

ANNEX A
with example gisting
served on behalf of the NPSCPs

If the information contained in the original text of CTI's "pen portrait" were reasonably assessed as giving rise to a real risk of mosaic identification, the amendments set out below provide examples of how a such a risk could reasonably be avoided, whilst still providing significantly greater disclosure than is currently provided.

Aged now in his 40s

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Visited at home and assured that neither real nor cover name would ever be released by the police and that career after an undercover deployment would not be hampered.

Deployed into an environmental network¹ arriving into the group in the late 1990s and leaving the group after a couple of years where it is alleged the group's members were harassing those to whom they were politically opposed. Officer alleged to have had sexual relationships with a number of² women and to have encouraged activists to commit criminal damage³. This case raises potential issues of breach of third party legal privilege⁴.

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Deleted: Officer may have received legal advice together with other activists after arrest

There are two identified factors specific to this case which increase the risk of mosaic identification of this officer. One is based on the officer's own report of an event. There is no independent corroboration of this event. The other factor is objectively verified. In light of these factors, the MPS risk assessor assesses the likelihood of disclosure of the cover name leading to disclosure of the real name as being low/medium/high.

Became manager in the Special Demonstration Squad some time after his undercover deployment then achieved a senior rank within the MPS.

Deleted: Suspected by woman activist X in relationship with officer that officer might have a second identity having seen a bill in the wrong name. Officer's cover name has appeared on research group websites.

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¹ It is not accepted that naming Earth First would even taking into account the mosaic effect give rise to a significant risk of leading to discovery of the real or cover name – it was the name given to a very large loosely organised umbrella network – comprising numerous groups within it which did not have any register of membership. However, if this were to be rejected, Earth First could be gisted as "an environmental network". This is so broad that it could not sensibly be said to give rise to a real risk of identification of the officer concerned.

² The important point to disclose is that this is a case in which sexual relationships took place, since this is a strong public interest factor against restriction.

³ The important point to disclose is that this case raises potential issues of agent provocateur since this is a strong public interest factor against restriction.

⁴ Again this is the substance of what should be disclosed as it is this which weighs against restriction.

Went on to hold public office after police career.

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Application for restriction of real and cover name is based on a risk of harassment⁵ from activists in groups infiltrated. The nature of the anticipated activity includes conduct such as hostile protest against the officer and public campaigning against him OR the nature of the anticipated activity goes beyond the range of lawful responses such that it would constitute a criminal offence, including violence to the person. The officer has recently been examined by Dr. Smith, expert psychiatrist, who concludes that there is a low/medium/high risk⁶ that disclosure of the cover name / real name⁷ would lead the officer to suffer psychological/psychiatric harm and other problems. Dr Smith assesses the anticipated level of psychological/psychiatric harm arising from disclosure of the cover/real name to fall within the less severe / moderate / moderately severe / severe range in the Judicial College Guidelines. Dr Smith's assessment is based on a consultation with the officer lasting 2 hours and the officer's self-report / standardised diagnostic testing / is supported by the officer's medical records.

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The risk assessment concludes that the named activists are likely to harass⁸ the officer and family if they can be found. This is founded on the officer's own report of their conduct whilst he was deployed / police intelligence from sources other than the officer, but which has not been tested in court / conduct that has been tested in court and resulted in convictions in cases involving / not involving undercover police activity.

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⁵ This term should be carefully defined so as to make clear whether the type of conduct anticipated falls within a range of actions that would be lawful (such as experienced by Bob Lambert) or actions which would properly be assessed as unlawful. If unlawful actions are anticipated, the nature of these should be identified – e.g. violence to the person, damage to property (low level or serious).

⁶ "might" is too vague, the degree of risk should be assessed.

⁷ A distinction should be drawn between the consequences of disclosure of the cover name and disclosure of the real name. If the consequences of both are the same, it should be explained why this is so given that it is only if the real name becomes known that the officer could potentially be located.

⁸ See footnote 5 above. Disclosure should be made to the named activists to the greatest extent possible of the information / allegations relied on to evidence the alleged risk. For example, the named activists should be told that their convictions for A, B and C and intelligence suggesting that they did X, Y and Z is being relied upon in the context of an application for anonymity and they should be asked whether they accept the accuracy of the information and if they have anything to say about the context which would be relevant to the Inquiry's assessment of risk. If necessary in order to avoid risk of such disclosure adding to the mosaic effect, this process could be conducted without disclosing which application the allegation of risk pertains to.

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