

Title:	N321 - Risk Assessment - Gisted
Summary:	N321- Assessment of risk in the event of identification during the Undercover Policing Inquiry (UCPI)
Relevant to:	UCPI
Author:	David Reid
Peer Reviewer:	Kevin Shanahan
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Security level:	Official

PURPOSE;

This risk assessment has been prepared in relation to the Undercover Policing Inquiry, and concerns the officer known as N321.

The purpose of the document is to provide an objective assessment of the creation of or increase in risk to N321 and third parties if information is disclosed by the Undercover Policing Inquiry (UCPI) which directly or indirectly leads to the identification of N321 as a former undercover police officer (UCO). The report covers the situation in relation to both N321's pseudonym and real identity if details became known.

DATE OF DOCUMENT;

06 – 03 – 2017

A risk assessment is a 'snap shot' in time. New information received, or a change in circumstances, could raise or lower the risk. It is therefore appreciated that assessments require regular monitoring, and may require updating.

AUTHOR;

The author of this risk assessment is David Reid (CV at Appendix 'A')

It has been peer reviewed by Kevin Shanahan (CV at Appendix 'B')

THE PROCESS ADOPTED;

There are a number of methods used in the assessment of risk. The process adopted in the production of this report is set out in Appendix 'C'

The terms are defined in Appendix 'D'

The risk assessment includes the sources of the material as requested by the Chairman of the Inquiry (Risk Assessments – note to core participants - paragraph 11). A copy of the material is annexed to the assessment (paragraph 12). The risk assessors are aware of the contents of that direction, and note the Chairman's need for evidence and assessment of present risk, as well as future risk should the restriction order not be made (paragraph 17). They also note the comments re differential risk in terms of disclosure of the undercover identity (paragraph 18), and specifics around how the 'jigsaw' could be completed (paragraph 19).

The reports are structured to include all of the areas covered by the Chairman in his note dated 20th Oct 2016, specifically in paragraphs 29 and 30.

LIMITATIONS ON THE RISK ASSESSMENT PROCESS AND GENERAL COMMENTS;

There are a number of limitations placed on the process, either due to time constraints, or in compliance with directions given by the Inquiry. This includes the parameters set for researching subjects or organizations that may present an ongoing risk to the former undercover officer. These limitations are set out in Appendix 'E'

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1. **REAL IDENTITY**

Real name and date of birth

Cover name

From this point the officer is referred to as N321.

2. **SUMMARY**

Dates of deployment and group(s) infiltrated.

Details of later police career.

Whether or not N321's deployment is in the public domain.

Current age and location

3. **SUMMARY OF OFFICER'S LIFE PRE-DEPLOYMENT**

3.1 **Life before joining MPS**

Place and date of birth, family details

Details of education and career prior to joining the MPS

There is nothing from this period that affects the current risk assessment

Marital status at time of joining the MPS. Age at and date of joining the MPS. Warrant number.

3.2 **Police career history pre-UCO role**

N321 was posted to a **division on a date** upon completing training school. **Location of first posting.** N321 was then posted to SO12 (Special Branch) having been nominated by N321's Detective Inspector.

There is nothing from this period that affects the current risk assessment

3.3 **Recruitment to UCO role**

N321 was posted to SDS in **year**

N321 received no training and no psychometric testing. N321 was told that N321 needed to gather intelligence, but the senior officers left it to the squad members to work out their own approach. There was no particular methodology advocated by officers and N321 simply used whatever techniques looked the most promising. To a certain extent the approach had to be tailored to the group that were to be penetrated.

Discussion

3.4 Assurances re future anonymity

This section is limited given the comments of the Chairman as to whether it naturally falls into a risk assessment process.

N321, in a document sent to the risk assessor by email, states *"The Special Branch was a covert entity and while the public knew it existed, its activities were secret. I assumed when I joined the Special Branch that I was not to discuss its activities outside of the service and my expectation of the Branch was that my identity would also be kept secret. I seem to recall that at the induction presentation into the Branch that we were warned that we would have access to secret information and that we were not to reveal that information or even acknowledge that we were members of the Special Branch. This seemed entirely reasonable to me and I have kept faith with that undertaking."*

4. UNDERCOVER DEPLOYMENT

4.1 Dates of deployment

N321 was deployed as a UCO from **dates**

4.2 Main group infiltrated

Discussion

4.3 Peripheral interactions

Discussion

4.4 Covert identity adopted

N321 did not use the identity of a deceased child.

Discussion of covert identity.

4.5 Tasking

Discussion

4.6 Assimilation into the group

Discussion

4.7 Group size

Discussion

4.8 Geographical location(s) based

Discussion

4.9 Cover occupation

Details of cover occupation.

4.10 Compromises or security concerns during deployment

Discussion

4.11 Risk assessments during deployment

Discussion

4.12 Relationships entered into, or other behaviour that could heighten the risk

Discussion

4.13 Arrests

Discussion

4.14 Key associates

Discussion

4.15 Other Undercover officers who would be affected if a restriction order was not issued

Discussion

4.16 Withdrawal / exit strategy

Discussion

4.17 Return to regular policing

Discussion

4.18 Commendations

Discussion

4.19 Support during deployment

Discussion

4.20 Whether N321 is a Core Participant at the Public Inquiry

N321 is not a core participant in the Inquiry.

5. CURRENT SITUATION WITH N321

5.1 Age & current marital status

Discussion

5.2 Current location

Current location

5.3 Family circumstances

N321's family situation. Details of activities since leaving the MPS.

5.4 Subject to any formal investigation

Discussion

5.5 Current employment

Discussion

5.6 Route to work

Discussion

5.7 Role within the community

Discussion

5.8 Their partner's employment

Discussion

5.9 Children

Discussion

5.10 Internet profile

Discussion

5.11 Knowledge of their role amongst family and close friends

N321's immediate family only knew that N321 had a covert role, but not the details.

5.12 Physical health

Discussion

5.13 Psychological health

See section 13

6. CURRENT LEVEL OF EXPOSURE

The Chairman of the Inquiry makes clear that any risk caused by self-disclosure or third party disclosure will be material considerations (Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section A.6)

Information currently in the public domain regarding deployment and identity is as follows:

6.1 Cover name

Discussion

6.2 True identity

Discussion

6.3 Where sourced: online - websites, forums, other social media, print media, TV

Discussion

6.4 Compromises / potential compromises subsequent to posting

Discussion

6.5 Details of pseudonym

Discussion

6.6 Official confirmation regarding deployment and/or identity

There has been no self-disclosure, no court order, no police revelation, and no official disclosure

6.7 Other deployments by the UCO

Discussion

7. INTERVIEW BETWEEN RISK ASSESSORS AND THE FORMER UCO

The risk assessors have not met with N321 because **reason for not meeting N321**. Correspondence has been by e-mail. Copies of all material is in Appendix F.

8. CAUSAL LINK IN TERMS OF COMPLETING A MOSAIC / JIGSAW EFFECT

This section does not intend to prove the existence of the Mosaic effect, but looks at the likelihood of it applying in this case.

8.1 General impact

In general terms, a number of matters can be said.

Firstly, the risk assessors do not assume that the material currently in the public domain represents the totality of the information available. For example, there is evidence that people 'build a picture' before naming a person as an ex-UCO. Therefore the risk assessors cannot reasonably know what other 'pieces of the jigsaw' are required before the full picture is revealed.

Secondly, the risk assessors acknowledge that 'believing' is different from 'knowing'. Assessing how official confirmation of the identity of a UCO impacts upon risk is speculative. The argument is that official confirmation raises the risk as it will increase the efforts to establish the real identity of the officer, and additional time and resources will be put into those attempts. In essence, that would depend upon a number of factors, including the level of certainty with which the person is already exposed. If there is no real doubt that the person was a UCO then official confirmation of that person is unlikely to add to the attempts to identify him or her, as those attempts will have already occurred or be proceeding. However, if the exposure is largely speculative then official confirmation could add significantly to the attempts to discover their real identity.

8.2 Specific impact

Whether or not N321's details are in the public domain. Other discussion.

9. THREAT CONSIDERATIONS

9.1 Current terrorist threat rating.

The terrorist threat level is currently severe.

That is relevant to all officers, but arguably in particular to those ex-SB and Counter Terrorist Command officers whose details become public knowledge.

10. RESEARCH CONDUCTED

10.1 Initial research on HOLMES and Relativity

The individuals and organizations that could be considered to present a risk have been identified from researching the HOLMES accounts for HERNE and PITCHFORD; accessing 'Relativity'; interviewing the officer; and considering other reports as highlighted in the appendices

HOLMES and Relativity hold separate albeit overlapping documentation. All of the material on HOLMES has been reviewed for the assessment, as recorded against their nominal profile. It is accepted there may well be material that is not shown within that profile, particularly generic documents, that could be argued to have relevance to risk. However, given the time scales that apply this is deemed a proportionate search.

Relativity contains a vast amount of material. To check all of the documents would be simply impossible within the time scales, even should fairly restricted search terms be used. As a result there is a reliance

upon the DLS profile that has been prepared from 'Relativity'. The risk assessors do have access to Relativity should further enquiries be required.

The risk assessors have worked through examples to quantify the amount of material. The results of these searches are recorded and have been retained. Should it be felt that the risk assessors should have attempted to review more material in preparing the risk assessments these details can be provided.

10.2 Basic research on individuals (PNC / PND / IIP)

The second phase of the research has been a need to then research those individuals identified during the first phase to see what risk they currently present, as there is often a significant period of time between deployment and the present day.

It needs to be made clear that undercover officers commonly interacted with a large number of people during their deployments. As a result it is not possible to research thoroughly all of the subjects with whom they engaged. The risk assessors have therefore concentrated upon subjects with a known propensity for violence or for disrupting family life, or where the UCO has specific concerns, or where the UCO was particularly close to an individual, or where there is another specific reason to research that person. There is not a blanket intention to research everyone with whom the UCO came into contact, or upon whom they reported.

The main issue here is whether researching only that number reduces the quality of the assessment. In one sense it undoubtedly does because it cannot by definition be such a thorough process. However there is no intent to prove that some UCO's would have reported upon a number of dangerous people during their deployment, some of whom will have criminal convictions. That much is clear from other papers. That situation however would be the same for many police officers who give evidence regularly during their service, often involving serious crime or organised criminality. Those officers would usually (albeit not always) do so in their own names. Therefore the critical distinction between the normal actions of a police officer and these matters is the perceived level of betrayal, given the personal nature of the interaction by the UCO. Hence the focus in this process upon those people the undercover officer was particularly close to.

Discussion

10.3 Additional research

Discussion

10.4 Open source research

Details of outcome of open source research. Hence, should N321's real identity be known, it would be straightforward to identify N321's location.

11. THE RISK CURRENTLY POSED BY THE GROUPS INFILTRATED

Discussion

N321 would assess the physical risk from the **group(s)** as low (N321's generic term, not necessarily as used by the risk assessors in a specific and defined sense).

Discussion

I do not assess there to be a physical threat.

12. THE RISK FROM INDIVIDUALS WITHIN THE GROUP

12.1 Associate causing N321 particular concern / perception of risk by the UCO

See section 4.14. N321 would not describe any of them as physically menacing, but they did have contacts with **known group** who "would no doubt would have been willing to provide some 'muscle' against Special Branch 'touts' if required." I have clarified this concern in section 16.1

There are no specific individuals who N321 states N321 is concerned about.

N321 describes N321's perception of physical risk as low to non-existent (again, N321's generic term, not necessarily as used by the risk assessors in a specific and defined sense).

12.2 Associates with a propensity for violence

Discussion

12.3 Associates with research skills

Discussion

12.4 Associates with previous experience of harassing their targets

Discussion

12.5 Geography of people of concern

Discussion

13. INDICATORS OF PSYCHOLOGICAL RISK REQUIRING EXPERT ASSESSMENT

It must be stressed that the risk assessors do not have medical qualifications. However, the following can be stated as points of fact;

13.1 Perception by the UCO of the risk.

Discussion

13.2 Counselling, medication, welfare, psychological referral etc.

Discussion

14. ASSESSMENT OF RISK OF INTERFERENCE WITH FAMILY AND PRIVATE LIFE

The risk assessors are aware of the comments of the Chairman of the Inquiry in relation to Article 8, and an individuals' right of respect for private and family life terms (Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section A.10)

14.1 Perception of the risk

N321 states that N321 is obviously concerned about the impact upon the life of N321's family. N321 continues *"My greatest concern is for the welfare of my family if my identity details are revealed during the Inquiry. **Ages of N321 and partner . N321's concerns in relation to partner's health.** I do not believe that **my partner** will cope well with the stress caused by possible media intrusion. **My partner** has only become aware of my undercover police activities in the past week, when I had to sit **my partner** down and explain that I had been contacted by members of the UCPI. My involvement in undercover policing occurred and finished before we met for the first time. My **partner** would also be horrified at the prospect of sharing medical history with a previously unknown government agency and I am certain my **partner** will not give consent for the Inquiry to access medical records.*

...My only concern is that with the publication of my name and details, I will be subject to intense media scrutiny. I can imagine the delight of the local media. The result will be reporters, cameras, and other media camped on my door step demanding that I give them an interview, preferably an exclusive, or comment which they can publish.

*It is also likely that it will affect my employment. **How and why N321 says that revealing N321's real identity will affect N321's current activities.***

I believe that at all times I acted faithfully, professionally and in accordance with my instructions from senior officers. I did nothing dishonourable, other than to maintain the necessary subterfuge of a secret identity"

14.2 Nature and gravity of the risk

Discussion of level of threat.

14.3 Media intrusion

Discussion of the comparison between media intrusion in the case of another UCO and that possible for N321. However, it appears these are very different deployments, and generated very different issues.

*I do though accept that there is likely to be some (lesser) media interest. I am mindful of the comments of the Chairman, but I have no evidence to substantiate N321's view that *"...the result will be reporters, cameras, and other media camped on my door step demanding that I give them an interview..."**

N321 believes that the net result of the media interest will force N321 to resign from N321's occupation. N321 states that N321 would do this in order to avoid any embarrassment for N321's employer. Again, I have no reason to doubt the sincerity of N321. I am sure that this accurately reflects N321's opinion of what is likely to happen.

However, I do accept that there is likely to be some media attention simply because of the very fact N321 was an ex-SDS officer.

14.4 Effect on friends and family

This is, quite understandably, the area that causes N321 greatest concern.

*I have no information beyond the report provided electronically that is included in the appendices and quoted above. I therefore cannot comment properly upon the health of N321's **partner** nor how the likely*

(albeit maybe limited) media attention will impact upon **N321's partner**. It appears unlikely from that report that **N321's partner** will agree to medical details becoming available.

However, I have absolutely no reason to disbelieve N321, and on that basis the impact upon the health of **N321's partner** must be a matter of some concern.

15. MITIGATING THE RISK

The Chairman of the Inquiry makes clear that any alternative methods available to avoid or reduce a risk of harm or damage will be material considerations (Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section A.6).

He has subdivided that grouping (B.1) into "*means other than a restriction order that may be available to avoid or reduce a risk of harm*" (section B.1.7) and "*whether those means would, without the restriction order, avoid the risk or the extent to which those means would, without the restriction order, reduce the risk*" (section B.1.8)

15.1 Previous Risk Assessments and recommendations (if allowed access)

Discussion

15.2 Security arrangements in place

Discussion

15.3 The anticipated result of revealing pseudonym only

I have commented in the conclusions at length and so will not pre-empt those comments about the effects of revealing the pseudonym here.

The question of how official confirmation as opposed to unofficial publicity could increase the risk, albeit possibly marginally, is discussed in section 8.1.

15.4 Withholding, redacting, or gisting documents in the context of this UCO

In general terms, these would need to be considered on a 'document by document' basis, and falls outside of the scope of this risk assessment.

There is not a specific exemption to this principle in this case.

15.5 Using a cipher

This would have some value, as it is NOT an example of a case where the evidence provided by the UCO 'in and of itself' would necessarily reveal the identity of the UCO.

15.6 Screening

This would have value, if it was decided that the real identity needed to be protected. It would therefore allow N321 to provide evidence (either as a cipher or in the pseudonym), and restrict the chances of being identified. The screen would prevent N321's current appearance becoming known.

15.7 Voice modulation

The same argument applies, albeit significantly less strongly, as in the section above.

N321, in answer to a question from me, states that voice modulation at the Inquiry would be unnecessary as very few people would remember N321's voice. My question was aimed at a slightly different angle but in reality this seems a largely academic point.

15.8 Prohibition around publication

This section depends upon what the Inquiry intend to reveal in terms of cipher, pseudonym, or real identity.

If it is decided that N321 should provide evidence in either cipher or is pseudonym, it would logically follow that any prohibition of N321's current personal details or appearance would assist in preventing N321's real identity becoming known.

15.9 Receiving evidence in private.

There are obvious advantages when viewed strictly in terms of risk. I appreciate the competing demands facing the Inquiry.

16. CONCLUSIONS

16.1 General comments

Discussion, including details of group(s) infiltrated and level of infiltration.

There is no risk from the **group(s)** N321 infiltrated. N321 considers that most of the people N321 was closest to will no longer present a risk. I have not identified any individual who I think would provide an ongoing physical risk to N321 or N321's family.

Request for clarification on an issue from N321

Discussion of whether or not there is evidence of misconduct and whether N321's real or cover details are in the public domain.

Discussion of N321's health and that of N321's partner.

Discussion of any risk to others.

16.2 Assessment scores

N321 – Risk of physical attack if pseudonym officially confirmed

N321 used a pseudonym. It is quite possible that N321's target group would not be able to identify N321 (in N321's pseudonym) from the information N321 provided.

As such it is my view that the use of a cipher WOULD provide an effective additional layer of security if the Inquiry were minded to protect the real identity of N321. The use of a cipher would potentially be of value as the nature of N321's evidence ('in and of itself') would not necessarily lead to N321 being identified, albeit in N321's pseudonym.

However, if the Inquiry were not minded upon that route, then I have considered the risk to N321 if the pseudonym was revealed. I have no evidence at all that N321 would be attacked physically, and so I

assess the likelihood of an attack as 'very low' (1). The impact is hard to assess, but I am mindful of the age of the UCO, and I therefore assess it as 'moderate' (3)

The overall score is therefore 3, but (as always) this overall score should be considered in the light of the comments under 'overall risk' in Appendix D.

N321 – Risk of physical attack if real identity officially confirmed

In an email to me N321 has stated in connection with the Inquiry that "...unless the former officer can point to some danger of physical harm resulting from their name disclosure, then the details of their identity will be made public. I have no concerns with regard to my personal safety."

N321 makes the comments in the context of N321's assertion of decisions N321 considers Lord Pitchford to have already taken. I make no comment on the context, but I agree with the primary assertion that there is no apparent physical risk of assault present if N321 was named in N321's real identity. I stress that I do not necessarily agree that the context has been decided, and of course it is not the role of the risk assessor to comment upon (in all of the circumstances in N321's case) what the decision should be. I simply say that there is no evidence that N321 would be in physical danger if N321's real identity was known.

Whilst the likelihood of an attack if N321's real identity was known is higher than if only N321's pseudonym was confirmed, I still assess the probability as 'very low' (1). The impact is (as stated above) hard to assess, but I am mindful of the age of the UCO, and I therefore assess it as 'moderate' (3)

The overall score is therefore 3.

N321 - Risk of interference with family and private life if pseudonym officially confirmed

I have more concerns in this generic area than I do in relation to a physical assault. **Risk assessor does not consider the media intrusion to be as likely as with some UCOs.**

However, whereas I see the likelihood of physical attack as very low, I consider the risk of interference with N321's family and personal life as higher. N321 speaks about **specific concerns about family and friends** should N321 decide not to give evidence to the Inquiry. To do so (in N321's opinion) would mean N321 ran the risk of being arrested for contempt of court. N321 states that N321 would accept this rather than being made a "scapegoat for doing my duty, which was deemed to be legal at the time"

This provides an insight into this whole area. In one sense, it shows that there has already been an interference with N321's family and private life. I say that without agreeing or disagreeing with anything N321 says above. However, N321 has explained the circumstances of N321's involvement to N321's partner; N321 is considering giving up work as a direct result of the fear of exposure; and N321 is clearly very concerned about media intrusion. It may (or may not) be that the perception is greater than the reality in terms of what will happen, but nevertheless it makes clear the steps N321 has taken or intends to take to mitigate the risk as N321 perceives it to be. N321 states (in an email attached in the Appendix) "To make matters clear, I am prepared to attend open court and give evidence to the Inquiry, answer direct questions from the Chairman and other Counsel, provided that my identity and current location are not revealed"

I assess the likelihood in this category as 'very low' (1)

I would consider the impact as 'moderate' (3). In reaching that conclusion I have considered N321's age, and accepted N321's assertion in relation to the likely impact upon N321's **partner**.

The overall score in this category would therefore be 3.

N321 - Risk of interference with family and private life if real identity was officially confirmed

The likelihood of interference with N321's family and personal life must logically be greater if N321's real identity is known than if only N321's pseudonym is known. I would assess it as reaching the next grading, i.e. 'low' (2). The likely impact remains at 'moderate' (3).

The overall score in this category would therefore be 6.

If the Inquiry was minded that it was not appropriate to identify N321 then screens would be appropriate should N321 be required to give evidence in person. ***Discussion of logistics.***

There will be a need to monitor this advice. That is particularly the case with the situation with N321's ***partner***. If there is a significant delay in calling live evidence it is distinctly possible that N321's circumstances may be different at that point.

Signature of author; David G. Reed

Date: 27th 17

Signature of moderator;

Date:

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Appendix 'A' – Author CV – David REID

David Reid was employed by the Metropolitan Police as a police officer from October 1985 to July 2016. This period covers a number of uniform and detective roles, the latter evenly split between proactive and reactive positions. He was a Senior Investigating Officer within the Homicide Command for the last 8 years. As part of this role he investigated disciplinary allegations made against police within the Command.

1985; Initial training

1986 – 1993; Police Constable in East London. Working initially in uniform, and then as a trainee detective.

1993 – 1997; Detective Constable working in the London Borough of Lambeth. Dealing primarily with major crime (robbery, burglary, serious assaults, fraud, etc.)

1997 – 2001; Detective Constable attached to the South East Regional Crime Squad, a pro-active unit targeting major crime. The unit became the National Crime Squad during this period.

2001 – 2004; Detective Constable attached to a murder squad covering South London

2004 – 2008; Detective Sergeant at West End Central Police Station. He initially led a team of detectives in a reactive context, then led a crime squad.

2008 – 2014; Detective Inspector in charge of a major investigation team in South London. He was the investigating officer for multiple murders and linked series rape enquiries.

2014 – 2016; Temporary DCI managing a team of 34 staff within a major enquiry team. He was regularly the senior investigating officer for cases with high media interest.

4th July 2016; Retired from the MPS

22nd November 2016; Employed as a risk assessor in relation to the UCPI

APPENDIX 'B' – AUTHOR CV – Kevin Shanahan

Police Career

Employed as Police Officer with British Transport Police from January 1979 until April 2010, this period covers working in both and Uniform and Detective roles.

January – April 1979; Initial training.

April – October 1981; Uniform duty Central London, London Underground.

October 1981 – May 1984; Detective Central Detective Unit, national remit.

May 1984 - September 1997; Detective Sergeant, CID & Central London Pickpocket Squad, Robbery Unit(s), London Underground.

September 1997 – December 2001; Detective Sergeant, Force Major Crime Unit, national remit.

December 2001 – January 2004; Detective Inspector, Pickpocket Squad, London Underground.

January 2004 – January 2005; T/Detective Chief Inspector; Secondment MPS Safer Streets Initiative.

January 2005 – December 2007; Detective Chief Inspector, Major Crime Unit, national remit.

December 2007 – April 2010; Detective Chief Inspector, Crime Operations, London Underground.

April 2010; Retirement.

Post Police Career

April 2010 – August 2014; Property management, Republic of Cyprus (Famagusta District).

August 2014 – January 2017; Independent Investigative Consultant & Risk Assessor; Safeguarding Unit, Surrey Police – Agency Staff.

January 2017; Independent Risk Assessor; Public Inquiry Team, MPS.

APPENDIX 'C' – THE PROCESS ADOPTED TO ASSESS RISK

General;

Risk is assessed by combining the likelihood of an adverse incident occurring with the likely impact. Whilst that impact may relate to an organisation, the risk assessments prepared in this process primarily relate to individual undercover officers.

In preparing the assessment consideration has been given to identifying and analysing any risk; assessing the probability of it occurring; prioritising the risks; and considering whether risk management could successfully mitigate or limit the effects.

Areas of risk considered;

Risk assessments can cover a diverse range of areas. These may include, for example, risk to an organisation; legal risks; economic risks; or moral risks.

However, the primary objective in this exercise is to assess how a decision not to issue a restriction order under section 19 of the Inquiries Act 2005 will impact upon the physical or psychological risk to the officer concerned, as well as the impact on their private and family life.

Probability;

The probability of the risk occurring has been assessed as very low, low, medium, high or very high. These terms are further defined in Appendix 'D'.

The assessors view on the likelihood of a risk occurring is included in the report, as well as the overall risk, the latter of which includes the assessment of impact.

Impact;

The impact of the risk occurring has been assessed as negligible, minor, moderate, serious or critical. These are further defined in Appendix 'D'.

The assessors view on the impact of a risk occurring is included in the report, as well as the overall risk, the latter of which includes the assessment of probability.

The 'risk unknown' classification;

It is appreciated that other risk assessment models adopt a category of 'unknown risk'. Indeed, consideration was given to replacing the lower probability and impact categories with an 'unknown' category.

In many cases, especially where the identity of the undercover officer is not in the public domain, a lot of the risk assessments would strictly fall into this category. Clearly an accurate assessment cannot be made of what is unknown and not reasonably predictable.

However, it is known that the Chairman of the Inquiry, in making decisions around restriction orders, will be well aware of this limitation.

APPENDIX 'D' – DEFINITION OF TERMS

Limitations of the 'Plaice' model

The risk assessors note the comments by the Chairman in the note to risk assessors dated 20 Oct 2016, paragraphs 23 – 28. Of specific note are the comments around whether the descriptors are directly transferable in the present context. The risk assessors have therefore removed the percentage factoring, as well as the proximity to the date of assessment, from the model. The issue of whether past experience is an indicator of future risk given the anonymity afforded to previous UCO's is appreciated.

Probability of risk occurring;

Very Low: the probability of the risk occurring is considered highly improbable.

Low: the probability of the risk occurring is considered unlikely.

Medium: the probability of the risk occurring could reasonably be foreseen, and is considered distinctly possible to occur at some stage.

High: the perceived risk is assessed as probable to occur at some stage.

Very high: the perceived risk is assessed as very likely to occur at some stage.

Impact of risk occurring;

Negligible:

Nil or negligible impact.

In physical terms this would equate no injury.

In terms of impact upon their family and personal life there would be no real impact.

Minor:

The impact would have a very limited effect upon the (ex) officer, and could be readily mitigated.

In terms of physical injury it would not exceed that which could be treated with non-expert 'first aid'.

In terms of impact upon their family and personal life it could be reasonably managed without significant assistance.

Moderate:

This would significantly impact on the welfare of the officer.

In physical terms would require professional attention (GP, hospital)

In terms of impact upon their family and personal life it would require additional support, 'target hardening' at their address, or cause real anxiety within their family or close friends.

Serious:

This presents a major impact on the officer.

In physical terms it would result in a significant injury.

In terms of impact upon their family and personal life it would require major readjustments to their lifestyle, significantly adversely impacting on their private life.

Critical:

The risk of overwhelming impact on family or other circumstances.

In physical terms would result in a life threatening injury.

In terms of impact upon their family and personal life it would require total changes, such as moving locations, to ensure safety.

It is the experience of the risk assessors that major adjustments in these areas can be problematic. It is important that the impression is not given that risk can easily be mitigated should the real identity of a UCO become known, AND a threat to him / her exists. Many of the groups encountered would have a nationwide element, so moving from one geographical location to another may not eliminate the risk.

The impact on other family members, such as children in school, partner's employment etc., can also cause difficulties when such moves are made.

Whilst moving location causes difficulty, there are additional issues when the 'witness protection' element is taken into account. For example, there may be a need to cut contact with previous family or friends to prevent the subjects new location and / or identity becoming known. This may not always be feasible. It is extremely unlikely to be desirable, and therefore can cause ongoing relationship issues.

This is included to make it clear that 'managing' or 'mitigating' risk for a former UCO should their real identity and location become known may present very real difficulties.

Overall risk;

There are some limited benefit in showing the overall risk. A matrix where both the level of probability and the level of impact are scored from 1 to 5 affords an overall risk to be given. So, if the probability was assessed as medium (score of 3) and the impact was assessed as minor (score of 2) then the overall risk would be scored as 6 (3 x 2).

Whilst every attempt has been made to objectively quantify risk, it should be made clear that this overall scoring can only be considered as a guide, given the unavoidable subjective elements in the process.

Further, the management of this overall risk is likely to only be able to focus on reduction of the probability of the risk occurring, rather than being able to reduce the impact should it occur. This limits the options of those tasked with attempting to manage the risk at a later stage.

The danger with this scoring is that it can produce a false understanding of the nature of the risk. For example, managing a risk that is very unlikely to occur but would result in a critical impact is entirely different from a risk that is highly likely to occur but where the impact is negligible. However both would 'score' the same. This should be borne in mind when interpreting the data, and severely limits the value of basing decisions upon this final score.

	Probability - Very high	Probability - High	Probability - Medium	Probability - Low	Probability - Very Low
Impact - critical	25	20	15	10	5
Impact - Serious	20	16	12	8	4
Impact - Moderate	15	12	9	6	3
Impact - Minor	10	8	6	4	2
Impact - Negligible	5	4	3	2	1

Harm;

The risk assessors note the comments of the Judge that "*harm will be construed widely so as to embrace interference with private life*".

APPENDIX 'E' – LIMITATIONS OF THE RISK ASSESSMENT PROCESS / GENERAL COMMENTS

Use of previously written material - individuals:

Considerable efforts have gone into maintaining a high level of independence in this risk assessment process. It is clear from the selection process adopted for risk assessors that the Inquiry wished this report compiled by people outside of the Special Branch / SDS / Undercover policing arena.

However, the risk assessors have also to face the reality of assessing a vast amount of material that has been generated, and timescales imposed from the Inquiry.

There would, at least theoretically, be some benefit in risk assessors working from primary documentation only when compiling the assessments, and not using those risk assessments previously prepared by Operation Motion, 'pen pictures', or similar secondary material from elsewhere.

The risk assessors have taken the decision to consider material previously prepared rather than re-doing all of the underlying research required to reach that position. Wherever possible though previous risk assessment material has been redacted to prevent the risk assessor's having access to opinion.

The assessment of the risk remains the decision of the independent risk assessors irrespective of any other risk assessment that may have been undertaken.

The risk assessors have attempted to verify all information that had a significant impact upon their critical decisions.

Use of 'group' assessments:

The risk assessors consider the risk posed by a specific group 'as an entity' to be a matter of specialist knowledge. The group assessment is therefore included in the report, but has been provided by a specialist in that area. The details of the author is referenced in the document.

Expectations of anonymity given to the undercover officer:

The Inquiry Chairman has stated that he does not consider this general area properly a matter of risk assessment. The default position is therefore that the risk assessments will not include this area unless there is a clear and specific reason to do so, such as how the perceived breach by their employer has significantly impacted upon the psychological wellbeing of the officer, for which the potential need for further assessment will be flagged. The risk assessment does include evidence from the applicant of their personal grounds for the expectation of confidentiality (risk assessments – note to core participants – para 22). The risk assessors note the comments of the Chairman of the Inquiry in terms of whether that expectation was reasonable.

Psychological risks and medical opinion:

The risk assessors appreciate that they do not have the medical expertise to assess or quantify the degree of psychological impact. It is noted that the Inquiry has a process for such professional assessment. The risk assessors have therefore limited themselves to commenting upon the factual information available.

Revelation of pseudonym:

The risk assessors will comment when they believe they can usefully assist in deciding what the implications of revealing a UCO's pseudonym would be, and specifically whether that is likely to reveal a genuine identity.

Mitigation of risk:

The risk assessors appreciate the Inquiry has expressed a wish for matters, wherever possible, to be in the public domain. Further, the Inquiry has outlined a number of ways they consider risk could be mitigated. These methods include withholding, redacting, or gisting documents; use of a cipher; screening witnesses; voice modulation; prohibition around publication; receiving evidence wholly or partly in private.

The Chairman of the Inquiry makes clear that any alternative methods available to avoid or reduce a risk of harm or damage will be material considerations (Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section A.6)

Where the risk assessors consider we can usefully comment on the usefulness (or otherwise) of strategies to mitigate risk we have therefore done so.

Management of risk:

Management of a risk BEFORE OR AFTER a decision not to issue a restriction order is different from the potential avenues open to mitigate a risk BEFORE the Chairman makes a decision whether to issue such an order. Management of risk, as opposed to mitigation of risk, does not therefore strictly form part of the assessment.

However, the risk assessors are acutely aware that 'avoiding' the risk may not be an option should a restriction order either not be made, or made with limited conditions.

The risk assessors will highlight to the appropriate organisation any concerns so that consideration can be given to managing that risk. We do appreciate the life-changing effect some of these measures can have on individuals and their families. We will therefore raise the proportionality of the kind of measures that would be required to manage the risk to private and family life.

Other factors affecting the decision concerning restriction orders:

Many models used within the policing environment use the risk assessment to decide whether a particular activity should be pursued. The risk assessors appreciate that the physical, psychological, family life or other risks concerning the officer are but a part of the overall picture that the Chairman will consider when deciding whether to issue a restriction order.

The matters that therefore do not generally form part of the individual risk assessments include;

1. The 'NCND' principle in general terms (however the risk assessors are aware of the Chairman's comments in Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section A.7);
2. Expectations of anonymity in general terms (however the risk assessors are aware of the Chairman's comments in Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section A.8);
3. The impact of identification of officers on future recruitment to undercover work;
4. Disclosure of operational techniques in general terms;
5. Damage to effective policing more generally (as set out by the Chairman in Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section B.2);

6. Risk in disclosing any relevant particular piece of information (as set out by the Chairman of the Inquiry in Part 6, conclusions and summary of findings, the public interest balance under section 19 (3) (b), section B.3);

The risk assessors therefore appreciate this risk assessment only forms a part of the overall decision whether to issue a restriction order.

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Appendix 'F' – Other material generated during, or pertinent to, this risk assessment

Email chain between risk assessor and N321

Initial report sent to risk assessor by N321

Answers to the 'pro-forma' sent to N321 (I have attached a copy of a blank 'pro-forma' so that the reader knows what questions N321 is answering).

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Appendix 'G' – Documents used to compile this report

A nominal search has been conducted on the Op. Herne HOLMES account for N321. All of the documents listed within the nominal records are in different categories (for example, Actions; Addresses / Telephones; Arrests; Associates / Colleagues; Compromise; Employment / Commendation; Financial; Health / Welfare; Legend; Interview / Contact / Correspondence; Legal / Civil action; Political organisations; Press / Media / Exposure; Research / Intelligence; Travel; Undercover deployments / Arrests; Vehicles)

The risk assessment has checked the documents within those folders. The documents listed below do contribute to the risk assessment.

Where 'Pitchford' reference numbers are available they have been used. Where they are HOLMES documents without a Pitchford reference the HOLMES reference has been used.

Details

Appendix 'H' – Documents reviewed but not considered relevant to the risk assessment

A nominal search has been conducted on the Op. Herne HOLMES account for N321. All of the documents listed within the nominal records are in different categories (for example, Actions; Addresses / Telephones; Arrests; Associates / Colleagues; Compromise; Employment / Commendation; Financial; Health / Welfare; Legend; Interview / Contact / Correspondence; Legal / Civil action; Political organisations; Press / Media / Exposure; Research / Intelligence; Travel; Undercover deployments / Arrests; Vehicles)

I have checked the documents within those folders. The documents listed below do not contribute to the risk assessment.

Details

Appendix 'I' – Conflict disclosure statement

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Appendix 'J' - HOLMES research material

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Appendix 'K' - Documents from HOLMES not on Relativity

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Appendix 'L' - Initial DLS profile summarising contents of Relativity