

IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

GISTED WITNESS STATEMENT OF EN38

1. I am EN38 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. I am 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 therefore relying on my recollection of events. I reserve the right to provide a supplementary statement once I have been provided with relevant documentation and an expert risk assessment. This statement is true to the best of my recollection and belief.
3. **Gist:** The witness statement provides details of the police work undertaken by EN38 prior to his/her secondment to the NPOIU. There were some minor undercover deployments and EN38 was a cover officer for a covert operation for about eight months. EN38 then went on to perform two more in depth undercover roles involving his/her deployment in drugs supply investigations. Both deployments resulted in convictions; with EN38 giving evidence behind a screen.

NPOIU Deployments

4. **Gist:** EN38 describes when and how he/she came to join the NPOIU, his/her training and legend-building.
5. **Gist:** EN38 describes the name and date of birth used for his/her pseudonym. EN38 then describes his/her deployments whilst seconded to the NPOIU.
6. **Gist:** EN38 describes his/her concerns about the risks arising from the dismantling of the NPOIU without proper consideration for the safety and long-term welfare of its officers.

Post-NPOIU:

7. **Gist:** EN38 describes his/her post-NPOIU deployments and his/her use of a cover identity. EN38 details numerous deployments in drugs, firearms and other sensitive investigations.

Current Role:

8. **Gist:** EN38 provides details about his/her role in a sensitive area of policing and risks arising from the revelation of his/her identity and EN38's ability to be redeployed in an undercover role.

Article 2:

9. I hold no fear about giving evidence to the Inquiry; subject to the appropriate security arrangements. However, I have a real, deep-seated fear about my covert and real identities being released which places me and my family at substantial risk of death or serious injury. Even if we were relocated, we would always be looking over our shoulders and would continue to be at risk of severe retribution.
10. **Gist:** EN38 describes the substantial risks to him/her and his/her family's lives and risks to others if EN38's real or covert identities are disclosed
11. **Gist:** EN38 explains why the revelation of his/her undercover identity could provide a link to his/her real identity.
12. **Gist:** EN38 provides further information which makes him/her vulnerable to identification.
13. **Gist:** EN38 provides further detail concerning the substantial and immediate risks to him/her and his/her family's article 2 rights and identities specific individuals who pose a real risk of death or substantial harm. EN38 also refers to substantial risk from unknown individuals affiliated to targets.
14. **Gist:** EN38 details the extreme impact that relocation would have on him / her if they had to be relocated and the ongoing risks.

15. **Gist:** EN38 comments on the potential risk to another undercover officer who worked with him/her and to members of the public.

Article 3:

16. In addition to the above concerns, there is a clear risk that there would be threats against me and my family and that many violent individuals would try to locate, threaten and harm me. This could result in significant damage to my home and injury to me and my family. There is the obvious potential for social media and cyber-attacks and attempts at destroying my reputation. There would be no end to what they would be prepared to do. The individuals referred to above pose a clear risk to my and my family's article 3 rights.

Article 8:

17. **Gist:** EN38 describes the interference with his/her article 8 rights and the article 8 rights of his/her family. This includes a substantial negative impact on their careers, finances, ability to remain in their home and their safety and security and extends to elderly parents.
18. **Gist:** EN38 explains his/her desire to return to undercover work and the impact that being involved in this Inquiry may be having on his/her career.

Risks from Others

19. **Gist:** EN38 details his/her concern that others are identified or give evidence that could expose him/her and place him/her at risk and requests that the Inquiry takes these risks into account when considering the applications or evidence of others.

Conclusion

20. **Gist:** EN38 submits that there are exceptionally compelling arguments in support of his/her application for a restriction order. EN38 reiterates that there are obvious and substantial article 2 and 3 risks arising from the disclosure of his/her real and covert identities. The severity of these risks is such that the impact of disclosure of his/her real and cover identities cannot be justified. EN38 states that he/she does not accept that the risks can be mitigated by placing them under protection or relocating them as the effect

on their lives would be too great. EN38 also asserts that that the impact on their article 8 rights is considerable and wholly unwarranted.

21. I respectfully request that my application is granted and I reserve the right to provide a supplemental statement once I have been provided with a risk assessment report and relevant documents.

STATEMENT OF TRUTH

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

SIGNED ...EN38.....

EN38

DATED 26 June 2017