

GISTED RISK ASSESSMENT

EN29 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 EN29” (“the risk assessment”). The report seeks to identify and assess risks to EN29 were his/her real identity to be made public.
2. The risk assessment is dated 25 September 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. EN29 had an extensive career in undercover policing. In the crime arena, EN29 was deployed extensively as an undercover officer across a wide breadth of criminality. EN29 has also been involved in other covert work.
5. There are significant risks to EN29 and others from the criminals that EN29 infiltrated.
6. In the political activism arena, EN29 was utilised as a cover officer for an operation directed at animal rights extremists. This operation was supported by the National Public Order Intelligence Unit.
7. In the early 2000s, EN29 was recruited by the National Public Order Intelligence Unit to be a part time cover officer for short term events such as demonstrations.
8. There is evidence that EN29 was deployed for a very short period of time as an undercover officer by the National Public Order Intelligence Unit.
9. The risk assessor sets out other risks associated with disclosure of EN29's true identity.

Applicant / Officer Details

10. The risk assessment sets out details of EN29's real and cover identities. The risk assessment also sets out details of EN29's family circumstances. It appears that the majority of EN29's social circle does not know of EN29's service in policing.
11. The risk assessment sets out the details of EN29's police career.

Risks to the Applicant

12. Paragraphs 25 to 28 of the risk assessment set out the details of EN29's deployments into serious and organised crime, as an undercover officer, from the 1970s until the 2000s.

1970s / 1980s:

- a. EN29 infiltrated a drug dealing group. EN29 gave evidence at the subsequent trial without there being screens in place. The defendants were convicted and imprisoned. One has since been killed but EN29 has voiced concerns regarding the threat posed by the other.

1980s / 1990s:

- b. EN29 was involved in a number of infiltrations of serious and organised criminal groups involved in the supply and distribution of illegal drugs. Some of these groups and individuals are described as violent. The risk assessor has relied on EN29's descriptions of these infiltrations. The risk assessor has endeavoured to locate records of these infiltrations but none could be found by the time that the risk assessment was completed. As these events were approximately 30 years ago, the risk assessor is of the opinion that it is possible that these records have been destroyed. One of these

infiltrations is known to have resulted in a criminal prosecution and convictions. EN29's role as an undercover officer, together with the first name of EN29's pseudonym, was disclosed during the course of that prosecution. A third party was also involved. The absence of records means that the risk assessor is unable to establish what protective measures may have been put in place for the third party and/or anyone else. However, this matter has been in the public domain since this period and the risk assessor is unaware of any evidence that harm has come to either the third party or anyone else.

1990s:

- a. EN29 was involved in a number of infiltrations of serious and organised criminal groups. Some of the individuals involved are described as violent and having been armed with guns. The risk assessor has endeavoured to locate records of these infiltrations but in many instances none could be found. Where no records are available, the risk assessor has been unable to identify any individual targeted during the deployment and has insufficient information on which to base any research. Given the age of these events, the risk assessor is of the opinion that it is possible that these records have been destroyed. A relatively small number of these infiltrations resulted in arrests. In such cases, it has not been possible to ascertain whether the deployment was disclosed to those arrested or at the time of any prosecution.
13. The risk assessor has carefully considered the risks to EN29 and to third party equities linked to EN29's deployments within this time frame. The risk assessor's investigation has been limited by the absence of documentary evidence that would have enabled a more incisive and accurate risk assessment to be prepared.
 14. From the evidence that is available to the risk assessor, it is clear that EN29 was deployed against a number of very dangerous criminals. There are significant risks to third parties (including threats to life) as a result of these deployments also.
 15. The risk assessor is of the opinion that the anger felt by those engaged in serious and organised crime towards those who have infiltrated them and then betrayed their trust is likely to remain for extended periods of time, especially when they have been incarcerated as a result.
 16. From the evidence available to the risk assessor, EN29 gave evidence in two cases. However, based on the information that is available, the risk assessor is not aware of any evidence that harm has been directed at EN29 or any third party in relation to these matters.
 17. In the majority of the examples provided by EN29, there is an absence of documentary evidence and the names of the criminals involved are not provided so no research can be conducted into these individuals. These circumstances leave the risk assessor with little option other than to provide that, in his professional opinion, the revelation of EN29's identity is likely to increase the level of threat to EN29 and the other parties that EN29 worked with. For these reasons, the risk assessor is of the opinion that the threat to EN29 and others with whom EN29 worked during deployments is MEDIUM.

18. Within the limited evidence that is available to the risk assessor, there is evidence that many of the criminals EN29 infiltrated have access to or a connection to the criminal use of firearms. The risk of serious violence pervades organised crime networks and there is no evidence that the criminals EN29 infiltrated are any different. The risk assessor is cognisant that effective tradecraft and backstopping may reduce the risks to undercover officers and third parties deployed in this arena but elements of risk remain. Therefore, it is the opinion of the risk assessor that there is a MEDIUM risk that those involved in serious and organised crime would harm EN29 or others with whom EN29 worked during deployments.
19. The risk assessor has considered the degree of harm that these criminals might inflict on EN29 and/or others. The criminal use of firearms is prevalent in the deployments described by EN29 in his/her witness statement. For these reasons, the risk assessor is of the opinion that the degree of harm that these criminals might inflict on EN29 or others with whom EN29 worked during deployments is HIGH.

The risks to EN29 or others as a consequence of EN29's deployments into serious and organised crime between the mid-1970s and the mid-2000s.	
THREAT	MEDIUM
RISK	MEDIUM
HARM	HIGH

EN29's involvement with the National Public Order Intelligence Unit.

20. EN29 states that he/she was invited to become a part time cover officer for the National Public Order Intelligence Unit in the late 1990s.
21. There is evidence that EN29 assisted with the training of a National Public Order Intelligence Unit officer in the early 2000s although EN29 was never a full-time trainer or assessor. There is also evidence that EN29 supported National Public Order Intelligence Unit training events in the mid-2000s.
22. There is evidence that EN29 was deployed for a very short period of time, in support of another undercover officer.
23. EN29 was deployed as a cover officer on operations involving the National Public Order Intelligence Unit between 1999 and 2011. Those operations concerned deployments by a significant number of undercover officers.
24. To assess the risks to EN29 arising from his/her links to the National Public Order Intelligence Unit, the risk assessor has examined the background of key activists infiltrated during these deployments.
25. The risk assessor has also carefully considered material that describes the risks posed by such activists. Having considered this material, the risk assessor has formed the opinion that the weight of the evidence that has been uncovered so far points to there being limited risk of physical harm from such activists towards EN29. The risk assessor is also of the opinion that activists who have been befriended by an undercover officer are far more likely to harbour

feelings of betrayal and anger to that officer than to an officer with whom they have never come into contact, such as cover officers.

26. The risk assessor has considered the physical threat to EN29 from the relevant activist movement. There is no evidence that any supporter has physically harmed any undercover officer or cover officer. Consequently, the risk assessor has formed the opinion that the threat of physical harm to EN29 should his/her true identity be published by the Inquiry is LOW.
27. EN29 did not infiltrate or even meet individuals associated to this movement, so feelings of betrayal and resentment are less likely to be directed at cover officers such as EN29 than would be the case for undercover officers. In the opinion of the risk assessor, the risk of persons associated to this movement physically harming EN29 is LOW.
28. There is evidence that activists in this movement prefer to 'cold shoulder' those that they suspect of infiltrating them. Consequently, the risk assessor has formed the opinion that the degree of physical harm that those affiliated to this movement would direct towards a cover officer such as EN29 would be LOW.

The threat of physical harm to EN29 from activists if EN29's true identity is released.	
THREAT	LOW
RISK	LOW
HARM	LOW

The risks to EN29 from information currently in the public domain

29. Open source research has been conducted into EN29 and the researcher has concluded that they were not able to find EN29 or EN29's address. The report indicates that there were too many results to identify a specific individual. Furthermore, EN29 states that he/she has made efforts to ensure that he/she has a minimal online presence.
30. EN29 has appeared in the traditional media, with his/her identity hidden. There is no evidence that EN29 has been identified as a result. Therefore, the risk assessor has concluded that the threat to EN29 from material that is currently in the public domain is LOW.
31. An accredited open source internet researcher has been unable to find EN29 through a process of internet investigation. This leads the risk assessor to conclude that the risks of EN29 being identified through material in the public domain are LOW.
32. In respect of what material can be found on the internet and publicly-available resources, the degree of harm that this can cause EN29 is assessed as LOW.

The risks to EN29 from material currently in the public domain.	
THREAT	LOW
RISK	LOW
HARM	LOW

Range of Options Potentially Available to Home Force

33. 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 EN29. 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”.
34. EN29’s home force has not informed the risk assessor of their proposed intentions in respect of protecting EN29 from harm. Whereas EN29 was involved in a large number of infiltrations against dangerous criminals and it is likely that the traditional and non-traditional media would seek to publicise any information that they can find out about EN29 if EN29’s true identity is revealed, EN29 is not easily findable. For this reason the risk assessor is of the opinion that EN29’s home force is likely to invoke protective measures in the “lower response” range in respect of this officer. The Inquiry is urged to note that this is the opinion of the risk assessor and is not in any way binding on the home force.

Consideration of Alternative Solutions to Restriction Orders

35. The risk assessor has considered the current risk of harm to EN29 given what is presently known about EN29.
 - a. Although EN29 has featured in the traditional media in the past, EN29’s visual appearance was obscured and EN29 was not identified.
 - b. EN29 is not readily traceable through internet searches.
 - c. The risk assessor is of the opinion that should EN29’s identity not be revealed by the Inquiry, then the risks to EN29 from those involved in serious and organised crime or activism will remain low.
36. The risk assessor has considered the increase in risk, if any, if the Inquiry publishes the officer’s real name and cover name used in connection with his/her work in the National Public Order Intelligence Unit. There is strong evidence that once the Inquiry release details of offices connected to the National Public Order Intelligence Unit, that activists and journalists will actively seek to publicise details about the officer. To obtain images of EN29, activists or journalists would be likely to attempt to take images of EN29 either at EN29’s home or during any attendance at the Inquiry. However, it does not appear that EN29’s home address is readily traceable. EN29 used the same pseudonym in both serious and organised crime deployments and when EN29 was deployed on National Public Order Intelligence Unit matters. Publication of the National Public Order Intelligence Unit pseudonym would therefore reveal a pseudonym that was also used during serious and organised crime deployments. Many of those against whom EN29 was deployed are dangerous offenders. EN29 was often deployed alongside others, who, in the opinion of the risk assessor, are most at risk in the event that EN29 is identified by the Inquiry. Most of those others have not been identified and consequently no measures that could protect them can be preventatively implemented.

37. The risk assessor has considered what measures other than an order restricting EN29's real and cover name, such as the use of screens, could be taken to avoid or reduce the increase in risk described above. Screens and other measures that would protect the visual appearance of EN29 may serve partially to protect the officer from recognition by those EN29 was deployed against or those who may seek to expose EN29 in the traditional and non-traditional media. Avoidance of visual recognition may also have the effect of protecting those EN29 worked alongside to a limited degree. However, if EN29's name or pseudonym were to be released by the Inquiry then it is just as possible that EN29 will be recognised by name alone. As a large proportion of the risks that arise fall to others, no measures that might protect EN29 from visual recognition can wholly protect those individuals. If the Chair was to restrict the questioning of EN29 to protect the revelation or work outside of the National Public Order Intelligence Unit and details regarding EN29's personal circumstances, then this may assist in the mitigation or risk.
38. The risk assessor has considered the increase in risk, if any, if the Inquiry restricts the cover name but publishes the officer's real name. Publishing EN29's true identity may alert or remind those involved in serious and organised crime of their infiltration by EN29 which is likely to create danger to EN29 and to others who worked with EN29 on deployments. There is strong evidence that once the Inquiry release details of officers connected to the National Public Order Intelligence Unit, that activists and journalists will actively seek to publicise details about them. To obtain images of EN29, activists or journalists would be likely to attempt to take images of EN29 either at EN29's home or during any attendance at the Inquiry. However, it does not appear that EN29's home address is readily traceable.
39. The risk assessor has considered what measures other than an order restricting EN29's real name, such as the use of screens, could be taken to avoid or reduce the increase in risk described above. From the perspective of the reaction that is likely from activists to the publication of EN29's true identity, there is strong evidence that activists and journalists will actively seek to publicise details about him/her. To obtain images of EN29, activists or journalists would be likely to attempt to take images of him/her at either EN29's home or during any attendance at the Inquiry. It does not appear that EN29's home address is readily traceable. If appropriate measures, such as the provision of screens, were to be provided by the Inquiry then this threat may be partially mitigated against. Screens and/or other measures that might reduce risk of visual identification would further help ameliorate the risks associated with publishing EN29's true identity. Consideration may be given to ensuring that EN29 can enter and egress from the venue where he/she is due to give evidence, without being seen or photographed. The use of measures that would protect EN29 from visual identification will not protect others who EN29 worked alongside. The use of voice modulation software would disguise any regional accent that EN29 might carry. If the Chair was to restrict the questioning of EN29 to protect the revelation of work outside of the National Public Order Intelligence Unit and details regarding EN29's personal circumstances, then this may assist in the mitigation of risk.

Conclusions

40. EN29 was deployed extensively into the serious and organised crime arena during his/her undercover career. Amongst those criminals that EN29 infiltrated are dangerous men with a propensity to violence and with links to firearms. At least one of these criminals has solicited murder on more than one occasion. There are many others that worked alongside EN29 in this arena that cannot be readily identified. Although there are obvious risks to EN29, these risks might be largely mitigated through effective control measures implemented by EN29's home force. What cannot be managed are the significant risks to the others who worked alongside EN29 on deployments but cannot be identified.
41. EN29 was not seconded to the National Public Order Intelligence Unit on any permanent basis. EN29 occasionally acted as a cover officer to National Public Order Intelligence Unit Officers deployed to monitor individual demonstrations. EN29 was deployed as an undercover officer into a National Public Order Intelligence Unit operation on only one occasion, in the mid-2000s. That deployment was of a short and uneventful duration. During this deployment, EN29 was known to have briefly met with one activist. The deployment appears unremarkable. The risk assessor has formed the opinion that there is a low risk of physical harm being inflicted on EN29 by such activists.
42. In the opinion of the risk assessor, revelation of either EN29's true identity or pseudonym will expose EN29 and others to risk of harm.
43. EN29 cannot be readily identified or located from the information that is currently in the public domain.

Appendix A: List of Third Party Stakeholders Contact Details

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

Appendix B: CV of NPCC Assessor and Quality Assurance Assessor

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

Appendix C: Limitations of Risk Assessment

46. The purpose of this report is to provide a risk assessment to accompany an application to the Undercover Policing Inquiry for anonymity.
47. 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.
48. 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.
49. The assessment contained in this report is the opinion of the author based on the material made available to the author.

50. 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.
51. 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 Operational Security Advisors (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.
52. 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.
53. 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.

54. 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.
55. Attention is drawn to the following factors which limit the completeness of the risk assessment in relation to the particular subject of this report. When enquiries need to be made on behalf of the NPCC Risk Assessor, these enquiries are sent out to the Operational Security Advisors (OPSY) for the officer's home force region who then either action the work themselves or forward the enquiry to other OPSYs if they are better placed to carry out the work. The OPSY for EN29 was asked to find the identity of third parties and any risks to them. Particular enquiries were forwarded to another OPSY. Neither the OPSY for EN29's home force nor the other OPSY were able to locate any records. The risk assessor has asked for further searches to be carried out. The risk assessor is of the opinion that that it is possible that some of those records may have been destroyed due to the passage of time and it is also possible that some records may be held in archives that are not in the knowledge of the OPSYs. There may also be details that EN29 cannot recall. Either way, the risk assessor has asked for clarity on the issue as the risk to unknown third parties is pivotal to this risk assessment. At the time of submission of this assessment, the report that was requested has not been submitted. It is expected that the research and report will take an additional 4 weeks to complete from the date that this assessment was submitted. Initial indications are that there are likely to be records in archives that were not in the knowledge of the OPSY. These records may show links to EN29. In the event that more research is required beyond the material held in the archived CHIS records, then this is likely to take further time and resources to conduct, given the historical nature of these records. As and when that report is received, this material will need to be reviewed against this risk assessment and consideration given as to whether an addendum is required.

Appendix D: Schedule of Supporting Documentation

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

Appendix E: Declaration

57. 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 I have 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.”
58. 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