

**INQUIRY INTO THE DEATH OF DAWN STURGESS**

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**OPEN NOTE OF ISSUES RAISED IN CLOSED**

**PRIOR TO THE OPEN HEARING OF 24 MARCH 2023**

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1. CTI, Op V and HMG made oral and written submissions limited to the Restriction Order (RO) process and procedural directions based on the core issues identified in CTI's note. At the hearing, CTI reminded the Chair of the family's written submissions. This note sets out OPEN issues which were ventilated during the CLOSED submissions.
2. HMG submitted that:
  - a. It was unlikely that Stage 2 disclosure would be completed before the summer of 2024.
  - b. A core group of HMG officials and lawyers are doing the vast majority of HMG's work in relation to the Inquiry. The HMG staff within that core group have a high level of security clearance and a detailed knowledge of the subject matter that is required to work on the most sensitive issues. That same core group would be involved in drafting HMG witness statements, as well as drafting the damage assessments for the RO applications. A focus on one area would inevitably impact the timescales for other areas of work.
  - c. The sensitivity assessment process was working and HMG was able to review large quantities of material that enabled documents to be released to the Inquiry in a way that protected these sensitivities. However, the risk of oversights being made by officials and lawyers if they were required to review large quantities of material at an accelerated pace, and the need for a very careful and methodical process to mitigate this risk was real, and necessitated a process with an inbuilt secondary review. Without this secondary review, oversights may not be identified in future if insufficient time was allowed for this process.
  - d. HMG understood that ILT's preferred approach would involve HMG making a RO application in respect of all of the HMG June 2022 disclosure, the draft police report and underlying documents and the Batch 1 documents, and providing with the application a marked-up version of every document, identifying proposed redactions and gists.
  - e. This would be a hugely time-consuming task and would almost inevitably involve

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work that either had to be re-visited or turned out to be unnecessary. Instead, HMG asked the Chair to rule on an RO application based on categories of sensitivity and sample documents. HMG would also be immensely assisted by a CLOSED list of issues from ILT. HMG would then be able to use that ruling and list to inform the drafting and redaction of all HMG documents and witness statements. HMG hoped that this approach would enable ILT and HMG to agree the vast majority of necessary redaction or gisting, without need for the Chair to consider at any stage the line-by-line redaction of a large quantity of material.

- f. The police report was currently in draft form. The intention was that sensitive information could be gisted and placed within the report. It would be an inefficient use of time for it now to redact parts of the police report and related documents, when the text of the report was certain to change and many of the documents may end up being gisted in the report and not themselves disclosed at all.
- g. Another relevant factor was the need for any sensitive witness statements to be drafted and finalised before any RO application can be made in respect of them. These statements were likely to be used as substitutes for substantial quantities of documents, and so their use was likely to save significant time overall. But it was nevertheless likely to be several months before HMG was in a position to make RO applications in respect of these statements.
- h. In addition to the special measures required to protect HMG witnesses at the hearings, as the final hearing approaches, HMG would need to make additional RO applications to cover:
  - i. the handling of material subject to the Restriction Notice;
  - ii. the venue for any hearing that considers material subject to that Notice;
  - iii. the identities of those from the Inquiry, HMG and police teams who were permitted to attend each CLOSED hearing;
  - iv. the recording of CLOSED hearings;
  - v. the venue and timing of each CLOSED hearing.
- i. While it was very difficult at this stage to provide an accurate time estimate, these steps were likely to take at least three months from the time at which ILT identified the witnesses who were to be called, and the issues/documents that were to be the subject of each hearing

3. The issues discussed included:

- a. Whether the first round of the RO process could be completed in May or July 2023. HMG agreed that its part of the RO process could be completed and redacted documents provided to the Inquiry for stage 2 disclosure by April 2024.
- b. There were discussions about the police report and it was agreed that this was an evolving draft. There was an agreement that the underlying documents could be the subject of the first round of the RO process.
- c. HMG and Op Verbasco proposed that their RO applications should not follow the Inquiry's RO protocol. Rather, there would be no disclosure of any unredacted material accompanying the application. The Chair would consider OPEN submissions on the application. Then the proposed redactions in CLOSED, before ruling on the redactions and the sensitivities. HMG proposed that there would not be any

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immediate disclosure of the documents to core participants including the family once the Chair had made his ruling. CTI reminded the Chair of various aspects of the family's submissions including that the RO applications be made pursuant to the Inquiry's RO Protocol.

