

IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

GISTED WITNESS STATEMENT OF EN49

1. I am EN49 and I make this statement in connection with my application for a Restriction Order under section 19 of the Inquiries Act 2005. I understand that the Inquiry has been provided with my real name and I am therefore utilising the cipher that the Inquiry provided to me in order to protect my anonymity.
2. I have prepared this statement without access to any documentation held by the Inquiry or Operation Elter. I am relying on my recollection of events from many years ago and I reserve the right to provide a supplementary statement once I have been provided with relevant documentation and an expert risk assessment. This statement is true to the best of my recollection and belief.
3. **Gist:** EN49 details his/her policing career prior to the secondment to the National Public Order Intelligence Unit ('NPOIU'). EN49 describes the work that s/he was engaged in, which included source handling.
4. **Gist:** EN49 explains that s/he was informed by the Staff Officer to the then Chief Constable that s/he was to be seconded to the NPOIU. In essence, EN49 was informed that s/he had no choice as the NPOIU required a cover officer and, given EN49's experience with relevant covert work, s/he was the ideal candidate. EN49 was informed that the deployment would last for approximately five months but was seconded to the NPOIU for just over eight years.
5. **Gist:** EN49 explains that s/he attended the NUTAC course as an observer and met with officers [names redacted] from the NPOIU whom s/he had met previously in his/her pre-NPOIU work.
6. **Gist:** EN49 provides details of his/her cover name and the documentation provided to him/her. EN49 confirms that s/he chose their own cover name and did not utilise a name from the records held at the Registry of Births, Marriages and Deaths. EN49 cannot recall the date of birth that s/he used. EN49 was required as a cover officer for an ongoing deployment as the existing cover officer had been called back to Force.

NPOIU Deployments

7. **Gist:** EN49 describes a deployment into animal rights activists and specific targets. EN49 explains that s/he was responsible for the daily welfare of the undercover officer. In addition, EN49 was the conduit for intelligence passing between the undercover officer and the Senior Investigating Officer and would also feed back actions from the Senior Investigating Officer to the undercover officer.
8. **Gist:** EN49 describes the substantial risks posed by targets of the deployment.
9. **Gist:** EN49 addresses the possible risks caused by revelation of his/her cover name.
10. **Gist:** EN49 describes the locations where s/he would meet with the undercover officer and how this was facilitated. EN49 reduced risks to the minimum possible but cannot state that they were not seen together or that a link could not be made.
11. Having been deployed for some time, the decision was made to extract the officer. An exit strategy was successful and the officer moved away from the area.
12. **Gist:** EN49 explains that there was a slight overlap with another Operation in which EN49 was a cover officer. EN49 invites the Inquiry to consider that individual's application for the full detail of the deployment and its targets. S/he provides some detail about where they would meet during the deployment.
13. **Gist:** EN49 explains that there are substantial and immediate risks to the article 2 and 3 rights of the undercover officer if his/her identity is revealed.
14. **Gist:** EN49 provides the date of his/her retirement when another cover officer took over the welfare of the undercover officer.
15. **Gist:** EN49 states that, prior to his/her secondment to the NPOIU, s/he was involved in handling informants who provided information on general crime such as drugs, burglaries and robberies. The records relating to those sources and the intelligence that they provided should have been retained by the relevant police force.
16. **Gist:** EN49 provides details of his/her current employment.

Article 2

17. I do not know the extent to which disclosure of my cover name could link me to the undercover officers. If there is any prospect of this then I would strongly argue against

disclosure of my covert identities as disclosure should not be made if it poses a risk to me or to the undercover officers. I am unable to assess the extent of that risk given the many variables and the fact that I do not know whether we were seen together or whether links could be made [EN49 gives an example of how a link might be made].

18. **Gist:** EN49 states that s/he is in no doubt that revelation of his/her real identity places him/her and his/her family at immediate and substantial risk of serious physical harm as a result of EN49's work prior to his/her work for the NPOIU.
19. I am deeply concerned about retribution from the extreme animal rights activists. They should not be under-estimated. Referenced above are examples of the extent to which they would take action against individuals whom they considered to be remotely connected with their enemies. I assume that a risk assessor is undertaking a global assessment of the risk posed by extremists connected with these groups.
20. **Gist:** EN49 is certain that there is an obvious, immediate and serious risk of death to the undercover officer referenced at paragraphs 12 and 13 above and to EN49 and his/her family if it is revealed that EN49 played a role in the infiltration of the target group. They will also attempt to obtain from EN49 the identity of the undercover officer. The risk assessor is asked to consider these risks carefully and EN49 reserves the right to provide a supplemental statement once the risk assessor's report and relevant documents are made available to him/her and his/her solicitor.

Article 3 and Article 8

21. I am aware of many examples of extreme animal rights activists and anarchists taking direct action against individuals. In addition to physical violence, they are prepared to damage and attack homes and vehicles. They are also able and prepared to undertake cyber-attacks. Some were known to have had access to, and to use, incendiary devices against their enemies. I am also aware of a recent internet posting in which it is clear that, even in the present day, they are prepared to take action against individuals whom they perceive to be treacherous to them. There appear to be no red lines that they are not prepared to cross. I require the Inquiry and the risk assessor to analyse carefully the risks posed by these individuals to me and my family and to undercover officers.
22. **Gist:** EN49 details the impact on the article 3 and 8 rights of his/her family. S/he explains that they are well-known in their locality and his/her family has very little knowledge of his/her role. EN49 has not advised his/her family about the possibility of being required to give evidence for this Inquiry as s/he does not wish to worry them. EN49's family does

not have knowledge of the level of criminality that EN49 was involved in investigating. If they knew, they would become extremely anxious about the potential for disclosure of EN49's identity and the impact that this would then have on their lives. EN49 has not therefore asked them to provide a statement in support of the application for a Restriction Order at this stage although s/he may wish to do so in due course if a statement is required. Their key concern will relate to the family's safety and wellbeing. The impact of having to move away from their home, friends and work would be substantial. EN49 believes that it would be an unjustified interference with their Article 8 rights.

23. A very small circle of people are aware of the fact that I worked for the NPOIU and this also applies to the work that I undertook for [police unit redacted]. I have always attempted to ensure that I have kept my work as secret as possible.

Assurance of Anonymity

24. I do not believe that it was ever put in writing that my identity would not be disclosed but it was my clear understanding that my identity would remain confidential. This was given by management at many stages throughout my time with the NPOIU. We were always at the forefront of gathering intelligence as opposed to evidence for any Operation. There was therefore no requirement for the identity of the undercover officer or the cover officer to be released. It was always communicated that our identities would be protected. This principle applied not only to undercover officers but also to cover officers which was why we were given covert identities in the first place. They would not take any risks that relate to the undercover officer, the cover officer or the Operation itself. I recall that this was communicated to us several times; including at training by [identity redacted]. Quite simply, officers would not undertake this work and I certainly would not have done if I believed that there was a risk that my identity would one day be disclosed.
25. As I have not had access to documentation, I reserve the right to provide a supplemental statement once I have seen relevant documents and been provided with the risk assessor's report. I respectfully request that my application for a restriction order for my real and covert identities is granted.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

SIGNED *EN49*

DATED 5/8/17