



NCA

National Crime Agency

NCA ASSESSMENT OF THE RISKS ASSOCIATED TO THE RESTRICTION ORDER APPLICATION IN RESPECT OF EN74

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Definition of Terms

THREAT:

A threat is a statement of intent or circumstances that lead to a conclusion that one entity may inflict harm upon another

It is assessed through the examination of a person, or organisations, intention and capability to inflict harm to an individual, organisation or other specified entity.

- **LOW** – The circumstances lead me to conclude that there is potential for injury, damage or hostile action from one or more sources based upon the information available at this time.
- **MEDIUM** – Potential protagonists have demonstrated either an intent or have the capability to inflict harm through injury, damage or other hostile act. They may have carried out research or indicated a pre-disposition to carry out a threat should the opportunity present itself and that they have demonstrated such behaviour in the past.
- **HIGH** – Potential protagonists have both the intent and the capability to inflict harm through injury, damage or other hostile act. They may have carried out determined research. They will have exhibited similar traits previously. They will be highly motivated through personal feelings or ideology and will not desist until the threat is realised or other factors intervene to eliminate the threat.

RISK:

Risk is the likelihood of the threat materialising.

- **LOW** – Possible
- **MEDIUM** – Likely
- **HIGH** – Very Likely

HARM:

Harm includes personal mental, physical and relationship effects as well as professional and organisational.

- **LOW** – would likely have a limited but real effect upon the officer, their family or organisation.
- **MEDIUM** – would likely have a measurable impact upon the welfare of the officer and the organisation and would likely require some action.

- **HIGH** – would likely have a significant impact upon the officer and/or the organisation and would require action.

Executive Summary

1. EN74 has provided a personal statement to the Undercover Policing Inquiry following deployment under the National Public Order Intelligence Unit (NPOIU).

The Undercover Policing Inquiry will determine whether the identity of EN74 should be made public for the purpose of the Inquiry. Whether to reveal the true identity, the cover name used whilst deployed for the NPOIU or be granted total anonymity. The purpose of this document is to identify and assess the threats, risks and associated harm generated by any such revelation.

The Inquiry have issued seven questions they wish to be addressed in any risk assessment.

They have however recently requested that this assessment be submitted within a shortened timescale and have now requested as follows:

'the Chairman requires only a summary of the operation (including dates), the details of any cover name(s) used and an assessment of the risk of the sterile corridor between real and cover identities being breached.'

I will answer all points:

- I. **Q.** What is the current risk of harm to the officer given what is presently known about him or her (i.e. if the Inquiry publishes nothing about this officers work with the National Public Order Intelligence Unit (NPOIU) or the Special Demonstration Squad ('SDS'))? *This should include evidence about what is currently in the public domain about this officer.'*
 - a. There is currently a **LOW** Threat of harm to EN74 due to what is publicly known about them now should the Inquiry publish nothing regarding their deployment for the NPOIU.
- II. **Q.** What is the increase in risk, if any, if the Inquiry **publishes the officers real name and cover name** used in connection with his work in the NPOIU or SDS?
 - a. Should the Inquiry publish both the officers real name and cover name the Threat of harm to EN74 will be **HIGH**. The Risk of Harm will be **HIGH**. The level of Harm will be **HIGH**.
- III. **Q.** What measures other than an order restricting real and cover name, such as the use of screens, could be taken to avoid or reduce the increase described at (2) above?

- a. If EN74 is required to attend court, the use of screening devices or remote evidence delivery will be sought by the NCA in the case of point 2 being realised. I will also recommend relocation of EN74 from their home as well as any family members , this will be at considerable expense. Additional security measures will also need to be implemented regarding the arrival to, movement within and departure from, court.
- IV. **Q.** What is the increase in risk if the Inquiry restricts the real name but **publishes the officers cover name?** *This must include a clear explanation of the steps it is said could be taken (for example by a researcher) to use the cover name to discover the real name of the officer i.e. will the 'sterile corridor' between cover and real name hold?*
- Should the Inquiry publish the cover name used by EN74 during their NPOIU deployment I assess the Threat of harm as **HIGH**. The Risk of harm as **HIGH**. The Harm likely is assessed as **HIGH**. The rationale for this assessment is detailed below within 'Expanded Rationale' and summarised as:
 - There is a high likelihood that a methods of identifying EN74 are held by or accessible to the subjects deployed against.
 - The publicity of such information is likely to lead to it being associated to EN74's real name now or at some time in the future.
- V. **Q.** What measures other than an order restricting the cover name, such as the use of screens, could be taken to avoid or reduce the increase described at (4) above?
- If EN74 is required to attend court, the use of screening devices or remote evidence delivery will be sought by the NCA in the case of point 2 being realised. I will recommend relocation of EN74 from their home as well as- any family member. Additional security measures will also need to be implemented regarding the arrival to, movement within and departure from court.
- VI. **Q.** What is the increase in risk, if any, if the Inquiry restricts the cover name but **publishes the officers real name?**
- See point 2.
- VII. **Q.** What measures other than an order restricting the real name, such as the use of screens, could be taken to avoid or reduce the increase described at (6) above?
- See point 3.
- This assessment is an accurate document at this time and is reliant upon information made available to me up to now. I have been unable to identify a number of criminal deployments by EN74. This work is continuing and may provide additional information which may affect this assessment in the future.
 - As the submission date for this assessment has been brought forward I have not been able to complete the research identified above.
 - This assessment will be subject to ongoing review dependent upon any change in circumstances or relevant disclosures.

Expanded Rationale

Revelation of True Identity

5. The revelation of EN74's true identity would enable even the averagely skilled open source researcher to identify details of EN74 and their extended family.

This would likely lead to any of the below consequences:-

- physical confrontation (*by criminals, activists and the media*) This would be in breach of their rights under Article 8 of the Human Rights Act.
 - A postal campaign to an address. This could take a variety of forms from abusive communications, threats or physical attack through explosive devices or toxic/chemical agents.
 - Criminal damage to property.
 - Divisive behaviour within the local community towards EN74 the extended family and their concerns.
 - It cannot currently be assessed whether any persons within the local community of EN74's home address would be sympathetic to disclosing their current location to any third party should they view any photograph of EN74. This remains a real possibility.
6. The determination and capability of activists to use open source research to identify individuals is well demonstrated.

The accumulative THREAT under these circumstances is considered HIGH
The accumulative RISK under these circumstances is considered HIGH
The accumulative HARM is considered HIGH

Revelation of Cover Identity

7. Revelation of EN74's cover identity would be highly likely to reveal their true identity, particularly if any photograph(s) of EN74 whilst deployed exist.
8. It is believed that criminal organisations and individuals will follow this Inquiry, especially when publicity is raised later in the proceedings with a view to identifying past UCO's and any past or current police informants associated with them. Having identified UCO's then the techniques used by the UCO's will be compromised and anyone associated with that cover will be put at risk.

It cannot be assessed, at this time, if there is any additional information in existence of EN74 held by any persons encountered during any of the criminal deployments.

9. The revelation of the cover name would also allow research to be conducted into documents obtained in support of that legend

10.

The accumulative THREAT under these circumstances is considered MEDIUM/HIGH

The accumulative RISK under these circumstances is considered MEDIUM/HIGH

The accumulative HARM is considered HIGH

NPIOU deployment

EN74 has deployed as a tasked undercover officer for the NPIOU

Criminal Operations deployed on

11. EN74 has deployed on a number of criminal investigations. These have been over an extended period and over a number of regions.
12. These deployments have been against a criminal groups who have demonstrated a propensity to violence and have, as a result of undercover operations, received substantial prison sentences or loss of assets.

Personal circumstances

13. EN74 has detailed their personal circumstances within their personal statement.

Conclusion

14. It is my conclusion as the risk assessor, that the revelation of the real name or cover name of EN74, would result in a high level of Threat of harm. There would also be a high threat of psychological stress being felt by EN74 for fear of being traced and harmed.

| Glyn Hughes
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