

## GISTED WITNESS STATEMENT OF EN33

*EN33 has provided the Inquiry with a witness statement comprising 75 paragraphs.*

*Italicised text below represents where the contents of the witness statement have been gisted.*

1. I am EN33 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. This statement is true to the best of my recollection and belief. I have prepared this statement without access to any documentation relating to my evidence which is held by the Inquiry, Operation Elter and/or any of the forces which I have worked for. The below is based entirely on my recollection of events and I therefore reserve the right to prepare a further statement, if necessary, when I have received the relevant documentation and an expert risk assessment.

### Pre-National Public Order Intelligence Unit

3. ***Gist:*** *The witness statement details the police work carried out by EN33 before EN33 was seconded to the National Public Order Intelligence Unit. During the course of those duties, EN33 was involved in the arrest and interview of activists. EN33 is concerned that if his/her identity is revealed or there is press interest in EN33's evidence, the activists may recognise EN33's name or face from EN33's involvement with them and seek revenge against EN33 for their involvement as this would no doubt put EN33 back in their minds and EN33 would be more exposed as a result of the Inquiry.*
4. I cannot now recall all of the test purchase operations that I was involved in or the individual targets. There are two operations which I can recall and I have set these out below.
5. ***Gist:*** *The witness statement summarises these two test-purchase operations. In relation to the first, EN33 was required to give evidence behind a screen, although EN33 believes this was after the defendant pleaded guilty. EN33 cannot recall the name of this male and does not know whether he is currently in prison or to what extent he would recall or recognise EN33. In relation to the second, EN33 purchased drugs from a group of individuals. EN33 was not required to give evidence at trial. EN33 does not know whether these individuals know or would have worked out that EN33 was an undercover officer. EN33 states that he/she is not in a position to assess the current risk to EN33 arising out of this operation.*

### National Public Order Intelligence Unit

6. ***Gist:*** *EN33 describes how he/she came to join the National Public Order Intelligence Unit, the training provided to EN33 and the legend building that EN33 undertook. The witness statement describes EN33's undercover work whilst seconded to the National Public Order Intelligence Unit. EN33 is concerned that there may be a photograph of EN33 in circulation from when he/she was deployed. EN33 explains why he/she is concerned about his/her*

*identity being revealed. EN33 explains the circumstances in which he/she came to leave the National Public Order Intelligence Unit.*

7. **Gist:** *EN33 describes circumstances in which video footage and/or photographs of him/her may have been taken by police and/or activists.*

#### **Post-National Public Order Intelligence Unit**

8. **Gist:** *EN33 describes how after leaving the National Public Order Intelligence Unit, EN33 continued in an undercover role for a number of years. In between lengthier deployments, EN33 would have taken part in smaller operations but nothing particularly significant or long term and EN33 cannot remember any specific details. EN33 summarises his/her undercover work in relation to a number of operations. In relation to two of these operations, EN33 has concerns about being identified in any way.*
9. **Gist:** *The witness statement describes how EN33 was subsequently seconded to an overt role in which EN33 gave evidence at court. EN33 explains why he/she is concerned that if his/her identity is revealed in this Inquiry, these individuals or others associated with them may recognise EN33 and seek to harm EN33.*
10. **Gist:** *EN33 is now retired from the police.*

#### **Articles 2 & 3**

11. *If I am required to give evidence in the Inquiry I would not want my real or my cover names to be disclosed. I would therefore wish to be identified only by my cipher and give evidence behind a screen. I would not want any photographs of me to be published.*
12. *Some of the individuals I am fearful of know my real name as I was not in an undercover role when I dealt with them, whereas others know me by my cover name. If my covert name is disclosed in isolation, I consider that there is an unjustifiable risk that my real identity could be discovered due to the individuals I was associated with having access to footage and photographs of me at the time.*
13. **Gist:** *EN33 provides further information which he/she believes makes EN33 vulnerable to identification.*
14. **Gist:** *EN33 states that he/she would be immensely concerned of the risk to EN33's life if his/her cover or real identity were disclosed in this Inquiry. EN33 states that disclosure of his/her identity in this Inquiry would create an unjustifiable risk to EN33's life and/or serious harm as a result of other operations that EN33 has been involved in.*
15. *In any event, I also have concerns regarding the risk of harm to me by being associated with this Inquiry. I am conscious that there are any number of activists, extremists, organised crime groups and other serious criminals who may feel betrayed and angry once evidence starts to emerge in this Inquiry and I do not believe that they will all differentiate between the officer whose evidence relates directly to them and other undercover officers who give evidence, in particular where some officers remain anonymous and others do not.*

16. In addition, whilst these individuals might not seek to kill or harm me directly, they may target me to try and force me to reveal the identities of other undercover officers that I have worked or trained alongside.
17. I require an expert assessor to assess the level of risk arising to myself and others from the various deployments that I have identified above and the risk of any links between my cover and real name.

### **Article 8**

18. **Gist:** EN33 sets out his/her concerns regarding the impact on his/her family members if EN33's real name is identified. They include the fact that EN33's mother has a deteriorating illness and is incredibly vulnerable.
19. **Gist:** EN33 explains that he/she took steps to ensure that EN33 could not be traced through his/her previous undercover work. EN33 moved to a different area. EN33 was hoping to sever any ties to his/her previous roles. EN33 feels this would effectively be for nothing if EN33's identity were now to be revealed in this Inquiry and EN33 does not want to have to move house again.
20. **Gist:** EN33 states that in addition to his/her concern regarding extremists who might seek to kill or harm EN33, there are many less extreme individuals who would take issue with EN33's evidence and that this would have a significant impact upon EN33's everyday life in a number of ways. EN33 believes that certain activists would protest outside EN33's house and vandalise/cause damage to EN33's property or car; shout abuse at EN33 in public; post abusive letters or material to EN33's address; or target EN33 via cyber-attacks, for example.
21. I would not feel safe or able to live my life in this way and so I would probably feel the need to relocate. This would be entirely disproportionate.
22. Furthermore, I would be significantly concerned about the level of press and media intrusion if I was linked to this Inquiry. The media can be extremely intrusive and this would cause my partner and me a great deal of distress and upset. I am a private individual and have no desire whatsoever to be the subject of media interest, good or bad.
23. I live with my partner and I consider that [he/she] will also be at risk if my identity is disclosed or I could be identified as a result of this Inquiry. **Gist:** EN33 provides further information regarding his/her partner's employment. In addition, I live next to an elderly neighbour and I would not want him to suffer from the risks identified above, such as people protesting around our houses or from unwanted media attention.
24. I have never had my identity compromised or exposed and I have never told people my true identity. I have told my partner that I used to be an undercover officer but I have kept the details very vague and I have never told anybody else, including my family. People that I am close to know that I was a police officer but that is all.

25. **Gist:** EN33 provides details of his/her current employment. Nobody that I work with knows that I have acted in a covert role and I would not want them to know this.
26. I am also concerned that, by being linked to this Inquiry, people in all aspects of my life would associate me with the conduct of other officers which might attract criticism. I would not want people that I know to discover that I was an undercover officer or that I was even involved in this Inquiry as I do not believe that they will discriminate between those officers whose conduct is being criticised and those whose conduct has been entirely proper throughout their career, such as myself.
27. I do have a Facebook account, however, I do not put pictures on it and I have very strict privacy settings so that people cannot access it. Other people may add pictures of me which might be linked to my account and there is a risk that if my identity is revealed in this Inquiry then these could be accessed, however, I do not know the extent of this risk. I have no other accounts such as Twitter or Instagram. As I have mentioned above, however, other individuals with whom I have been involved whilst undercover have access to footage and photographs of me which are entirely outside of my control.
28. To the best of my recollection I do not believe I was ever told as a matter of fact that my identity would be protected, however, I had always assumed that if I was required to give evidence I would do so behind a screen and my real or cover name would not be provided. I can categorically say that I would not have gone into undercover policing if I had known that there was the potential for me to have to give evidence at an Inquiry like this and that there was a risk that my identity or even my cover name would be made public. There is simply too much risk to me and my family as a result.

### **Conclusion**

29. I request that the Inquiry takes into consideration my compelling arguments in support of my application for a restriction order in respect of my real and cover names as set out above.
30. I have conducted myself entirely properly throughout my career and I have long-since retired from the police; believing my undercover operations to be firmly in the past. I received several commendations during my service and have played a significant part in the investigations into and convictions of serious offenders. I have never had a sexual or intimate relationship whilst in an undercover role and none of the operations I have been involved in could have resulted in miscarriages of justice. I have never been involved in a prosecution whilst in my undercover identity. I cannot see any benefit to the public of my real or my cover names being disclosed. In contrast, I consider there to be a huge and disproportionate risk to my Articles 2, 3 and 8 rights (and those of my partner and family) if my identity were to be disclosed. I respectfully request that my application is granted.
31. 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.

SIGNED: EN33

DATED: 8 August 2017