

GISTED RISK ASSESSMENT

EN38 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 EN38” (“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 18 January 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.”

Executive Summary

4. In summary, it is assessed that the exposure of EN38 is likely to affect ongoing operations that EN38 is involved in. It is assessed that the exposure of EN38's true identity is likely to require a higher tier response from EN38's home force to protect EN38's right to life. It is assessed that the exposure of EN38 would have a catastrophic effect on EN38 and EN38's family's right to a private life.

Applicant / Officer Details

5. EN38 was seconded to the National Public Order Intelligence Unit as an undercover officer for a number of years. EN38 was deployed into one group by the National Public Order Intelligence Unit and reported on other groups. After leaving the National Public Order Intelligence Unit, EN38 did further undercover work. EN38 remains deployable as an undercover officer, although is presently engaged on other sensitive duties.
6. The risk assessment sets out an overview of the groups infiltrated by EN38 and a summary of EN38's employment since leaving the National Public Order Intelligence Unit.
7. EN38 has used a different pseudonym since leaving the National Public Order Intelligence Unit. EN38 has given evidence under the latter pseudonym but with special measures in place to protect his/her visual appearance. EN38 does not use any social media platforms in his/her true identity.

The risk to EN38 should EN38's true or pseudonym identity be revealed

8. The risk assessment sets out details of the individuals associated with the groups infiltrated by EN38 during his/her secondment to the National Public Order Intelligence Unit who are considered by the risk assessor to be of relevance to the risk assessment because they raise concerns. It is the opinion of the risk assessor that EN38 is at significant risk from the groups that EN38 infiltrated. Consequently, the threat from those groups to EN38 is assessed as HIGH. The risk that the groups infiltrated would take action against EN38 if either his/her true identity or his/her National Public Order Intelligence Unit cover name is disclosed is assessed as HIGH. The degree of harm that might be inflicted on EN38 by these groups is assessed as HIGH.

The threat of compromise to current and future operations

9. It is the opinion of the risk assessor that, as EN38 has not been compromised during any National Public Order Intelligence Unit deployment, is still available for deployment and is currently in a covert role, the revelation of either EN38's true or pseudonym identities would present a HIGH threat of compromise to both current and future covert operations. The risk that these current and future covert operations would be jeopardised is assessed as HIGH and, consequently, the damage caused to the ability of the state to respond to domestic threats to national security is assessed as MEDIUM.

The effect on the private life of EN38 should EN38's identity be revealed

10. The risk assessor's opinion is that the revelation of EN38's true identity would be likely to result in EN38's home force invoking protective measures in the Higher Response range. This range includes measures such as the person under threat and their immediate family being relocated to a place of safety whilst suitable long-term measures are considered. These longer-term measures may include relocation, a change of identity and implementing procedures for the wider family of the person under threat.

Current Risk of Harm to EN38

11. 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). For a number of reasons, it is the opinion of the risk assessor that there is currently a LOW risk of harm to EN38.

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

12. The risk assessor has considered the potential increase in risk if the Inquiry published the officer's real name and cover name used in connection with his work in the National Public Order Intelligence Unit. It is the opinion of the risk assessor that revealing EN38's identities will create such an increase in risk to EN38 that the assessor believes that EN38's home force will invoke an expensive higher tier protective response and will subject EN38 and EN38's family to an emergency relocation whilst a full review of the threat is assessed and long term measures considered. The risk assessor believes that in the long term EN38 and EN38's family will have to be relocated, significantly affecting EN38's career and EN38's family. To expose EN38 would also mean that EN38 would no longer be able to be deployed.
13. The risk assessor has considered what measures other than an order restricting real and cover name, such as the use of screens, could be taken to avoid or reduce this increase in risk to EN38. It is the risk assessor's opinion that, other than EN38's home force invoking expensive higher tier protective measures for EN38 and EN38's family, there are no measures that can reasonably be expected to reduce the risk to EN38 if EN38's pseudonym is released.

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

14. The risk assessor has considered the increase in risk if the Inquiry restricted the officer's real name but publishes the cover name used by EN38 whilst seconded to the National Public Order Intelligence Unit. Photographs and/or videos of EN38 whilst undercover may exist. The risk assessor explains how publication of EN38's pseudonym might lead to the identification of EN38's real name.
15. In the circumstances, the risk assessor does not consider that there are any measures other than an order restricting the cover name, such as the use of screens, that could be taken to avoid or reduce this increase in risk.

Risk of Harm: publication of real name only

16. The risk assessor has considered the increase in risk if the Inquiry restricted the officer's cover names but published the officer's real name. It is the opinion of the risk assessor that revealing EN38's real identity will create such an increase in risk to EN38 that the assessor believes that EN38's home force will invoke an expensive higher tier protective response and will subject EN38 and EN38's family to an emergency relocation whilst a full review of the threat is assessed and long term measures considered. The risk assessor believes that in the long term EN38 and EN38's family will have to be relocated, significantly affecting EN38's career and EN38's family.
17. It is the opinion of the risk assessor that, other than EN38's home force invoking expensive higher tier protective measures for EN38 and EN38's family, there are no measures, other than a Restriction Order, that can reasonably be expected to reduce the risk to EN38 if EN38's National Public Order Intelligence Unit pseudonym and/or real identity is released.

Conclusion

18. The revelation of either EN38's pseudonym or true identity is very likely to impact significantly on the private life of EN38 and EN38's family as it is the risk assessor's opinion that EN38's home force will have to invoke a higher tier response and relocate EN38 and EN38's family in order to safeguard them.

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: the most detailed background checks have not been carried out in relation to all relevant activists because it was felt that the threshold of 'dangerousness' can be illustrated without the need to resort to such intelligence resources].
 - b. It is the opinion of the NPCC Assessor that at this stage, no further enquiries need to be conducted to establish the risk to officers that were deployed alongside EN38 in pre or post- National Public Order Intelligence Unit deployments. The rationale for this decision is that this would entail a disproportionate amount of additional work and time given that the risks to EN38 from [redacted] are so patent.

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, in respect of EN38, 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