

INQUIRY INTO THE DEATH OF DAWN STURGESS

JOINT SUBMISSIONS OF THE METROPOLITAN POLICE SERVICE AND THAMES VALLEY POLICE FOR THE PRELIMINARY INQUIRY HEARING ON 11 NOVEMBER 2022

INTRODUCTION

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 an OPEN directions hearing to be held on 11 November 2022. Together, the two police forces, through SO15 and CTPSE, are responsible for Op Verbasco. They respond to matters raised in the written submissions of Counsel to the Inquiry (“CTI”) dated 17 October 2022, by reference to the headings used by CTI¹.

DISCLOSURE UPDATE

2. Op Verbasco welcomes, and agrees with, the observation of CTI at §7 that since the last hearing, significant progress has been made in speeding up the Stage 1 disclosure exercise.
3. By way of further update, Op Verbasco anticipates that by the time of the 11 November hearing, it will have provided 28,885 items² to the Inquiry by way of Stage 1 disclosure.
4. The following numbers of items have been provided to the Inquiry since the July hearings:

Date of provision	Number of items
Subtotal pre July 2022 hearings	5331

¹ Headings have not been included where Op Verbasco does not currently propose to make submissions.

² The terms “items” and “documents” have sometimes been used interchangeably. However, in order to avoid misunderstanding, they should be distinguished. An “item” equates to material to which a single unique reference number (“URN”) has been allocated by Op Verbasco in the scheduling process. This may be a group of documents (e.g. an e-mail plus attachments). Conversely, a number of items (such as a series of log entries, each of which is a separate electronic file) may sensibly and conveniently be collected together to form a single document. The URN is used to track each item through the disclosure process: for example, the material provided to the ILT by way of Stage 1 disclosure is accompanied by a spread sheet, listing each item by reference to its URN.

15 August 2022	4,907
16 September 2022	5,000
14 October 2022	8,647
To follow these submissions, before 11 November 2022	5,000
Total	28,885

5. At §12 of their submissions, CII invite Op Verbasco and HMG to indicate when the provision of material to the Inquiry will conclude. Op Verbasco remains on target to meet the “realistic estimate” it provided in March 2022³ of having scheduled 55,000 items by the end of the year.
6. However, since that date, further potentially relevant material has been identified, and the estimated total has increased to approximately 60,000 items. 48,336 of these items have been scheduled and Op Verbasco anticipates it will be able to complete *all* scheduling by the end of February 2023, whilst continuing to provide items to the Inquiry at a regular rate for their consideration.
7. As CII’s submissions observe, there has been close liaison to ensure the ILT is kept informed about the progress of disclosure, including regular meetings between counsel for Op Verbasco and the ILT. Op Verbasco is, of course, content to provide further written updates to the Inquiry as Stage 1 disclosure progresses, as suggested at §12 of the CII’s submissions, if that would be of assistance.

‘THE WAY AHEAD’

Restriction Order Applications

8. Op Verbasco notes the outline proposal set out at §18 of CII’s submissions and welcomes CII’s proposal for informal discussions with CPs prior to the hearing. Indeed, Op Verbasco anticipates that it may be in a position to make a relatively comprehensive application for

³ See written submissions of 18 March 2022 (albeit framed in the language of “documents” rather than “items”).

restriction orders in the near future, which would enable the Inquiry to make good progress on disclosure to CPs.

9. For the July 2022 hearings, in compliance with the Chair’s direction, Op Verbasco provided a position statement (in OPEN and CLOSED versions) on restriction orders which it anticipated making. Since those hearings, work on those anticipated applications has continued. In its OPEN position statement, Op Verbasco explained that it would be necessary to protect certain aspects of police methodology and tactics in respect of the investigation of matters of national security. It has now consulted with a significant number of police teams and departments, so as to understand the variety of sensitivities which are expected to arise in the documents. It has thus been able to begin working on an application which is intended to cover the full range of those sensitivities. Whilst it is possible that further applications are required, Op Verbasco’s intention is to make a single over-arching application insofar as this is possible.
10. At a recent meeting, members of the Op Verbasco counsel team were told by CTI of their proposal for restriction order applications to be made over a sample set of documents. Op Verbasco supports this proposal because it will allow the disclosure process to progress more efficiently, without the need for wide scale temporary redactions (pursuant to Rule 12 of The Inquiry Rules 2006). Op Verbasco trusts that its intention to make one over-arching application will be welcome news to the Inquiry.
11. Although the preparation for such an application is well under way, there is still a substantial amount of work to be done before the application can be made, including liaison with each of the “equity holders” within policing, so as to ensure that the scope of the application accurately reflects the underlying sensitivities. This is necessarily a time-consuming process, requiring extensive and detailed input from senior officers across various forces and commands.
12. Op Verbasco will identify documents over which this application will be made (“Sensitive Documents”), to ensure that the Chair can consider proper examples of the way each security sensitivity arises.
 - a. Wherever possible, Op Verbasco will select these Sensitive Documents from documents which the Inquiry has already identified as relevant for disclosure to CPs. If there is not such a document within that class of relevant documents, Op Verbasco

proposes that it will identify a document from the class of documents which the ILT has not yet reviewed for relevance.

- b. Where Op Verbasco proposes to make an application for a restriction order in respect of Sensitive Documents which are from the unreviewed class, it will invite the ILT to consider those Sensitive Documents for relevance before it issues the application.
13. It would not be an efficient use of Op Verbasco's time, or the Inquiry's time, for applications to be made in respect of documents which the Inquiry later identifies as not being relevant.
14. Before an application is issued, Op Verbasco would welcome the opportunity to provide a draft to the ILT and to discuss the approach adopted, including instances where it may be possible to gist or summarise material, so as to provide as much information as possible to other CPs consistently with protecting sensitivities.
15. Op Verbasco anticipates being in a position to provide a draft application to the ILT in late January 2023 and would hope to be able to meet with the ILT shortly thereafter, with a view to filing the application, in OPEN and CLOSED versions, during February 2023.

Restriction Order Applications in respect of Names

16. In his Ruling dated 19 August 2022 the Chair indicated that he anticipates making a restriction order preventing the disclosure of the names of police Counter-Terrorism officers and staff, whether still working in that capacity or not, save for those who are called as witnesses.
17. Accordingly, Op Verbasco is proceeding with the redaction exercise on the basis that such an order will be made, and is applying ciphers accordingly.

VENUE FOR SUBSTANTIVE HEARINGS

18. Op Verbasco will, of course, do everything in its power to ensure that, wherever the hearings take place, it provides its full support to the Inquiry.
19. Prior to receipt of CTT's written submissions, Op Verbasco had (for its own planning purposes) begun to consider the possibility of its officers, solicitors and counsel participating in the evidential hearings in Salisbury.

20. The nature and extent of the national security concerns which arise in the context of this Inquiry⁴ necessitate extensive and carefully developed security arrangements. These arrangements come at a significant time-cost and expense, and maintaining the security of sensitive material which is required in the environs of the OPEN hearings will not be without its challenges, whether those hearings are held in London or Salisbury.
21. However, and without going into detail in this OPEN document, Op Verbasco can confirm that if the Inquiry were to adopt one of the options identified at §30 (b) or (c) of CTIs submissions, and all or most of the OPEN hearings were to be held in London with a video link to a venue in Salisbury, this would negate the need for many of the expensive arrangements which Op Verbasco anticipates would be required should all of the OPEN hearings be held in Salisbury.
22. Accordingly, Op Verbasco's preference is that the OPEN hearings are in London. Op Verbasco recognises that this is just one factor which the Chair will consider alongside factors such as the way in which the family of Dawn Sturgess wishes to engage in proceedings.
23. If it would assist the Inquiry, Op Verbasco can provide a CLOSED note or CLOSED oral submissions on the sorts of measures which it envisages putting in place if the OPEN hearings are held in Salisbury. Op Verbasco does not consider that this necessitates a CLOSED hearing, and does not have any other CLOSED submissions it wishes to make.

CONCLUSION

24. Op Verbasco is committed to continuing to work closely with the ILT and HMG to ensure that the disclosure process continues at pace, so that the evidential hearings may commence as soon as practicable.

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31 October 2022

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⁴ to which CTI refer in their written submissions at §6.