

INQUIRY INTO THE DEATH OF DAWN STURGESS

JOINT SUBMISSIONS OF THE METROPOLITAN POLICE SERVICE AND THAMES VALLEY POLICE

For directions hearing on 25.03.22

1. These joint submissions are filed on behalf of the Commissioner of Police of the Metropolis (“MPS”) and the Chief Constable of Thames Valley Police (“TVP”) in advance of a directions hearing to be held on 25 March 2022. The MPS and TVP welcome the appointment of Lord Hughes as Chair and look forward to making significant progress in the Inquiry over the coming months.

Operation Verbasco

2. The Chair will already be aware that, whilst the MPS and TVP are separately represented, they have come together to establish what is known as Operation Verbasco, the Counter-Terrorism Policing response to the Inquest (and now Inquiry) into the death of Dawn Sturgess.
3. As set out in previous submissions, Operation Verbasco comprises officers from MPS Counter Terrorism Command (SO15) and Counter Terrorism Policing South East (CTPSE), and is now led by Detective Chief Inspector Luke Williams. It also works closely with Wiltshire Police. This is the first time that a coordinated team of this nature has been established and this reflects both the vast scale of the disclosure task and the serious commitment of Counter-Terrorism Policing to assist the Inquiry.
4. At the time of the Pre-Inquest Review on 22 September 2021 the Verbasco Team comprised 35 staff. This grew over the course of last year with authority being granted to uplift the number of staff by a further 21 posts, with an additional £1.3m

in staff costs being approved in December 2021. This is in addition to ad hoc staff mobilisation, which included an additional 11 staff from elsewhere in the country being deployed to assist the Verbasco Team for a four-week period ending 17 December 2021. It is anticipated that the team will reach a total of 60 posts (not including a legal team) in the coming months. Whilst it is not possible to immediately build up the team due to recruitment, vetting, training and other constraints, there has been a fast-tracking of the vetting procedures.

5. The Verbasco Team have put an enormous amount of work into the disclosure process, with officers regularly working on weekends and outside of usual hours to ensure that progress is made.

The Disclosure Processes

6. Whilst certain aspects of the security review process are necessarily sensitive, in broad terms, the following process has been followed, as approved by Baroness Hallett and the Inquiry Legal Team (“**ILT**”) and set out in previous submissions:
 - (i) Each document is reviewed, summarised and categorised based on its content (“**Scheduled**”);
 - (ii) The documents are then reviewed for security sensitivity, both by the Verbasco Team and by the other relevant HMG departments and agencies (the “**HMG Disclosure Team**”);
 - (iii) The documents are then provided to the ILT for a relevance review (“**stage 1 disclosure**”);
 - (iv) Documents identified as relevant by the ILT are returned to the HMG Disclosure Team for any security redactions (redactions to relevant material will be subject to an application at the appropriate time);

- (v) The Verbasco Team will then add any further redactions, including for anonymity (again, redactions to relevant material will be subject to an application at the appropriate time);
 - (vi) The Verbasco Team will provide the documents to the ILT for onward disclosure (“**stage 2 disclosure**”).
7. The above process has been developed after careful consideration with subject matter and national security experts because of the particular nature of the security implications involved. It is the minimum necessary for the proper protection of information, the disclosure of which may be damaging to national security, in the particular circumstances of this Inquiry.
 8. The Chair will be well aware, from the previous submissions, of the special sensitivities involved in this Inquiry which unfortunately mean, in particular, that:
 - (i) all materials cannot simply be handed over to the ILT without prior review and
 - (ii) every page that will be disclosed in stage 2 disclosure will need to be read on a line-by-line basis to ensure that there is no inadvertent disclosure of information (the consequences of which are assessed be grave, including a threat to life). The concerns and complexities are heightened at the present time.
 9. As set out in earlier submissions the scale of materials is vast because of a range of factors, including: the number of police forces involved; the wide geographical area; the depth of the investigative techniques employed; the use of CCTV and cell site analysis; and the fact that the investigation addresses not just the tragic death of Dawn Sturgess, but also the poisoning of Sergei and Yulia Skripal, Charlie Rowley, and two police officers.
 10. By way of an update, the present estimate of total documents held by the Verbasco Team is in the region of 55,000 documents, with 22,007 (or approximately 40%) having already been Scheduled. More than 3,500 documents have already passed

through this process and have been shared with the ILT as Stage 1 disclosure. The disclosure so far includes first hand witness accounts concerning the poisoning.

11. In addition to this vast disclosure exercise, the Verbasco Team have been working closely with the ILT in producing a detailed “statement of events” which sets out a chronological account and which cross-refers to significant documents for the Inquiry’s consideration. The production of this document has (with the agreement of the ILT) taken some reviewers away from the Scheduling exercise but it is anticipated that this will be an important resource for the Chair and the ILT to draw on in order to make targeted requests under Rule 9 of the Inquiry Rules 2009 (“**Rule 9 requests**”).

Proposed Disclosure Timetables

12. The Verbasco Team will continue to schedule documents and provide documents to the HMG Disclosure Team. The Verbasco Team cannot bind the HMG Disclosure Team to a particular deadline for Stage 1 disclosure thereafter and anticipates that the HMG team will wish to address this in submissions.
13. The Verbasco Team considers that a realistic estimate for completing the Scheduling of circa 55,000 documents is the end of this year. However, the Team has already committed to conducting the final stage of review (i.e. when documents have been identified as relevant by the ILT; considered by the HMG Disclosure Team for security redactions; and then returned to the Verbasco Team for final review) on a rolling basis, with the final review taking no longer than 4 weeks after receipt by the Verbasco Team of each tranche of documents.

Proposed ‘Statement of Events’

14. Perhaps most significant for the Inquiry’s targeted requests will be the completion of a “statement of events”. At present, the ILT has asked that this take the form of a witness statement. For good reason, no member of the Verbasco Team can currently be asked to sign a statement of this nature because the review of

underlying documents has not been completed. The witness will have to be given the opportunity to ensure the accuracy of such a significant piece of work before attaching their name to it (verified by a statement of truth).

15. The Verbasco Team therefore proposes that the statement of events be submitted in the form of a report, which can be exhibited to a statement from a suitable senior officer from the Verbasco Team in due course. The report (together with the supporting documents, subject to their completion of Stage 1 disclosure through the HMG Disclosure Team) can be submitted to the Chair before the summer vacation. In the meantime, the ILT continue to review drafts and the Chair is welcome to view the report prior to its completion should it be helpful to provide reassurance as to the progress that is being made.

Restriction Orders, Anonymity and Special Measures

16. The Verbasco Team considers that progress can be made whilst the disclosure process is ongoing, in particular relating to anonymity and special measures.
17. As set out in earlier submissions, applications for anonymity and special measures will likely protect the following broad categories:
 - a. The identities of security sensitive staff in circumstances where disclosure would damage the police's ability to investigate counter terrorism and counter espionage matters (and have implications for the safety of those individuals and their families).
 - b. The identities of certain witnesses involved in any associated criminal investigations and prosecutions, both in the interests of the safety of those individuals and their families and in order to protect the interests of justice (interference with witnesses).
 - c. The identities of certain other witnesses, both in the interests of the safety of those individuals and their families and in order to ensure broader public

confidence in the police's ability to protect the public by effectively investigating terrorism and espionage offences.

18. The following timetable was proposed at the PIR in September 2021:

- a. Individuals who have provided witness statements are to be written to within two weeks of the ILT confirming that the statement is relevant. This two-week period is necessary in order to conduct enquiries to confirm that the person still resides at the address that is held by police.
- b. The individuals are then given a two-week period to respond and provide their position in respect of anonymity and special measures.
- c. The Verbasco Team will then require a two-week period to consider the response and to assess whether any such applications should be supported.

19. The timetable above provides that there will usually be a maximum period of six weeks between identification of the relevant statement and indication as to whether an application for anonymity or special measures will be made. In practice there have been some cases where additional time has been required due to, for example, the witness being abroad.

20. By way of an update to the above, 301 witnesses have been contacted and 276 of those witnesses have already responded. Only two witnesses have so far confirmed that they would like to seek anonymity and these are supported by the Verbasco Team. A further nine are in further discussions regarding anonymity. There are a very small number of other special measures applications currently anticipated. These applications can be made before the end of the Trinity Term.

21. With regard to applications for Restriction Orders and any anonymity applications which concern police officers from Counter-Terrorism Policing, a significant proportion of the sensitivities will overlap with (and be addressed in) the

applications from the HMG team. There will be a narrow additional application on behalf of the Verbasco Team which is likely to cross-refer to the application by the HMG team and can be made at the same time.

Closed submissions

22. The Verbasco Team will file a brief CLOSED annex to these submissions identifying the categories of information which will be covered by applications for Restriction Orders made by the Verbasco Team and greater particularity in respect of the types of CLOSED material that is held. It will also deal with details of the disclosure process which cannot be dealt with in OPEN.

Core Participants

23. The Verbasco Team made the following submission in advance of the Pre-Inquest Review which was due to take place on 17 December 2021:

“The MPS and TVP agree that it would be sensible to designate existing Interested Persons as Core Participants (subject to their agreement) and both police forces agree to their own separate designation. Neither the MPS nor TVP will be applying for funding under s.40(1) of the Inquiries Act 2005.”

24. There is no change to this position.

Conclusion

25. The Verbasco Team will continue to work hard to ensure that significant progress is made. It proposes initial directions as follows:

- a. Any applications for anonymity and/or special measures in respect of any witnesses who have so far been identified are to heard not later **29 July 2022**.

- b. A detailed chronological account in the form of a CLOSED report which, subject to HMG's completion of stage 1 disclosure, includes supporting documents is to be filed with the Inquiry not later than **29 July 2022**.
- c. All documents held by the Verbasco Team are to be Scheduled by **21 December 2022**.

For the MPS

Lisa Giovannetti QC

Julian Blake

Ruby Shrimpton

For TVP

Jason Beer QC

John Goss

18 March 2022