

GISTED RISK ASSESSMENT

EN33 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 EN33” (“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 27 March 2018. It was prepared by Andrew Large.
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. An example would be where someone has thought or spoken to others about carrying out a course of action. May have carried out preliminary research, but has little intention of seeing threat through.
- **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 their 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 their 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 / May happen.
- **High** – Likely / Expected.

HARM:-

Physical injury, that which is deliberately inflicted. Includes mental, physical and professional harm. Harm will be construed widely so as to embrace interference with private life.

Examples of physical injury are:-

- **Low** – The impact would have a very limited effect upon the officer, and could be readily mitigated. In terms of physical injury it would not exceed that which could be treated with non-expert ‘first aid’.
- **Medium** – Would significantly impact on the welfare of the officer. In physical terms would require professional attention (GP, hospital).

- **High** – Risk of overwhelming impact on family or other circumstances. In physical terms would result in a life threatening injury

Professional:- will include business, business interests, employment, employment prospects, and professional reputation.”

Career History and Identified Risks

4. After joining the police, EN33 initially performed uniformed duties. During the course of those duties, EN33 was involved in the arrest and interview of activists. The risk assessor understands that EN33 was deployed in an undercover role as a test purchase officer prior to his/her secondment to the National Public Order Intelligence Unit. The risk assessor has not been provided with any information which assists with identifying risk in relation to that period, save that the risk assessor was able to identify that EN33 received a commendation for his/her ‘courage and professionalism’.
5. EN33 was seconded to the National Public Order Intelligence Unit as an undercover officer in the early years of its existence. The risk assessment sets out an overview of the groups infiltrated by EN33. The risk assessment sets out details of individuals associated with the groups infiltrated who the risk assessor considers may pose the greater risk towards EN33 should EN33’s true identity or pseudonym be revealed. EN33 is concerned that photographs of EN33 whilst undercover may exist. Research shows that there is a large number of photographs on the internet linked to groups targeted by EN33. The risk assessor states that it is not practicable or proportionate to attempt to examine all of this material and there remains a strong likelihood that EN33 may feature within one or more of these images.
6. The risk assessor believes that the revelation that EN33 was an undercover officer is highly likely to invoke strong feelings of betrayal amongst those against whom EN33 was deployed whilst seconded to the National Public Order Intelligence Unit.
7. The risk assessment sets out the details of the undercover work carried out by EN33 for a number of years after leaving the National Public Order Intelligence Unit. The risk assessor states that EN33 continued with undercover work with a focus on serious and organised crime. The risk assessor states that due to the passage of time many of the records that would assist to be able properly to consider the risk towards EN33 in the context of the Inquiry are no longer available. In respect of a number of operations where there are surviving records, those records suggest that those targeted by EN33 and EN33’s colleagues are either unlikely to know that EN33 was an undercover officer or unlikely to pose a risk towards EN33.
8. EN33 was subsequently seconded to an overt role in which EN33 gave evidence at court.

Current Risk of Harm to EN33

9. The risk assessor has considered what the current risk of harm to the officer is, given what is presently known about him or her (i.e. if the Inquiry publishes nothing about this officer’s

work with the National Public Order Intelligence Unit). The risk assessor considers the current risk of harm to EN33 to be:

OVERALL ASSESSMENT	EN33 – Current Risk
THREAT	LOW
RISK	LOW
HARM	MEDIUM

Risk of Harm: publication of true identity and National Public Order Intelligence Unit cover name

10. The risk assessor has considered the position if the Inquiry published the officer’s real name and cover name used in connection with EN33’s work in the National Public Order Intelligence Unit.
11. In the risk assessor’s opinion, revelation of EN33’s real name and cover name used in connection with EN33’s work in the National Public Order Intelligence Unit is highly likely to result in images and reporting in respect of EN33 being posted in the media and on the internet, partly in an effort to seek more information about EN33. On account of the nature of operations that EN33 has undertaken since their secondment with the National Public Order Intelligence Unit, the risk assessor believes that any such publicity could elevate the risk and threat of harm concerning EN33 from those involved in serious and organised crime. The risk assessor cannot discount that some of those infiltrated by EN33 during EN33’s secondment to the National Public Order Intelligence Unit may seek to disrupt the private life of EN33 as a means of revenge and as a show of solidarity for their cause. The risk assessor believes that the media will be able to trace and locate EN33 and/or members of his/her family. The risk assessor believes that there is a high risk that this will lead to a significant interference with the private life of EN33, their family, friends and neighbours. The risk assessor notes that it cannot be discounted that where records are incomplete/unavailable EN33 may have formed relationships where revelation that EN33 was an undercover officer would generate greater risk or threat of harm towards EN33.
12. The risk assessor has considered additional measures that may be considered to support EN33 in the event EN33 is required to provide live evidence to the Inquiry following revelation of EN33’s true and cover identity. Those measures comprise (a) measures to protect the current likeness of EN33 being revealed such as covert entry and exit to/from the place where evidence is to be given, evidence being given in private and the use of a screen and (b) restricting questioning to prevent details of EN33’s private life being revealed.
13. However, it is the opinion of the risk assessor that such measures would be of little or no value in the event of a publication containing details about EN33, including EN33’s image, being released.
14. The risk assessor’s overall assessment, if the Inquiry published EN33’s real name and cover name used in connection with EN33’s work in the National Public Order Intelligence Unit, is as follows:

OVERALL ASSESSMENT	EN33 – True identity and National Public Order Intelligence Unit identity
THREAT	MEDIUM
RISK	MEDIUM
HARM	HIGH

Risk of Harm: publication of National Public Order Intelligence Unit cover name only

15. The risk assessor has considered the position if the Inquiry restricted the officer's real name but publishes the officer's National Public Order Intelligence Unit cover name.
16. The risk assessor notes that the public inquiry into undercover policing has attracted and continues to attract much publicity across the country. The risk assessor states that it is highly likely that persons involved in serious and organised crime, as well as members of activist groups, will be paying close attention to revelations made during the course of the Inquiry. The risk assessor believes that websites such as 'COPS – Campaign Opposing Police Surveillance' are intent on exposing the identity of any officer linked to the Special Demonstration Squad and National Public Order Intelligence Unit.
17. The risk assessor considers that there is a low risk of the true identity of EN33 being realised should EN33's National Public Order Intelligence Unit pseudonym be revealed. However, the risk assessor considers that revelation of the pseudonym used by EN33 during EN33's secondment to the National Public Order Intelligence Unit is highly likely to result in this name being circulated amongst the targeted groups. This could result in images and reporting about EN33 being posted in the media and particularly on the internet accompanied by appeals for further information, with consequences which include the following:
 - a. This would present an opportunity for those targeted by EN33, or any of their associates, to identify EN33 as an undercover police officer.
 - b. This would, on account of the nature of the operations that EN33 undertook following his/her secondment with the National Public Order Intelligence Unit, potentially elevate the risk and threat of harm towards EN33, although the risk assessor acknowledges that the case for this is not clear.
 - c. This would raise the interest of the media towards EN33, raising the risk of interference to the private life of EN33 and EN33's family, friends and neighbours as a consequence of reporters attempting to chronicle the involvement of EN33 with the National Public Order Intelligence Unit.
18. The risk assessor has considered additional measures that may be considered to support EN33 in the event EN33 is required to provide live evidence to the Inquiry following revelation of EN33's cover name. Those measures comprise (a) measures to protect the current likeness of EN33 being revealed such as covert entry and exit to/from the place where evidence is to be given, evidence being given in private and the use of a screen, (b) restricting questioning to prevent the true identity of EN33 being revealed, (c) restricting

questioning about EN33’s private life and (d) restricting questioning to prevent the undercover role of EN33 after the National Public Order Intelligence Unit being revealed.

19. The risk assessor considers that, in the short term, the protection of the current likeness of EN33 would reduce the risk of harm towards EN33 and EN33’s family. It would make the process of linking the pseudonym used by EN33 with EN33’s true identity more difficult. A restriction to prevent the true identity and details of the private life of EN33 being revealed would similarly reduce the risk of anyone realising the true identity of EN33 and subsequently locating him/her. Similarly, the restriction on questioning EN33 to prevent EN33’s post- National Public Order Intelligence Unit role from being revealed would reduce risk towards EN33, EN33’s colleagues and the infrastructure of EN33’s past department.
20. However, it is the opinion of the risk assessor that such measures would be of little or no value in the event of a publication containing details about EN33, including EN33’s image, being released. Due to the likelihood of such a publication being produced, in the event that the National Public Order Intelligence Unit pseudonym of EN33 was revealed, the use of these measures would not reduce the risk assessor’s overall assessment of the risk.
21. The risk assessor’s overall assessment, if the Inquiry restricted the officer’s real name but publishes the officer’s National Public Order Intelligence Unit cover name, is as follows:

OVERALL ASSESSMENT	EN33 –National Public Order Intelligence Unit identity
THREAT	MEDIUM
RISK	MEDIUM
HARM	HIGH

Risk of Harm: publication of real name only

22. The risk assessor has considered the position if the Inquiry restricted the officer’s cover name but publishes the officer’s real name. The consequences, in the risk assessor’s opinion, of publishing the real name of EN33, and the fact that any exposure by the media could include an image of EN33, are reiterated.
23. The risk assessor has considered additional measures that may be considered to support EN33 in the event EN33 is required to provide live evidence to the Inquiry following revelation of EN33’s true identity. Those measures comprise (a) measures to protect the current likeness of EN33 being revealed such as covert entry and exit to/from the place where evidence is to be given, evidence being given in private and the use of a screen, (b) restricting questioning to prevent the past undercover identity and roles played by EN33 from being revealed and (c) restricting questioning to prevent details of EN33’s private life being revealed.
24. However, it is the opinion of the risk assessor that such measures would be of little or no value in the event of a publication containing details about EN33, including EN33’s image,

being released. There is a high likelihood that such a publication will be produced in the event that the true identity of EN33 were to be revealed. The risk assessor states that as the use of these measures would at best only serve to reduce any risk in the immediate term, his overall assessment of risk would not diminish.

25. The risk assessor’s overall assessment, if the Inquiry restricted the officer’s cover name but publishes the officer’s real name, is as follows:

OVERALL ASSESSMENT	EN33 – True identity
THREAT	MEDIUM
RISK	MEDIUM
HARM	HIGH

Mitigation Measures

26. The risk assessor has considered the measures the home force of EN33 may implement in the event that EN33’s true identity and/or EN33’s National Public Order Intelligence Unit cover name were to be revealed. The risk assessor’s conclusion is based on the research of the operations and individuals mentioned in the risk assessment and on his experience of dealing with threat, harm and risk during his police service. The risk assessor has not discussed this individual case with any member of the relevant Protected Persons Unit that would be asked to support EN33.
27. Those measures are categorised as “lower response”, “middle response” and “higher response”.
28. The risk assessor considers, in the event that the National Public Order Intelligence Unit cover name is revealed, the measures described within “lower response” to be the most appropriate in the short term. The risk assessor believes that should it come to light that a link has been made between the true identity of EN33 and the National Public Order Intelligence Unit cover name, EN33’s home force would implement measures contained within “higher response”. This would involve temporary relocation of EN33 and EN33’s family to enable a full assessment to be undertaken with a view to longer term measures such as permanent relocation and change of identity.

Current UK Terrorism Assessment

29. The risk assessor notes that the threat level for international terrorism in the UK Policing Services Sector is “Critical”. The risk assessor notes that this threat relates to all UK law enforcement officers. Should sufficient information be released into the public domain via the media, internet or other means, which allows an officer to be readily identified and home address located, it may lead to them becoming a more favourable target or softer option for any terrorist or terrorist group. The risk assessor notes that given the ease with which EN33 may be located this is particularly relevant.

Summary Conclusion

30. The risk assessor's conclusion is that should the Inquiry be minded to release either the National Public Order Intelligence Unit pseudonym or true identity for EN33, or both, the threat to EN33 would rise from LOW to MEDIUM. He believes the risk towards EN33 would rise from LOW to MEDIUM and the level of harm would rise from MEDIUM to HIGH. This should be considered alongside third party risks to associated operatives and operations.

Appendix A: List of Third Party Stakeholders Contact Details

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

Appendix B: CV of NPCC Assessor and Quality Assurance Assessor

32. Appendix B sets out the CV of Andrew Large.

Appendix C: Limitations of Risk Assessment

33. The purpose of this report is to provide a risk assessment to accompany an application to the Undercover Policing Inquiry for anonymity.
34. 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.
35. 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.
36. The assessment contained in this report is the opinion of the author based on the material made available to the author.
37. 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. Attention is drawn to the following factors which limit the completeness of the risk assessment in relation to the particular subject of this report, EN33:
- a. EN33 has been deployed as an undercover officer on investigations that span over [gist: a number of] years. It is therefore unachievable to be able to identify and research every person that EN33 may have had contact or developed a relationship with.
 - b. Records appertaining to undercover operations that EN33 took part in following his/her secondment with the National Public Order Intelligence Unit are incomplete.

Appendix D: Schedule of Supporting Documentation

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

Appendix E: Declaration

44. 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 answer to points 2 above.

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.”

45. 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, in respect of EN33, 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