

GISTED RISK ASSESSMENT

EN48 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 EN48” (“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 14 December 2017. 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.”

Applicant history and the relevant risks

4. The risk assessment sets out a summary of EN48's undercover work before and after being seconded to the National Public Order Intelligence Unit. Prior to being seconded to the National Public Order Intelligence Unit, EN48 had experience of working undercover, including in relation to serious and organised crime. EN48 was seconded to the National Public Order Intelligence Unit as an undercover officer for a number of years and was deployed against several groups. After leaving the National Public Order Intelligence Unit, EN48 carried out further undercover work, including in relation to serious and organised crime. EN48 is now retired.
5. There is currently a LOW risk of harm to EN48.
6. The risk assessment sets out an overview of the groups infiltrated by EN48 during EN48's secondment to the National Public Order Intelligence Unit. The risk assessment also sets out details of the key individuals associated with those groups. The risk assessor notes that in reaching a conclusion to the consideration of the risk to EN48 from those infiltrated during EN48's secondment to the National Public Order Intelligence Unit, should EN48's true identity be revealed, he has needed to balance contradictory evidence. There is evidence that indicates that the potential physical risks to undercover officers were assessed to be considerable. However, there are also assessments of groups deployed into by EN48 by senior officers which indicate that the risk of physical harm to deployed undercover officers was considered to be low, including reflective assessments written some time after EN48's operations concluded.

The risk to EN48 should EN48's true identity be revealed

7. Overall, the risk assessor's opinion is that the threat of retribution against EN48 from those infiltrated during EN48's secondment to the National Public Order Intelligence Unit, should EN48's true identity be revealed, is assessed as HIGH. The risk assessor has formed the opinion that should EN48's true identity be revealed or discovered, then the risk of action against EN48 by those infiltrated during EN48's secondment to the National Public Order Intelligence Unit is MEDIUM. It is the opinion of the risk assessor that should action be taken against EN48 by those infiltrated, then the action is highly likely to severely disrupt EN48's right to a private life and is likely to result in physical harm. Consequently, the degree of harm to EN48 is assessed as HIGH. The risk assessor's overall assessment of the threat posed to EN48 by those infiltrated by EN48 during EN48's secondment to the National Public Order Intelligence Unit, is as follows:

OVERALL ASSESSMENT The risk to EN48 from those infiltrated during EN48's secondment to the National Public Order Intelligence Unit should EN48's true identity be revealed.	
THREAT	HIGH
RISK	MEDIUM
HARM	HIGH

8. The risk assessor has considered the risks posed to EN48 by others in respect of whom EN48 has been deployed (including serious and organised criminals), since leaving the National Public Order Intelligence Unit, in the event that EN48's true identity is revealed. No information has been provided to the risk assessor by the operational security advisors that suggests that those infiltrated are predisposed to exact retribution against undercover officers. However the assessor is of the opinion that an absence of such evidence does not preclude it from happening. EN48 has concerns about certain groups. Balancing these factors, the risk assessor's opinion regarding this risk is as follows:

OVERALL ASSESSMENT The risk to EN48 from others should EN48's true identity be revealed.	
THREAT	MEDIUM
RISK	MEDIUM
HARM	HIGH

The risk to EN48 should EN48's National Public Order Intelligence Unit pseudonym be revealed

9. The risk assessor has considered the risk to EN48 from those infiltrated during EN48's secondment to the National Public Order Intelligence Unit in the event that EN48's National Public Order Intelligence Unit cover name were to be revealed. Photographs and/or videos of EN48 whilst undercover may exist. The risk assessor explains how the risk that publication of EN48's National Public Order Intelligence Unit pseudonym would be likely to lead to the identification of EN48 is assessed as MEDIUM and the degree of harm is assessed as MEDIUM.

The risk to EN48's private life should is true identity be exposed

10. The risk assessor has considered whether EN48 might be subject to any intrusion by the media, given that there are no allegations made against EN48 by any activists. The risk assessor believes that there remains sufficient media interest in the National Public Order Intelligence Unit and particularly with the allegations against some of its undercover officers for EN48 to suffer intrusion into his/her private life.
11. The risk assessor is of the opinion that the revelation of EN48's true identity will have a HIGH impact on his/her private life. The harm of his exposure, particularly in respect of harm from those EN48 infiltrated whilst seconded to the National Public Order Intelligence Unit and criminal groups EN48 later infiltrated, is assessed as HIGH. The degree of harm to EN48's private life is assessed as HIGH.

Consideration of alternative solutions to restriction orders

12. The risk assessor has considered the measures the home force of EN48 may implement in the event that EN48's true identity and/or EN48's National Public Order Intelligence Unit pseudonym were to be revealed. Those measures are categorised as "lower response",

“middle response” and “higher response”. The risk assessor considers that, if EN48’s identity is compromised, EN48’s home force would implement measures contained within “higher response”. This would involve temporary relocation of EN48 and EN48’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.

13. There is currently a low risk of harm to EN48. There is very little information in the public domain that would affect the current level of risk of harm to EN48. If the Inquiry were to publish EN48’s true identity and National Public Order Intelligence Unit cover name then the risk assessor considers that photographic images of EN48 could be published by activists. The nature of the groups infiltrated is such that action that would affect EN48’s physical safety and right to a private life would be anticipated. Publishing EN48’s National Public Order Intelligence Unit cover name and real name would enable those involved in serious and organised crime to identify EN48. A number of those individuals and groups that EN48 infiltrated are capable of extreme violence. Other undercover officers who worked alongside EN48 in crime deployments may be put at risk. If the Inquiry were minded to publish both EN48’s true identity and National Public Order Intelligence Unit pseudonym, then the risk assessor is of the opinion that EN48’s home force would be likely to invoke protective measures in the higher response range (emergency extraction and relocation for EN48 and EN48’s family).
14. The risk assessor explains how restricting EN48’s real name but publishing EN48’s National Public Order Intelligence Unit cover name increases the risk that EN48’s true identity and infiltrations into serious and organised crime are revealed.
15. If the Inquiry were minded to publish EN48’s true identity but restrict EN48’s National Public Order Intelligence Unit pseudonym, then the risk assessor is of the opinion that EN48’s home force would be likely to invoke protective measures in the higher response range (emergency extraction and relocation for EN48 and EN48’s family).

Conclusion

16. It is the opinion of the risk assessor that to reveal EN48’s National Public Order Intelligence Unit pseudonym would expose EN48 to risk from those involved in serious and organised crime.
17. The revelation of EN48’s National Public Order Intelligence Unit pseudonym could allow activists the opportunity to release photographs of EN48 and that could enable EN48’s identification.
18. EN48 is at significant risk of harm from both those infiltrated during EN48’s secondment to the National Public Order Intelligence Unit and from those who were targeted in serious and organised crime deployments.
19. The identification of EN48 also has implications for other undercover officers that EN48 was deployed alongside.

20. A potential solution to these circumstances would be to allow EN48 to give evidence to the Inquiry in cipher. However, the risk assessor is concerned that the details of EN48's National Public Order Intelligence Unit deployment would still enable his/her identification from the detail of his/her specific activities. Consequently, the UCPI Chair may wish to consider the need for EN48 to give evidence in a closed hearing.

Appendix A: List of Third Party Stakeholders Contact Details

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

Appendix B: CV of NPCC Assessor and Quality Assurance Assessor

22. Appendix B sets out the CV of Richard Clarke.

Appendix C: Limitations of Risk Assessment

23. The purpose of this report is to provide a risk assessment to accompany an application to the Undercover Policing Inquiry for anonymity.
24. 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.
25. 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.
26. The assessment contained in this report is the opinion of the author based on the material made available to the author.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. Attention is drawn to the following factors which limit the completeness of the risk assessment in relation to the particular subject of this report:
- Not all of the post- National Public Order Intelligence Unit deployments can be identified through the record search, so this limits the opportunity to report on the risks associated to those deployments.

Appendix D: Schedule of Supporting Documentation

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

Appendix E: Declaration

34. 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.”

35. 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 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