

GISTED RISK ASSESSMENT

EN40 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 EN40” (“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. EN40 was seconded to the National Public Order Intelligence Unit as an undercover officer for a number of years. EN40 had not deployed in an undercover role prior to his/her secondment to the National Public Order Intelligence Unit. The risk assessor has not been provided with any information which that leads him to believe any risk would occur towards EN40 from the period prior to EN40 being seconded to the National Public Order Intelligence Unit.
5. The risk assessment sets out an overview of the groups infiltrated by EN40 during his/her secondment to the National Public Order Intelligence Unit. The risk assessment sets out details of individuals associated with the groups infiltrated who are considered by the risk assessor to be of relevance to the risk assessment.
6. It is the opinion of the risk assessor that disclosure of the pseudonym used by EN40 during his/her secondment to the National Public Order Intelligence Unit could lead to photographs being published that could lead to the true identity and post-National Public Order Intelligence Unit cover name(s) of EN40 being discovered. The risk assessor states that, “Evidence therefore leads me to conclude that there will be significant threat, risk and harm towards EN40 should [his/her] earlier [National Public Order Intelligence Unit] pseudonym be revealed.”
7. The risk assessment sets out the details of the undercover work carried out by EN40 since leaving the National Public Order Intelligence Unit. EN40 has used a different pseudonym for the purposes of this undercover work. The risk assessment also sets out details of individuals with whom EN40 has had contact during that work who are considered to feature in serious and organised crime groups linked to violence, firearms and drugs. The risk assessor’s opinion is that these groups and individuals have potential to pose significant risks towards EN40.

Current Risk of Harm to EN40

8. 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 EN40 as:

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| OVERALL ASSESSMENT | EN40 – Current Risk |
| THREAT | LOW |

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| RISK | LOW |
| HARM | HIGH |

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

9. The risk assessor has considered the position if the Inquiry published the officer's real name and cover name used in connection with EN40's work in the National Public Order Intelligence Unit.
10. The risk assessor states that it is clear that EN40 has successfully continued an undercover career following his/her secondment to the National Public Order Intelligence Unit. The possible existence of images could betray post-National Public Order Intelligence Unit deployments if released.
11. It is the opinion of the risk assessor that any such publicity would elevate the risk and threat of harm concerning EN40 to HIGH and would both frustrate a current operation and prevent EN40 from deploying as an undercover officer in the future. It would also raise the risk and threat of harm to any other undercover officer deployed with EN40 through association. Further, it may also raise the risk and threat of harm towards any innocent third party that others may perceive as providing assistance to law enforcement agencies.
12. The risk assessor believes that the media will be able to trace and locate EN40 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 EN40, EN40's family, friends and neighbours.
13. The risk assessor has considered a range of measures that the home force of EN40 may implement in the event that the true identity and National Public Order Intelligence Unit pseudonym are revealed. The risk assessor has also considered additional measures that may be considered to support EN40 in the event EN40 is required to provide live evidence to the Inquiry following revelation of EN40's true and cover identity. Those measures comprise (a) measures to protect the current likeness of EN40 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 the current undercover identity and role of EN40 from being revealed and (c) restricting questioning to prevent details of EN40's private life being revealed. In the risk assessor's opinion, however, were EN40's real name and cover name used in connection with EN40's work in the National Public Order Intelligence Unit to be published, there is a high likelihood that a publication containing details about EN40 would be released. In those circumstances, such measures would not reduce the risk assessor's overall assessment of risk.
14. The risk assessor's overall assessment, if the Inquiry published EN40's real name and cover name used in connection with EN40's work in the National Public Order Intelligence Unit, is as follows:

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| OVERALL ASSESSMENT | EN40 – True identity and National Public Order Intelligence Unit identity |
| THREAT | HIGH |
| RISK | HIGH |
| 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 although the risk assessor is not convinced they would not go further. There is evidence already before the Inquiry from Chief Constable Pughsley regarding risk and threat from organised crime groups attempting to trace undercover officers.
17. Photographs and/or videos of EN40 whilst undercover may exist. The risk assessor explains how publication of EN40's pseudonym might lead to the identification of EN40's real name and is highly likely to result in the same consequences as publishing the real name, including precluding EN40 from being deployed as an undercover officer. In those circumstances, the risk assessor considers that any measures that the home force may implement or that might be implemented to support EN40 in the event that EN40 is requested to provide live evidence to the Inquiry would be little or no value and would not reduce the risk assessor's overall assessment of risk.
18. 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:

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|--------------------|--|
| OVERALL ASSESSMENT | EN40 –National Public Order Intelligence Unit identity |
| THREAT | HIGH |
| RISK | HIGH |
| HARM | HIGH |

Risk of Harm: publication of real name only

19. The risk assessor has considered the increase in risk 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 EN40 are reiterated:

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| OVERALL ASSESSMENT | EN40 – True identity |
| THREAT | HIGH |
| RISK | HIGH |
| HARM | HIGH |

Current UK Terrorism Assessment

20. The risk assessor notes that the threat level for international terrorism in the UK Policing Services Sector is "Severe". The risk assessor notes that this threat relates to all UK law enforcement officers, arguably more so to those with a Special Branch or Counter Terrorism background. 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.

Summary Conclusion

21. 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 EN40, or both, the threat/risk/harm to the officer would rise to High/High/High. This should be considered alongside third party risks to associated operatives and operations.

Appendix A: List of Third Party Stakeholders Contact Details

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

Appendix B: CV of NPCC Assessor and Quality Assurance Assessor

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

Appendix C: Limitations of Risk Assessment

24. The purpose of this report is to provide a risk assessment to accompany an application to the Undercover Policing Inquiry for anonymity.
25. 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.
26. 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.

27. The assessment contained in this report is the opinion of the author based on the material made available to the author.
28. 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.
29. 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.
30. 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.

31. 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.
32. 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.
33. Attention is drawn to the following factors which limit the completeness of the risk assessment in relation to the particular subject of this report, EN40:
 - a. EN40 has been deployed as an undercover officer on investigations that span the last [*number redacted*] years. It is therefore unachievable to be able to identify and research every person that EN40 had contact or developed a relationship with.
 - b. [Gist: whilst seconded to the National Public Order Intelligence Unit, EN40 reported upon a significant number of persons/groups that were largely unknown or that little was known about, which is still the case today].

Appendix D: Schedule of Supporting Documentation

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

Appendix E: Declaration

35. 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.”

36. 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 EN40, 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