

## **Undercover policing**

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## Policy statement and principles

### What

Undercover policing:

- is a planned investigative and surveillance process in which trained agents s.6(c) OIA s.6(c) OIA for the purposes of obtaining evidence and/or intelligence
- includes activities through the use of computers or the Internet, s.6(c) OIA

### Why

Undercover policing is a valuable and effective tool with targeting and catching offenders.

### How

Police conducting an Undercover Programme will:

- use undercover agents as a tool against criminal offending
- ensure no Police employee will be deployed in an undercover role without the approval of the Assistant Commissioner: Serious and Organised Crime (Investigations), or designated representative
- deploy agents s.6(c) OIA, 6(c) OIA operation. s.6(c) OIA deployment require a suitably trained Police employee with constabulary powers
- s.6(c) OIA
- conduct undercover activities with the highest levels of professionalism and integrity and will be ethical and legal at all times.

# Overview

## Introduction

All Police undercover policing activities must be carried out ethically and professionally. Police employees engaged in these activities are accountable for their actions.

This chapter covers all undercover operations conducted by Police. Where appropriate, s.6(c) OIA [redacted]  
[redacted] s.6(c) OIA [redacted]  
[redacted]

## Defining 'undercover policing'

Undercover policing' is defined [above](#).

In determining whether a particular operation is likely to fall within the definition of 'undercover policing', these tests must be applied:

- s.6(c) OIA [redacted]
- s.6(c) OIA [redacted]. A situation where plain clothes officers are deployed covertly, for example as part of a protest or demonstration, but would identify themselves as Police if challenged, does not constitute an undercover operation.

## Purpose of undercover policing

Undercover policing provides investigators with a tool to:

- determine the nature and extent of criminal activities, whether planned or carried out
- identify the people involved
- obtain evidence for court
- obtain accurate intelligence relating to criminal activities
- locate physical evidence
- s.6(c) OIA [redacted]  
[redacted]

## Scope

Undercover policing is used to investigate:

- s.6(c) OIA [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]

## Undercover policing roles

his section contains the following topics:

- Agent
- Controller
- Supervisor
- Undercover Programme Manager
- Covert Operations Group Manager
- District Crime Services Manager

s.6(c) OIA

### Agent

The role of an undercover agent s.6(c) OIA

### Controller

A controller is the s.6(c) OIA

### Supervisor

he supervisor is the CIB sergeant/senior sergeant who oversees the controller and agent. The supervisor directs the district investigation and manages the district resources assigned to an operation.

### Undercover Programme Manager

The Undercover Programme Manager:

- is responsible for co-ordinating the selection and training of staff involved in undercover policing
- facilitates the planning and management of undercover operations.

### Covert Operations Group Manager

The Manager: Covert Operations Group is responsible for facilitating the approval of all undercover operations submitted to the Undercover Programme for consideration.

### District Crime Services Manager

The District Crime Services Manager is responsible for:

- recommending and approving district applicants for undercover training courses
- providing district approval of all undercover operations.

## s.6(c) OIA operations

Agents must not be deployed on s.6(c) OIA operation without the approval of the Assistant Commissioner: Serious and Organised Crime (Investigations), or designated representative.

All proposals for s.6(c) OIA operations must be submitted through the Manager: Undercover Programme, Covert Operations Group, PNHQ, for consideration.

### What constitutes s.6(c) OIA operation?

A s.6(c) OIA operation is an undercover operation in which trained s.6(c) OIA agents are deployed with a s.6(c) OIA and are aimed at:

- s.6(c) OIA

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The s.6(c) OIA will depend on the:

- s.6(c) OIA

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Note: s.6(c) OIA

### s.6(c) OIA operation requirements

All constables deployed as agents s.6(c) OIA operation must have undertaken a COG s.6(c) OIA Agent Training Course, s.6(c) OIA s.6(c) OIA s.6(c) OIA

s.6(c) OIA

s.6(c) OIA

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The controller on any s.6(c) OIA operation must:

- have completed a COG s.6(c) OIA Controller Training Course or s.6(c) OIA

- be fully conversant with risk assessment procedures

- be certain that the necessary approvals have been obtained for the operation to proceed

- be fully conversant with the Undercover Programme s.6(c) OIA policy

- brief the s.6(c) OIA agents fully

- ensure any agent to be used is physically and emotionally well enough to be deployed.

s.6(c) OIA

Any injury or distress to a s.6(c) OIA agent, as a result of a deployment, must be reported at the first practical opportunity to the COG Undercover Programme Manager. A near miss report if there are no injuries, or an incident report if someone is injured (both forms are accessed through My Police/SAP>My services>My safety info>Create an incident) must be completed and forwarded.

### s.6(c) OIA operation limitations

A s.6(c) OIA operation must not:

- s.6(c) OIA [redacted]  
[redacted]  
[redacted].

s.6(c) OIA [redacted] s.6(c) OIA [redacted] s.6(c) OIA [redacted]  
[redacted] Contact the Manager: Undercover Programme at PNHQ for advice in this regard.

### Court appearances

s.6(c) OIA [redacted] s.6(c) OIA [redacted] name protection under section [108](#) of the Evidence Act 2006, which allows for an undercover agent to give evidence under an assumed identity. s.6(c) OIA [redacted]  
[redacted]

s.6(c) OIA [redacted]  
[redacted]

### Costs

s.6(c) OIA [redacted] s.6(c) OIA [redacted], except by prior arrangement with the Manager: Undercover Programme.



S.6(c) OIA

## Operation plans and risk assessments

### Operation plans

If a crime problem indicates the need for an undercover operation, the viability of such an operation should be carefully assessed not only operationally, but from a financial, legal and agent welfare perspective.

s.6(c) OIA [Redacted]

#### Plans must:

- use the nationally approved operation application forms
- include a thorough risk assessment
- s.6(c) OIA [Redacted]
- s.6(c) OIA [Redacted]
- ensure the efficient use of resources
- s.6(c) OIA [Redacted]
- s.6(c) OIA [Redacted]
- be accompanied by an operational budget.

**Note:** The District Commander or representative must indicate support for the plan before it is forwarded to the Manager: Undercover programme for consideration.

### Risk assessments

A thorough, written risk assessment must be carried out and attached to every operation plan submitted to COG for consideration.

Risk assessments must use the correct format as provided by COG and include:

- s.6(c) OIA [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

Without limiting the potential threats to be mitigated, these hazards should be considered:

- s.6(c) OIA [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

## Recruitment

### Selection

The selection of suitable undercover staff is one of the most important aspects of the Undercover Programme.

All Police constables, s.6(c) OIA, are eligible to apply for selection and training as s.6(c) OIA agents, provided they have obtained s.6(c) OIA.

All constables s.6(c) OIA are eligible to apply for selection and training as a s.6(c) OIA controller.

Thorough vetting is conducted on all applicants for undercover training.

In general, the Undercover Programme s.6(c) OIA

- s.6(c) OIA
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

### Application

s.6(c) OIA agent and controller courses and application forms are advertised on the Police Intranet Bulletin Board.

Applications are to be submitted to District Crime Services Managers for approval and forwarding to the Undercover Programme.

## Security

### Secrecy and confidentiality to be maintained

It is public knowledge that Police conducts undercover operations. As with anything secret, these operations are a source of curiosity to other Police employees and the public.

Releasing information on the Undercover Programme conflicts with the principle that the safety and security of undercover agents is of paramount importance. Any piece of information disclosed may seriously compromise the programme's security.

The integrity of the programme and its continued viability requires **strict confidentiality by all Police employees**.

### Releasing information

It is important that all requests for information about the Undercover Programme are dealt with in a consistent, objective and well-considered manner. All enquiries about the Undercover Programme, including media enquiries, must be referred to the Manager: Undercover Programme for consideration and response.

### Media statements

Operation Commanders are authorised to make statements to the media upon the termination of an undercover operation under their control, but subject to these restrictions:

- you must not make any comment about Undercover Programme policy or procedures, either current or historical
- you must not make any comment regarding the characteristics or number of undercover agents deployed on the operation
- you must not make any comment regarding the number or nature of undercover operations conducted in New Zealand, either current or historical
- copies of any media statements or releases must be forwarded to the Manager: Undercover Programme.

Note: s.6(c) OIA