

UK police marksman will not be charged for killing Anthony Grainger

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1 February 2014

Within days of a London jury's decision January 8 that the police killers of unarmed father of four Mark Duggan were acting within the law, the UK government's Crown Prosecution Service (CPS) pushed through a similar decision in regard to the killing of Anthony Grainger.

Grainger, 36 and the father of two children, was killed by a Greater Manchester Police officer on March 3, 2012. The CPS has ruled that the police marksman who pulled the trigger will not face any charges.

The scene of the fatal shooting was a public car park at the rear of a takeaway pizza shop in the village of Culcheth in Cheshire. Before the fatal shot was fired, police blocked in the victim's car and then shot out its tyres. CS gas was used to shock and disable the car's occupants. The bullet that killed Grainger was shot through the car windscreen, at almost point blank range, entering his heart and both his lungs. It was fired by a Heckler & Koch sub-machine gun.

After the Crown Prosecution Service decision the only expected action over Grainger's death will be a case against the chief constable of Greater Manchester Police, Sir Peter Fahy, under health and safety laws. The first hearing will take place on February 10 at the Westminster Magistrates' Court.

Fahy is named in the case in his capacity as chief constable. The CPS made no criminal allegations against him personally; he does not need to attend a court hearing and does not face a possible criminal record. At issue will be only whether the police had sufficiently planned the operation that led to the shooting.

Since the death of Grainger, his cousin Wesley Ahmed has been involved in a campaign seeking to bring those responsible to justice. The CPS decision "has ripped us to pieces," he told the media. "We

thought it was a clear-cut case It's set for the police to be immune from prosecution. They have no accountability when it comes to a death in custody ... I thought Anthony's case might be the first one to crack the mould because they shot and killed an unarmed man. Now we'll look at a private prosecution."

Marina and John Schofield, Grainger's parents, commented, "Whilst we are pleased that some charges are to be brought as a result of Anthony's death, we are bitterly disappointed that the officer that shot Anthony will not face criminal proceedings."

The police claimed that Grainger and the other two occupants of the car were planning a robbery. In September 2012, after a trial of the three car occupants, in which only circumstantial evidence was produced by the prosecution, a jury took just less than an hour to clear all the defendants of conspiracy to rob.

A jury is due to consider events leading up to Grainger's death at an inquest set for this spring.

While in the case of Mark Duggan's killing in August 2011 the police claimed that a gun had been found on the scene to justify the killing, this was not possible in the Grainger case. No firearms were found on Grainger's person, in the car where he was sitting or at any address connected to him. Jonathan Bridge, solicitor for Grainger's family, explained that he had no history of involvement with firearms and there was no evidence that he would have access to them.

This is why the authorities decided to employ a similar tactic to that used in July 2006 to defuse anger over the death of Jean Charles de Menezes: that of charging the police as a whole under the Health and Safety at Work Act 1974. As in the case of the cover-up of the de Menezes killing, the CPS also claim there was not enough evidence to prosecute the marksman who fired the fatal shot into Grainger.

The most that will result from the court action will be a fine, which the police will pay out of public funds. The fine in the de Menezes case was £175,000 with £385,000 in costs.

Bridge said that prosecutors risk giving armed police immunity from criminal charges, even when they have killed unarmed people. In fact, police actions from the killing of de Menezes in July 2005 onwards have definitively established that they are acting with guaranteed immunity and they know it.

CPS statements, justifying Grainger's killing, that "a jury would accept that the officer did believe his actions were necessary" and that "the level of force used in response ... was proportionate" highlight the extent to which previous norms of democracy and accountability have been dispensed with. The CPS now views the police killing of anyone targeted by the state to be the norm, rather than the exception. It considers it reasonable for the police to shoot anyone--armed or unarmed, guilty or innocent, posing a threat or sitting quietly in a parked car.

A recent BBC *Panorama* documentary, "Shoot to Kill?," added further proof that this is a deliberate government and police policy. It presented evidence that a police firearms unit called SCO19 is being used to carry out "hard stops," in which police use overwhelming firepower to achieve "domination" and "control" of suspects. The unit was told on several occasions that they were targeting a group of armed criminals when this was not the case, just as was done with Anthony Grainger.

The *Panorama* programme revealed that over the last decade eight of 10 people shot dead by London's Metropolitan Police were killed in pre-planned operations. The documentary showed footage of a pre-planned operation in which Metropolitan Police snipers, "expecting a security van to be robbed," killed two men in Hampshire. The beginning of the robbery was allowed to unfold before the police killed the men. The killings were later ruled lawful.

Professor Peter Squires, who co-authored a 2010 book *Shooting to Kill?*, told *Panorama*, "The overwhelming ethos that officers were trained in during the '80s and early '90s was one of containment. Now there is a more pro-active, pre-emptive approach to engage suspects, rather than contain incidents."

Panorama reviewed a number of fatal police

shootings, including that of Azelle Rodney, who was shot dead by police in London on April 30, 2005. It was proven at a public inquiry that the testimony given by the officer who fired the eight bullets was untrue. A member of the SCO19 unit--codenamed E7--shot Rodney in the head within seconds of stopping the car, far too quickly for Rodney to have been able to reach down and pick up a gun, as E7 had claimed.

The executive summary of the inquiry report stated, "The Bravo [police] car then rammed the Golf [Rodney's car] again, this time stopping, with E7 alongside the nearside rear window. Almost instantaneously with Bravo coming to a halt E7 began firing a burst of shots at Azelle Rodney. He did so with such speed that witnesses, including the other SFOs [Specialist Firearms Officers], believed it to have been an automatic weapon firing. He fired six shots in one burst. He then paused briefly and then fired two more shots."

Ballistics tests proved that one of the bullets fired by E7 narrowly missed a member of the public, Leon Gittens, who had just left a nearby public house. The police ignored a call made afterwards by the Independent Police Complaints Commission to review the use of "hard stops," which are still being used without significant alteration.



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