

UNDERCOVER POLICING INQUIRY

Note in respect the Chairman's guidance note on Risk Assessments dated 20 October 2016

This note has been provided to assist in understanding the Chairman's guidance note on preparing risk assessments in support of restriction order applications for police officers. The Chairman's note has been prepared in order to ensure that those undertaking risk assessments do so in a way that best assists the Inquiry. The [Chairman's note](#) on this topic is the only authoritative document.

Introduction

1. The Chairman's guidance note on risk assessments relates to applications for restriction orders for police officers; it follows the initial approach taken by the Metropolitan Police Service in proposing that 'Jaipur' and 'Karachi' undertake risk assessments, and seeking anonymity from them. Following concerns raised by the Inquiry and by the non police, non state core participants the Metropolitan Police Service has withdrawn 'Jaipur' and 'Karachi' as risk assessors. Restriction orders are determined in line with the legal principles set out in the Chairman's [Ruling of 3 May 2016](#).
2. The Chairman's guidance note does not seek to be prescriptive as to the future. The note reiterates that the Chairman will attach due weight to an assessment of risk of harm or damage where that assessment was made by police officers who had the experience and expertise to make it. However the Chairman is concerned that processes should be manageable and not be unreasonably protracted. The Chairman's note states that in drawing together the evidence supporting a restriction order, strategic thought needs to be applied and to avoid delay. The Chairman will not give applicants repeated opportunities to improve an application where the application is unmeritorious or unsupported by evidence.

Risk Assessments

3. The Chairman's guidance note sets out what he would find helpful from those submitting risk assessments:
 - Evidence: The source of material should be provided to the Inquiry, along with the form in which it was supplied. Copies of the evidence used to support an assessment should be annexed to any risk assessment.
 - The Inquiry must be provided with material showing evidence and assessment of any present risk, as well as evidence and assessment of any future risk, should the restriction order sought not be made.

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- Risk assessments should provide, if possible, a differential evaluation of risk. It should not be assumed that the application will succeed or fail in full and a risk assessment needs to provide sufficient information on the implications of a lesser restriction order.
- Material provided in support of a restriction order needs to be complete - that is, it should provide the Inquiry with any information that is already in the public domain; this is particularly pertinent if the risk assessment is seeking to make an argument that not making the restriction order would complete the 'jigsaw'.
- The risk assessment needs to be clear on the source of risk (for example, is it specific or general)? What is the causative link between the disclosure of information and the realisation of the risk? Is the risk real and immediate?
- Expectation of confidentiality does not of itself have a place in a risk assessment. However, if the applicant relies on a personal expectation of confidentiality, the Inquiry should be provided with evidence from the applicant of their personal grounds for the expectation.
- Risk measurement need to be reconsidered as the current model being used does not provide sufficient evidence to help make a decision; definition of terms used for risk measurement are required to bring consistency to the process and to provide information about the factors that led to the conclusion being proposed.