

## GISTED RISK ASSESSMENT

### EN49 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 EN49” (“the risk assessment”). The report seeks to identify and assess risks to EN49 were his/her real identity to be made public.
2. The risk assessment is dated 26 July 2018. 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.”

## **Executive Summary**

4. There is currently a low risk to EN49.
5. The publication of EN49's true identity is very likely to lead to efforts from activists to obtain photographs of EN49 and publish them. Some activists are determined to expose officers who were employed by the National Public Order Intelligence Unit and it can be reasonably anticipated that they will continue to be rigorous in these endeavours.
6. Prior to joining the National Public Order Intelligence Unit, EN49 carried out covert work. The publication of photographs of EN49 will create the potential for EN49 to be recognised by persons connected with that work. Although the risks of this happening are low, such recognition would be exceptionally dangerous for EN49 and others.
7. EN49 was the cover officer for an undercover officer seconded to the National Public Order Intelligence Unit whose infiltration has never been disclosed and steps must be taken to ensure that this infiltration is not exposed when EN49 gives evidence to the Inquiry. Revelation of this infiltration is likely to increase the risks to the undercover officer significantly.
8. These risks can be effectively mitigated by the Inquiry allocating EN49 a cipher and allowing the officer to give some or all of his/her evidence in a Closed hearing.

## **Applicant / Officer Details**

9. EN49 is married with a family.
10. EN49 joined the police in the 1980s. In the late 1990s, EN49 was an officer in Special Branch. Part of EN49's duties involved gathering and disseminating intelligence on various activists and general domestic extremism. EN49 was also a CHIS handler. EN49 states that if his/her identity is revealed and photographs are released then EN49 and others would be put at substantial risk.
11. The risk assessor has made enquiries regarding the risks posed to EN49 and others, as a result of work carried out by EN49 before joining the National Public Order Intelligence Unit, should EN49's true identity be revealed during the course of the Inquiry. The risk assessment sets out the serious risks associated with that work.
12. The risk assessment sets out the details of EN49's career with the National Public Order Intelligence Unit. EN49 was a cover officer with the National Public Order Intelligence Unit for the majority of that unit's existence. EN49 was a primary cover officer for two undercover officers in that unit. The risk assessment sets out details of those undercover operations. EN49 was also a support cover officer on a number of operations. The risk assessment sets out details of those undercover operations.
13. The NPCC Assessor has not seen any evidence that would suggest that EN49 was ever deployed as an undercover officer. The evidence indicates that EN49's role on the National Public Order Intelligence Unit was purely that of a cover officer. Consequently, the risk assessor is of the opinion that EN49 did not personally infiltrate any groups.

14. The risk assessment sets out a synopsis of the groups infiltrated by those two undercover officers seconded to the National Public Order Intelligence Unit.

**Risks to the Applicant**

The risks relating to EN49’s pre-National Public Order Intelligence Unit duties.

15. The risk assessment states that the risk assessor has carefully considered the threat arising from covert work which EN49 carried out before joining the National Public Order Intelligence Unit. The concerns regarding the level of threat in this regard that are outlined by EN49 in EN49’s statement are supported by the enquiries carried out by the risk assessor. The risk assessor has considered this evidence carefully and has formed the opinion that the threat associated with this work is HIGH.
16. The risk assessor has also considered how these risks could eventuate through the release of EN49’s true identity by the Inquiry. There is evidence that when the Inquiry has previously released an officer’s Special Demonstration Squad pseudonym, then images of this person are published by journalists and activists. This has been the case in respect of HN77 and HN81.
17. There is no evidence of activists or journalists having images of cover officers on deployment. In the case of activists, it would be difficult to think of a situation where they would have any archived photographs of a cover officer as they would not ordinarily have contact with officers performing this role.
18. In order to publicise images and personal details of cover officers, the activists or journalists would need to obtain them first. The risk assessment sets out a number of ways in which that might happen. None of those potential opportunities to obtain images are considered by the risk assessor to be necessarily insurmountable for experienced researchers. However, the risk assessor has then considered the likelihood of EN49 being subsequently recognised by those with whom EN49 had involvement in EN49’s pre-National Public Order Intelligence Unit work. The risk assessor has formed the opinion that the risk of EN49 being photographed, of these images then being published and then EN49 being recognised from those images and identified in the context of EN49’s pre-National Public Order Intelligence Unit work is LOW. Although the risks are low, it is not impossible for this chain of events to occur and the possibility should not be completely discounted as the threat is so significant. The risk assessor has also considered the degree of harm that might be inflicted on EN49 and/or another should EN49 be identified. In the risk assessor’s opinion, the degree of harm that might be inflicted on EN49 and/or another would be very significant and is assessed as HIGH.

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|---|------|
| The risks to EN49 from those with whom EN49 had involvement in EN49’s pre-National Public Order Intelligence Unit work as a consequence of EN49’s true identity being published by the Inquiry. |      |
| THREAT  | HIGH |
| RISK  | LOW  |
| HARM  | HIGH |

The risks relating to EN49's National Public Order Intelligence Unit duties.

19. The risk assessor has considered the risks to EN49 in relation to EN49's role as a cover officer for two undercover officers seconded to the National Public Order Intelligence Unit. The Assessor has found no evidence that EN49 was ever seen by those infiltrated by those officers. The risk assessor has found no evidence that activists of the type infiltrated by one of those officers have ever physically harmed any undercover officer or cover officer. The risk assessor has found no evidence that the group(s) infiltrated by the other undercover officer have ever directed violence towards any undercover officer deployed against them but this may be because they are unaware that they have been infiltrated.
20. The risk assessor has carefully considered the threat to EN49 from activists and extremists that were infiltrated by undercover officers that EN49 was cover officer for. When activists or extremists are infiltrated and unknowingly form what they believe to be friendship with undercover officers there is likely to be significant feelings of betrayal and anger towards the undercover officer when the infiltration is disclosed. These activists or extremists have never met the officers that were covering those undercover officers so there is unlikely to be any similar feelings of betrayal harboured by those who were infiltrated. That is not to say that it is unlikely that there will be any activist attention directed towards cover officers and managers from the National Public Order Intelligence Unit. There is evidence that extreme left wing activists will seek to expose anyone who has links to the National Public Order Intelligence Unit. However, the risk assessor is not aware of any evidence that any such person who fulfilled a managerial role with the National Public Order Intelligence Unit having been subject to any threats of harm or harassment from the extreme left wing.
21. In relation to one of the undercover officers for whom EN49 was a cover officer at the National Public Order Intelligence Unit, the threat is assessed as high (see that officer's risk assessment) and great care will need to be taken to ensure that the Inquiry do not publicly reveal this infiltration when EN49 gives evidence or that officer may be exposed.
22. The risk assessor has formed the opinion that the threat to EN49's personal safety and private life should his/her true identity be published is MEDIUM.
23. The extreme left wing have a history of publishing all known details of officers with links to the Serious Demonstration Squad and the National Public Order Intelligence Unit. Examples of this activity can be found on a number of activist and extremist websites.. The risk assessor has formed the opinion that it is likely that extreme left wing activists will seek to publicise any information that they can obtain through the non-traditional media.
24. In reaching this decision, the risk assessor has taken into account the group(s) infiltrated by the undercover officers. The risk assessor considers it would be unreasonable to believe that one or more of those groups would not seek some form of retribution against those that infiltrated them. Whether this risk would extend to a cover officer is debateable. The risk assessor is of the opinion that the risk to EN49's safety and right to privacy is MEDIUM.

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|--|--------|
| The risks to EN49 from EN49's National Public Order Intelligence Unit duties should EN49's true identity be published. |        |
| THREAT   | MEDIUM |
| RISK   | MEDIUM |
| HARM   | MEDIUM |

The risks to international co-operation should EN49's true identity be published

25. The risk assessor has assessed the threat and risk relating to international co-operation associated to the publication of EN49's true identity as LOW.

Information currently in the public domain

26. The risk assessor conducted basic internet research into EN49, using a popular search engine. More formal open source internet research has also been undertaken by an accredited researcher. In summary, the researcher was not able to identify EN49's home address, family members or obtain any image of EN49 from that research.
27. The risk assessor is of the opinion that the results of the open source internet research conducted in respect of EN49 do not purport to represent the totality of what may be found. Limiting factors include restriction of the time spent performing the research and restrictions on access to some search tools and data warehouses.

Range of Options Potentially Available to Home Force

28. The risk assessor has considered a range of options before reaching a recommendation in the event of an unsuccessful restriction application to protect the identity of EN49. Consultation with Protected Persons Unit staff reveals a tiered response to protecting persons that are under threat. Those measures are categorised as "lower response", "middle response" and "higher response".
29. Enquiries with EN49's home force reveal that they are prepared to provide a proportionate response to safeguard EN49 once the level of risk is known and the Inquiry Chair has indicated his decision regarding the Restriction Order application. In the event that the Inquiry Chair is not minded to grant a Restriction Order in respect of EN49's true identity, then it is the opinion of the risk assessor that action in the "lower" response range may be the most appropriate response. This opinion is purely stated for the benefit of the Inquiry Chair and does not in any way bind EN49's home force to a particular course of action.

**Consideration of Alternative Solutions to Restriction Orders**

30. The risk assessor has considered the current risk of harm to EN49 given what is presently known about EN49. The risk assessor is of the opinion that there is a low risk of harm to EN49 presently. EN49 has a low public profile and there is no publicity regarding EN49's identity or EN49's links to his/her pre- National Public Order Intelligence Unit and National Public Order Intelligence Unit duties.

31. The risk assessor has considered the increase in risk, if any, if the Inquiry publishes the officer's real name used in connection with his/her work in the National Public Order Intelligence Unit.
32. The risk assessor has considered what measures other than an order restricting EN49's true identity, such as the use of screens, could be taken to avoid or reduce the increase in risk described above. The risk assessor is of the opinion that the use of screens to protect EN49's identity and measures that will allow EN49's safe entry and exit from the place where EN49 will give evidence to the Inquiry will only delay the activists and journalists from obtaining images of EN49, not prevent that from taking place. This risk might be avoided by the Inquiry allocating EN49 a cipher and allowing EN49 to give evidence in a closed hearing. If the Inquiry were to ensure that there was no reference to EN49's home force, then this may also assist in protecting EN49's identity. The use of voice modulation software may also assist in protecting EN49's identity.

### **Conclusions**

33. There is a very significant threat as a consequence of EN49's pre-National Public Order Intelligence Unit work. Although the risk of this threat materialising is assessed as low, the degree of harm that the groups being reported on are able to inflict is grave.
34. Extreme left wing activists have demonstrated that they will endeavour to publicise details of ex-Special Demonstration Squad and ex-National Public Order Intelligence Unit officers as soon as the Inquiry publishes those details. The risk assessor is of the opinion that where photographic images are not readily available, such as in the case of EN49, then these activists will seek alternative ways to obtain these images for publication.
35. The potential for the publication of photographs of EN49 by activists has a significant bearing on risks to EN49 and others as a consequence of EN49's pre-National Public Order Intelligence Unit work.
36. The risks to EN49 and others can be mitigated effectively by the Inquiry allocating EN49 a cipher and hearing some or all of EN49's evidence in a Closed hearing.

### **Appendix A: List of Third Party Stakeholders Contact Details**

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

### **Appendix B: CV of NPCC Assessor and Quality Assurance Assessor**

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

### **Appendix C: Limitations of Risk Assessment**

39. The purpose of this report is to provide a risk assessment to accompany an application to the Undercover Policing Inquiry for anonymity.
40. 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.

41. 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.
42. The assessment contained in this report is the opinion of the author based on the material made available to the author.
43. 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.
44. 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 this 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 systems and 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 Home Force(s) concerned. The NPCC Assessors are reliant upon the research and information provided to them by the Home 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 Home Force(s) and the NPCC Assessors are reliant upon the research and information provided to them by the Home Force(s) and the OPSY network.

45. 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.
46. 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.
47. Although the NPCC assessors have also endeavoured to identify potential risks to third parties, that is not the purpose of this report and will not always be possible due to the limitations already referred to.

#### **Appendix D: Schedule of Supporting Documentation**

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

#### **Appendix E: Declaration**

49. 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.”



50. 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**