Thursday, 11 July 2019

(12.00 pm)

Statement on publication

THE CHAIRMAN: Today, my report concerning the death of Anthony Grainger is published and laid before Parliament. The report is necessarily a long and detailed one, for my terms of reference have required me to examine not just the immediate circumstances of Mr Grainger's death but also the history of the police investigation, known as Operation Shire, that led up to it.

That has in turn necessitated a close analysis of certain sensitive matters which, since they cannot be made public, I have had to cover in a separate closed report. I can, however, assure the public that I have included in this published report as much relevant detail as I properly can and the necessary omissions that remain are not such as to affect any of the report's conclusions or the reasoning behind those conclusions.

It was in fact precisely the existence of the sensitive matters to which I have referred that made it impossible to hold a conventional inquest and caused the then Home Secretary to set up this Inquiry in 2016.

Having gathered, sifted and disclosed an enormous

quantity of relevant documentary, digital and other material, the Inquiry conducted a 14-week evidential hearing in 2017, during which it received oral evidence from more than 80 witnesses. Last year, I held another shorter hearing to inform my recommendations.

The Inquiry has, I believe, been the thorough, open and fearless investigation that I promised at the outset. It has exposed serious deficiencies in the planning and conduct of the firearms operation that led to Mr Grainger's death, in the procurement of special munitions by Greater Manchester Police and in the training and accreditation of an alarming number of the operation's officers and commanders. The Inquiry's published report contains a detailed explanation of its findings and conclusions, together with some practical recommendations that will I hope be speedily implemented:

I must emphasise that no synopsis, including this one, can adequately summarise the report's content. For a proper appreciation of its findings and conclusions, there is no substitute for reading the report itself.

On 3 March 2012, Mr Grainger was fatally shot by an authorised firearms officer known as Q9 during a mobile armed support to surveillance, or MASTS operation, conducted by the Tactical Firearms Unit of

Greater Manchester Police. At the time, Mr Grainger was sitting with two other men in a stolen Audi car in a small public car park in Culcheth. The officers in charge of the operation suspected that they were about to commit a commercial robbery.

In summary, I have concluded that Greater Manchester Police is to blame for the death of Mr Grainger because the force failed to discharge its obligation under article 2 of the European Convention on Human Rights, to authorise, plan and conduct the MASTS operation on 3 March in such a way as to minimise to the greatest extent possible recourse to the lethal use of force. Firearms commanders authorised and planned the MASTS operation incompetently and without keeping proper records of their decisions. They inaccurately briefed the firearms officers who were to conduct the operation, distorting and in some respects exaggerating the risk presented by Mr Grainger. Firearms commanders failed to maintain contemporaneous records of their decisions, reconstructing their official logs after the event. The inclusion in those logs of material that commanders did not know at the time was not only highly improper, but also masked a fundamental failure to apply the national decision model when they were authorising, planning and conducting the operation.

Firearms commanders failed to subject the MASTS operation of 3 March to forgive oversight and review. They did not reassess the intentions of the men in the stolen Audi as the number of credible robbery targets diminished with the passage of time, nor did they consider whether in the interests of public safety they should disrupt any intended criminal activity without trying to make arrests in Culcheth. Firearms commanders unnecessarily authorised the use of special munitions, including a chemical weapons system known as the CS dispersal canister which Greater Manchester Police had procured some years earlier without the Home Secretary's authority and in flagrant breach of national guidance. Having illicitly acquired the CS dispersal canister, Greater Manchester Police obstinately persisted in its use in the face of well-informed and justified criticism from others and did not finally get rid of its stock until shortly before this Inquiry's evidential hearing.

I have made it clear in my report that the proper authorities will need to determine whether any organisation or individual has committed a criminal offence in connection with the importation, acquisition, purported authorisation or use of the CS dispersal canister.

Four of the officers involved in the MASTS operation

of 3 March, including two of its commanders and a tactical adviser, lacked the necessary degree of professional competence. Partly through his own fault but mainly as a result of the misleading briefing he had received, Q9 made a number of false assumptions. He assumed that the men in the car could be carrying firearms and were intending to commit a hostage robbery on 3 March by kidnapping commercial employees and holding them at gunpoint. He believed that they belonged to a wider criminal group which had a known history of firing guns at police officers. He thought the car had darkened privacy glass fitted to all its side windows, leading him to assume that his colleagues would not be able to see inside the car and would be especially vulnerable to any violent response from its occupants. Those were all serious misconceptions.

While I am sure that there was no legitimate purpose to any of the visits that Mr Grainger and his companions made to Culcheth, I have concluded that they were probably not intending to commit a robbery on 3 March. They were not planning to take hostages. They were unarmed. There was no intelligence to suggest that they would be armed or would have access to firearms that day and no clear intelligence to suggest that they were intending to commit a robbery that day. They were not

members of, nor were they actively associating with any wider criminal group. Because the stolen Audi did not have privacy glass fitted to its front side windows, Q9's colleagues in fact had a better view into the car than he himself did.

When Q9 challenged the men inside the stolen Audi to show their hands, they at first complied but Mr Grainger then unexpectedly lowered his right hand out of sight. Mr Grainger was probably reaching for the door handle in order to get out of the car. However, Q9's misreading of the situation led him to discharge his weapon in the belief that Mr Grainger was reaching for a gun with a view to firing it at Q9's approaching colleagues.

Although that was wrong, I have concluded that Q9 honestly held it. For that reason, applying the correct legal test, I am unable to say that his decision to fire was unlawful. At the root of the events of 3 March 2012 was a lack of effective leadership in firearms operations conducted by Greater Manchester Police. I detected a deeply entrenched complacency among certain senior officers who lacked the necessary critical insight to detect, let alone remedy, the deficiencies I have identified. They fundamentally misunderstood the MASTS platform, regarding it as an armed arrest tactic, rather than as a flexible platform leading to a wide

range of possible outcomes. In effect, commanders turned the orthodox MASTS methodology on its head. Instead of using MASTS as a means of deploying firearms officers in support of surveillance operations, they treated it as a means of deploying surveillance officers in support of firearms operations.

It was the same institutional complacency that caused the department to persist with its use of the illicit CS dispersal canister in the teeth of justified criticism and also to underestimate and minimise the significance of training failures among its own officers.

Before closing, I should like to thank the family of Mr Grainger for the considerable dignity and patience with which they have awaited the publication of my conclusions. I should also like to express my sincere condolences.

People may talk glibly about closure, but those who knew and loved Mr Grainger will never forget him, nor will they ever be able to forget the brutal circumstances in which he met his death. As I said at the Inquiry's opening session, neither should the rest of us.

(12.10 pm)

(The Inquiry concluded)