

INQUIRY INTO THE DEATH OF DAWN STURGESS

JOINT NOTE OF THE METROPOLITAN POLICE SERVICE

AND THAMES VALLEY POLICE

IN RESPONSE TO CTP'S NOTE OF 10.06.22

INTRODUCTION

1. This OPEN Note is prepared in response to the CLOSED note prepared by CTI (“CTI’s Note”) dated 10 June 2022, which invited further information from Op Verbasco on a small number of points.
2. In this Note we address paragraphs 4(a) – (d), 6 and 7 (a) – (d). Other matters arising from CTI’s Note will be addressed in our CLOSED document. For ease of reference, we adopt the headings used by CTI.
3. We are aware that Her Majesty’s Government (“HMG”) is preparing OPEN and CLOSED documents in response to CTI’s Note. We anticipate that these documents too will assist the Chair determining our application.

REQUESTS FOR CLARIFICATION

4. In **paragraph 4**, CTI seeks clarification of how the category of “CTP staff” is to be ascertained. Op Verbasco confirms that, in seeking anonymity for CTP staff, it intends the phrase to include police officers and police staff who fit one of the following categories:
 - a. Those who worked in CTP at the time of their involvement in events relevant to the Inquiry, and continue to do so; and
 - b. Those who worked in CTP at the time of their involvement in events relevant to the Inquiry, and who no longer do so (either because they now undertake a role elsewhere or because they have retired).

5. The first category above includes those currently staffing Op Verbasco but who had no first-hand involvement in the events with which the Inquiry is concerned. For example, anonymity is sought for Op Verbasco officers who prepare reports about the actions of others for the Inquiry.
6. In response to the other specific questions in **paragraph 4(a)** of CTP's Note:
 - a. Our current understanding is that TVP and the MPS did not deploy any officers on the investigation who were not CTP staff or temporarily attached to CTP. Therefore the application does include all MPS and TVP officers who feature in the Inquiry's documents, save for those who are avowed.
 - b. There may be officers who were seconded to CTP and CTPSE from forces other than the MPS and TVP who would come within the application, but we have not identified any in the documents reviewed to date.
7. In response to **paragraph 4(b)**, Op Verbasco confirms that the definition would extend to CTP staff who have been publicly linked with the 2018 events but who have not been avowed by CTP. It is not possible to explain the basis for this, or give any examples, in an OPEN document. This is addressed in our CLOSED document.
8. In response to **paragraph 4(c)**, Op Verbasco is currently working to prepare a list of CTP staff who were involved in the events of 2018 and who have been publicly linked to those events. This list will identify those who have been avowed and those who have not. We cannot prepare an OPEN version of this list: to draw attention to the names of those who have not been publicly avowed would be to bring about the very harm which the application is designed to prevent.
9. In response to **paragraph 4(d)**, the Inquiry's understanding is correct. If the application is successful, Op Verbasco proposes to apply ciphers to documents and provide the ILT with electronic OPEN copies to be disclosed to CPs. The ILT will have access, by a mechanism to be agreed, to the names of all CTP staff, which the ILT may hold under appropriate security conditions.

REQUESTS FOR FURTHER EVIDENCE/ SUBMISSIONS

10. In response to **paragraph 6**, Op Verbasco has already said all it can in its OPEN Damage Assessment and supporting OPEN documents. We do not consider that the national security risk which arises in respect of CTP staff can be read across to staff of our other organisations generally.
11. However, points such as those at paragraph 14 of our OPEN Damage Assessment, in respect of Russia's suspected intimidation of lawyers representing victims of Malaysian Airlines flight MH17, do have some relevance to other participants in this Inquiry. It is of course a matter for those participants whether they wish to invite the Chair to grant restriction orders.

OPENING UP REQUESTS

12. In response to **paragraph 7(a) and (b)**, Op Verbasco defers to HMG. We understand that HMG is providing detailed responses in respect of these matters.
13. In response to **paragraph 7(c)**, Op Verbasco considers that the risks which have prompted its application would not be adequately met by any of the mechanisms identified in that subparagraph. We address this in detail in CLOSED. Our reasoning in CLOSED includes the following points:
 - a. That providing hard copies of numbered documents to Core Participants and/or their legal representatives, with further more particular undertakings as to how those documents are to be held and used, would be impractical if not impossible. It would require recipients of the documents to mirror security arrangements which are in place at specially designed sites where such material is routinely held. It would put a disproportionate burden on police resources to assess the arrangements which are in place;
 - b. That it would entail non-vetted individuals having access to substantial volumes of security sensitive information, without the assurances which national security vetting provides; and
 - c. That, if there were to be any disclosure in breach of conditions, inadvertent or otherwise, it would not necessarily be possible for this to either be identified or

mitigated. Mitigation measures taken after the fact would unlikely be sufficient to manage the risk to national security.

14. In response to **paragraph 7(d)**, Op Verbasco considers that bulk access to all documents by Core Participants and/or their legal representatives, is also impractical. Again, we address this in detail in CLOSED. Our reasoning in CLOSED includes the following points:
 - a. That it would require Op Verbasco to facilitate potentially regular and lengthy access, at security sensitive locations and in secure environments, to documents. This would involve a disproportionate use of police resources; and
 - b. We repeat paragraph 13(b) above. That it would entail non-vetted individuals having access to substantial volumes of security sensitive information, without the assurances which national security vetting provides.
15. In any event, in respect of **subparagraphs (c) and (d)**, there is little public interest in the names of CTP staff being revealed to CPs.
 - a. First, given that Op Verbasco has agreed to cipher the name of every potentially relevant individual in the documents which will be provided to CPs, there is very little relevance in the names themselves.
 - b. Secondly, ciphers allow CPs to make connections across the documents and to understand which individual is referenced by the evidence.
 - c. Thirdly, this application does not extend to CTP staff who will be called as witnesses. Op Verbasco will consider separately, in respect of those individuals, whether applications fall to be made. The Chair will be invited to consider any such applications individually.
 - d. Finally, given that the ILT will have access to documents containing all real names, CPs can be satisfied that there are no mistakes in the ciphering.
16. However, in respect of **paragraph 7(d)**, Op Verbasco makes this proposal: if a CP wishes to make a reasoned request for access to a specific name, Op Verbasco shall give proper

consideration to whether such access can be facilitated without the individual needing to make an application to the Chair.

Counsel for the Commissioner

**Lisa Giovannetti QC
Aaron Moss
Dan Mansell
Ruby Shrimpton**

Counsel for the Chief Constable

**Jason Beer QC
John Goss**

27 June 2022