

**THE INQUIRIES ACT 2005
BEFORE THE RT. HON. LORD HUGHES**

PUBLIC INQUIRY INTO THE DEATH OF:

DAWN STURGESS

**SUBMISSIONS OF
THE CHIEF CONSTABLE OF WILTSHIRE POLICE
FOR THE DIRECTIONS HEARING on
15 July 2022**

Introduction

1. This matter is listed for a Directions Hearing on 15 July 2022. These submissions made on behalf of the Chief Constable of Wiltshire Police (“Wiltshire Police”) address items 1 (Disclosure Process), 2 (Restriction Order applications in respect of names) in the agenda circulated by STI on 13 June 2022.

Disclosure

2. Wiltshire Police continues to follow the disclosure process as developed by Operation Verbasco (the disclosure operation being run by the Metropolitan Police Service (“MPS”) and Thames Valley Police (“TVP”)). That process is set out in the MPS and TVP joint written submission dated 8 September 2021 at [6].
3. Wiltshire Police’s submissions dated 18 March 2022 set out the steps that it had taken since December 2021 at [6]. Since March 2021, the following progress has been made by Wiltshire Police against the stages of the disclosure process:
 - a. **Stage 1 is the scoping for and retrieval, basic indexing and auditing of potentially relevant documents in the control of Wiltshire Police.** To date, c.6,800 documents have been retrieved. Wiltshire Police estimates that a further c.9,000 documents will need to be considered at Stage 1. These documents are being organised into tranches so that they can be prioritised based on material which is likely to be of greater relevance / interest before being put through the Operation Verbasco process and ultimately disclosed to the ILT. The tranches were set out in Wiltshire Police’s 18 March 2022 submissions at [6].

- b. **Stage 2 is the uploading of the documents that pass Stage 1 onto CT HOLMES and the indexing of those documents on CT HOLMES.** To date, c.4,300 documents have been uploaded to onto CT HOLMES. That work was kindly undertaken by Operation Verbasco because Wiltshire Police did not have a CT HOLMES server. Wiltshire Police requested a CT HOLMES server from NCTPHQ in October 2021. Unfortunately, it has not yet been delivered. This means that Wiltshire Police is unable to put c.2,500 documents (and counting) through Stage 2, which ought to be done before they can progress to Stage 3. NCTPHQ have recently informed Wiltshire Police that the expected lead time for delivery of the CT HOLMES server is two to three weeks. Once the server is delivered, installation and set-up will take a few weeks to complete.
- c. **Stage 3 is the scheduling and categorisation of documents on the a specific secure network.** To date, Wiltshire Police has scheduled c.5,459 documents. This includes documents that have not gone through Stage 2, which is suboptimal, but the continued delay at Stage 2 was deemed by Wiltshire Police to be unacceptable in terms of progressing its disclosure obligations to the Inquiry. The following categorisations have been applied:
- (i) Category A – 3,150 (non-sensitive police material);
 - (ii) Category B – 278 (third party material);
 - (iii) Category C – 1,993 (sensitive police material);
 - (iv) Category D – 0 (foreign material);
 - (v) Category E – 38 (legal material).
- Wiltshire Police requested five additional terminals linked to the specific secure network in October 2021. Unfortunately, these have not been delivered. This limits the pace at which Wiltshire Police can prepare schedules and categorise documents on the specific secure network, which must be done before they can progress to Stage 4. NCTPHQ have recently informed Wiltshire Police that the five additional terminals will be installed in the week commencing 4 July 2022.
- d. **Stage 4 is the National Security Assurance Process, which involves uploading the documents onto a secure system so that they be reviewed by the HMG Disclosure Team.** None of Wiltshire Police’s documents have gone through Stage 4. In order to upload documents onto the secure system (i) the member of staff must have DV clearance; (ii) they must have a ‘desk account’; (iii) they must have access to a

‘material folder’; and (iv) they must be able to access secure terminals (not located in Wiltshire) in order physically to upload the documents. NCTPHQ grant (ii) – (iv). Wiltshire Police has obtained DV clearance for 7 members of staff. Desk accounts have been provided by NCTPHQ for those 7 members of staff. Access to ‘material folders’ has not yet been set up by NCTPHQ. This has been escalated with the relevant head of department in NCTPHQ and the relevant access is anticipated to be set up imminently. In any event, Wiltshire Police was only able to arrange restricted access the limited number of the secure terminals because they were being used by Operation Verbasco to upload their documents to meet an Inquiry deadline.

e. **Stage 5 is disclosure to STI.** No documents have been disclosed by Wiltshire Police to STI to date. Wiltshire Police does not know when any of the outstanding steps set out at Stages 2, 3 and 4 above will be completed beyond NCTPHQ’s lead times. Even with respect to its documents that have passed through Stage 3, Wiltshire Police is unable to predict when they will pass through Stage 4 for disclosure to the ILT at Stage 5. That is because (assuming access to ‘material folders’ is set-up imminently) it is not known (i) what capacity there will be for Wiltshire Police officers to access the limited number of secure terminals onto which the documents must be uploaded; and (ii) once the documents are uploaded, how swiftly the HMG Disclosure Team will be able to review them in light of the demands on its resources.

4. Wiltshire Police is doing everything in its control to progress its material through the Operation Verbasco process as quickly as possible and remains grateful for the assistance of Operation Verbasco and the constructive dialogue it has had with STI.

Restriction Orders applications in respect of names

5. Wiltshire Police raises no objection to the Restriction Order applications in respect of names made by Her Majesty’s Government and Operation Verbasco.

6. It does however raise the issue of how the potential risk to Wiltshire Police officers and staff named in documents to be disclosed to STI by Wiltshire Police and other Core Participants will be addressed in light of HMG’s application.

7. Leaving aside any officer(s) in respect of whom Restriction Order application(s) will be made at the appropriate time based on their individual circumstances, no general application is

made by Wiltshire Police for a Restriction Order over the names of officers / staff involved in the police operations that come within the scope of this Inquiry's terms of reference. That is because Wiltshire Police has no damage assessment suggesting that those officers / staff are at a general or specific risk from the Russian State.

8. HMG's submissions dated 21 June 2022 (in response to CTI's request dated 10 June 2022) make it clear at [2] that their application:

“...is intended to apply to all staff and former staff, with the specified exceptions set out in paragraph 2 of the OPEN application of HMG. The definition of "HMG staff" includes military personnel and reservists; and staff employed by any agency linked to a central government department (or departments). The definition excludes local government staff and emergency services personnel. The key distinction is that HMG staff are or were employed by a national government body of some sort; those excluded from the definition are or were employed by local or regional bodies.”

9. It follows that:

- a. HMG's application does not cover police officers (counter-terrorism police officers are dealt with in Operation Verbasco's application).
- b. HMG's application covers all military personnel and reservists, regardless of the sensitivity of their role and/or their access to sensitive material.

10. In its submissions a [9] – [11] HMG has considered whether the risks that it has identified in respect of its own staff might apply similarly to others such as police officers (who are not counter-terrorism police officers). HMG's states at [11] that:

“HMG assesses that those individuals who could not reasonably be expected to have knowledge or access useful to Russia are less likely to be targeted than those that do.

...

Whereas HMG staff or CTP officers that work with, or have worked with, UKIC on policy and/or investigations linked to Russian actors are more likely to be targeted.”

11. Notwithstanding the lesser risk in respect of those in the first category at [11], HMG still applies for a Restriction Order over all “HMG staff” as defined above, including all military personnel and reservists.

12. It is not immediately apparent how a Wiltshire Police officer who does not have heightened security clearance or a specialist role (and who does not work with, or has not worked with, UKIC on policy and/or investigations linked to Russian actors) is in a materially different position to a soldier or reservist of whom the same could be said. This is relevant because

(for instance) the 'clear-up' operation was conducted by Wiltshire Police officers and soldiers performing materially the same task.

13. If the Chairman is minded to grant HMG's application for a Restriction Order in respect of names covering all HMG staff after hearing CLOSED submissions, the Chairman is respectfully asked to be astute to ensure that the risk that has driven him to make that Restriction Order does not apply similarly to all Wiltshire Police officers / staff . If the Chairman is in any doubt as to whether that risk does apply similarly to Wiltshire Police officers / staff, he is respectfully asked to invite (i) further submissions from HMG; and (ii) an application for a Restriction Order from Wiltshire Police.

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