

## IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

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### GISTED WITNESS STATEMENT OF EN41

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1. I am EN41 and I make this statement in connection with my application for a Restriction Order under section 19 of the Inquiries Act 2005. I understand that the Inquiry has been provided with my real name and I am therefore utilising the cipher that the Inquiry provided to me in order to protect my anonymity.
2. I have prepared this statement without access to any documentation held by the Inquiry or Operation Elter. I am relying on my recollection of events from many years ago. I reserve the right to provide a supplementary statement once I have been provided with relevant documentation and a risk assessment. This statement is true to the best of my recollection and belief.
3. **Gist:** EN41 summarises his/her pre-and post-NPOIU policing career. EN41 describes an undercover deployment targeting drugs gangs before joining the NPOIU and states that he/she is at substantial risk from those who were imprisoned as a consequence of this deployment if his/her identity is disclosed. The other undercover operatives will also be at risk.
4. **Gist:** EN41 refers to the training received prior to the secondment with the NPOIU.

#### **NPOIU Deployments:**

5. **Gist:** EN41 describes legend-building and provides details of his/her covert identity.
6. **Gist:** EN41 describes his/her NPOIU deployments.
7. **Gist:** EN41 refers to concerns that revelation of his/her covert name would result in his/her identification.
8. **Gist:** EN41 provides further details of NPOIU deployments and the covert name used.
9. **Gist:** EN41 describes the conclusion of his/her secondment with the NPOIU.

## Post-NPOIU Deployments

10. **Gist:** EN41 describes a number of undercover deployments and acting as a cover officer for investigations into a diverse range of serious crime investigations including drugs supply, prostitution, rape, child sexual exploitation, professional standards, organised crime and other sensitive areas of policing. EN41 describes the real potential for violent retribution from organised crime groups and others and the substantial risk to other undercover officers if his/her identity is revealed.
11. **Gist:** EN41 describes his/her current role including acting as a cover officer and undercover deployments.
12. **Gist:** EN41 describes his/her current pseudonym and the risks arising from his/her identification.
13. **Gist:** EN41 provides further evidence concerning risks to him/her and other undercover officers if his/her identity is revealed. He/she refers to a number of deployments; including current live deployments.
14. **Gist:** EN41 states that there is a real and immediate risk of extreme violence if the targets of a current deployment discover that EN41 and any of the other officers are undercover officers. If EN41's identity is revealed then he/she cannot continue to be deployed in this operation.

## Article 2 HRA

15. I am certain that I am at risk of death or serious injury from some of the members of the organised crime groups that I infiltrated which are detailed above. **Gist:** EN41 refers to the deployments which cause him/her the most concern.
16. An expert risk assessor will need to consider each of my deployments to ascertain the level of risk of death or serious injury to me and my partner and family if my identity is disclosed. The expert will also need to explore fully the risk to innocent members of the public who assisted with the infiltrations and to other undercover officers who I worked with and who then went on to other deployments with the consequent risk to other undercover officers. **Gist:** EN41 details specific risks.

17. **Gist:** EN41 refers to concerns about the disclosure of his/her covert name leading to his/her identification and reiterates the risks arising as a consequence.

### **Article 3:**

18. **Gist:** EN41 refers to a real and obvious possibility that he/she will be targeted through reputational damage, cyber-attacks, vandalism of his/her home and vehicle.
19. **Gist:** EN41 is concerned by the manner in which some individuals who have been exposed have been treated on the internet and in the media. EN41 states that he/she did not engage in intimate sexual liaisons but is in no doubt that his/her reputation will be tarnished.
20. **Gist:** EN41 does not intend to commission a report from a psychiatric expert but is very distressed at the prospect of his/her identity being released and worried about the impact that this would have on his/her relationship with his/her partner and EN41's career. EN41 is concerned at the prospect of retaliation and, if EN41's identity is disclosed, he/she would suffer from stress and sleepless nights. EN41 details a specific concern.

### **Article 8:**

21. **Gist:** EN41 and his/her partner would have to move into some form of witness protection if EN41's identity is revealed due to the real and immediate risk arising from the organised crime gangs. EN41 does not accept that this is a justified interference with their right to live in their own home, pursue their careers and be close to family and friends. They would also spend the rest of their lives in fear of being found.
22. If my identity is disclosed then this would have far-reaching consequences for my career. I could not be deployed as a covert officer and I am certain that my force would not take any risk in deploying me as a cover officer. Aside from the fact that my policing career has almost entirely been dedicated to covert work and I am not skilled at undertaking other work, it is also all that I want to do for the remainder of my service.
23. **Gist:** EN41 details concerns over the impact on the health of his/her parents if his/her identity is disclosed. EN41 also believes that they would be targeted; as would other close family members. Relocation would mean that he/she would not be

able to care for them or even to be with them. EN41's partner would be devastated if he/she could not live close to parents, family and friends.

24. **Gist:** EN41 describes how he/she has kept his/her work secret other than from his/her partner and parents.
25. **Gist:** EN41 is concerned that his/her partner would be distressed at the revelation in the media about his/her involvement in undercover policing given the media coverage to date and that this would impact on his/her partner's career.

### **Assurance about Identity remaining Confidential:**

26. Given the nature of my work, I always believed that my identity would never be revealed. Anonymity is assured even for low level drugs infiltrations...It is therefore a natural assumption that, for the high level undercover work, my identity would never be revealed. I have placed myself at great risk due to my undercover role with the expectation that my identity would never be disclosed. **Gist:** EN41 states that he/she was informed on a course that their evidence would always be given from behind a screen and he/she also believes that we were given the assurance that their identities would never be disclosed.

### **Conclusion**

27. **Gist:** EN41 requests that his/her application for a restriction order covering his/her covert and real identities is granted. EN41 is immensely concerned at the risks to his/her life and his/her partner's life if his/her identity is disclosed. In addition to the risks to their lives, their careers would be seriously impacted if EN41's identity is not protected. EN41 submits that there are clear and obvious risks and respectfully requests that the application is considered urgently. EN41 reserves the right to provide a supplemental statement after receipt of relevant documentation and the risk assessor's report.

### **STATEMENT OF TRUTH**

I believe that the facts stated in this witness statement are true.

SIGNED **EN41** .....

DATED 16 June 2017 .....