

GISTED RISK ASSESSMENT

EN41 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 EN41” (“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 19 December 2017. 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. Prior to being seconded to the National Public Order Intelligence Unit, EN41 was deployed as an undercover foundation officer on a substantial drugs operation. For various reasons, the risk assessor considers the level of any threat, risk and harm towards EN41 from EN41’s pre-National Public Order Intelligence Unit operations to be low.
5. EN41 was seconded to the National Public Order Intelligence Unit as an undercover officer for a number of years. The risk assessment sets out an overview of the groups infiltrated by EN41 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. Photographs and/or videos of EN41 during his/her secondment to the National Public Order Intelligence Unit may exist.
6. The risk assessment sets out the details of the undercover work carried out by EN41 since leaving the National Public Order Intelligence Unit, including in relation to ongoing operations. EN41 has used a different pseudonym for the purposes of this undercover work. EN41 has been deployed on a number of operations since leaving the National Public Order Intelligence Unit. The risk assessment also sets out details of individuals with whom EN41 has had contact during that work who are considered to feature in serious and organised crime groups linked amongst other things to violence, firearms and drugs.

Current Risk of Harm to EN41

7. 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).
8. The risk assessor believes that the individuals that featured within EN41’s operations whilst seconded to the National Public Order Intelligence Unit pose a low threat and risk of harm, from a physical point of view, towards EN41. However, the opposite can be said of the groups and individuals infiltrated by EN41 following EN41’s National Public Order Intelligence Unit secondment, which carry a high threat and risk of harm.
9. There is no information or intelligence that any person/group infiltrated by EN41 post EN41’s National Public Order Intelligence Unit secondment has issued any threat against EN41. The risk assessor therefore concludes that the current overall threat towards EN41 is low. However, for reasons associated with a live deployment, the risk assessor concludes that the current risk in respect of EN41 is low/medium. Given the nature of the persons and

groups previously and currently being targeted by EN41 post-National Public Order Intelligence Unit, the nature of any harm is likely to be high.

10. In the circumstances, the risk assessor assesses the current risk of harm to EN41 as:

OVERALL ASSESSMENT	EN41 – Current Risk
THREAT	LOW
RISK	LOW/MEDIUM
HARM	HIGH

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

11. The risk assessor has considered the position if the Inquiry published the officer's real name and cover name used in connection with EN41's work in the National Public Order Intelligence Unit.
12. The risk assessor has concluded that the risk of harm rises to high in the event that either EN41's real name or National Public Order Intelligence Unit pseudonym is revealed. Therefore in considering the elements of risk for the true identity of EN41 when combined with the elements of risk for EN41's National Public Order Intelligence Unit pseudonym, the overall level of risk towards EN41 does not lessen.
13. Any publicity would present an opportunity for those previously and currently targeted by EN41, or any of their associates, to identify EN41 as an undercover officer. This would highly likely compromise live operations that EN41 features in and may affect ongoing court proceedings in relation to other investigations. This would also create a risk of recognition by a third party who may then provide information about the identity of EN41 to the media.
14. On account of the nature of the operations that EN41 has undertaken and continues to undertake since his/her secondment with the National Public Order Intelligence Unit, the risk assessor believes that any such publicity would elevate the risk and threat of harm concerning EN41 to high. It would raise the risk and threat of harm to any other undercover officer deployed with EN41 through association. Further, it may also raise the risk and threat of harm towards any innocent third party that others may perceive as providing such assistance.
15. The risk assessor believes that the resultant damage to the career of EN41 would also be significant, as EN41 would no longer be able to fulfil his/her role as an undercover officer.
16. The risk assessor believes that, should the true identity of EN41 be revealed together with his/her National Public Order Intelligence Unit pseudonym, it is highly likely that the media will be able to locate EN41 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 EN41 as the risk assessor would expect the media to pursue enquiries with EN41, EN41's family, friends and neighbours in support of its reporting about the Inquiry and undercover policing.

17. The risk assessor’s overall assessment, if the Inquiry published EN41’s real name and cover name used in connection with EN41’s work in the National Public Order Intelligence Unit, is as follows:

OVERALL ASSESSMENT	EN41 – True identity and National Public Order Intelligence Unit identity
THREAT	HIGH
RISK	HIGH
HARM	HIGH

18. The risk assessor has not been provided with a risk management plan from the home force of EN41 in respect of and of the matters discussed within the risk assessment. The risk assessor has therefore considered a range of measures that the home force of EN41 may implement in the event that the true identity and National Public Order Intelligence Unit pseudonym are revealed. Given the threats and risks outlined in the risk assessment, and the number of persons with criminal connections, it would be extremely difficult to continually monitor intelligence to identify any threat that could manifest from any of the post- National Public Order Intelligence Unit operations in which EN41 features. In the event that the true identity of EN41, or his/her National Public Order Intelligence Unit pseudonym, were revealed, the risk assessor believes ‘higher response’ measures to be appropriate. Such measures would involve the relocation of EN41 and his/her family and the implementation of a full package of measures which may include a change of identity.
19. The risk assessor has also considered additional measures that may be considered to support EN41 in the event EN41 is required to provide live evidence to the Inquiry following revelation of EN41’s true and cover identity. Those measures comprise (a) measures to protect the current likeness of EN41 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 EN41 from being revealed and (c) restricting questioning to prevent details of EN41’s private life being revealed. In the risk assessor’s opinion, however, were EN41’s real name and cover name used in connection with EN41’s work in the National Public Order Intelligence Unit to be published, there is a high likelihood that a publication containing details about EN41 and an image would be released. In those circumstances, such measures would not reduce the risk assessor’s overall assessment of risk.

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

20. 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.
21. Photographs and/or videos of EN41 undercover whilst seconded to the National Public Order Intelligence Unit may exist. The risk assessor explains the risk that, should the National Public Order Intelligence Unit pseudonym be revealed, an image of EN41 could be passed to both the media and other interested parties. It is highly likely that websites such

as Powerbase and Undercover Research Group will choose to publish a profile of EN41, based on the information they may hold or will be able to obtain. Such a profile could be accompanied by an image of EN41.

22. Any publicity would present an opportunity for those previously and currently targeted by EN41, or any of their associates, to identify EN41 as an undercover officer. This would highly likely compromise live operations that EN41 features in and may affect ongoing court proceedings in relation to other investigations. This would also create a risk of recognition by a third party who may then provide information about the identity of EN41 to the media.
23. On account of the nature of the operations that EN41 has undertaken and continues to undertake since his/her secondment with the National Public Order Intelligence Unit, the risk assessor believes that any such publicity would elevate the risk and threat of harm concerning EN41 to high. It would raise the risk and threat of harm to any other undercover officer deployed with EN41 through association. Further, it may also raise the risk and threat of harm towards any innocent third party that others may perceive as providing such assistance.
24. The risk assessor believes that the resultant damage to the career of EN41 would also be significant, as EN41 would no longer be able to fulfil his/her role as an undercover officer.
25. 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	EN41 –National Public Order Intelligence Unit identity
THREAT	HIGH
RISK	HIGH
HARM	HIGH

26. In terms of mitigation measures, given the threats and risks outlined in the risk assessment, and the number of persons with criminal connections, it would be extremely difficult to continually monitor intelligence to identify any threat that could manifest from any of the post- National Public Order Intelligence Unit operations in which EN41 features. In the event that the National Public Order Intelligence Unit pseudonym is revealed, the risk assessor believes 'higher response' measures to be appropriate. Such measures would involve the relocation of EN41 and his/her family and the implementation of a full package of measures which may include a change of identity.
27. The risk assessor has also considered additional measures that may be considered to support EN41 in the event EN41 is required to provide live evidence to the Inquiry following revelation of EN41's cover identity, as set out above. In the risk assessor's opinion, however, given the likelihood that a publication containing details about EN41 would be released, any reduction in the assessment of risk would be negligible.

Risk of Harm: publication of real name only

28. 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.
29. The risk assessor believes that, should the true identity of EN41 be revealed, it is highly likely that the media will be able to trace and locate EN41 and/or members of his/her family.
30. In the case of the websites that oppose the use of undercover officers against domestic extremism, the risk assessor believes that the people behind these sites are highly motivated and remain committed to expose the identities of any National Public Order Intelligence Unit undercover officer.
31. The risk assessor believes that:
 - a. any such exposure by either the media or by the relevant websites is highly likely to lead to the compromise of live operations that EN41 is currently deployed on; and
 - b. it is highly likely that it may affect ongoing court proceedings and other ongoing operations.
32. Due to the nature of the operations that EN41 has undertaken, and continues to undertake, since his/her secondment to the National Public Order Intelligence Unit, the risk assessor believes that any revelation is likely to create a high risk and threat of serious harm towards EN41 and any other undercover officer currently deployed with EN41. It is also likely to create a risk towards innocent third parties who may mistakenly be assumed to be assisting the police.
33. The risk assessor believes that the resultant damage to the career of EN41 would also be significant, as EN41 would no longer be able to fulfil his/her role as an undercover officer.
34. The risk assessor's assessment of the risk of publishing the real name of EN41 is as follows:

OVERALL ASSESSMENT	EN41 – True identity
THREAT	HIGH
RISK	HIGH
HARM	HIGH

35. In terms of mitigation measures, in the event that the true identity of EN41 were revealed, the risk assessor believes 'higher response' measures to be appropriate. Such measures would involve the relocation of EN41 and his/her family and the implementation of a full package of measures which may include a change of identity.
36. The risk assessor has also considered additional measures that may be considered to support EN41 in the event EN41 is required to provide live evidence to the Inquiry following revelation of EN41's true identity, as set out above. In the risk assessor's opinion, however, given the likelihood that a publication containing details about EN41 and an image would be

produced and given the capabilities of those that have an interest in EN41, any reduction in the assessment of risk would be marginal.

Current UK Terrorism Assessment

37. The risk assessor notes that the threat level for international terrorism in the UK Policing Services Sector is “Severe”. In the case of EN41, should sufficient information be released into the public domain via the media, internet or other means, which allows EN41 to be readily identified and home address located, it may lead to him/her and his/her family becoming an easy target or softer option for any terrorist or terrorist group.

Summary Conclusion

38. 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 EN41, or both, the threat/risk/harm to the officer would rise to High/High/High but this should be considered alongside third party risks to associated operatives and operations.

Appendix A: List of Third Party Stakeholders Contact Details

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

Appendix B: Table Outlining Proposed Risk Management Plan

40. Appendix B contains a table outlining the risk assessor’s proposed risk management plan should a restriction order not be granted, including the extraction of EN41 from live deployments and the relocation of EN41 and EN41’s family.

Appendix C: CV of NPCC Assessor and Quality Assurance Assessor

41. Appendix C sets out the CV of Andrew Large.

Appendix D: Limitations of Risk Assessment

42. The purpose of this report is to provide a risk assessment to accompany an application to the Undercover Policing Inquiry for anonymity.
43. 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.
44. 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.
45. The assessment contained in this report is the opinion of the author based on the material made available to the author.

46. 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.
47. 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.
48. 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.
49. 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.
50. 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.

51. Attention is drawn to the following factors which limit the completeness of the risk assessment in relation to the particular subject of this report, EN41:

- a. EN41 has been deployed on a large number of undercover operations since *his/her* secondment to the National Public Order Intelligence Unit. At the present time that number is [redacted] of which [redacted] operations are believed to remain live. Therefore EN41 continues to be exposed to individuals that may present a significant threat or risk of harm but as yet remain unidentified, or have yet to feature in these operations.

Appendix E: Schedule of Supporting Documentation

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

Appendix F: Declaration

53. Appendix F 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.”

54. Appendix F 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 EN41, 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