the Inquiry 15 will be used against him or her or a spouse or civil 16 partner in any criminal proceedings, whether present or 17 future or on appeal from a conviction or when deciding 18 whether to bring such proceedings, except proceedings 19 where he or she is charged with having given false 20 evidence in the course of this Inquiry or with having 21 conspired with or procured any other person to do so or 22 was charged with any offence under section 35 of the 23 Inquiries Act 2005 or having conspired with or procured 24 others to commit such an offence. 25 "It is further undertaken not to use in criminal</p> <p style="text-align: center;">Page 37</p>	<p>1 team has been assiduous we hope -- 2 THE CHAIRMAN: Yes. 3 MR BEER: -- in ensuring that as much material as possible 4 has been openly disclosed without redactions to the core 5 participants and will be disclosed publicly in the 6 course of the hearings. That is because we recognise 7 that not only is such disclosure necessary so as to 8 ensure the participation to the greatest extent possible 9 of Anthony's Grainger's next of kin, thereby assisting 10 the state in the discharge of its investigative 11 obligations under article 2 of the European Convention 12 on Human Rights but it is particularly necessary in the 13 circumstances of this Inquiry where, firstly, on any 14 view, intelligence played a significant part in the 15 critical decisions made by GMP officers in the course of 16 Operation Shire. 17 I have in mind in particular the decisions to 18 authorise the deployment of AFOs, the decision to 19 authorise the deployment and/or use of special 20 munitions, the strategic and tactical planning of 21 assistant chief constable Sweeney, the strategic 22 firearms commander, and Superintendent Granby, the 23 tactical firearms commander, if not the decision of Q9 24 to shoot Anthony Grainger. 25 Secondly, Anthony Grainger was unarmed when he was</p> <p style="text-align: center;">Page 39</p>
<p>1 proceedings against that person, or a spouse or civil 2 partner, any evidence which is itself the product of 3 an investigation commenced as a result of the provision 4 by that person of any evidence, document, thing or 5 information to the Inquiry. For the avoidance of doubt 6 this undertaking does not include the use of information 7 and or evidence identified independently of the evidence 8 provided to the Inquiry by that person." 9 The rationale or purpose of such an undertaking was 10 in summary to ensure as far as possible that no person 11 need fear that any evidence he or she may give to the 12 Inquiry would be used against him in any criminal 13 proceedings. And, first, therefore to limit the scope 14 for any person to rely on the privilege against self 15 incrimination that is given statutory recognition in 16 section 22 of the 2005 Act and, secondly, to encourage 17 witnesses to speak openly, freely, and with candour when 18 giving evidence to the Inquiry. 19 On 21 November 2016, the Solicitor General wrote to 20 you to inform you that, having consulted with the 21 director of public prosecutions, he did not believe that 22 it would be appropriate to grant the undertaking in the 23 terms sought. 24 Disclosure. The Inquiry has given very extensive 25 disclosure of evidence to the core participants. Your</p> <p style="text-align: center;">Page 38</p>	<p>1 shot. On Q9's account, it was a combination of the 2 intelligence on which he had been briefed as to the 3 threat that those in the stolen Audi posed, plus the 4 actions of Anthony Grainger that caused him to shoot. 5 Thirdly, there is an absolute necessity as you have 6 ruled to hold some closed hearings in respect of 7 a limited number of witnesses. 8 Sir, I have been speaking for an hour now, that 9 might be a convenient moment. 10 THE CHAIRMAN: I think it would. We will take break at this 11 stage and we will resume at midday. 12 (11.37 am) 13 (A short adjournment) 14 (12.01 pm) 15 MR BEER: Sir, thank you. 16 Anonymity and protective measures. In late October 17 and early November 2016, GMP and the NCA applied for 18 orders under section 19 of the 2005 Act seeking 19 anonymity and other protective measures for certain of 20 the witnesses that the Inquiry had indicated that would 21 be called to give oral evidence to the Inquiry. There 22 were 49 applications, 29 of them made by GMP and 20 by 23 the NCA, following the provision of extensive material 24 in support of the applications and disclosure of the 25 open parts of it to all core participants and an oral</p> <p style="text-align: center;">Page 40</p>

<p>1 hearing on 14 November 2016, on 9 December 2016 you 2 issued a detailed open ruling of some 48 pages long 3 setting out your decisions on each of the applications. 4 That open ruling is again available on the Inquiry's 5 website for all to see.</p> <p>6 In summary, you first rejected in their entirety 7 a number of the GMP applications, in particular those of 8 senior officers who were in strategic and tactical 9 command of the firearms operation.</p> <p>10 Secondly, rejected in substantial part a number of 11 the remaining GMP applications insofar as they sought to 12 be screened from the core participants and the public 13 when they the witnesses gave evidence.</p> <p>14 Third, allowed some of the applications for 15 anonymity and screening, either on the ground of the 16 risks that would exist to the witness's personal safety 17 if they were identified, having regard to their roles in 18 the operation, or because their anonymity was essential 19 if they were to continue to perform covert operations or 20 both.</p> <p>21 You allowed each of the NCA's applications.</p> <p>22 Mr Ian Arundale, the Inquiry decided that it needed 23 evidence in the command, control and implementation of 24 police firearms operations from an independent expert. 25 It identified Ian Arundale QPM as that independent</p> <p style="text-align: center;">Page 41</p>	<p>1 This included national oversight of all armed 2 policing policy, procedure and practice. He trained as 3 and performed the roles of an operational firearms 4 commander, a tactical firearms commander and strategic 5 firearms commander.</p> <p>6 In January 2012 he was appointed by ACPO to be the 7 chairman of the national Police Use of Firearms working 8 group, sometimes called PUOF, which subsequently became 9 known as the Armed Policing Working Group, the APWG. As 10 chairman of PUOF he was responsible for overseeing the 11 production of all national police guidance in relation 12 to the command and deployment of armed officers, 13 responsible for dealing with firearms and related 14 threats throughout England, Wales and Northern Ireland.</p> <p>15 In 2002 he was asked by Her Majesty's Inspectorate 16 of Constabulary, HMIC, to coordinate the production of 17 the first code of practice on list use of firearms and 18 less lethal weapons. This was published in 2003. GMP's 19 compliance with or breach of the code of practice is 20 an issue which the Inquiry may explore in the course of 21 its hearings.</p> <p>22 During his time as the ACPO PUOF lead he was 23 personally responsible for overseeing the production, 24 review and amendment of the definitive document giving 25 guidance in relation to the management of firearms</p> <p style="text-align: center;">Page 43</p>
<p>1 expert and on 7 September 2016, following helpful 2 contributions from the core participants, who were given 3 advanced sight of it, we sent a letter of instruction 4 and the materials that we were permitted to send to 5 Ian Arundale.</p> <p>6 Although Mr Arundale will no doubt give his 7 background qualifications and experience when he gives 8 evidence to the Inquiry in April, because I am now going 9 to open some of his evidence to you, I shall summarise 10 those matters now.</p> <p>11 THE CHAIRMAN: Yes.</p> <p>12 MR BEER: Ian Arundale was a police officer for 32 years. 13 He retired as a Chief Constable in June 2012 and now 14 provides independent consultancy services in relation to 15 law enforcement policy and practice, decision making and 16 the management of critical incidents. He holds 17 a bachelors degree in police studies, a masters degree 18 in criminology and criminal justice and a post graduate 19 diploma in applied criminology from Cambridge 20 University.</p> <p>21 Between 2002 and 2012, Mr Arundale had national 22 responsibility on behalf of the Association of Chief 23 Police Officers, ACPO, for the armed policing portfolio 24 and the conflict management portfolio, which is what it 25 was called after 2008.</p> <p style="text-align: center;">Page 42</p>	<p>1 operations by the creation of the 2011 edition of the 2 manual of guidance on the management, command and 3 deployment of armed officers, known as "The manual".</p> <p>4 Mr Arundale oversaw a complete and radical review 5 and rewrite of the manual in order to publish it in 6 a publicly available and updated format. Successive 7 versions of the manual have been produced since I think 8 1983, taking account of operational lessons learned, 9 judicial reviews and judicial comment. It, the manual, 10 is therefore a document that reflects decades of 11 operational learning, reviews, legal advice and debriefs 12 relating to armed policing within the UK.</p> <p>13 The extent to which GMP acted in accordance with the 14 manual or departed from it is an issue which the Inquiry 15 will examine in the course of its oral hearings.</p> <p>16 As to the approach that Ian Arundale adopted, he 17 notes that:</p> <p>18 "I am conscious that my comments and opinion in this 19 matter should be pragmatic and reasonable and that I do 20 not seek to identify an impractical standard of 21 perfection that does not reflect the reality of the task 22 expected from those involved in armed policing 23 operations, setting an unattainable standard could lead 24 to an unacceptable level of caution on the part of 25 commanders and AFOs that in turn may have an adverse</p> <p style="text-align: center;">Page 44</p>

<p>1 impact on future policing operations. A key aspect of 2 this Inquiry relates to the collation, evaluation and 3 dissemination of intelligence, the technical management 4 of police intelligence is a specific discipline that 5 I am not qualified to give an opinion on. I can however 6 give an opinion in relation to some specific 7 intelligence and information solely on the basis of its 8 relevance or otherwise to armed policing deployments. 9 "Some of the supplied documents indicate there may 10 be sensitive intelligence matters associated with key 11 aspects of Operation Shire that will be of interest to 12 this Inquiry. All my opinions are qualified to the 13 extent that if I become aware of new intelligence 14 matters my opinions could fundamentally change. I have 15 been given access to a quantity of unredacted 16 intelligence and related documentation, my opinions and 17 observations are based upon all the information that has 18 been provided to me." 19 He, Mr Arundale, provides some important contextual 20 information against which the opinions, in particular 21 the strong criticisms and sustained censure of some of 22 GMP's conduct that he sets out falls to be set. 23 He explains that only a relatively small proportion 24 of police officers in England and Wales are trained in 25 the use of and, subject to strict constraints, have</p> <p style="text-align: center;">Page 45</p>	<p>1 20/20 hindsight may not reflect the complexities and 2 uncertainties of managing fast-moving police operations 3 such as the incident subject of this Inquiry. 4 "Additionally the slow time forensic review of 5 incidents can also sometimes foster unrealistic 6 expectations of police commanders and AFOs. Very often 7 situations are moving so quickly that professional 8 judgment is driving decisions faster than they can be 9 recorded. Whilst there is guidance in training, there 10 is no detailed instruction book leading a police 11 commander or an AFO step by step through incidents that 12 can be extraordinarily complex and challenging 13 scenarios. 14 "I suggest it must be accepted that the police 15 cannot prevent all tragedies from occurring and no 16 matter what police action is taken, offenders will still 17 offend and tragic outcomes will still occur. I am 18 confident my comments in this matter should be pragmatic 19 in reasonable and should not seek to identify 20 an impractical standard of perfection that does not 21 reflect the reality of the task expected from those 22 involved in armed policing." 23 THE CHAIRMAN: This is continuing your quotation from 24 Mr Ian Arundale? 25 MR BEER: Yes, exactly:</p> <p style="text-align: center;">Page 47</p>
<p>1 access to police issue firearms. The number varies 2 across police forces but ACPO and the Home Office in 3 2011/2012 recorded that approximately 5 per cent of all 4 officers, that is 6,756, were trained in the use of 5 firearms. 6 In 2011/2012 in England and Wales there were a total 7 of 12,550 recorded armed policing deployments, during 8 which the police discharged a conventional firearm at 9 five incidents. During this same period GMP recorded 10 414 operations where the use of firearms was authorised. 11 "Armed policing deployments can often be very 12 dynamic, dangerous and unpredictable situations. GMP 13 make a relevant and pertinent point at page 2 of their 14 defence statement in the Fahy case that: 15 "The deployment of an authorised firearms officer is 16 a necessary tactic in the modern policing of society. 17 It is by its very nature due to the unpredictability of 18 suspect's behaviour a tactic which can expose police 19 officers, suspects and members of the public to the 20 possibilities of danger." 21 "Dealing with the most violent offenders in 22 dangerous situations is not an exact science where there 23 are always clear answers and easily identifiable rights 24 and wrongs of policy and practice for observers to 25 classify and note. The opinions of some observers with</p> <p style="text-align: center;">Page 46</p>	<p>1 "It should also be noted that all those involved in 2 armed policing operations are volunteers and need 3 appropriate support and encouragement as well as 4 challenge regarding their actions and activities. In 5 summary, all staff involved in armed deployments are 6 sometimes required to make critical judgments in the 7 difficult of situations and often in life-threatening 8 circumstances. I have reviewed many incidents of note, 9 including where there has been an adverse outcome or 10 a failure to adhere to guidance. What is clear is that 11 very rarely can a simplistic judgment of right or wrong 12 be applied to the component parts of these often complex 13 and dynamic situations or to the individual decisions 14 that police officers and AFOs have to make. 15 "However, relevant conclusions can usually be drawn 16 by assessing if the management of the incident and 17 associated decision making is reasonable in the 18 circumstances and accords with the manual, related 19 guidance and established good practice." 20 That is where the quote ends. 21 THE CHAIRMAN: Yes. 22 MR BEER: You subsequently ruled on 14 November 2016 that 23 Simon Pemberton and David Sturman, you will remember 24 they were the witnesses instructed by GMP in the trial 25 of Sir Peter Fahy, should not be permitted to give</p> <p style="text-align: center;">Page 48</p>

1 evidence in this Inquiry, but that if, in the light of
 2 any significant new material, that is to say material
 3 that went beyond mere disagreement with Mr Arundale's
 4 conclusions, GMP wished to renew its application, then
 5 it had 14 days to do so and in the event GMP did not
 6 renew that application.

7 Dr Philip Seaman, the Inquiry also instructed
 8 Dr Philip Seaman to undertake investigative work for and
 9 give expert evidence to the Inquiry. Dr Seaman is
 10 a forensic scientist, he holds a degree in applied
 11 biology, a masters degree in forensic science and is
 12 a doctor of philosophy. He has been employed as
 13 a forensic scientist since 1985 and has specialised in
 14 the examination of firearms and related items since
 15 2003. During this period he has had considerable
 16 experience in crime scene reduction, both in biological
 17 evidence types and in shooting incidents. He was
 18 assisted in his work by experts in gunshot residue,
 19 glass and CS incapacitant spray. He reported to the
 20 Inquiry on 12 October 2016 and produced an updated
 21 report on 18 November 2016, taking into account
 22 a reconstruction of the scene that he had recreated.

23 With that background to the Inquiry and the progress
 24 of the Inquiry, to date, can I now turn to the detail.
 25 THE CHAIRMAN: Yes, Mr Beer.

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1 MR BEER: First, armed policing policy and guidance. It is
 2 right that I should begin with an overview of the policy
 3 and guidance that existed in relation to armed policing
 4 operations in March 2012. Now is not the time to
 5 examine the law as to the use of reasonable force in
 6 self-defence or the defence of another, having regard to
 7 the common law, section 3 of the Criminal Law Act 1967,
 8 section 117 of the Police and Criminal Evidence Act 1984
 9 and section 76 of the Criminal Justice and Immigration
 10 Act 2008, nor of the nature and extent of the
 11 substantive obligations set out in article 2 of the
 12 European Convention on Human Rights. In particular, the
 13 duty on the state agents to plan and control
 14 an operation such as this so as to minimise to the
 15 greatest extent possible the risk to life.

16 Those will doubtless be the subject of detailed
 17 submissions in due course when the Inquiry hears closing
 18 submissions in the light of the evidence that it has
 19 received. But a recurrent feature of the evidence is
 20 likely to be reference to what Ian Arundale describes as
 21 the key national guidance and doctrine relevant to the
 22 management of armed policing deployment such as
 23 Operation Shire. That is because such national guidance
 24 and doctrine has been produced precisely because of the
 25 inherent danger and risks to life presented by the

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1 deployment of armed officers and, as I have explained,
 2 has been developed over time in the light of expertise,
 3 lessons learned and judicial comment.

4 It is therefore not only appropriate but absolutely
 5 necessary to hold GMP's conduct to account by reference
 6 to this national guidance and doctrine. I therefore
 7 make no apologies for spending a little time at the
 8 outset of the Inquiry in taking you through this
 9 important material, and in circumstances where
 10 Ian Arundale, the expert concerned in these issues, is
 11 one of the last or the last witness that we shall hear
 12 from in three months' time.

13 THE CHAIRMAN: Yes.

14 MR BEER: The three key documents are firstly the code of
 15 practice on the Police Use of Firearms and less lethal
 16 weapons, published as I have said in November 2003 by
 17 the Home Office.

18 Secondly, the manual of guidance on the management,
 19 command and deployment of armed officers. As I have
 20 said, this is known as "The manual", and it is the 2011
 21 edition with which we are concerned.

22 Thirdly, guidance on command and control published
 23 by ACPO in 2009.

24 GMP also had a number of relevant policy documents,
 25 including a standard operating procedure for mobile

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1 armed support to surveillance operation, MASTS, dated
 2 5 September 2011 and also standard operating procedures
 3 for specialist munitions and post-incident procedures.

4 I am going to concentrate on two of the documents,
 5 the code of practice and the manual.

6 Can I ask you to turn up, please, the code of
 7 practice, please, G1/3317.

8 THE CHAIRMAN: Thank you, I have it.

9 MR BEER: Hopefully, it will look like that.

10 Section 39A of the Police Act --

11 THE CHAIRMAN: Mr Beer, in relation to these documents, as
 12 you say, we are going to be concentrating on the
 13 versions that applied at the relevant time. It may
 14 I suppose at a later stage become necessary for us to
 15 look at the current versions, where there have been
 16 changes.

17 MR BEER: Yes, that may be necessary to a limited extent in
 18 the course of the oral hearings of the Inquiry over the
 19 next three months, if somebody wants to take a point on
 20 a relevant change but probably much more important when
 21 you come to the second part of your third task, namely
 22 reporting and making recommendations.

23 THE CHAIRMAN: Recommendations, yes.

24 MR BEER: I suspect that we will hold a separate process to
 25 look at has changed since 2012 so that if you were

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<p>1 minded to make any recommendations, you don't make 2 recommendations that have in fact already been acted 3 upon. 4 THE CHAIRMAN: Precisely. I am sorry to have interrupted 5 you, but you were inviting my attention to a particular 6 passage in this? 7 MR BEER: Not quite at the moment but I was trying to get it 8 ready, on the stocks, as it were. 9 Section 39A of the Police Act 1996 permits the Home 10 Secretary to issue codes of practice for the purposes of 11 promoting the efficiency and effectiveness of police 12 forces in England and Wales relating to the discharge of 13 their functions by chief officers. By section 37A(vii) 14 of the 1996 Act: 15 "In discharging any function to which a code of 16 practice under this section relates, a chief officer of 17 police shall have regard to the code." 18 This code of practice is therefore a statutory code 19 of practice in the proper legal sense of that phrase. 20 Mr Arundale explains, or has explained, to the 21 Inquiry that the code of practice was, "Particularly 22 important because it required for the first time on 23 a statutory basis that chief police officers take 24 account of the ACPO guidance produced by the Police Use 25 of Firearms committee, and further that this, the code,</p> <p style="text-align: center;">Page 53</p>	<p>1 for their own safety or for the protection of members of 2 the public. To meet all those needs police forces 3 maintain an armed capability and certain officers or 4 groups of officers may need to be granted a standing 5 authority for the carriage of weapons requiring special 6 authorisation." 7 1.4.2: 8 "Both the general public and members of the police 9 service therefore expect that police use of weapons 10 requiring special authorisation will be kept to the 11 necessary minimum, consistent with public safety. That 12 in order to reduce the risk of death or serious injury, 13 the equipment available to police forces should include 14 less lethal weapons and munitions and that when police 15 operations result in injuries, relatives or close 16 friends of injured and affected persons should be 17 notified as soon as practicable." 18 1.4.3: 19 "Police officers who may be called upon to use 20 weapons requiring special authorisation, those who 21 command such officers, those providing tactical advice 22 in their use and those who authorise the issue and 23 deployment of such weapons should be selected, trained 24 and have their competence assessed and reassessed to 25 ensure that they are equipped for those</p> <p style="text-align: center;">Page 55</p>
<p>1 enabled the Home Secretary to formally challenge chief 2 officers to ensure compliance with important principles 3 and guidance. In my role as the ACPO lead on the police 4 use of firearms I was occasionally requested to resolve 5 potentially problematic departures from guidance by 6 individuals and forces before they were referred to the 7 Home Secretary." 8 The code of practice came into effect on 9 3 December 2003, and was created to bring about more 10 consistency in policing and practice across all police 11 forces, particularly in relation to the acquisition and 12 deployment of weapons. 13 If we can look, please, at paragraph 1.4 of the 14 code, beginning on page 3322. 15 THE CHAIRMAN: Yes, I have it. 16 MR BEER: I am going to read some extracts from it. Under 17 the cross heading "Armed support of police operations", 18 1.4.1: 19 "The police service in England and Wales remains 20 a predominantly unarmed service. Police officers may 21 however have to deal with persons who may be in 22 possession of a firearm. Persons who have immediate 23 access to a firearm or other situations representing 24 a threat to which an armed response is appropriate. In 25 such cases it may be necessary for officers to be armed,</p> <p style="text-align: center;">Page 54</p>	<p>1 responsibilities." 2 Mr Arundale explains that one of the specific 3 requirements of the then Home Secretary in drafting the 4 code of practice was to ensure that any weapon or device 5 that was subject to the code had been researched, 6 evaluated and approved by the Home Secretary in line 7 with established national procedure and good practice 8 he, that's Mr Arundale, adds that: 9 "This would particularly apply to the research and 10 evaluation of chemical munitions, such as CS dispersal 11 canisters." 12 Which are known as "CSDCs", that is how I am going 13 to refer to them. 14 THE CHAIRMAN: Yes. 15 MR BEER: They are of relevance in this case because one was 16 deployed into the stolen Audi: 17 "Thus the code of practice applies." 18 If you could move forward, please, to paragraph 4.3 19 on page 3328. 20 THE CHAIRMAN: Yes, I have it, thank you. 21 MR BEER: 4.3.1, against the cross heading of "Development 22 and approval of new weapons and operating procedures", 23 the first line is one which I have highlighted: 24 "It is important that the continuing development of 25 weapon systems, including their related operating</p> <p style="text-align: center;">Page 56</p>

<p>1 procedures, should be centrally coordinated." 2 That is going to be an important issue when we come 3 to look at CSDC and its use by GMP: 4 "That is to ensure that emerging requirements of the 5 police service may be properly identified and met, that 6 weapon systems may be adequately tested and evaluated 7 for police use and that good practice may be promulgated 8 and adopted within the service. For those purposes 9 chief officers of the police should monitor emerging 10 operational requirements in their forces and the 11 availability of new weapon systems which might improve 12 the safety of operations involving weapons requiring 13 special authorisation. The police service should 14 maintain the capability centrally to assess, evaluate 15 and, where appropriate, adopt effective less lethal 16 weapon systems where they might reduce reliance on 17 conventional firearms or ammunition without compromising 18 the safety of police officers or others who might be 19 affected. For this purpose chief officers cooperating 20 with each other normally through ACPO should monitor the 21 availability of new weapon systems. Where ACPO regard 22 new weapon systems as suitable for further evaluation 23 and testing they should consult the Secretary of State, 24 1, to obtain the Secretary of State's views on the 25 suitability and independence of the bodies to be invited</p> <p style="text-align: center;">Page 57</p>	<p>1 to one side for the moment. 2 Can I turn then to the manual. I wonder whether we 3 could turn that up as well, please. 4 THE CHAIRMAN: Yes. 5 MR BEER: That is F595 -- 6 THE CHAIRMAN: Yes. 7 MR BEER: -- the front page of which looks like that. 8 THE CHAIRMAN: Yes, thank you. 9 MR BEER: The manual, as I have said, first published in 10 1983, sets out the guidance issued by ACPO. It 11 highlights the importance of the professional 12 responsibility placed on the police service to intervene 13 in potentially violent situations to protect the rights 14 of all people. It places the management, command and 15 deployment of armed officers into the context of general 16 policing policy and provides -- this is paragraph 0.8, 17 please, sir, which is on page 603. 18 THE CHAIRMAN: I have it. 19 MR BEER: "... the revised manual places management, command 20 and deployment of armed officers into the context of 21 general policing and policies and provides: guidance on 22 the appropriate issue and use of firearms and related 23 less lethal options within the police service; a basis 24 for the training of all police staff in matters relating 25 to the operational use of firearms, this includes</p> <p style="text-align: center;">Page 59</p>
<p>1 to carry out technical and medical evaluations of new 2 weapon systems and the procedures to be adopted for 3 those evaluations; to ensure that those procedures would 4 be carried out as expeditiously as possible in order to 5 meet police operational needs and to enable the 6 Secretary of State to consider using powers relating to 7 the regulation of equipment and procedures and practices 8 ..." 9 Under certain statutory provisions that I am not 10 going to read. 11 4.3.4: 12 "The processes for evaluating, assessing and 13 adopting new weapons systems and tactics and arranging 14 for any related training to accredited standards must be 15 completed before such weapons and tactics are to be 16 regarded as available generally for use by police 17 officers." 18 4.3.5: 19 "Evaluation and assessment processes for such 20 weapons will include, where appropriate, a needs 21 analysis, determination of operational requirement, 22 technical evaluation, medical assessment and operational 23 performance trials and will take into account relevant 24 strategic, ethical, operational and societal issues." 25 That is the code of practice, sir. That can be put</p> <p style="text-align: center;">Page 58</p>	<p>1 command issues at strategic tactical and operational 2 levels, guidance on command structures, tactical options 3 and operational issues associated with the deployment of 4 armed, authorised firearms officers, AFOs." 5 It is important to note that although the manual was 6 an ACPO document, in the sense that it has the ACPO 7 badge on the front of it, its production and any 8 amendments to it were overseen by the ACPO PUOF 9 committee, which committee in addition to police 10 officers comprised of senior Home Office 11 representatives, which included Home Office officials, 12 scientific advisers and the IPCC. 13 Mr Arundale suggests that this ensured that the 14 guidance was very much informed by the requirements of 15 central government and the opinions of the IPCC and 16 other interested critical observers. It was also he 17 says subject to rigorous vetting and legal advice prior 18 to publication. It is regularly reviewed and its 19 content is often challenged in the courts, sometimes 20 where there is a concern that the concern cannot be 21 resolved or a particular incident raises matters that 22 require judicial scrutiny. 23 Mr Arundale has advised the Inquiry that in order to 24 ensure interoperability, consistency of practice and 25 compliance in relation to the management, command and</p> <p style="text-align: center;">Page 60</p>

<p>1 deployment of AFOs, the manual is accepted and regarded 2 as the overarching authority in relation to all other 3 aspects of associated ACPO guidance and force procedures 4 on firearms. That is reflected in paragraph 0.17, which 5 is on page 604. I am not going to read it out. 6 THE CHAIRMAN: No. 7 MR BEER: As to the use of language within the manual, 8 Mr Arundale has advised the Inquiry that it does not 9 seek to be wholly prescriptive in terms of its content. 10 However, where the word "must" is used, it reflects the 11 fact that the term was approved by the ACPO chief 12 constable's counsel, thereby endorsing the need for any 13 such action to be completed. 14 If a chief officer determines that it is necessary 15 to issue instructions in departure from the manual, they 16 should procure/produce a documented audit trail 17 explaining their rationale for doing so and this should 18 be included in their own force's strategic firearms 19 threat and risk assessment, see paragraph 91. 20 The police operation to apprehend Mr Grainger and 21 others was an armed policing operation and therefore in 22 summary the 2011 edition of the manual was the primary 23 and definitive source of informed guidance in relation 24 to the incident and the issues under review by this 25 Inquiry.</p> <p style="text-align: center;">Page 61</p>	<p>1 functional or territorial responsibilities related to 2 a tactical plan." 3 I am going to go into a little depth in relation to 4 each of those three roles, central as they are to our 5 Inquiry. 6 The role of the strategic firearms commander, SFC, 7 is set out in paragraph 5.20 of the manual, which is at 8 page 662. 9 THE CHAIRMAN: Yes, I have that. 10 MR BEER: It contains what Mr Arundale describes as a number 11 of relevant considerations. These are, as it seems to 12 us, by and large preceded by the word "should", such as, 13 "Should consider any tactical parameters to be placed on 14 the police response" or, "Should consider consulting 15 a tactical adviser", but there are also a number of 16 "must" requirements, including, "He or she must set, 17 review, communicate, and update the strategy based on 18 the threat assessment and the available intelligence", 19 "Must ensure that the strategy for the armed deployment 20 is recorded, including any changes to it to provide 21 a clear audit trail", "Must authorise the deployment of 22 AFOs or ratify or rescind the deployment where it has 23 already been approved by the tactical firearms 24 commander", "Must ensure that the firearms strategy 25 complies with the wider strategic aims of the overall</p> <p style="text-align: center;">Page 63</p>
<p>1 Can I deal with how the manual addresses command. 2 The generic command structure used in the police service 3 as a whole in the UK operates at three levels, 4 strategic, tactical and operational. When translated 5 into command roles, they are generally referred to as 6 "gold", meaning strategic, "silver", meaning tactical 7 and "bronze", meaning operational. That is reflected in 8 paragraph 5.8 of the manual, which we need not turn up. 9 We could however usefully turn up paragraphs 5.10 to 10 5.11. 11 THE CHAIRMAN: Do you have a page reference for that? 12 MR BEER: Yes, I have, 660. 13 THE CHAIRMAN: Yes, thank you. Thank you. 14 MR BEER: At 5.9 what I have just said is set out and then 15 at 5.10 it states: 16 "Strategic firearms commander: he or she determines 17 the strategic objectives and sets any tactical 18 parameters, retains strategic oversight and overall 19 command responsibility. 20 "The tactical firearms commander: he or she 21 develops, commands and coordinates the overall tactical 22 response in accordance with the strategic objectives." 23 5.12: 24 "The operational firearms commanders: he, she or 25 they commands a group of officers carrying out</p> <p style="text-align: center;">Page 62</p>	<p>1 operation", "Must be able to be contacted by the 2 tactical firearms commander". 3 As to the tactical firearms commander, his or her 4 functions are set out in paragraphs 5.21 and 5.22 of the 5 manual. 6 THE CHAIRMAN: Yes, I have them. 7 MR BEER: Again these contain a number of relevant 8 considerations and responsibilities, such as: 9 "Is responsible for developing and coordinating the 10 tactical plan in order to achieve the strategic aims 11 within any tactical parameters and should consult 12 a tactical adviser as soon as practicable." 13 The manual also has a number of "must" requirements 14 in relation to the TFC, "He or she must assess and 15 develop the available information and intelligence and 16 complete the threat assessment", "Must constantly 17 monitor the need for the continued deployment of AFOs", 18 "Must review and update the tactical plan and ensure 19 that any changes are communicated to the operational 20 firearms commanders and where appropriate the SFC". 21 Then the operational firearms commander, this starts 22 at paragraph 5.23. Their role is set out in 5.23, again 23 as before a number of relevant considerations and 24 responsibilities, perhaps most importantly he or she, 25 "Ensures the implementation of the TFC's tactical plan</p> <p style="text-align: center;">Page 64</p>

<p>1 within their territorial or functional area of 2 responsibility". 3 The manual also contains a number of "must" 4 requirements, "Must have knowledge and a clear 5 understanding of their role and the overall aim of the 6 operation", "Must, where practicable, ensure that staff 7 are appropriately briefed", "Must ensure clear 8 communication channels exist between themselves, the TFC 9 and those under their command". 10 You will see that I have mentioned in the course of 11 those roles and responsibilities a tactical adviser, it 12 is to that role which I now turn. 13 THE CHAIRMAN: Yes. 14 MR BEER: In Operation Shire, the TFC or the silver, 15 Superintendent Granby, was supported by a trained 16 tactical adviser, sometimes called a TA; or a Tac, whose 17 role is to advise and not to make command decisions, 18 whilst the responsibility for the validity and 19 reliability of advice lies with the TA, the 20 responsibility for the use of that advice lays with the 21 TFC. 22 The manual at paragraph 5.24 details the full scope 23 of the TA's role, namely he or she advises on the 24 capabilities and limitations of the AFOs and other 25 police resources being deployed, advises the strategic</p> <p style="text-align: center;">Page 65</p>	<p>1 5.2: 2 "When an officer has attended and satisfactorily 3 completed a course of instruction based on a command or 4 tactical advice module in the national police firearms 5 training curriculum -- which we are going to come to 6 hear is called the NPFTC -- they will be assessed to be 7 occupationally competent to perform that role." 8 5.3: 9 "Chief officers are responsible for ensuring that 10 individuals who have been assessed as occupationally 11 competent are professionally developed to ensure that 12 they can be classed as operationally competent, 13 a commander or tactical adviser must remain 14 operationally competent by regularly performing the 15 roles for which they have been trained. Forces should 16 consider implementing an auditable period of shadowing, 17 mentoring and performance review as a means of achieving 18 operational confidence." 19 Paragraph 5.4 of the manual provides: 20 "Commanders at all levels and tactical advisers must 21 undergo annual commander/tactical adviser refresher 22 training." 23 Ian Arundale has advised the Inquiry that this is 24 a must requirement in the manual and, "This mandated 25 training must consist of the relevant NPIA [National</p> <p style="text-align: center;">Page 67</p>
<p>1 or tactical firearms commander on the implication of any 2 tactical parameters which have been set, advises on the 3 available tactical options, the consideration by the SFC 4 and TFC within the existing strategy and any tactical 5 parameters set. Advises the firearms commanders on the 6 tactical considerations, contingencies and implications 7 for each tactical option, should be in a position to 8 assist and advise the TFC commander at all stages of the 9 operation. Provides tactical advice reflecting the 10 existing threat assessment and ensures that advice given 11 is recorded. 12 Can I then turn to how the manual deals with what is 13 known in police circles as operational and occupational 14 competence. 15 Paragraph 5.0 of the manual, which you will find, 16 sir, at the top of page 659 -- 17 THE CHAIRMAN: Yes, thank you. 18 MR BEER: -- requires that: 19 "Chief officers must ensure that arrangements exist 20 whereby appropriately selected, trained, assessed and 21 accredited commanders and tactical commanders are 22 available to command and advise on situations in which 23 AFOs have been deployed." 24 Paragraphs 5.2 and 5.3 of the manual define what is 25 meant by 'occupational and operational competence'. At</p> <p style="text-align: center;">Page 66</p>	<p>1 Police Improvement Agency] improved annual command or 2 tactical adviser refresher, package supplemented by 3 additional local training which supports force and 4 regional issues, all forces are required to maintain 5 a strategic firearms threat and risk assessment that 6 informs the overall operational requirement of the 7 effective deployment, location, training and equipping 8 of armed officers. There is therefore a requirement to 9 ensure the commanders and tactical advisers are fully up 10 to date in relation to any changes to the manual, 11 training and any items of good practice or lessons 12 learned, this knowledge is contained in the nationally 13 approved annual training and forces are recommended to 14 regularly assess and approve an individual's operational 15 status. On the contemplation of these packages 16 a commander or a tactical adviser's occupational 17 competence should be formally approved by the lead chief 18 officer or a person nominated by them, see the manual 19 paragraph 5.5." 20 Turning then to the manual's treatment of decision 21 making, the manual applies the national decision making 22 model, the NDM to decision making in firearms 23 deployments, that is set out in paragraph 6 to 6.8 -- 24 THE CHAIRMAN: I have that. 25 MR BEER: -- of the manual, thank you very much, you are</p> <p style="text-align: center;">Page 68</p>

<p>1 ahead of me, at page 675.</p> <p>2 The NDM is a scalable model that can be applied</p> <p>3 before, during or after an incident, requiring the</p> <p>4 deployment of AFOs.</p> <p>5 It provides a framework for recording both command</p> <p>6 decisions and the rationale behind them and can also be</p> <p>7 used to brief officers involved in the policing</p> <p>8 operation, see the manual at paragraph 6.2.</p> <p>9 It is also the model used to train AFOs to make,</p> <p>10 split-second decisions in relation to whether to</p> <p>11 discharge or not and subsequently justify the use of</p> <p>12 a weapon. One of the requirements of the NDM,</p> <p>13 Ian Arundale describes it as "a very important aspect of</p> <p>14 the NDM", is that officers must continuously reassess,</p> <p>15 continually reassess policing situations using the</p> <p>16 model:</p> <p>17 "The NDM is driven by information and intelligence,</p> <p>18 it is a continuous cycle constantly reviewed in the</p> <p>19 light of new information and assessment that will</p> <p>20 ultimately affect the response to the incident."</p> <p>21 See 6.3 of the manual. The NDM is core to all</p> <p>22 decision making during armed deployments:</p> <p>23 "The model can assist in the decision-making process</p> <p>24 and provides a structure for the documentation of</p> <p>25 decisions and their rationale. The cyclical nature of</p> <p style="text-align: center;">Page 69</p>	<p>1 evaluation and risk assessment process in order to</p> <p>2 assist with police decision making."</p> <p>3 That may be an important distinction to bear in</p> <p>4 mind.</p> <p>5 In firearms deployments, the manual indicates that</p> <p>6 wider sources of information, such as the experience of</p> <p>7 responsible individuals should be taken into account</p> <p>8 within a continuous assessment process, to quote</p> <p>9 paragraph 6.10:</p> <p>10 "In firearms related situations information and</p> <p>11 intelligence combined with the experience of those</p> <p>12 responsible for directing the police response will</p> <p>13 assist in determining the most appropriate response to</p> <p>14 a given situation. The assessment of information is</p> <p>15 a dynamic and continuing process throughout the life of</p> <p>16 an incident or operation."</p> <p>17 At paragraph 6.13, the manual also states that</p> <p>18 during decision making considerations should also</p> <p>19 include information available about the subject's</p> <p>20 associates. I have highlighted those two points because</p> <p>21 they are issues to which we will return in due course.</p> <p>22 (b), assess threat and risk and develop a working</p> <p>23 strategy. These are all terms and concepts that we are</p> <p>24 going to become very familiar with in the course of the</p> <p>25 next three months.</p> <p style="text-align: center;">Page 71</p>
<p>1 the model indicates the necessity for a sequential</p> <p>2 process of continual reassessment. The model prompts</p> <p>3 the decision maker to take action on the basis of the</p> <p>4 most up to date information and intelligence available</p> <p>5 at that time."</p> <p>6 See the manual at paragraph 6.7.</p> <p>7 It has a number of elements to it (a) gather</p> <p>8 information and intelligence, (b) assess threat and risk</p> <p>9 and develop a working strategy, (c) consider powers and</p> <p>10 policy, (d) identify options and contingencies and (e)</p> <p>11 take action and review what happened.</p> <p>12 In the context of armed deployments, these elements</p> <p>13 are developed further in the manual to reflect the key</p> <p>14 components of armed deployments. So I will deal with</p> <p>15 them each in turn, (a) gather information and</p> <p>16 intelligence:</p> <p>17 "In policing terms, information and intelligence</p> <p>18 each mean the following ..."</p> <p>19 I am at 6.9, now.</p> <p>20 THE CHAIRMAN: Yes, bottom of 676.</p> <p>21 MR BEER: Yes, thank you:</p> <p>22 "Information refers to all forms of intelligence</p> <p>23 obtained, recorded or processed by the police, including</p> <p>24 personal data and intelligence. Intelligence is</p> <p>25 information that has been subject to a defined</p> <p style="text-align: center;">Page 70</p>	<p>1 In terms of definition, a threat assessment is</p> <p>2 defined in the manual as follows. It refers to the</p> <p>3 analysis of potential or actual harm to people, the</p> <p>4 probability of it occurring and the consequences or</p> <p>5 impact should it occur. It is based on fact,</p> <p>6 information and intelligence and will vary over time.</p> <p>7 A threat assessment is used to develop a prioritised</p> <p>8 working strategy and ultimately forms the basis on which</p> <p>9 the proportionality of the police response will be</p> <p>10 judged.</p> <p>11 As Mr Arundale observes, the manual gives no</p> <p>12 specific guidance to the exact nature of a threat</p> <p>13 assessment, it is given, however, that is guidance, on</p> <p>14 how it should be researched and presented. At</p> <p>15 paragraph 6.18, which is on page 678, the manual</p> <p>16 provides, "A threat assessment should be based on</p> <p>17 information known at the time, may be supported by</p> <p>18 historic information, should take account of the nature</p> <p>19 of any threat anticipated and its proximity, should</p> <p>20 identify to whom and under what circumstances the threat</p> <p>21 may occur, should describe any consequences or impacts.</p> <p>22 Should take account of the impact of change, may take</p> <p>23 the form of an analytical report or problem or subject</p> <p>24 profile."</p> <p>25 The third stage, (c), develop a working strategy,</p> <p style="text-align: center;">Page 72</p>

<p>1 including setting tactical parameters. The manual 2 provides at paragraph 5.39 that: 3 "Commanders must at the earliest opportunity develop 4 an effective strategy to direct police action, a working 5 strategy may start to be developed once information is 6 received. It can be formalised once a threat assessment 7 has taken place. A strategy may contain a number of 8 objectives, information and intelligence may change as 9 may the threat assessment therefore the strategy must 10 remain dynamic and capable of being reviewed." 11 Mr Arundale suggests that the central issue here is 12 that the strategy to direct the armed deployment must be 13 subject to review at every change of circumstance, 14 intelligence or information that is relevant to the 15 nature of the policing deployment and the strategy 16 itself. 17 The manual acknowledges that the true nature of the 18 threat and policing challenge is very often unclear, but 19 that public safety should always be the priority, 20 driving both decisions and policing action: 21 "It is rare for a complete or perfect picture to 22 exist. Public safety should always be the priority and 23 at times this may require immediate action to protect 24 life, which of necessity may be based on limited 25 information.</p> <p style="text-align: center;">Page 73</p>	<p>1 activity can create time to consider alternative 2 tactical options. This could relate to certain types of 3 searches or entry into land or buildings, deployments 4 into area where there are significant community tensions 5 or specific high risk tactical options such as 6 intervention and interception techniques, the last of 7 these obviously has relevance to what occurred in this 8 case, namely the use of a high risk tactical option of 9 intervention. 10 Stage 4, or (d), consider powers of policy, the 11 manual suggests that in determining what action should 12 be taken, consideration should be given to which powers 13 and policies are applicable and necessary in the 14 circumstances to achieve the objectives set out within 15 the tactical plan, see paragraph 6.9. 16 (e), identify -- 17 THE CHAIRMAN: 6.29, I think, isn't it. 18 MR BEER: Yes, did I say 5.29? 19 THE CHAIRMAN: 6.9 you said. 20 MR BEER: I'm so sorry, 6.29. 21 (e) identify tactical options and contingencies, the 22 manual lists seven generic options for commanders to 23 consider. These are described as broad descriptions of 24 the options available when dealing with an incident 25 which require the deployment of armed officers --</p> <p style="text-align: center;">Page 75</p>
<p>1 "The strategy and the rationale behind it as well as 2 any revision or amendments should be recorded and will 3 form an audit trail [see paragraph 5.40] and the 4 strategy should be regularly reviewed, particularly 5 where a change or handover of command occurs." 6 In the context of firearms deployments an important 7 issue within the umbrella of developing a working 8 strategy is the setting of tactical parameters and 9 paragraph 6.28 of the manual provides: 10 "The SFC may set or ratify the tactical parameters 11 within which the TFC should develop the tactical plan. 12 Tactical parameters are set to give strategic direction 13 and not to develop or dictate tactics." 14 Paragraph 5.2 of the manual provides that in setting 15 tactical parameters, commanders should consider 16 consulting a TA to discuss the effects of the parameters 17 on the formulation of tactics, where tactical parameters 18 are set they should be clearly articulated and regularly 19 reviewed. Mr Arundale has advised the Inquiry that 20 while tactical parameters are not intended to develop or 21 dictate tactics, they are very often set to require the 22 TFC to refer back to the SFC in certain circumstances, 23 this for example is regularly used to enable the SFC to 24 assess appropriateness of specific police tactical 25 action where there is time to do so or where disruption</p> <p style="text-align: center;">Page 74</p>	<p>1 The options are: waiting; taking mitigating action; 2 keeping the subject under observation; carrying out 3 an investigative assessment; containing the area around 4 the subject, thereby minimising the opportunity for 5 harm; communicating with the subject; and, lastly, 6 taking decisive action. 7 Each option is then given separate treatment in the 8 manual, that is set out over many pages between 9 paragraphs 6.35 and 6.51. 10 In relation to taking decisive action, which is what 11 occurred in this case, the manual provides at 12 paragraph 6.45: 13 "To take decisive action is to intervene, intercept 14 or challenge a subject, decisive action can be applied 15 to a subject who is in the open, in a vehicle or in 16 a building or other structure, this may be undertaken in 17 a slow and deliberate manner or in fast time with the 18 benefit of surprise." 19 Turning to contingencies, the manual provides at 20 6.52 and we are now up to page 684 in bundle F: 21 "Operational planning should identify contingencies 22 at an early stage. These should address what are often 23 referred to as the what ifs. They should be reviewed as 24 the situation develops and take account of emerging 25 and/or changing circumstances, including the subject's</p> <p style="text-align: center;">Page 76</p>

<p>1 intention, actions or behaviour, in particular the 2 likelihood of fight, flight or compliance at the point 3 of contact, information and intelligence, the 4 environment, the action of others involved, the 5 potential for intelligence failures or gaps in the 6 information should also be considered. 7 Lastly, (g), take action and review what happened. 8 The last part of the NDM relates to the need when 9 a course of action has been decided on for commanders to 10 "Direct resources and ensure that those involved are 11 appropriately briefed". 12 Actions to be taken include "Briefing included 13 contingencies, operational deployments or activation of 14 a tactical option, consideration of post deployment 15 issues". 16 The national decision making model, the NDM, 17 requires that officers need to be clear on which 18 tactical option they are required to carry out and the 19 tactical objective they are to accomplish. 20 Can I turn then to mobile armed support to 21 surveillance, MASTS. There are a variety of operational 22 responses where armed officers provide support to covert 23 operations or covert officers, including armed 24 surveillance, MASTS and operations to counter threats to 25 life.</p> <p style="text-align: center;">Page 77</p>	<p>1 intervention, and intervention means, in summary, 2 dealing with a subject whilst they are in the act of 3 committing an offence where potential victims are 4 present at the location and the subject is physically in 5 a position to carry out the threat. 6 Each of these things, intervention and interception 7 are given the generic distributor "Decisive action", but 8 these tactics should only be used when they are 9 appropriate to the situation and absolutely necessary. 10 As Mr Arundale has observed, the fact that MASTS is 11 an authorised option should never be taken to indicate 12 that decisive action in either of the forms that I have 13 described is approved or necessarily appropriate to the 14 situation. 15 Put another way, just because MASTS has been 16 authorised, doesn't mean it necessarily must end in 17 decisive action. 18 THE CHAIRMAN: Yes. 19 MR BEER: GMP's standard operating procedure for MASTS, 20 dated 5 December 2011 describes, however, MASTS as 21 follows: 22 "The MASTS tactic is an advanced tactic requiring 23 a high level of skill and training. Its use should only 24 be considered when it is considered justified, 25 proportionate and necessary within the conflict</p> <p style="text-align: center;">Page 79</p>
<p>1 The second of these, MASTS, is, as Ian Arundale 2 explains, not a firearms tactic, this is important as it 3 seems from the evidence disclosed to the Inquiry so far 4 that some officers of GMP and we can see GMP itself in 5 its own policy treated it as exactly that. Instead, it 6 is an operational method used to support mobile 7 surveillance with an armed officer capability. This is 8 made clear by paragraphs 4.30 and 4.34 of the manual. 9 Moreover, the seven tactical options that I listed 10 are the broad tactical options that the manual 11 recognises. As Ian Arundale points out, these tactical 12 options are as applicable to an operation involving 13 MASTS in exactly the same way as they are to any other 14 firearms incident or operation. 15 The reason for making this point is that MASTS 16 commanders and AFOs are trained, or at least they should 17 be trained, to a higher standard than other officers and 18 have the capability to deliver the specialist tactical 19 options called interception. Interception means in 20 summary dealing with a subject prior to the actual 21 commission of an offence and any threat being realised. 22 For example, en route to or from an armed robbery. 23 Interventions are implemented prior to the 24 commission of an offence and not in the presence of the 25 intended victim. And they are trained to deliver</p> <p style="text-align: center;">Page 78</p>	<p>1 management model. All operations should be planned and 2 controlled to the greatest extent possible to avoid the 3 need to resort to potentially lethal force." 4 Mr Arundale suggests that the reference to MASTS as 5 being a tactic here is wrong and may have suggested to 6 some officers that decisive action is a logical 7 consequence of a MASTS deployment. 8 THE CHAIRMAN: Would that be a sensible point at which to 9 break off, Mr Beer? 10 MR BEER: It would exactly, sir. We are moving now to 11 section 6 in the opening, which is the operational and 12 occupational competency of the key officers. 13 THE CHAIRMAN: It is a little past 1.00 so we will resume, 14 please at 2.15. 15 MR BEER: Thank you very much. 16 (1.02 pm) 17 (The Luncheon Adjournment) 18 (2.15 pm) 19 THE CHAIRMAN: Yes, Mr Beer. 20 MR BEER: Thank you. 21 The operational and occupational competency of the 22 main officers of GMP involved in Operation Shire. 23 I have already mentioned the concepts of commanders, 24 TAs and AFOs being occupationally and operationally 25 competent. One of the important issues in this Inquiry</p> <p style="text-align: center;">Page 80</p>

<p>1 and one which reflects on GMP corporately, as much as it 2 is does with the individuals involved, is whether all of 3 the relevant actors involved in the deployment on 4 3 March were occupationally and operationally competent 5 in their roles. 6 This question which I propose to address before 7 considering the detail of what in fact they did on 8 3 March involves examining the firearms role profiles 9 for the relevant officers, the requirements imposed as 10 to the necessary refresher training, the training 11 records of each of the officers and then to consider the 12 position of each of the relevant officers. 13 THE CHAIRMAN: Yes. 14 MR BEER: The firearms role profile, all firearms 15 commanders, TAs and AFOs were required by the NPJA to 16 have a firearms role profile created for them. 17 A firearms role profile is a document which is required 18 for all persons who perform operational firearms 19 functions. ACPO had agreed a number of generic role 20 profiles which are contained within the NPFTC. Each 21 generic role profile set out agreed national training 22 standards based on the various modules, units and 23 content of the NPFTC, that had to be initially achieved 24 and then maintained in order to be deemed competent in 25 that role and function.</p> <p style="text-align: center;">Page 81</p>	<p>1 the firearms team on 3 March was the Heckler & Koch, 2 H&K, MP5 carbine and the Glock self loading pistol, the 3 SLP. An additional weapon that was with the team in the 4 possession of two of the officers was the Remington 870 5 shortened shotgun for use with rounds to deflate vehicle 6 tyres. This weapon was discharged against two of the 7 tyres of the car that Anthony Grainger was in. 8 The officers were also in possession of specialist 9 munition, namely CSDC, one of which was deployed into 10 the stolen Audi. Prior to being authorised to deploy 11 a firearm an officer must have undergone an initial 12 period of weapon training in accordance with the 13 relevant module in the NPFTC, culminating in a shooting 14 and weapon handling assessment, known as a qualification 15 or classification shoot, to determine that the officer 16 can shoot and handle the weapon to the required minimum 17 standard of accuracy. The national minimum standard for 18 shooting accuracy for AFOs trained in a carbine or self 19 loading pistol was 70 per cent and those performing at 20 SFO and CTSFO level 90 per cent. The minimum standard 21 for MASTS officers is not set down in the curriculum. 22 Each weapon requires separate initial training and 23 therefore regular refresher training must be undertaken 24 with that weapon system, including a minimum of twice 25 yearly requalification or classification shoots to the</p> <p style="text-align: center;">Page 83</p>
<p>1 The role profiles that are relevant for the officers 2 deploying on this operation is that of a MASTS officer, 3 but many officers on the operation were trained to 4 a much higher standard, that being a counter terrorist 5 specialist firearms officer, a CTSFO. 6 The GMP MASTS profile requires that the officers 7 should already meet the armed response ARV TFU role 8 profile training standards and the CTSFO role profile 9 training profile, requires that officers already meet 10 both the ARV and MASTS role profile training standard. 11 The GMP MASTS profile role profile in addition to 12 requiring competence in the national training standards 13 also required officers to be competent in the use of the 14 CSDC and the Remington 870 shotgun in conjunction with 15 CS munitions and breaching rounds, both the CSD and 16 shotgun breaching rounds were deployed in this 17 operation. 18 AFO refresher training. It is a requirement of the 19 NPFTC that all AFOs are regularly refreshed in their 20 core skills. At the time of this incident GMP refreshed 21 their AFOs on their core skills at least every 18 22 months, although it is understood this has now changed 23 to 12 months in line with NPJA of all College of 24 Policing guidance. 25 Weapon authorisations, the main weapons in use with</p> <p style="text-align: center;">Page 82</p>	<p>1 relevant standard. Each classification will not be 2 valid for more than six months. 3 The training records, GMP used a computerised 4 firearms training weapons system, known as EFire, 5 standing for electronic firearms. 6 Once training attendance is completed, an entry 7 is made on to the system for each AFO showing the 8 training completed. The training records of all of the 9 officers mentioned above were reviewed by way of 10 examining the GMP EFire computer generated printouts at 11 the GMP firearms training centre in the course of the 12 IPCC investigation. The training material subject to 13 the various training attendance entries referred to 14 below was not reviewed, save for a MASTS training 15 package delivered in November 2011 which almost all of 16 the AFOs underwent. 17 The officers reviewed and who are of particular 18 interest to the Inquiry were as follows, in two groups. 19 Firstly, amongst the AFOs: Q9, who discharged his 20 firearm; X9, who deployed his CSDC; and X15 who 21 discharged two shotgun rounds into the tyres of the 22 Audi. 23 The second group were the commanders: firstly ACC 24 Terry Sweeney, the strategic firearms commander, SFC; 25 Superintendent Mark Granby, the tactical firearms</p> <p style="text-align: center;">Page 84</p>

1 commander, the TFC; X7, the operational firearms
 2 commander; Q3 and Y19, who were each firearms tactical
 3 advisers, TAs.
 4 Dealing with those in order, the AFOs, on the basis
 5 of the records obtained, all of the officers comprising
 6 the AFO team, including X7, met the training standard
 7 required to perform this MASTS role.
 8 All bar two of them were trained to the highest
 9 CTSFO standard. In general terms, save for an issue
 10 over X9's refresher training in the use of the CS
 11 canister, all of the firearms officers comprising this
 12 firearms team on 3 March 2012 were according to the
 13 records operationally and occupationally competent in
 14 the role they were likely to perform. I will examine
 15 X7's position as the operational firearms commander
 16 below.
 17 Of particular interest to the Inquiry are, as I have
 18 said, Q9, X9 and Z15 because each of them discharged
 19 a weapon.
 20 THE CHAIRMAN: Yes.
 21 MR BEER: Considering them briefly now.
 22 Q9. Q9 discharged his H&K MP5 carbine once causing
 23 the fatal injury. This officer had been an AFO since
 24 3 March 2005 and he had undergone at the relevant time
 25 training as both a CTSFO and a firearms instructor.

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1 He last qualified in the H&K MP5 carbine and the
 2 Glock self loading pistol on 13 January 2012. From the
 3 EFire training summary provided for Q9 it would appear
 4 that he undertook MASTS training on 30 November 2011 and
 5 before that on 14 April 2011. On 19 January 2012 he
 6 also underwent training on fixed plot interventions and
 7 from these records, amongst others, Mr Arundale states:
 8 "Q9 was occupationally and operationally competent
 9 in the MASTS role and his use of the H&K MP5 and the
 10 Glock self loading pistol on 3 March."
 11 X9, he deployed the CS gas canister into the stolen
 12 Audi. From the EFire training summary provided by X9,
 13 it would appear that he undertook MASTS training on
 14 24 November and before that 17 March 2011. He had last
 15 qualified on the H&K MP5 and Glock self loading pistol
 16 on 13 December 2011.
 17 Mr Arundale states therefore that from these records
 18 it appears that X9 was operationally and occupationally
 19 competent in the MASTS role and his use of the MP5
 20 carbine and the Glock SLP.
 21 However, it is not possible to establish from the
 22 records available when X9 was last refreshed in his use
 23 of the CS canister. The training package for the
 24 material for the MASTS training event in November 2011
 25 which X9 attended did include the use of CSDCs but there

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1 is no formal record of X9 having been trained on the use
 2 of CSDCs.
 3 Z15, who deployed the shotgun breaching rounds to
 4 deflate the tyres of the vehicle and disabled the stolen
 5 Audi by the use of those breaching or ram rounds as they
 6 are sometimes called. From the EFire training summary
 7 provided for Z15, it would appear that he underwent
 8 initial MASTS training in October 2010. Thereafter it
 9 appears that he did not undergo any MASTS refresher
 10 training with GMP until 14 April 2012, that is after the
 11 incident. But that was compliant with the 18-month GMP
 12 training cycle in place at this time.
 13 He appears not to have completed the November 2011
 14 MASTS training package. However training records have
 15 been produced that show that he underwent MASTS training
 16 with the Metropolitan Police Service on 22 or
 17 23 March 2012, again after the incident but in
 18 accordance with the cycle.
 19 With regards to the use of the Remington 870
 20 shotgun. The EFire training summary provided for Z15
 21 reveals he underwent training on the modular version of
 22 this weapon on 8 September and then a formal
 23 requalification on 3 November 2011.
 24 He qualified on the H&K MP5 carbine and the Glock on
 25 1 March 2012.

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1 From these records, Mr Arundale concludes that Z15
 2 was occupationally and operationally competent in the
 3 MASTS role and his use of the Remington 870 shotgun, H&K
 4 MP5 and the Glock self loading pistol on 3 March.
 5 That is the officers on the ground, if you like.
 6 THE CHAIRMAN: Yes.
 7 MR BEER: The commanders. ACC Terry Sweeney, SFC. The
 8 EFire training record states that this officer was
 9 initially trained as a FC on 3 May 2010 and, although,
 10 however, his statement, Mr Sweeney's statement, says
 11 that he had been an accredited SFC since July 2008,
 12 Mr Sweeney additionally explains that he had been in
 13 a command role for firearms operations since July 1995,
 14 initially as a bronze commander within the tactical aid
 15 unit, first court security and hospital security
 16 operations and from January 1996 until April 1998 as
 17 a bronze commander within the TFU.
 18 He explains that during this period, he completed
 19 training and accreditation as a national firearms
 20 tactical adviser and firearms incident commander,
 21 between 2002 and 2005 he was an accredited TFC.
 22 In September 2009 he attended a commanding police
 23 firearms operations course and in February 2010
 24 completed and passed the NPFA strategic firearms command
 25 course.

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<p>1 From the training summary provided by ACC Sweeney, 2 it would appear that he last attended command refresher 3 training on January 2012, where six hours' training was 4 received. 5 Ian Arundale has given his opinion that this 6 officer, ACC Terry Sweeney, was occupationally and 7 operationally competent in the strategic firearm 8 commanders' role on 3 March 2012. 9 Secondly, amongst the commanders then, the TFC, 10 tactical firearms commander, Superintendent Granby. 11 Superintendent Granby was initially trained as a TFC 12 in March 1999. His EFire record suggests he was last 13 re-accredited in this role in March 2011. From the 14 training summary provided for Superintendent Granby it 15 would appear that he last attended command refresher 16 training on 26 January 2012 where six hours of training 17 was received. 18 Superintendent Granby attended the Police Service of 19 Northern Ireland joint services specialist firearms 20 course in April 2011. Although he initially stated in 21 a witness statement to the IPCC that he had simply 22 attended this course, he revealed in an additional 23 statement that he did not pass this course and was not 24 therefore at this time an accredited specialist firearms 25 operator.</p> <p style="text-align: center;">Page 89</p>	<p>1 firearms command. 2 "Use of the conflict management model throughout 3 this exercise was inconsistent and at times elements 4 were completely overlooked. 5 "This led to difficulties when it came to 6 establishing the levels of threat, application of the 7 working strategy and then implementing the appropriate 8 operational action. 9 "This situation was highlighted during the exercise 10 where failure to exercise appropriately the elements of 11 the conflict management module led to long periods of 12 indecision." 13 Lastly: 14 "From the outset of the exercise had some difficulty 15 in demonstrating effective use of the conflict 16 management model." 17 Mr Arundale suggests that at the conclusion of the 18 course Superintendent Granby was debriefed during 19 a tutorial and the headline development issues raised 20 were as follows: First, use of the conflict management 21 model; second, tactical options and the use of 22 specialist assets; third, decision making and 23 communication; fourth assessment of intelligence and 24 action. 25 It was established in the course of the IPCC</p> <p style="text-align: center;">Page 91</p>
<p>1 A specialist firearms operation is defined for the 2 purposes of this programme as, "An operation conducted 3 in relation to national security, counter terrorism or 4 where the nature of the circumstances surrounding the 5 incident are deemed so serious by an accredited SFC that 6 he or she directs that the incident should be commanded 7 by an accredited specialist tactical firearms 8 commander". 9 Mr Arundale has viewed the handwritten notes 10 relating to Mr Granby's performance during this course. 11 He considers them to be very relevant to 12 Superintendent Granby's role as a TFC on 3 March and has 13 reproduced a number of the key comments in his expert 14 report, these are the comments from the course in 15 Northern Ireland in April 2011. 16 They include: 17 "Committed himself 100 per cent to the programme. 18 In the early stages, he displayed competency in the 19 command of basic pre-planned and spontaneous firearms 20 incidents. 21 "Experienced difficulty in the management and 22 coordination of multidisciplinary intelligence firearms 23 and investigative specialist assets. 24 "Was not able to display competency in all of the 25 required skill criteria associated with specialist</p> <p style="text-align: center;">Page 90</p>	<p>1 investigation that the PSNI course report, including the 2 feedback and development areas that I have just read, 3 was handed to Superintendent Granby, who was then 4 trusted to hand this to a responsible person within his 5 force. 6 Mr Arundale has advised the Inquiry that the issues 7 identified during Superintendent Granby's performance on 8 the SFC course was so fundamental to his role that his 9 removal from firearms command issues should have been 10 given serious consideration by GMP, both on the basis of 11 public confidence in the event of disclosure of the 12 details of his failure on the course following 13 a critical incident, and in order to properly assess and 14 make an evidenced decision regarding his operational 15 competence as a TFC. 16 As to the process by which the reasons for the 17 failure in the course were communicated to GMP, 18 Mr Arundale suggests that given the contents of the 19 feedback, that this ought to have been brought to the 20 immediate attention of the chief officer or nominee 21 within GMP with responsibility for firearms policy and 22 practice as required by the code of practice. And then 23 a documented decision in relation to the relevance and 24 impact of the feedback upon Superintendent Granby's 25 continued status as a tactical firearms commander should</p> <p style="text-align: center;">Page 92</p>

<p>1 have been made. As far as the Inquiry is aware, that 2 did not occur.</p> <p>3 Mr Arundale regards the issues that were identified 4 during attendance on the SFC course as being apparent to 5 varying degrees in Superintendent Granby's conduct on 6 3 March.</p> <p>7 Can I turn then to X7, the operational firearms 8 commander. He was the OFC and travelled in the alpha 9 vehicle, we are going to hear probably tomorrow, 10 containing Q9 on 3 March. He was the first vehicle to 11 approach the stolen Audi.</p> <p>12 THE CHAIRMAN: Yes.</p> <p>13 MR BEER: X7 made important decisions as to the approach 14 that would be taken to the stolen Audi in the car park 15 and the roles played by each of the AFOs in the lead 16 vehicles. He was initially trained as an occupational 17 firearms commander in April 2009 and was last refreshed 18 in the role on 17 May 2012. There appears to be no 19 record of him having completed any OFC specific 20 refresher training or command training between the date 21 of his course in 2009 and his last refresher after the 22 incident in May 2012. Even allowing for the GMP 23 18-month refresher cycle, he should have completed 24 an OFC role specific command training event between the 25 date of his initial course and the May 2012 refresher</p> <p style="text-align: center;">Page 93</p>	<p>1 Q3 was initially trained as a TA in December 2012(?) and 2 was last refreshed in this role as part of a combined 3 commander and adviser training event on 4 23 February 2012. As such he was current in his TA 5 training and therefore occupationally and operationally 6 competent in the TA role on 3 March.</p> <p>7 He last attended, according to the records, MASTS 8 training on 24 November 2011.</p> <p>9 The second tactical adviser, Y19. He took over, as 10 I have said, at about 3.15 on 3 March from Q3 as the TA 11 for the operation. He was initially trained as a TA 12 prior to 2010 and was last refreshed in this role on 13 25 October 2011. In addition, he was also refreshed in 14 this role as part of a combined commander and adviser 15 training event on 10 November 2011. As such, Y19 was 16 current in his TA training and therefore occupationally 17 and operationally competent in the TA role on 18 3 March 2012.</p> <p>19 However, at the time of this incident Y19 had never 20 been a trained basic or standard MASTS officer. He was 21 not therefore occupationally competent to act as a TA in 22 a MASTS operation as he had never attended a MASTS 23 course as an AFO.</p> <p>24 In defence of the criminal proceedings brought 25 against him, Sir Peter Fahy proposed to adduce evidence</p> <p style="text-align: center;">Page 95</p>
<p>1 training event.</p> <p>2 As such, on the information given to the Inquiry, X7 3 was not current in his OFC training and therefore not 4 operationally competent in the role of operational 5 firearms command on 3 March 2012.</p> <p>6 However, from the EFire training summary provided 7 for X7, it would appear that he undertook MASTS training 8 on 23 November 2010 and again in November 2011. X7 does 9 not appear from the records available to the Inquiry to 10 have attended his mandatory NPJA national command 11 refresher training in 2011, albeit he says he did attend 12 but left before the end of the training. And he was 13 therefore not occupationally competent at the time of 14 the incident on 3 March 2012.</p> <p>15 Mr Arundale has advised the Inquiry that X7's 16 failure to attend some or all of the 2011 mandatory 17 training may not have had any negative impact on 18 Operation Shire, but the training may have contained or 19 reinforced important considerations that could have led 20 to X7 acting differently. Overall he, Mr Arundale, does 21 not consider this omission to be an important factor in 22 the Inquiry.</p> <p>23 Fourthly, the tactical adviser Q3. Q3, as we are 24 going to hear, was the tactical adviser in the morning 25 of 3 March until he handed over to Y19 at about 3.15.</p> <p style="text-align: center;">Page 94</p>	<p>1 that this failing had no detrimental bearing on the 2 conduct of the operation and did not increase any risk 3 posed to the subjects in the Audi. Mr Arundale 4 disagrees, stating:</p> <p>5 "A MASTS intervention or interception is a tactic 6 that has both significant benefits and limitations and 7 commanders need clear and informed advice from the most 8 qualified tactical advisers about all benefits, 9 limitations and risks associated with MASTS. A tactical 10 adviser who is not trained and experienced in MASTS will 11 be of limited use to an SFC or TFC and may not foresee 12 and therefore be unable to proactively advise upon 13 potential risks and pitfalls associated with specialist 14 tactics and equipment that they are not sufficiently 15 familiar with or competent in relation to. The 16 deployment and use of special munitions is an important 17 factor in Operation Shire. Competent specialist advice 18 is essential to constantly assess the risks and benefits 19 associated with the use of this equipment. An important 20 consideration in Operation Shire is the requirement to 21 constantly assess tactical options and to identify 22 potential lower risk options. An officer with low 23 tactical and technical competence is less likely to be 24 able to deliver this requirement.</p> <p>25 "As I will subsequently argue [this is Mr Arundale</p> <p style="text-align: center;">Page 96</p>

<p>1 speaking] in relation to Operation Shire alternative 2 potential tactical options should have been considered. 3 The tactical adviser is responsible for advising upon 4 potential tactical options and must be competent to do 5 so. A tactical adviser who is not operationally 6 competent in the key aspects of a high risk operation 7 cannot discharge their duties as listed in the manual at 8 paragraph 5.23." 9 As such Mr Arundale advises that this officer was 10 not operationally competent to perform the tactical 11 adviser role on a MASTS operation on 3 March 2012 and 12 that this was relevant to the management of this 13 operation. 14 Taking stock and moving on, the position is that of 15 the five police officers in a command role, on 16 3 March 2012, there are problems, some of them 17 significant, with the operational and occupational 18 competency of four of them. 19 THE CHAIRMAN: Yes. 20 MR BEER: Can I turn then to the facts. 21 GMP's serious crime division, called SCD, has within 22 it a force robbery unit, FRU, the FRU is responsible for 23 criminal investigations into all organised crime groups, 24 OCGs, suspected of involvement in robberies of financial 25 institutions and cash and valuables in transit, CVIT,</p> <p style="text-align: center;">Page 97</p>	<p>1 strategics objectives of Operation Shire as follows. 2 1, to protect the community and in particular 3 members of the financial industry from physical harm and 4 loss caused by the subjects. 5 2, to obtain evidence of the involvement in serious 6 criminality by the subjects leading to their arrest and 7 conviction. 8 3, to seek to recover assets from the subjects that 9 have been gained through crime. 10 It is to be noted that at this early stage it was 11 recognised that an objective of the operation was to 12 obtain evidence of involvement in any serious 13 criminality by the subject, not necessarily only that of 14 robbery. 15 The extent to which this objective was adhered to is 16 a matter that the Inquiry will investigate. 17 THE CHAIRMAN: Yes. 18 MR BEER: The investigative assessment set out the tactics 19 intended to be used to achieve the strategic objectives. 20 In summary it was intended that evidence should be 21 gained in relation to the criminal activities of the 22 subjects through observations by police officers, in 23 particular through surveillance by police officers from 24 the dedicated surveillance unit, or DSU. 25 On the same day, 15 October 2011, DI Cousen prepared</p> <p style="text-align: center;">Page 99</p>
<p>1 linked and serious offences and wider conspiracy 2 offences. 3 DI Robert Cousen was a detective inspector in the 4 FRU, Deborah Hurst was a detective sergeant in the FRU, 5 Andrew Talbot was a detective constable in the FRU. 6 Operation Shire, Operation Shire was 7 an investigation by the FRU, force robbery unit, into 8 the activities of a group of individuals suspected to be 9 members of an organised crime group that was suspected 10 to be involved in committing robberies. Operation Shire 11 is recorded within DI Cousens's investigative 12 assessment, which I am going to come to in a moment, as 13 beginning on 3 October 2011, albeit it is clear from the 14 papers recovered that the investigative and other 15 activity had occurred before this date. 16 The structure of Operation Shire was as follows. 17 The SIO, senior investigating officer, was DI Cousen. 18 The role of an SIO is to manage the investigation, 19 including the deployment of resources, the tactics to be 20 used and setting the strategies that will be used in the 21 course of an operation. The deputy SIO, DSIO, was 22 DS Hurst and the officer in the case, OIC, was DS 23 Andrew Talbot. 24 On 15 October 2011 DI Cousen completed a five-page 25 pro forma investigative assessment. This recorded the</p> <p style="text-align: center;">Page 98</p>	<p>1 an initial risk assessment for Operation Shire. This 2 document referred to the requirement to produce specific 3 risk assessments for each aspect of the operation. He 4 said specific risk assessments will be carried out for 5 the conduct of operational duties. These will be 6 written if planned in advance, eg at rest or 7 observations points and dynamic if encountered while on 8 the ground. 9 Operation Shire was administered on the CLIO 10 management system, the CLIO system is the national 11 standard for managing all manner of what is called level 12 2 criminality, crimes and action, firearms, surveillance 13 and critical incidents. 14 It has a long track record from the original version 15 developed in 1997 from the Met Police designed to manage 16 incidents that would be otherwise managed using paper 17 systems. By 2012 most of the police forces in England 18 and Wales used the CLIO management system. 19 Can I turn then to the preparation of subject 20 profiles. 21 THE CHAIRMAN: Yes. 22 MR BEER: The initial phase of Operation Shire involved the 23 collation of subject profiles on a number of suspected 24 individuals. These were prepared by the force 25 intelligence bureau, the FIB.</p> <p style="text-align: center;">Page 100</p>

<p>1 The subject profiles contained information divided 2 into the following sections. Personal details, 3 intelligence checks to inform any risk assessment, 4 primary address, access to vehicles, communications 5 data, social networking, additional identification 6 numbers, key associates, associated businesses, 7 financial assets and then, lastly, intelligence summary. 8 The information was drawn from, amongst other 9 sources, the police national computer, including as to 10 warning markers shown on the police national computer 11 and GMP's own intelligence systems called OPUS and COPU. 12 The PNC is a national database of information 13 available to all police forces throughout the 14 United Kingdom. Information held on the PNC allows 15 police forces to carry out checks, for example, on 16 a person's criminal record or vehicle registration. In 17 relation to people, as opposed to vehicles, the PNC 18 holds details of people who are or were of interest to 19 UK law enforcement agencies, because they have 20 convictions for criminal offences, are subject to the 21 legal process, for example waiting to appear at court, 22 are wanted, have certain court orders made against them, 23 are missing or have been found, have absconded or 24 escaped from specified institutions, disqualified from 25 driving by a court have a driver record held at the DVLA</p> <p style="text-align: center;">Page 101</p>	<p>1 crimes, incidents, recent arrest, people, vehicles, 2 addresses, telephone numbers." 3 Turning to COPU, which again I understand to be 4 an acronym for the central operation policing unit 5 system is described by DS Kelly as follows: 6 "The COPU system can be accessed via Lotus Notes or 7 the systems portal on the force intranet. However it 8 has been archived since the Force Intelligence System 9 was introduced. That said, staff still have access to 10 COPU for research purposes. Access to COPU is managed 11 by the intelligence management coordination unit within 12 the FIB and is restricted to those staff in an 13 intelligence based function, the staff within the FIB 14 have a higher level access than divisional staff." 15 As to the qualifications and training that FIB staff 16 had in compiling subject profiles to ensure the 17 accuracy, consistency and quality of the product, DS 18 Kelly explains that: 19 "There is no specific course to learn how to 20 complete subject profiles. The FIB uses a standard 21 template in which staff will complete the areas that are 22 relevant for them at that time. A new member of staff 23 will be allocated a mentor and shown the various aspects 24 of a subject profile. They will complete several and 25 each one will be checked by the mentor, who is</p> <p style="text-align: center;">Page 103</p>
<p>1 or hold a firearms certificate. 2 The following are some of the details held by the 3 PNC. Personal description, bail conditions, 4 convictions, custodial history, wanted or missing 5 reports, warning markers, pending prosecutions, 6 disqualified driver records, cautions, drink drive 7 related offences, reprimands and formal warnings. 8 OPUS, this is the GMP system which I understand to 9 be an acronym from the operational policing unit system, 10 is one of GMP's, or was, main IT applications. It was 11 introduced in 2002 or 2003 to improve the availability 12 of operational information to GMP personnel and to 13 strengthen their ability to search for data. It is 14 effectively a data warehouse intended to give officers 15 quick and easy access to information stored in multiple 16 other databases. 17 Detective Sergeant Russell Kelly of the 18 investigative support division of the intelligence 19 development section of the FIB, who uses OPUS, describes 20 it as follows: 21 "The OPUS system is in effect the front end of 22 a number of systems. It is a user interface system such 23 as crime recording, custody, force intelligence, command 24 and control, missing from home, public protection, 25 stopped and searched. In this system you can search for</p> <p style="text-align: center;">Page 102</p>	<p>1 an experienced officer. The mentor would show the 2 member of staff which databases, departments and 3 agencies they could go to in order to complete the 4 profile. If the mentor had concerns regarding their 5 competency they would report back to their line manager, 6 who would look to address any particular issues. 7 Detective Constable Simon Lapniewski was Operation 8 Shire's nominated single point of contact, SPOC, within 9 the FIB, to manage the intelligence flow to Operation 10 Shire and to facilitate any overt enquiries required by 11 the Operation Shire team. He produced a number of 12 subject profiles in the course of Operation Shire in 13 connection with the investigation. 14 Namely David Totton, his subject profile was 15 produced on 10 October 2011 and updated the next day on 16 10 October 2011. 17 Jamie Corkovic, this was produced on 27 October 2011 18 and updated the next day 28 October 2011. 19 Paul Corkovic, this was produced on 20 14 December 2011. 21 Paul Greenwood, this was produced on 9 March 2012. 22 On 27 October DC Karen James produced a subject 23 profile for Robert Rimmer. DC Lapniewski assisted her 24 with three sections of that subject profile. 25 Of particular interest to the Inquiry are the</p> <p style="text-align: center;">Page 104</p>

<p>1 subject profiles of David Totton and Robert Rimmer 2 amongst those.</p> <p>3 David Totton did not hold a firearms marker on the 4 PNC. His OPUS record however contained markers for 5 firearms, violence and weapons. Specific intelligence 6 records referenced within the profile were said to 7 support the firearms marker on local systems. Mr Totton 8 was classed as a group one offender. He was linked in 9 intelligence to over 20 robberies and a number of 10 offences of violence.</p> <p>11 Robert Rimmer's subject profile. He also did not 12 hold a firearms marker on the PNC. His OPUS record 13 contained warnings for violence and weapons, and also 14 classes him as a group 1 offender. At the briefing 15 given on 3 March 2012, Mr Granby referenced Mr Rimmer's 16 warnings for violence and weapons and a previous 17 conviction for a section 18 wounding with intent, 18 stabbing a girlfriend's ex-boyfriend.</p> <p>19 Turning then to Mr Grainger, Anthony Grainger's 20 subject profile. First I am going to deal with 21 an operation called Operation Samana.</p> <p>22 THE CHAIRMAN: Yes.</p> <p>23 MR BEER: At the outset of Operation Shire, Anthony Grainger 24 was not suspected as being involved in the planning or 25 committing of robberies and so no subject profile was</p> <p style="text-align: center;">Page 105</p>	<p>1 Thirdly, a risk assessment process relating to the 2 information stored on the device.</p> <p>3 The investigation, this is the reactive 4 investigation, conducted by officers from Oldham 5 division identified that an airbag kit for the exact 6 model of the stolen vehicle had been advertised for sale 7 on eBay by a seller with the user account "Ant1234*2011" 8 and had been purchased, that is the airbag kit, on 9 23 July 2011, some six days after the burglary.</p> <p>10 The innocent purchaser of the airbag kit, it was 11 established, took possession of it from Vass north-west 12 breakers yard in Radcliffe, Manchester. He described 13 the male who sold him the item as, "A white male, 14 approximately 35 years old, approximately 6 feet tall, 15 slim build, short brown hair, clean shaven and spoke 16 with a Bolton or Manchester accent".</p> <p>17 Subsequent enquiries established that the airbag kit 18 was attributable to the vehicle identification number of 19 the stolen vehicle, the officer's vehicle.</p> <p>20 Enquiries with eBay revealed that the account used 21 to sell the airbag kit belonged to Anthony Grainger. 22 Enquiries established that the proprietor of Vass 23 north-west was Colin Waters and that he lived at 24 9 Gorse Pit in Bury, as did Anthony Grainger. Therefore 25 a decision was made to arrest Anthony Grainger and</p> <p style="text-align: center;">Page 107</p>
<p>1 requested or created in respect of him. However, 2 Anthony Grainger was of interest to GMP in a different 3 capacity and in the circumstances described below 4 a subject profile was created in respect of him in 5 relation to that operation, that operation being called 6 Operation Samana.</p> <p>7 The brief circumstances are as follows. A detective 8 constable from GMP's drug squad copied documents from 9 his GMP computer on to a personally owned unencrypted 10 and commercially available USB memory stick. The 11 officer took the memory stick home. On 17 July 2011 12 a sneak in burglary occurred at the officer's home. The 13 officer's wallet, which contained the USB stick was 14 stolen in the course of the burglary along with his car 15 keys and his car. The USB memory stick contained 16 information that, "Should it be made public could be 17 highly embarrassing to GMP and potentially other 18 agencies. In addition the data could pose significant 19 risks to certain named individuals".</p> <p>20 In response to the burglary and loss of the USB 21 stick GMP set up Operation Samana. This operation 22 appeared to have a number of strands, including first 23 a reactive investigation into the burglary which sought 24 in particular to recover the USB stick.</p> <p>25 Secondly, a force information technology response.</p> <p style="text-align: center;">Page 106</p>	<p>1 Colin Waters on suspicion of handling the stolen airbag 2 and this was done on 29 September 2011.</p> <p>3 In preparation for the arrest, a request was made to 4 the force intelligence bureau to prepare a subject 5 profile for Anthony Grainger. The subject profile was 6 created on 20 September 2011 by PC Rachel Griffiths. 7 The subject profile is entitled, "Pen picture relating 8 to Anthony Grainger" and is 22 pages long.</p> <p>9 Although the term "Pen picture" was used, this is 10 exactly the same as a subject profile and it seems that 11 the terms are used interchangeably. The circulation 12 list box on the front page of the subject profile had 13 not been completed. A warning on the front page of the 14 subject profile states, "No part of the report should be 15 disseminated without prior approval of the director of 16 intelligence, force intelligence bureau".</p> <p>17 Two main issues have since been identified with the 18 content of this subject profile. Firstly the inclusion 19 within it of factually incorrect information and, 20 secondly, the inclusion within it of warning markers for 21 violence and drugs.</p> <p>22 I will deal with those in turn.</p> <p>23 Within the subject profile created by PC Griffiths, 24 the following information was recorded: 25 "Of note, whilst there are no specific markers on</p> <p style="text-align: center;">Page 108</p>

<p>1 PNC or OPUS regarding firearms, Grainger has been 2 charged in the past with ..."</p> <p>3 Then there is a crime number set out: 4 "... offence date 9 October 1995, which is an armed 5 robbery at a Post Office in Prestwich, where a sawn off 6 shotgun was used. And the result of this case was that 7 it was ordered to lie on file for Anthony Grainger."</p> <p>8 THE CHAIRMAN: That means that it was not proceeded with 9 against him, doesn't it?</p> <p>10 MR BEER: It does.</p> <p>11 THE CHAIRMAN: Yes.</p> <p>12 MR BEER: That information was incorrect to the extent that 13 the robbery charge was ordered to lie on the file 14 against Anthony Grainger. The charge was ordered to lie 15 on the file against Stuart Grainger, Anthony Grainger's 16 brother. PC Griffiths explains the erroneous inclusion 17 of this information as follows, this is after the event: 18 "Anthony Grainger together with others were all 19 shown on the crime report which I was referring to as 20 being charged with that offence. After consideration, 21 I can only assume I have made a genuine mistake by 22 making reference to the matter that Anthony Grainger was 23 ordered to lie on file instead of Stuart Grainger." 24 Further: 25 "I have been asked how I made the mistake in the</p> <p style="text-align: center;">Page 109</p>	<p>1 Peter Anderson. Each of them was arrested and charged 2 with conspiracy to commit robberies. Part of this 3 operation, Operation Vulture, concerned an armed robbery 4 which took place on 31 May at the Royal Bank of Scotland 5 in Prestwich, where a firearm was produced and cash 6 stolen.</p> <p>7 Prior to the offence, Anthony Grainger was said to 8 be seen by a surveillance officer in the area of the 9 bank, appearing to be carrying out reconnaissance of the 10 premises.</p> <p>11 Secondly, the operation also concerned an armed 12 robbery which took place on 10 June 1996 at the Adelphi 13 Post Office in Salford, whereby a firearm and an axe 14 were produced and cash stolen, the dedicated 15 surveillance unit surveyed David Totton, 16 Anthony Grainger, Peter Anderson and Stuart Ellis being 17 dropped off by taxi in Salford before disappearing into 18 an alley where they could not be followed. Shortly 19 thereafter the robbery took place at Adelphi and soon 20 thereafter Stuart Ellis was observed walking over a 21 bridge carrying a holdall and entering a flat.</p> <p>22 Police, including firearms officers, attended. 23 Stuart Ellis and another male were arrested. During 24 a search of the flat the holdall seen earlier was 25 recovered and found to contain a firearm, a balaclava</p> <p style="text-align: center;">Page 111</p>
<p>1 Anthony Grainger profile of wrongly linking him to 2 a case lying on file which it had been charged with when 3 in fact it should have been attributed to his brother. 4 The mistake was I misread the court report on a crime 5 report. The mistake was not in the document but me 6 misreading it."</p> <p>7 In its defence case statement for the criminal 8 proceedings, Greater Manchester Police accepted that the 9 subject profile contained this error but denied that it 10 had any bearing on the exposure of the occupants of the 11 stolen red Audi to a risk of harm on 3 March. This was 12 first because although Anthony Grainger had never been 13 convicted of a robbery offence, intelligence it was said 14 had previously been received by GMP that he was in fact 15 involved in committing robberies. In addition to this, 16 enquiries during robbery investigations had led to 17 Anthony Grainger being suspected of being part of 18 an organised crime group which had been involved in 19 committing robberies involving the use of firearms. 20 Thus it was said that in 1995/1996 GMP carried out 21 an investigation, Operation Vulture, into the commission 22 of a number of armed robberies at banks and Post Offices 23 in and around Salford and Bury. The persons suspected 24 of committing these armed robberies were David Totton, 25 Anthony Grainger, Stuart Grainger, Stuart Ellis and</p> <p style="text-align: center;">Page 110</p>	<p>1 and a large amount of cash. Arrests were made 2 immediately following the robbery at the Adelphi Post 3 Office, which triggered a series of further arrests of 4 known associates. Anthony Grainger was arrested a few 5 hours later and found to be in possession of cash from 6 the robbery in Prestwich on 31 May 1996. A number of 7 individuals were charged including David Totton, Anthony 8 and Stuart Grainger. During the subsequent Operation 9 Vulture trial it was apparent that there was a lack of 10 continuity, with the subjects not being constantly under 11 surveillance.</p> <p>12 After an application to dismiss the defence, the 13 judge dismissed all matters in relation to David Totton, 14 Anthony Grainger and two of the other subjects. 15 Stuart Grainger was on remand at the time of the 16 Operation Vulture trial for an unrelated offence and 17 therefore matters in relation to the conspiracy to 18 commit armed robbery offences were therefore ordered to 19 lie on the file for Stuart Grainger.</p> <p>20 It is said therefore that the reference to 21 Anthony Grainger being charged with an armed robbery at 22 Prestwich was therefore correct. And, said GMP, the 23 view taken of the risk posed by the occupants in the 24 stolen Audi would have remained the same regardless of 25 the error that had been made. They are matters that we</p> <p style="text-align: center;">Page 112</p>

<p>1 will investigate. 2 THE CHAIRMAN: Yes. 3 MR BEER: Secondly, the inclusion of warning markers for 4 drugs and violence. The subject profile for 5 Anthony Grainger included markers for violence and 6 drugs. I have set out in the opening note there what it 7 liked like. VI, meaning "violence", affray, 4/12/1997, 8 DR, meaning drugs, conspiring to supply amphetamine, 9 8 September 2008, possessing cannabis, 1 June 2008 and 10 the source on the right hand on both occasions said to 11 be the PNC. 12 The criticisms made of the inclusion of this 13 information in the subject profile are that neither 14 warning marker related to offences of which 15 Anthony Grainger had been convicted and in respect of 16 the warning marker for violence, reliance was placed on 17 an allegation of affray dating back to 1997 and which 18 had in fact been ordered to lay on the file. 19 In respect of the marker for drugs, it was said that 20 this related to an offence of which Anthony Grainger had 21 been acquitted and only simple possession of cannabis 22 dating back to 2008 and lastly that Anthony Grainger had 23 no convictions in respect of violence. He had no 24 convictions for robbery offences either and none of the 25 intelligence logs referenced in the subject profile</p> <p style="text-align: center;">Page 113</p>	<p>1 to unproven matters. 2 THE CHAIRMAN: Yes. 3 MR BEER: And that may be obviously correct. 4 THE CHAIRMAN: Yes. 5 MR BEER: But a separate issue may arise, or separate issues 6 may arise, which I think you have just identified, 7 namely, firstly, whether that is an end of the issue. 8 Some matters may be capable of verification or 9 verification to a greater degree in the course of 10 a long-running investigation -- 11 THE CHAIRMAN: Yes. 12 MR BEER: -- and so what is a warning marker on the PNC for 13 violence, it might be acceptable to rely on that if you 14 are an officer on the street, running towards 15 a suspect's house, getting quickly on the personal radio 16 and saying, "Has he got any warning markers?" 17 THE CHAIRMAN: Yes. 18 MR BEER: But an operation that lasts longer and has the 19 facility to check the information that sits behind the 20 warning marker, that may be in issue. 21 Secondly, I suppose whether consideration was given 22 by the SIO, DI Cousen, and by Superintendent Granby that 23 the suspect profile had been prepared for an entirely 24 different purpose, ie briefing arresting officers to go 25 in and make an arrest for handling stolen goods,</p> <p style="text-align: center;">Page 115</p>
<p>1 indicated that he was violent or had committed robbery. 2 Dealing with those four points in turn. 3 In relation to the first point, the inclusion of 4 non-conviction information to support a warning marker. 5 It seems that PC Griffiths took the information from the 6 PNC and there appears to be no suggestion that it was 7 unreasonable for her to do that, or perhaps that before 8 doing so she should have researched the accuracy and 9 continued relevance of the warning markers. 10 THE CHAIRMAN: Mr Beer, without necessarily agreeing, I can 11 understand why it might be said that it would not be 12 reasonable to require an officer preparing a subject 13 profile to research matters of the kind you have just 14 mentioned, the accuracy and continued relevance of 15 warning markers. I suppose it might also be 16 unreasonable to expect an investigating officer to do so 17 where the investigation is a very fast moving one. 18 But does that necessarily apply to an investigation 19 or operation lasting many weeks, such as Operation 20 Shire? Is that something which the Inquiry will need to 21 investigate? 22 MR BEER: I think it probably is, sir. Speaking on my feet. 23 Thinking back to Mr Arundale's report, he appears to 24 take the view that certainly from a SIO or a firearms 25 officer's perspective, they are entitled to have regard</p> <p style="text-align: center;">Page 114</p>	<p>1 a stolen car or airbag kit, and then was used, as we 2 will subsequently see, to brief up 16 armed officers, 3 all carrying firearms and specialist munitions. 4 THE CHAIRMAN: Yes. 5 Yes, thank you. 6 MR BEER: In relation to the first point, the issue becomes 7 whether the information to start with was properly 8 recorded in the first place and thereafter retained 9 properly on the PNC. 10 As to that issue, it seems that it was open to enter 11 and retain a warning marker on the PNC based on 12 intelligence alone and without an individual having been 13 convicted of an offence in relation to the information 14 so included. 15 So at the time that the VI, the violent warning 16 marker was added to the PNC, that is back in 1997, the 17 PNC manual of guidance -- a different manual, not "the 18 manual", the PNC manual of guidance, provided as follows 19 in relation to the grounds for inclusion of a warning 20 marker: 21 "Whenever a warning signal is created, the 22 originator must be able to substantiate the existence of 23 the entry, warning signals can remain for the entire 24 life of a record however they must be reviewed within 25 five years from the date of creation or last update."</p> <p style="text-align: center;">Page 116</p>

1 Then the PNC manual of guidance that was extant at
 2 the time of the creation of the subject profile in 2011,
 3 the March 2011 edition provided as follows in relation
 4 to warning markers:
 5 "Introduction: warning signals comprise a list of
 6 characteristics designed to assist the police or any
 7 other agency dealing with a recorded person. These
 8 signals can be used to protect front line staff who may
 9 come into contact with the individual or to protect the
 10 individual themselves. Whether or not a warning signal
 11 is warranted is subjective, based on either factual
 12 information such as a conviction or intelligence."
 13 It is that sentence that I have highlighted in the
 14 opening note. Reading on:
 15 "Care should be taken to ensure that information of
 16 a trivial nature is not used to justify a warning
 17 signal. If a warning signal exists on a record it will
 18 mean that the individual may be dealt with differently
 19 if he or she comes into custody or is located in
 20 an operational situation and blanket use of the facility
 21 may undermine its effectiveness.
 22 "The PNC produces a batch print five years after the
 23 date of input of the signal to enable forces to manage
 24 the review of these signals. It should not be taken to
 25 mean that warning signals should only be reviewed every

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1 five years, as it would not be appropriate to retain
 2 some for that long.
 3 "Conversely, it may be appropriate for some signals
 4 to be retained for the life of the individual. That
 5 judgment is for the owning force to make based on the
 6 information available at the time on a case by case
 7 basis."
 8 Then under "Type of warning" at 9.2:
 9 "The type of warning signals used on the PNC are as
 10 follows, DR, drugs: may be in unlawful possession of
 11 a controlled drug. The purpose of this signal is to
 12 alert anyone dealing with this person that they may have
 13 drugs with them. The type of drug or the reason for the
 14 possession of the drug should be recorded. The signal
 15 is not restricted to supply or production."
 16 Over the page:
 17 "Violent, VI: this signal can be used to indicate
 18 that an individual may be violent. It is not restricted
 19 to violent behaviour towards police alone, it may for
 20 example be used to indicate previous domestic violence
 21 or violence towards particular groups of people.
 22 A conviction for a common assault alone would not
 23 warrant a violent warning signal. It should be
 24 remembered that to record a signal for any minor violent
 25 act could undermine the effectiveness of this marker."

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1 9.4, "Retention periods":
 2 "The retention of a warning signal should be
 3 considered in the same way as when it was first input,
 4 reference must be made to the information available
 5 which supports the signal. A conviction is good
 6 evidence to support the retention of a marker if it is
 7 still relevant. The severity of the incident or
 8 condition should be considered in the decision-making
 9 process in order to justify a deletion or retention of
 10 the marker, for example use of a firearm in crime
 11 supported by a conviction may justify retaining the
 12 marker for life. If the warning signal is supported by
 13 intelligence alone then consideration must be given to
 14 the accuracy and relevance of that information."
 15 That is essentially the point you were making, sir,
 16 but in a different context --
 17 THE CHAIRMAN: Yes.
 18 MR BEER: -- this is about retention periods, you were
 19 talking about when it is turned up.
 20 As we understand the system that was in operation
 21 before 2010, ie that which is relevant to the violent
 22 warning marker added to Mr Grainger's profile in 1997,
 23 warning markers were added to the PNC by GMP's criminal
 24 records unit, the CRU, on the basis of information
 25 provided to it on forms completed by the arresting

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1 officer on arrival at the custody suite with the
 2 suspect. So subsequent events are not that relevant to
 3 whether or not the warning signal should or should not
 4 be entered on the PNC.
 5 THE CHAIRMAN: Mr Beer you have been speaking now for about
 6 an hour, is that a convenient point or do you want to go
 7 on a little bit further?
 8 MR BEER: It is absolutely a convenient point, sir.
 9 THE CHAIRMAN: I will not make this quite such a long break;
 10 we will resume no later than 3.30.
 11 (3.13 pm)
 12 (A short adjournment)
 13 (3.30 pm)
 14 MR BEER: Sir, as to the second point that was taken on
 15 Anthony Grainger's subject profile, namely the inclusion
 16 of a violent warning marker when the charge of affray
 17 against Anthony Grainger had in fact been ordered to lie
 18 on the file, the circumstances appear to be as follows.
 19 On 4 December 1997, Anthony Grainger was driving
 20 a stolen BMW car. Following a pursuit by a police
 21 vehicle, utilising blue lights and sirens, a police
 22 officer stopped the stolen vehicle. There were two
 23 others in the stolen vehicle with Anthony Grainger at
 24 this time. When the police officer pulled up behind the
 25 stolen car, Anthony Grainger reversed it into the police

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<p>1 car, causing damage to both vehicles. The other two 2 passengers, Jason Doyle and Derek Ianson -- Mr Ianson 3 was subsequently murdered by Stuart Grainger on another 4 occasion -- then got out of the stolen vehicle, 5 approached the police car and smashed its windscreen 6 using a foot-long metal spanner in an attempt to prevent 7 the officer from any further pursuit. They then 8 returned to the stolen car and the vehicle made off 9 before stopping. The occupants again then attacking the 10 police car with a hammer.</p> <p>11 Anthony Grainger again reversed into and rammed the 12 police car before making off for a second time. The 13 police officer sustained injuries to his eye and back in 14 the incident. The incident was judged by GMP to be 15 sufficiently significant that a video recording of it, 16 which had been captured by the onboard video camera, was 17 used subsequently as a training tool for officers for 18 many years.</p> <p>19 When Anthony Grainger appeared in court in 20 connection with that offence, he pleaded guilty to 21 a TWOC, a taking a vehicle without consent, disqualified 22 driving and dangerous driving in relation to the 23 incident. He was sentenced to a total of 18 months' 24 imprisonment and it was in those circumstances that the 25 charge of affray was directed to lie on the file.</p> <p style="text-align: center;">Page 121</p>	<p>1 this conclusion as follows: 2 "The initial review in 2002 would have been 3 conducted in line with the review policy and taking into 4 account the details of the original offence in 1997 and 5 any intelligence held on the GMP intelligence system. 6 In Anthony Grainger's case there are two further crimes 7 involving violence on his record, a section 47 assault, 8 which relates to an incident on 30 November 2009 on 9 St Mary's Gate, city centre, Manchester. It was alleged 10 that Anthony Grainger punched the victim in the face in 11 an unprovoked attack causing minor injuries. The victim 12 took the decision not to press charges despite there 13 being sufficient evidence to charge and it appeared that 14 Anthony Grainger was not arrested for this offence and 15 therefore no information was recorded on his PNC record.</p> <p>16 "There is also a section 18 assault which occurred 17 on 19 May 2001 at Bar Med, Deansgate, city centre, 18 Manchester where again Anthony Grainger is alleged to 19 have punched the victim once causing him to fall and 20 bang his head on the pavement, which in turn caused 21 a fractured skull and severe bleed on the brain. 22 Extensive enquiries using CCTV footage and facial 23 mapping led to Anthony Grainger's arrest, however the 24 CPS reviewed the file of evidence and concluded there 25 was insufficient evidence to proceed with a prosecution.</p> <p style="text-align: center;">Page 123</p>
<p>1 In those circumstances, it could well be concluded 2 as it seemed to us that the inclusion on the PNC of 3 a violent warning marker in relation to the incident of 4 4 December 1997 was within the terms of the PNC manual 5 of guidance, in particular it was not necessary for 6 there to have been a conviction for affray, and given 7 the circumstances that I have outlined above, an officer 8 or member of police staff would be able to justify their 9 subjective belief at the point of arrest that it was 10 appropriate or, in the words of the policy, warranted to 11 include a violent warning marker.</p> <p>12 Turning to the issue of the retention of the violent 13 warning marker on the PNC, Sharon Ross, who is 14 a supervisor in the criminal records unit explains that 15 review should have taken place every five years after 16 1997. Namely, in 2002, and 2007. But that the 2007 17 review was delayed due to volume of work until 2008. 18 She concludes that the review of any warning signal is 19 a subjective appraisal of the incident taken alongside 20 any similar incidents relating to Anthony Grainger and 21 also alongside a review of the nominal record held on 22 the GMP intelligence system, which is separate from the 23 PNC. Collectively this would support and have led to 24 the retention of the warning marker both in 2002 and on 25 subsequent review in 2008. She explains the reasons for</p> <p style="text-align: center;">Page 122</p>	<p>1 "Given the violent nature of these crimes [I'm 2 quoting what Ms Ross says] and the original offence in 3 1997 there is justification for the original violent 4 warning signal to remain on Grainger's record. The 5 offence in 2001 would not have been considered for 6 another violent warning signal to be added to his PNC 7 record as no further action was taken against him for 8 that matter. The allegation of the offence in 2009 9 would not have been considered for another violent 10 warning signal to be added to the PNC record but he was 11 never arrested for the offence. A number of issues may 12 arise from these assertions, including whether it is 13 correct to say that there are 'Two further crimes 14 involving violence on Anthony Grainger's record.' 15 The second alleged offence occurred on 16 30 October 2009, so on any view could not have been 17 taken into account in reviews conducted in 2002 and 18 2008. The use by Ms Ross of the phrase "Given the 19 violent nature of these crimes".</p> <p>20 Thirdly, why the alleged assault committed on 21 19 May 2001 "Would not have been considered for another 22 violent warning signal to be added to his PNC record as 23 no further action was taken against him for that matter 24 in circumstances where the system appears to be that 25 warning markers are added at the point of arrest and</p> <p style="text-align: center;">Page 124</p>

1 therefore do not take into account subsequent events
 2 such as no further action being taken or an acquittal or
 3 a conviction.
 4 Lastly, if it be the case that a decision to take no
 5 further action in relation to the alleged assault
 6 committed on 19 May 2001 meant that no new or
 7 replacement warning marker was justified, how it came to
 8 be that the same alleged assault was a justification to
 9 retain the existing warning marker.
 10 As to the third point, the drugs warning marker,
 11 being based on an offence for which Mr Grainger had been
 12 acquitted and a single offence of simple possession of
 13 cannabis, it seems the circumstances are as follows:
 14 On 1 June 2005, albeit note please that the subject
 15 profile wrongly gives the date as 1 June 2008, police
 16 officers attended Anthony Grainger's home on
 17 an unrelated matter. During the search of the house
 18 they found a small amount of cannabis. He was arrested
 19 and gave a no comment interview. The CPS was consulted
 20 and decided not to bring any charges against
 21 Anthony Grainger.
 22 The charges for conspiracy to supply class A and B
 23 drugs were brought as part of Operation Blythe. This
 24 commenced in April 2008 as an intelligence led operation
 25 into the supply of heroin and amphetamines from premises

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1 in Radcliffe, Bury. During the course of the operation,
 2 various individuals were observed at the premises,
 3 including Anthony Grainger. A warrant was executed at
 4 the premises on 8 September 2008, heroin and
 5 amphetamines were recovered and Anthony Grainger,
 6 Gary Knox, Francis Hunt, Gail Hadfield-Grainger were all
 7 arrested. Anthony Grainger was charged on
 8 10 September 2008 with conspiracy to supply a class A
 9 drug, heroin, and conspiracy to supply a class B drug,
 10 amphetamine.
 11 He subsequently pleaded guilty to a charge of
 12 conspiracy to handle stolen goods in relation to motor
 13 vehicles in March 2009, but pleaded not guilty to the
 14 two conspiracy to supply drugs charges. Following four
 15 linked trials, including one which involved allegations
 16 of jury tampering and a finding of contempt against
 17 a juror and a co-defendant, Anthony Grainger was
 18 acquitted of the count of conspiracy to supply heroin on
 19 30 July 2010. The final trial in Operation Blythe
 20 between November and December 2010 in relation to the
 21 amphetamine charges resulted in a hung jury, so the
 22 Crown offered no evidence.
 23 In January 2011 Anthony Grainger was sentenced to
 24 20 months' imprisonment for the admitted offence of
 25 conspiring to handle stolen goods. A proceeds of Crime

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1 Act confiscation hearing took place in July 2011 in
 2 relation to a proceeds of crime uncovered in Operation
 3 Blythe during which an order was made against
 4 Mr Grainger.
 5 In these circumstances, it could well be concluded
 6 that the inclusion on the police national computer of
 7 a drugs warning marker was within the terms of the PNC
 8 manual of guidance. It was not necessary for there to
 9 have been a conviction for either offence for the
 10 reasons I have already given. The guidance certainly
 11 permits a drugs warning marker to be included in
 12 relation to simple possession. It is not restricted to
 13 supply or production offences, as we have seen.
 14 There certainly was intelligence that in June 2005
 15 Anthony Grainger was in possession of cannabis based on
 16 the discover of cannabis in his house and his consequent
 17 arrest, and in 2008 had supplied amphetamines based on
 18 his arrest for that offence and the decision of the CPS
 19 to charge him with it.
 20 THE CHAIRMAN: Mr Beer, those three points, going back
 21 really to the point I raised earlier this afternoon,
 22 those three points you have just summarised seem to
 23 support the impression I get, which is that warning
 24 markers of the kind you have been talking about, whether
 25 it is for violence, drugs or anything else, are really

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1 intended as alerts, they may be very useful as rapidly
 2 accessible basic pointers when required at short notice
 3 by busy police officers and I can see that they may also
 4 serve as basic research information, pointing to the
 5 existence of background intelligence or information
 6 which may be relevant to an extended operation or
 7 investigation.
 8 But the impression I get is that they really are
 9 intended as pointers to the existence of information
 10 rather than substitutes for that information. The
 11 question then arises as to whether a subject profile is
 12 adequate if it simply incorporates without comment or
 13 further development or investigation information which
 14 comes out from a PNC, OPUS or COPU printout.
 15 I wonder whether that is something -- it really as
 16 I say goes back to what I said earlier -- that we are
 17 going to have to consider?
 18 MR BEER: Sir, I think we probably will explore that in
 19 Week 4 of the Inquiry with the witnesses tasked with
 20 creation of the subject profiles. You will recall
 21 I have mentioned already the evidence of
 22 Detective Sergeant Kelly who said there was no guidance
 23 on what to include and no bespoke training on how to
 24 create a subject profile. It was on-the-job training
 25 with some mentoring.

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1 THE CHAIRMAN: Yes.
 2 MR BEER: As to the point you have directly raised, sir,
 3 certainly the three points that I have made as to the
 4 very low standard or the comparatively low quantum of
 5 proof that was needed to get a flag onto the system,
 6 that is not only a positive, because it means that these
 7 items may have been appropriately included and then
 8 retained, there is also a flipside to that, if you know
 9 the quantum of proof is very low to get something on the
 10 system, you need to take that into account when you take
 11 it off and use it.
 12 THE CHAIRMAN: Yes, yes, thank you.
 13 MR BEER: Irrespective of the points that I have made, sir,
 14 it may be necessary to consider whether any errors in
 15 the creation of the subject profile and the creation and
 16 retention of warning markers and their subsequent
 17 inclusion in the subject profiles are causally relevant
 18 to the events of 3 March, and it is possible to look at
 19 this, it seems from a number of perspectives, firstly,
 20 whether the more recent intelligence made available to
 21 Operation Shire between late 2011 and March 2012 as to
 22 the activities plans and intentions of David Totton,
 23 Robert Rimmer and Anthony Grainger meant that the
 24 information in Anthony Grainger's subject profile
 25 receded in its relevance to those investigating them and

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1 to those planning and carrying out the arrest operation.
 2 In this regard it may be necessary to consider in
 3 particular the impact on ACC Sweeney,
 4 Superintendent Granby and DI Cousen of the intelligence
 5 set out on a document called the intelligence
 6 chronology, which we will turn to in a moment.
 7 Secondly, the intelligence that the Inquiry will
 8 hear evidence of in its closed hearings.
 9 A second perspective, a second way of looking at the
 10 issue, is whether the information contained on the
 11 subject profiles of David Totton, Joseph Travers and
 12 Robert Rimmer in particular, the criminal convictions
 13 and warning markers of each of them would have meant
 14 that the actions of the relevant officers, in particular
 15 the ones I have mentioned already, would have remained
 16 the same. In particular as to the assessment of risk
 17 and threat levels.
 18 In this regard, it may be noted that the primary
 19 subject of Operation Shire was David Totton.
 20 THE CHAIRMAN: Yes.
 21 MR BEER: He had warning markers for violence, weapons and
 22 firearms and those markers came from a long history of
 23 violent offences which included violent disorders,
 24 assault, robberies and robberies with a firearm or
 25 intelligence suggesting that.

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1 Joseph Travers had warning markers for violence and
 2 weapons. These markers arose from one incident where he
 3 was detained in the process of committing a robbery
 4 offence at the Adelphi Post Office in Salford in 2004,
 5 when challenged by an off duty police officer who had
 6 identified him as such, Joseph Travers attacked the
 7 officer with a machete causing wounds to the officer's
 8 finger and firearm and Joseph Travers was sentenced to
 9 54 months' imprisonment.
 10 Robert Rimmer had warning marks of violence and
 11 weapons. These markers arose from an attempted murder
 12 conviction in 2006 where he stabbed a male in the
 13 abdomen outside a public house in Manchester city centre
 14 and he was sentenced to 66 months' imprisonment.
 15 THE CHAIRMAN: Those are both based on convictions and
 16 substantial prison sentences?
 17 MR BEER: Yes. So the issue is, actually, it has been said
 18 by Greater Manchester Police in the past: what
 19 difference do the errors make if Anthony Grainger was
 20 part of a group of people who had these antecedents and
 21 we had to plan on the basis that they may be in the car?
 22 Third, whether the errors and mistakes alleged to
 23 exist within the subject profile would have made any
 24 difference to the conduct of the officers, even if they
 25 had not existed or more accurate statements had been

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1 made within the subject profile.
 2 In this respect, Ian Arundale may offer the Inquiry
 3 an interesting perspective. He states that in relation
 4 to the erroneous reference in the subject profile to the
 5 armed robbery in Prestwich being ordered to lie on the
 6 file against Anthony Grainger, "Anthony Grainger was
 7 acquitted but the fact that there had been sufficient
 8 evidence for the CPS to authorise charges in this case
 9 is relevant. As a TFC this type of information,
 10 ie a previous arrest and charge relating to an armed
 11 robbery, would have been relevant in determining the
 12 threat assessment relating to Mr Grainger and his
 13 associates. The issue of an offence being left on the
 14 file and/or acquittal is not particularly significant
 15 from a firearms deployment perspective. The error is
 16 obviously unfortunate and steps should always be taken
 17 to ensure the accuracy of intelligence products, I do
 18 not consider that sufficient evidence exists to indicate
 19 that the errors contained in the subject profile of
 20 Mr Grainger had a negative impact on the events of
 21 3 March 2012."
 22 Then, secondly, in relation to the inclusion of the
 23 violent and drugs warning markers in the subject
 24 profile, Ian Arundale states:
 25 "I am not knowledgeable about PNC rules and

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<p>1 procedures, but I am aware that convictions are not 2 exclusively required for relevant markers to be placed 3 on the PNC system. I accept that the above [he is 4 talking about the inclusion of some of the matters on 5 the subject profile] constitutes failures from 6 an intelligence production and cross-referencing 7 perspective. There is however additional intelligence 8 that Mr Grainger had used violence towards police 9 officers and was associated with potentially dangerous 10 offenders. I do not consider that sufficient evidence 11 exists to indicate that the errors contained in the 12 subject profile of Mr Grainger had a negative impact on 13 the events of 3 March 2012." 14 Could I turn then to the use of this subject profile 15 that had been prepared for Operation Samana in Operation 16 Shire. 17 On 7 February 2012, Detective Sergeant Hurst, 18 remember she is from the force robbery unit, asked 19 Detective Sergeant Russell Kelly, we have heard about 20 him already, of the force intelligence bureau if the 21 force intelligence bureau could produce a subject 22 profile for Anthony Grainger. It is not clear why the 23 request was made to Detective Sergeant Kelly given that 24 Lapniewski was, according to DI Cousen, the SPOC, single 25 point of contact, in relation to the FIB for Operation</p> <p style="text-align: center;">Page 133</p>	<p>1 to your request please find attached the intelligence 2 profile for Anthony Grainger. This is current up to 3 September 2011, it includes a risk assessment and 4 Experian checks. It was decided that this morning's ISD 5 [I think that is investigative support division] pace 6 setter meeting that any further work required to bring 7 the profile up to date will need to be completed by 8 yourselves [ie the robbery squad]. This decision was 9 made based on staffing levels and current workloads 10 within the department. And that staff in SCD [the 11 serious crime directorate] have full access to COPU, 12 OPUS, FIS et cetera. Any problems, please get back to 13 me." 14 The use of a subject profile from a different 15 operation has led to criticisms that firstly the subject 16 profile was not operation specific and was instead 17 prepared in respect of an unrelated operation some five 18 or so months previously. 19 Secondly, that the subject profile was not current 20 and the PNC markers were dated in the extreme. 21 As to the first issue, this is correct. But we are 22 not aware of any requirement or practice that suggests 23 that the content of subject profiles changes according 24 to the nature of the operation that they are to be used 25 within. Ie, in this case that a subject profile created</p> <p style="text-align: center;">Page 135</p>
<p>1 Shire but there we are. 2 In any event, DS Kelly said that he took this 3 request to create a subject profile to his morning 4 meeting and then in the course of the meeting it was 5 decided that the FIB, "Did not have the resources due to 6 current workloads to assist on this occasion". 7 Sergeant Kelly continues: 8 "After that meeting DC Griffiths made me aware that 9 in September 2011 she had prepared a profile for Anthony 10 Grainger for another unconnected operation. I viewed 11 the profile and saw what I felt was a profile which was 12 a good starting point for DS Hunt ..." 13 We understand that to mean in fact DS Hurst: 14 "... the profile was only five months old, it was in 15 a format that was transferable to another operation and 16 as such for these reasons I made the decision to forward 17 the profile to DS Hunt ..." 18 Ie Detective Sergeant Deborah Hurst: 19 "... I forwarded the profile via email on 20 7 February. I made it clear in the email that any 21 further work required to bring the profile up to date, 22 would need to be included by the robbery squad." 23 Now we have tracked down the email to which 24 Sergeant Kelly refers and this says as follows: 25 "Debbie [that is Detective Sergeant Hurst], further</p> <p style="text-align: center;">Page 134</p>	<p>1 for the purposes of Operation Samana, 2 a burglary/handling stolen goods/loss of sensitive data 3 investigation, would differ from one created for the 4 purposes of Operation Shire, a robbery investigation. 5 That brings into play your point earlier, whether there 6 should be a requirement or practice. 7 THE CHAIRMAN: Yes. 8 MR BEER: Secondly, the FIB, the force intelligence bureau, 9 made it clear in its email of 7 February 2012 that the 10 subject profile was only up to date to September 2011 11 and that it was the responsibility of the robbery unit 12 to update it. What action was taken by the robbery unit 13 to do so is a matter that will be examined in the 14 Inquiry. In any event, the Inquiry has been advised by 15 Ian Arundale that from a firearms commander's 16 perspective or an AFO's perspective, historical evidence 17 may be of significant relevance and intelligence 18 relating to an accomplice or associate who is 19 accompanying the subject is of equal relevance to 20 authorising the deployment of armed officers, the 21 overall plan and the selection of appropriate tactics. 22 THE CHAIRMAN: Yes. 23 MR BEER: As to the second issue, the age of the profile and 24 reliance on PNC markers, I have already addressed those. 25 Moving forwards in the chronology of events then, at</p> <p style="text-align: center;">Page 136</p>

<p>1 6.20 pm on 13 December, a red Audi A6, registration 2 X5 JEF was stolen in Bolton and later that evening 3 a blue BMW 325, registration S31 STF was stolen in Sale. 4 On 9 February 2012 the stolen BMW was recovered by 5 police officers. Meanwhile, on 13 October, authority 6 was granted for directed surveillance in relation to two 7 named subjects of Operation Shire and "As any yet 8 unidentified associates involved in serious 9 criminality". 10 The authority permitted directed surveillance 11 between 13 October 2011 and 12 January 2012, although it 12 provided for periodic reviews between those dates. On 13 12 January 2012 the authority was renewed. 14 The surveillance was undertaken by the DSU within 15 GMP and Mr Arundale has reviewed the authorities in 16 place in relation to RIPA and was satisfied that they 17 were correctly authorised. 18 These authorities were also reviewed, as it happens, 19 by Martin Molloy for the purposes of the IPCC 20 investigation and he came to the same conclusion that 21 they were correctly authorised. 22 Although the initial focus of the investigation 23 concentrated on other subjects, by December 2011 24 Operation Shire began to focus on the activities of 25 David Totton.</p> <p style="text-align: center;">Page 137</p>	<p>1 be reconnaissance visits at a G4S depot in Hanley, 2 Stoke. Detective Inspector Cousen, the SIO, stated that 3 he believed that the G4S depot or a security van 4 visiting it was going to be the target of a robbery. 5 Of particular relevance to subsequent events is the 6 briefing that DC David Clark gave to DI Cousen and the 7 then TFC, Superintendent Ellison at Nexus House before 8 the very first armed deployment, and this was given on 9 25 January 2012. 10 DC Clark explains that he had spent 10.5 years 11 working in the Salford division of GMP, ie between 1996 12 and 2016, five of which had been in the division's 13 robbery unit and as a result of this he states: 14 "I have a good working knowledge of organised crime 15 groups working and operating from the Salford area." 16 DC Clark explains that he gave DI Cousen and 17 Superintendent Ellison an overview with regard to access 18 to firearms in relation to David Totton and the OCG, the 19 organised crime group, that he was a member of or 20 associated with. 21 He says that he provided information about the 22 following matters. There are five of them. 23 Firstly, David Totton's arrest and charge for 24 an offence of conspiracy to commit robbery in 1999. The 25 circumstances being that a stolen motor vehicle was</p> <p style="text-align: center;">Page 139</p>
<p>1 On 13 January, 2012, David Totton's premises were 2 identified. By the end of January 2012 a covert 3 surveillance established an association between the two 4 stolen motor vehicles, the red Audi A6 and the blue BMW 5 325, and three men, David Totton, Anthony Grainger and 6 Robert Rimmer. 7 On 23 January 2012, both vehicles were observed to 8 have been fitted with false registration plates. As far 9 as concerns us, the red Audi displayed the registration 10 number R008 OLD. From this time the subjects of the 11 final phase of Operation Shire were identified as 12 David Totton, Robert Rimmer and Anthony Grainger and 13 therefore by 22 February 2012, Anthony Grainger and 14 Robert Rimmer had been added to the surveillance 15 authority. 16 During January and February 2012, Operation Shire 17 utilised support from the tactical firearms unit, the 18 TFU, on seven separate occasions. Armed officers 19 provided support to the surveillance operation. 20 On each occasion authority to deploy armed officers 21 was granted by a senior GMP officer. The first seven 22 occasions were 26 January, 27 January, 30 January, 23 31 January, 1 February, 2 February and 3 February. 24 The authorities were granted following surveillance 25 of the suspected OCG conducting what were suspected to</p> <p style="text-align: center;">Page 138</p>	<p>1 pursued into the Salford area, two males ran from the 2 vehicle into a house, police officers entered the house 3 and arrested the occupants of it. The occupants 4 included David Totton. A search of the house revealed 5 a bag containing a shotgun and balaclavas. Although 6 David Totton was charged with a conspiring to commit 7 an armed robbery, he was not convicted of that offence. 8 Secondly, Stuart Grainger's arrest and charge for 9 an offence of robbery and attempted murder of police 10 officers, the circumstances being that in 2000 police 11 officers attended a bank in Bolton in response to the 12 activation of a personal attack alarm. They found 13 a robbery in progress and on entering the bank a shotgun 14 was discharged at officers, injuring a number of them. 15 An officer who approached a getaway car outside the 16 premises had a MAC-10 machine gun discharged at him. 17 Stuart Grainger was charged with this offence, as the 18 MAC-10 used in the robbery was the same weapon that he 19 used to murder Derek Ianson. 20 Third, the arrest of David Cullen, Mark Azzopardi 21 and Iain Parkinson, who were said to be close associates 22 of David Totton in 2001 for robberies in which members 23 of staff and/or their families were kidnapped using 24 firearms in order to secure access to the vaults of 25 financial institutions. Iain Parkinson was convicted of</p> <p style="text-align: center;">Page 140</p>

1 that offence.
 2 The arrest of David Cullen, Peter Anderson, Bradley
 3 and Aaron McLennan whilst committing a robbery on
 4 28 April 2006 and during that investigation
 5 Anthony Grainger was said to be seen to be involved in
 6 a reconnoitre activity in relation to a robbery using
 7 three stolen vehicles, as well as being seen with other
 8 members of the OCG.
 9 Lastly, the observation of David Totton in 2010
 10 using a stolen vehicle to attend the NatWest Bank in
 11 Salford at closing time three days in a row. It was
 12 suspected, said DC Clark, that he was reconnoitring the
 13 premises as he had parked at the rear of the bank in
 14 a car park that afforded him a view of staff leaving the
 15 premises and was able to observe them walking into their
 16 vehicles.
 17 That was the briefing that DC Clark provided the SIO
 18 and the then TFC with before the very first deployment,
 19 he gave them the briefing on 25 January and the first
 20 deployment was on 26 January.
 21 THE CHAIRMAN: Yes.
 22 MR BEER: The last two occasions, occasions 8 and 9, on
 23 which TFU officers were authorised to be deployed were
 24 Friday, 2 March and Saturday, 3 March.
 25 I am going to come to those in a moment.

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1 Meanwhile a document was created called
 2 an "Intelligence chronology". It is the case that some
 3 of the intelligence received in the course of Operation
 4 Shire was collated together in a document called
 5 "Intelligence chronology for Operation Shire". The
 6 intelligence chronology as at 3 March 2012 had 43 items
 7 of intelligence on it, dating from 28 September 2011
 8 until 2 February 2012.
 9 Of the 43 entries, six related to intelligence
 10 concerning David Totton, one of those items, dated
 11 2 February 2012, indicated that Anthony Grainger was
 12 thought to be planning to commit an offence of robbery
 13 with David Totton and other named males.
 14 That is the only entry in the chronology that
 15 relates to Anthony Grainger.
 16 The remaining entries relate to other individuals
 17 and a gist of them has been prepared.
 18 Turning then to CPS liaison, DI Cousen states that
 19 on 26 January 2012 he spoke to a CPS lawyer and that she
 20 had personally spoken to her line manager. It was the
 21 CPS belief that at that time the information or evidence
 22 obtained to date did not pass the threshold for
 23 a conspiracy to rob charge and as a result further
 24 evidence could need to be presented to consider
 25 a charging decision.

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1 We believe the lawyer to whom DI Cousen refers was
 2 called Nicola Moore. She says that at the end of 2011
 3 and into 2012 she became involved as the reviewing
 4 lawyer in Operation Shire and during this period she had
 5 numerous meetings and telephone discussions with
 6 DI Cousen and DC Talbot, DC Talbot being the officer in
 7 the case. Of note is the evidence that Ms Moore has
 8 given to the Inquiry that:
 9 "I recall particularly one conversation when they
 10 called me and said they knew there was insufficient
 11 evidence to pass the threshold test, but they were under
 12 a lot of pressure from their superiors because the
 13 investigation was resource heavy. I told them that if
 14 they wanted to have a formal discussion, they could but
 15 if they felt they had insufficient evidence it was their
 16 decision. There was discussion around that time about
 17 tipping points and I advised them that this was
 18 an operational police decision, that was not something
 19 I would have any involvement in."
 20 This passage from Nicola Moore's statement obviously
 21 raises many questions, including whether it is correct
 22 that pressure was being applied by senior officers to
 23 DI Cousen to make arrests because of resource
 24 implications.
 25 Whether that pressure was evident on 3 March 2012

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1 and played a part in decision making, and why officers
 2 would approach the CPS if they knew that the threshold
 3 test was not satisfied, which according to Ms Moore they
 4 did.
 5 As I have said, on 2 February 2012 there is an entry
 6 on the redacted intelligence chronology at item 41 where
 7 it is recorded that:
 8 "A team of individuals which is headed by
 9 David Totton are actively involved in the commission of
 10 armed robbery offences at banks, building societies and
 11 other premises where large sums of cash are kept. (1)
 12 David Totton is planning to commit offence of robbery
 13 with his close friend Idgy and others including
 14 Anthony Grainger and twin brothers known as Aaron and
 15 Bradley. David Totton is also heavily involved in the
 16 large scale movement of cocaine with a criminal
 17 associate known as Rimmer."
 18 DC Clark explains that "Idgy" is Iain Parkinson, who
 19 we have heard reference to already --
 20 THE CHAIRMAN: Yes.
 21 MR BEER: -- and Bradley and Aaron are Bradley and
 22 Aaron McLennan.
 23 Turning to the period 3 February to 26 February 2012
 24 DI Cousen says in relation to this period there was
 25 a period of relatively low activity from the OCG but the

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<p>1 movements increased from 27 February. So picking the 2 story up from 27 February. Surveillance indicated on 3 that day that movements of the stolen Audi had become 4 more frequent. Surveillance appeared to indicate that 5 Anthony Grainger had use of the stolen vehicle and 6 control of the stolen vehicle as he was only ever 7 sighted when the vehicle was being used. A vehicle 8 tracking device, VTD, that had been covertly fitted to 9 the Audi revealed to the investigating officers that it 10 travelled to the Culcheth area on 22 February 2012 and 11 indeed CCTV recovered after the event, ie after the 12 death of Mr Grainger, showed Anthony Grainger driving 13 a VW Golf registered to Gail Hadfield-Grainger, arrive 14 at where the stolen Audi was parked and then drive off 15 in the stolen Audi. Therefore reasonable to assume that 16 Anthony Grainger travelled to Culcheth in the stolen 17 Audi on 27 February 2012.</p> <p>18 28 February 2012, no direct surveillance is recorded 19 for this date. Albeit the VTD, the vehicle tracking 20 device, showed that the stolen Audi returned to its 21 laying up position late on 27 February 2012.</p> <p>22 29 February 2012, on 29 February the Audi was 23 surveyed in the Culcheth area between 6.42 pm and 24 7.30 pm and drove a number of routes in the centre of 25 town where financial institutions, the Post Office,</p> <p style="text-align: center;">Page 145</p>	<p>1 assessment meeting at the TFU's base in Openshaw. Also 2 present were DI Cousen, DS Hurst and Andy Fitton, 3 a tactical adviser and according to Chief Inspector 4 Lawler, X7, although X7 has said he didn't attend the 5 meeting.</p> <p>6 Chief Inspector Lawler explains that during the 7 meeting he firstly ascertained the current information 8 and the intelligence in relation to the three main 9 subjects in Operation Shire, David Totton, Robert Rimmer 10 and Anthony Grainger.</p> <p>11 Secondly, took possession of the nominal profiles in 12 regulation to each of them, we understand that to mean 13 the subject profiles.</p> <p>14 THE CHAIRMAN: Yes.</p> <p>15 MR BEER: Ascertained, thirdly, their culpability and intent 16 and established the threat that they posed to a range of 17 individuals and groups by their behaviour.</p> <p>18 And, fourthly, made the decision that the deployment 19 of firearms had been met to protect officers from three 20 subjects.</p> <p>21 Chief Inspector Lawler explains that Andy Fitton, 22 a TA, provided him with a range of tactical options 23 including his chosen option of MASTS -- again this is 24 rather suggestive that he regarded MASTS as a tactic. 25 An authority to deploy armed officers was granted by</p> <p style="text-align: center;">Page 147</p>
<p>1 bookmakers and retail outlets were located.</p> <p>2 The vehicle also drove through the Sainsbury's car 3 park and spent a period of time in a car park that 4 afforded a view of the rear of the Sainsbury's 5 supermarket, which yard provided access to the cash 6 office and where CVIT deliveries and collections were 7 made. David Totton was identified as the front seat 8 passenger. The driver of the stolen Audi was later seen 9 to get into a Renault Megane motor vehicle and was 10 identified as Anthony Grainger.</p> <p>11 At 7.59 on 29 February David Totton was seen to walk 12 to and open the boot of an Audi in Hazelhurst Road, 13 Worsley. The surveillance officer states that he saw 14 him remove something which he then placed into the rear 15 of the vehicle before getting into the driver's seat and 16 driving off. The officer said in a later witness 17 statement, made after the event, that the object that he 18 had seen being placed into the rear of the vehicle was 19 a hacksaw.</p> <p>20 On 1 March 2012 DI Cousen requested the assistance 21 of the Greater Manchester Police TFC. The on duty 22 person at that time was Chief Inspector Michael Lawler, 23 as he, DI Cousen, believed that the OCG was in the 24 advanced stage of planning a robbery.</p> <p>25 Chief Inspector Lawler arranged for a firearms</p> <p style="text-align: center;">Page 146</p>	<p>1 Assistant Chief Constable Heywood at 2.05 pm on 1 March.</p> <p>2 The circumstances in which the authority to deploy were 3 granted were as follows. At 1.45 pm ACC Heywood had 4 a telephone conference with Chief Inspector Lawler, 5 DI Cousen and Q3, tactical adviser. ACC Heywood 6 explains that:</p> <p>7 "The request was for a firearms authority in 8 relation to ongoing investigations into David Totton 9 Anthony Grainger and possibly Robert Rimmer. As head of 10 serious crime I was fully aware of the intelligence 11 picture and the threat posed by these individuals. We 12 discussed the specific intelligence picture in relation 13 to today's activities and I recorded this summary in my 14 SFC log. I authorised the firearms authority as per my 15 log at 2.05 pm satisfied that the criteria was met."</p> <p>16 Chief Inspector Lawler also explains that in 17 addition to authorising the deployment of firearms, ACC 18 Heywood "informed me that the tactical plan was 19 authorised".</p> <p>20 After the conference call, Chief Inspector Lawler 21 directed X7 to prepare a briefing for firearms officers 22 and X7 says:</p> <p>23 "A firearms briefing was completed and I retired 24 from duty at 5.30 pm that day."</p> <p>25 This appears to be a PowerPoint presentation that we</p> <p style="text-align: center;">Page 148</p>

<p>1 have in our file at the reference I have given there;</p> <p>2 this may be an important document to turn up later.</p> <p>3 X7 states that the PowerPoint was prepared by</p> <p>4 a number of officers but was "Owned by Chief Inspector</p> <p>5 Lawler."</p> <p>6 He says it was prepared on the basis of information</p> <p>7 supplied by DI Cousen.</p> <p>8 During the afternoon, Chief Inspector Lawler</p> <p>9 contacted his counterpart TFC in Cheshire Police and</p> <p>10 agreed cross-boundary protocols. He also set his threat</p> <p>11 assessment, working strategy and assessment of the</p> <p>12 tipping points by email to ACC Heywood, and we have</p> <p>13 tracked down the email.</p> <p>14 On 1 March DC Talbot made further contact with the</p> <p>15 CPS who apparently advised him that without further</p> <p>16 information, the case did not pass the threshold test</p> <p>17 for a charging decision to be made.</p> <p>18 Conventional surveillance officers observed the</p> <p>19 stolen Audi travel in Boothtown in the evening on</p> <p>20 1 March to Culcheth. Anthony Grainger was driving and</p> <p>21 David Totton was the front seat passenger. They were</p> <p>22 observed to be paying particular attention to the</p> <p>23 loading area at the rear of Sainsbury's in Culcheth.</p> <p>24 They parked in the same car park as the previous night.</p> <p>25 THE CHAIRMAN: Does that bring you to the end of that day's</p>	<p>1 10.30 tomorrow.</p> <p>2 (4.18 pm)</p> <p>3 (The Inquiry adjourned until 10.30 am the following day)</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 events?</p> <p>2 MR BEER: Yes, it does. I was hoping to try to get us to --</p> <p>3 THE CHAIRMAN: You are welcome to carry on if you wish.</p> <p>4 MR BEER: -- the morning of the 3rd, but that is a long way</p> <p>5 ahead. If we can break there, at the morning of</p> <p>6 2 March.</p> <p>7 THE CHAIRMAN: I think it is probably sensible.</p> <p>8 Is 10.30 all right tomorrow?</p> <p>9 MR BEER: Yes, thank you sir.</p> <p>10 THE CHAIRMAN: All right. We will adjourn until then.</p> <p>11 MR BEER: Sir, as I think has been explained to those</p> <p>12 members of the press that have remained, the written</p> <p>13 opening statement of the four core participants that</p> <p>14 made them were uploaded to the Inquiry's website earlier</p> <p>15 in the day and it is our intention for anyone's</p> <p>16 convenience, if they are sufficiently interested, to</p> <p>17 upload what I have said in the format that I have</p> <p>18 prepared it, up to now, to the website later this</p> <p>19 afternoon.</p> <p>20 THE CHAIRMAN: Yes.</p> <p>21 MR BEER: Of course the transcript --</p> <p>22 THE CHAIRMAN: The transcript in any event --</p> <p>23 MR BEER: -- will be going up, which is the verbatim record.</p> <p>24 THE CHAIRMAN: Yes.</p> <p>25 Thank you very much, Mr Beer.</p>	<p>1</p> <p>2 I N D E X</p> <p>3</p> <p>4 Introductory remarks1</p> <p>5 Opening submissions by MR BEER5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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