

## GISTED RISK ASSESSMENT

### EN47 Gisted Risk Assessment

1. This is an open gisted version of the “NPCC Assessment of the Risks Relating to the Restriction Order Application in respect of EN47” (“the risk assessment”). The report seeks to identify and assess risks to the officer or ex-officer concerned were their cover identity/identities or real identity to be made public.
2. The risk assessment is dated 21 March 2018. It was prepared by Richard Clarke.
3. The risk assessment sets out the following definition of terms. These terms are used throughout the risk assessment to describe the risk assessor’s conclusions:

#### **“THREAT:-**

A statement of intention or circumstances that lead to a conclusion that one entity may inflict injury, damage or other hostile action against another, either personally or through third parties.

- **Low** – The circumstances portrayed lead the assessor to conclude that the potential for injury, damage or hostile action is limited based on the information available at that time.
- **Medium** – Protagonists may have carried out research to fulfil a desire to inflict injury, damage or other hostile action against another. Protagonists may be prepared to implement threat if the situation presents itself and there is some evidence that they have exhibited the potential for such behaviours previously.
- **High** – Protagonists may have carried out extensive research and there is evidence that they have exhibited such behaviours previously. Protagonists are highly motivated to carry out threat and are unlikely to desist until the threat is realised or other factors intervene.

#### **RISK:-**

The likelihood of the threat materialising.

- **Low** – Unlikely.
- **Medium** – Possible.
- **High** – Likely.

#### **HARM:-**

Includes mental, physical and professional harm. This will be construed widely so as to embrace interference with private life, including workplace, home life, family and friends.

- **Low** – The impact would have a limited effect upon the officer and could be readily mitigated.
- **Medium** – Would reasonably be expected to impact on the welfare of the officer.
- **High** – Risk of significant impact on the officer.”

4. In summary, it is assessed that revelation of either EN47’s National Public Order Intelligence Unit pseudonym or EN47’s true identity would have significant implications in a number of

respects including the physical safety of EN47, the safety of EN47's family and the safety of UK citizens.

***Risks to the Applicant***

5. The risk assessment sets out a summary of EN47's undercover work before and after being seconded to the National Public Order Intelligence Unit.
6. Before being seconded to the National Public Order Intelligence Unit, EN47 had experience of working undercover in the serious and organised crime arena. As the consequence of one deployment, death threats were issued against EN47 and other undercover officers. In that period, EN47 gave evidence at Court on two occasions. On one occasion EN47 gave evidence behind screens and using his/her pseudonym. EN47 also gave evidence in open court using his/her pseudonym in relation to drugs matters but no further details have been provided by EN47.
7. EN47 was seconded to the National Public Order Intelligence Unit as an undercover officer for a number of years and was deployed against several groups. EN47 used a very different cover name during this period compared to the one EN47 had used previously. After leaving the National Public Order Intelligence Unit, EN47 has done further undercover work, including in relation to serious and organised crime. EN47 is currently deployed as an undercover officer.
8. There is currently a LOW risk of harm to EN47.
9. The risk assessment sets out an overview of the groups infiltrated by EN47 during EN47's secondment to the National Public Order Intelligence Unit. The risk assessment also sets out details of the key individuals associated with those groups. Overall, the risk assessor's opinion is that the threat of retribution against EN47 from those infiltrated should EN47's true identity be revealed is assessed as HIGH. The risk assessor notes that in reaching a conclusion regarding the physical risk to EN47 from those infiltrated, should EN47's true identity be revealed, he has needed to balance contradictory evidence. For example, a contemporaneous assessment of a group EN47 was deployed into indicates that the potential physical risks to undercover officers were assessed to be considerable. However, there are also assessments of groups deployed into by EN47 by senior officers which indicate that the risk of physical harm to deployed undercover officers was considered to be low, including reflective assessments written some time after the operations concluded.
10. The risk assessor has found no evidence of any undercover officer, cover officer or manager involved in deployments into any of the groups against whom EN47 was mainly deployed being subject to physical harm but is cognisant that effective tradecraft and backstopping procedures are likely to be considerably influential factors in any safe deployment of undercover officers.

***The risk to EN47 should EN47's true identity be revealed***

11. The risk assessor considers that releasing EN47's true identity would allow activists and journalists the opportunity to obtain further personal data and conduct further research

which would be likely to lead to the public release of the National Public Order Intelligence Unit pseudonym and photographs of EN47 during that deployment.

12. Overall, in the risk assessor’s opinion, the threat of retribution against EN47 from those against whom EN47 was deployed, should EN47’s identity be revealed, is assessed as HIGH. The risk assessor has formed the opinion that should EN47’s true identity be revealed or discovered, then the risk of action against EN47 by those infiltrated during EN47’s secondment to the National Public Order Intelligence Unit or their supporters is MEDIUM. It is the opinion of the risk assessor that should action be taken against EN47 by those infiltrated or their supporters, then the action is highly likely to disrupt severely EN47’s right to a private life and is likely to result in physical harm. Consequently, the degree of harm to EN47 is assessed as HIGH. The risk assessor’s overall assessment of the threat posed to EN47 by those infiltrated by EN47 during EN47’s secondment to the National Public Order Intelligence Unit or their supporters, is as follows:

OVERALL ASSESSMENT The risk to EN47 from those infiltrated during EN47’s secondment to the National Public Order Intelligence Unit should EN47’s true identity be revealed.	
THREAT	HIGH
RISK	MEDIUM
HARM	HIGH

13. The risk assessor has considered the risks posed to EN47 by others in respect of whom EN47 has been deployed (including serious and organised criminals), in particular since leaving the National Public Order Intelligence Unit, in the event that EN47’s true identity is revealed. The risk that EN47’s true identity will be revealed as a result is assessed as HIGH. Taking into account the dangerous nature of EN47’s deployments, the degree of harm to EN47’s right to privacy is assessed at HIGH. This scenario would create a HIGH risk of physical harm to EN47 and others:

OVERALL ASSESSMENT The risk to EN47 from others should EN47’s true identity be revealed.	
THREAT	HIGH
RISK	HIGH
HARM	HIGH

***The risk to EN47 should EN47’s National Public Order Intelligence Unit pseudonym be revealed***

14. The risk assessor has considered the risk to EN47 from those infiltrated during EN47’s secondment to the National Public Order Intelligence Unit in the event that EN47’s National

Public Order Intelligence Unit cover name were to be revealed. Photographs and/or videos of EN47 whilst undercover may exist. The risk assessor explains how publication of EN47's pseudonym could lead to the identification of EN47. The risk assessor has formed the opinion that should EN47's National Public Order Intelligence Unit pseudonym be revealed, then the risk of action against EN47 by those infiltrated during EN47's secondment to the National Public Order Intelligence Unit or their supporters is MEDIUM. It is the opinion of the risk assessor that should action be taken against EN47 by those infiltrated or their supporters, then the action is highly likely to disrupt severely EN47's right to a private life and is likely to result in physical harm. Consequently, the degree of harm to EN47 is assessed as HIGH. The risk assessor's overall assessment of the threat posed to EN47 by those infiltrated by EN47 during EN47's secondment to the National Public Order Intelligence Unit or their supporters, is as follows:

OVERALL ASSESSMENT The risk to EN47 from those infiltrated during EN47's secondment to the National Public Order Intelligence Unit should EN47's National Public Order Intelligence Unit pseudonym be revealed.	
THREAT	HIGH
RISK	MEDIUM
HARM	HIGH

15. The risk assessor has considered the risks posed to EN47 by others in respect of whom EN47 has been deployed (including serious and organised criminals), in particular since leaving the National Public Order Intelligence Unit, in the event that EN47's National Public Order Intelligence Unit cover name is revealed. The risk that EN47's true identity will be revealed as a result is assessed as HIGH. It is likely that EN47 will be identified by others including criminals through the release of EN47's National Public Order Intelligence Unit cover name. Taking into account the dangerous nature of EN47's deployments, the degree of harm to EN47's right to privacy is assessed at HIGH. This scenario would create a HIGH risk of physical harm to EN47 and others:

OVERALL ASSESSMENT The risk to EN47 from others should EN47's National Public Order Intelligence Unit pseudonym be revealed.	
THREAT	HIGH
RISK	HIGH
HARM	HIGH

***Consideration of alternative solutions to restriction orders***

16. It is the opinion of the risk assessor that, other than EN47's home force invoking higher tier protective measures for EN47, such as emergency relocation, there are no measures, other

than a Restriction Order, that can reasonably be expected to reduce the risk to EN47 if EN47's true identity and/or National Public Order Intelligence Unit pseudonym is released.

17. In the opinion of the risk assessor, there are realistically no court measures that could be taken to safeguard EN47 if EN47's real name and/or National Public Order Intelligence Unit cover name is published. If there is a need to call EN47 to give evidence then that hearing will need to be a closed event and EN47 given a cipher. Given EN47's current undercover deployment, exposure of EN47's true identity would place EN47 in great danger. Also, absences to give evidence to the Inquiry may be difficult to justify without further increasing risk.

### ***Conclusion***

18. Before being seconded to the National Public Order Intelligence Unit, EN47 had experience of working undercover in the serious and organised crime arena. As the consequence of one deployment, death threats were issued against EN47 and other undercover officers. Those against whom EN47 was deployed whilst seconded to the National Public Order Intelligence Unit hold photographs of EN47. After leaving the National Public Order Intelligence Unit, EN47 was deployed into an organised crime group with links to violence and firearms. Exposure of EN47's National Public Order Intelligence Unit pseudonym is highly likely to lead to the compromise of those later and current deployments.

### ***Appendix A: List of Third Party Stakeholders Contact Details***

19. Appendix A contains a list of third party stakeholders and their contact details.

### ***Appendix B: CV of NPCC Assessor and Quality Assurance Assessor***

20. Appendix B sets out the CV of Richard Clarke.

### ***Appendix C: Limitations of Risk Assessment***

21. The purpose of this report is to provide a risk assessment to accompany an application to the Undercover Policing Inquiry for anonymity.
22. This report seeks to identify and assess risks to the officer or ex-officer concerned were their cover identity/identities or real identity to be made public.
23. Whilst consideration has been given to ways in which risks may be mitigated, any recommendations made are solely to assist the Inquiry and should not be relied upon by the officer or ex-officer concerned or the relevant Home Force(s) for the preparation or implementation of any risk management plan or for any other purpose.
24. The assessment contained in this report is the opinion of the author based on the material made available to the author.
25. The application for anonymity has been designed on the basis that it is officer led and supported by a solicitor representing the officer. This has an advantage that the officer is at

the heart of the process and that the risks they perceive are central to any assessment. However, it does have the disadvantage that the starting premise for any assessment is reliant upon the officer's recollection of events and understanding of risk to themselves and third parties.

26. The amount of material provided to the author relating to the officer or ex-officer concerned is likely to be incomplete because:
- a. Whilst National Public Order Intelligence Unit documents held by Operation Elter have been reviewed, to date the Elter team have only been able to index a limited amount of the archived material recovered. Accordingly it is not known whether the remainder of the archive contains material relevant to this particular risk assessment.
  - b. It has not been possible to examine every document indexed by Operation Elter because of the volume of material and the time constraints within which their risk assessment has been prepared.
  - c. There is not one national repository of police intelligence or information that can be relied upon as containing all information that may be relevant to the assessment of risk to any particular officer or ex-officer. Home Force(s) and specialised departments have their own databases and the NPCC assessors have arranged for proportionate research to be conducted, but have not arranged for searches to be conducted of every police database.
  - d. The NPCC assessors have utilised the Operational Security Advisors (OPSY) network to conduct proportionate research into particular National Public Order Intelligence Unit deployments with the relevant Force(s) concerned. The NPCC assessors are reliant upon the research and information provided to them by the Force(s) and the OPSY network.
  - e. Officers deployed by the National Public Order Intelligence Unit are likely to have had deployments before and after their National Public Order Intelligence Unit service. These other deployments may have been in various teams or departments around the country, or even abroad. The NPCC assessors have utilised the OPSY network to conduct proportionate research into such activity with the relevant Force(s) and the NPCC assessors are reliant upon the research and information provided to them by the Force(s) and the OPSY network.
27. The identification of any risk in this report is not intended to represent or imply that the officer or ex-officer concerned faces no other risks other than those specifically mentioned in this report, because of the limitations set out above.
28. The NPCC assessors have set out third party equities, although the list appended to this report is unlikely to be a full and complete list of third party equities due to the limitations already referred to.
29. Although the NPCC assessors have also endeavoured to identify potential risks to third parties, that is not the purpose of their report and will not always be possible due to the limitations already referred to.

30. Attention is drawn to the following factors which limit the completeness of the risk assessment in relation to the particular subject of this report:
- a. [Gist: due to time constraints, the research for one of EN47's deployments after leaving the National Public Order Intelligence Unit is not complete and has not been reported on].
  - b. A review of EN47's Personnel File to identify any potential risk has been requested but no response has been received to date.

***Appendix D: Schedule of Supporting Documentation***

31. Appendix D lists the document references together with a description of each document relied on in the risk assessment.

***Appendix E: Declaration***

32. Appendix E contains the following declaration:

"1. I understand that my duty in providing this written report and giving evidence is to help the Inquiry, and that this duty overrides any obligation to the subject of this report. I confirm that I have complied and will continue to comply with my duty.

2. I know of no conflict of interest of any kind, other than any which I have disclosed in my report.

3. I will advise the Inquiry if there is any change in circumstances which affect my answers.

4. I have fully referenced the sources of all information relied upon during the preparation of this report.

5. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.

6. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.

7. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others, including the solicitors acting for the subject of this report.

8. I will notify the Inquiry immediately and confirm in writing if, for any reason, my existing report requires any correction or qualification.

9. I understand that my report will be submitted to the Inquiry, that it will form the basis of my evidence and that I may be asked questions about it in writing or orally at a hearing."

33. Appendix E also includes the following signed and dated statement of truth: "I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true.

The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.”

**ENDS**