



Public report on how the Mongrel Mob obtained a confidential Police Operation Order

INDEPENDENT POLICE CONDUCT AUTHORITY

SUMMARY OF EVENTS

1. On 11 February 2009, acting on a complaint from a woman who alleged intimidation and burglary, Police carried out a series of searches at Lower Hutt addresses and arrested nine Mongrel Mob members and associates for a range of offences. The operation, known as 'Operation Whiteware', involved more than 50 uniformed and CIB Police staff.
2. On 17 March 2009, *3News* broadcast a news item disclosing details of the confidential Police Operation Order for Operation Whiteware. The item said the Operation Order had been provided to *3News* by a member of the Mongrel Mob, and that it had been left behind during a police search. The Operation Order identified the complainant, outlined the circumstances of the alleged offending, and named the alleged offenders, stating that they were Mongrel Mob members. It was marked with the security classification 'Restricted' and incorporated a Mongrel Mob logo. Until the broadcast, the Police had not known that a copy of the Operation Order was unaccounted for.
3. A Police investigation subsequently determined that:
 - 3.1 The copy that was obtained by *3News* had handwriting and other markings on it which were made by a Lower Hutt detective, who was officer in charge of a search team assigned to an address of a Mongrel Mob associate.
 - 3.2 The detective had received the Operation Order by email on 10 February 2009, printed it out and taken it home in order to prepare for a briefing the following morning. Her actions in doing so were consistent with instructions to officers in charge of search teams.
 - 3.3 When later interviewed about the matter, the detective stated that on 11 February she gave the Operation Order to a constable who was to take part in the search of the Mongrel Mob associate's address. The detective then printed another copy, which she left on her desk at the station when the team went to carry out the

search. The detective said search teams were instructed to leave copies of the Operation Order at the station.

- 3.4 The constable's recollection differed from that of the detective. She said the detective gave her a section of the Operation Order on 10 February. The constable left this on her desk, with her notebook, overnight. She did not recall having the Operation Order anywhere outside the station, and said that during the searches she carried only her notebook. Nor did she recall what she did with the Order, but stated that she no longer had it in her possession. She did not recall any direction to leave the Operation Order at the station but said she was conscious of the sensitivity of anything Police-related and so took care with such material.
4. The Police investigation focused on recovery of the document in order to minimise ongoing media coverage. Though media reported that the Operation Order was left behind at the house of a Mongrel Mob member, the Police officer who subsequently investigated the matter was not convinced of this and formed the view that a copy was (somehow) left within reach of the Mongrel Mob during the search.
 5. As the Police investigator correctly observed, the loss of any confidential Police document has an adverse effect on organisational credibility and can place complainants, victims and Police members at risk.
 6. In this case, the victim of the burglary would have already been known by name to Mongrel Mob members. However, the Operation Order did reveal that she was at the time living with her mother and, although no address was given, this was potentially compromising.

THE AUTHORITY'S FINDINGS

7. The Police, on 26 March 2009, notified the Authority that the Operation Order had been obtained by the Mongrel Mob and subsequently passed to 3News. The Authority then conducted its own investigation.
8. Whilst it has not been established how the Operation Order fell into the hands of the media and notwithstanding the Police investigator's conclusions (paragraph 4 above), the Authority considers that it is more probable than not that the Operation Order was left behind during the search of the Mongrel Mob associate's address.
9. The Authority finds there were failings in the handling of the Operation Order, and that Police General Instructions *S600 Compliance with Information Security Policy* and *S602 Responsibility to Protect Police Information* were breached.

10. The conflicting accounts given by the two officers, and the facts that no officer has taken responsibility for the loss of the Operation Order and that the Police investigator has not been able to identify that officer, are undesirable. Whilst there is no evidence of criminal conduct in relation to the loss of the order, its loss does amount to misconduct.
11. The Authority also finds that:
 - 11.1 Sending Operation Orders by email is undesirable, although continuation of this practice is a matter for Police.
 - 11.2 The Operation Orders were not numbered, nor was there any requirement to return them after the operation. Had they been numbered, and had officers been required to return them, the loss of the Operation Order would have been identified and may have been avoided.
 - 11.3 The complainant should not have been identified in the Operation Order.
 - 11.4 Officers should have been reminded during briefings of document security requirements.
 - 11.5 Taking Operation Orders home creates security risks and, in light of events in this case, is undesirable.
12. The failures identified in this report equate to a breach of confidentiality under the Police Code of Conduct and amount to misconduct.
13. In the present case, the Authority agrees with the Police decision to address these matters through training rather than Code of Conduct proceedings, as no particular officer has admitted responsibility or been identified as responsible for the Operation Order falling into the hands of 3News.

REMEDIAL ACTION

14. Police did not take action against either officer under the Police Code of Conduct. Both were provided with advice and guidance and are considered to have learned from the incident.
15. Lower Hutt Police have put in place a new station order covering security of Operation Orders. The Police investigation also recommended other changes, including that Police consider numbering Operation Orders and having individual members sign for their copies, introducing a requirement that hard copies do not leave the station, and ensuring that the Operations Commander is notified immediately if Operation Orders go missing.

RECOMMENDATIONS

16. The Authority recommends that Police review their policy on the electronic distribution of Operation Orders, and consider introducing instructions on the handling and disposal of Operation Orders.



HON JUSTICE L P GODDARD

CHAIR

INDEPENDENT POLICE CONDUCT AUTHORITY

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ABOUT THE AUTHORITY

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

It is not part of the Police – the law requires it to be fully independent. The Authority is chaired by a High Court Judge and has two other members.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its independence is similar to that of a Court.

The Authority has two investigating teams, made up of highly experienced investigators who have worked in a range of law enforcement roles in New Zealand and overseas.

Under the Independent Police Conduct Authority Act 1988, the Authority:

- Receives complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

On completion of an investigation, the Authority can make findings and recommendations about Police conduct.