

13 July 2015

Kilian O'Gorman

C/- fyi-request-2795-810bcd28@requests.fyi.org.nz

Dear Mr O'Gorman,

Official Information Act Request – NZP Reference 14/5231/2

I refer to your email of 2 June 2015 to the New Zealand Police in which you requested the following information be supplied:

- 1. Given that 'court siding' is not an offence, please list which laws (the maintenance of which) are 'likely' to be prejudiced by revealing information about police activity relating to this perfectly legal practice.*
- 2. Given that 'court siding' is not an offence, please list which offences (the provision of information relating to court siding) is 'likely' to prejudice by preventing the detection, investigation or prevention of.*
- 3. In reference to S.Manderson's reply to item three in her May 29th response: please provide ANY OFFICIAL INFORMATION you may hold relating to surveillance of court siders, including copies of ANY communications to or from the police about it which is UNLIKELY to prejudice the maintenance of the law. You'll note the use of the term ANY as opposed to ALL. Because surely there must be SOMETHING official which can be released. In relation to the following piece in the NZ Herald- NZ Herald Cricket World Cup: Expert questions police role in removing court-siders from venues 5:00 AM Wednesday Feb 18, 2015*
- 4. On Saturday Superintendent Sandy Manderson, the officer in charge of the police's World Cup operation, said police had "several" officers - including plain-clothed police - in and around the grounds looking for court-siders. A police spokesman said it was their role in the tournament to ensure safety and security, to ensure it was a success and to assist security and the partner agencies to the best of their ability. "Part of that mandate is to ensure the terms and conditions of tickets are maintained. Court-siding fits into that in the same way that someone who might be intoxicated on a bank drinking fits into that." Please provide an account of S. Manderson's full statement to the press, from which the term "several" has been quoted.*

Please confirm that the following quotes:

"Part of that mandate is to ensure the terms and conditions of tickets are maintained. Court-siding fits into that in the same way that someone who might be intoxicated on a bank drinking fits into that." (NZH)

"We know what to look for," the New Zealand Police's officer in charge of the World Cup, Superintendent Sandy Manderson said in a statement. (Otago Daily Times)

"We're aware that people are attempting to operate at venues and they will be detected, evicted and trespassed from all venues." (Otago Daily Times)

*4a) accurately reflect the words of a NZ Police spokesman
and if so:*

*4b) accurately reflect the law enforcement policies of NZ Police
and if so:*

4c) how do the legal activities of 'court siding' fit within the 'mandate' the NZ Police appear to have developed in the area of 'ensuring the terms and conditions of tickets are maintained.'

And lastly:

5a) Can you please confirm that some elements of the NZ Police are not simply making it up as they go along, and think that if someone who sounds important tells them to watch for dodgy betting at a tennis tournament they have to do it even though it's not even an offence.

5b) Can you please confirm if it is accepted practice when answering OIAs relating to Police making things up as they go along, to use section 6 (c) to divert attention away by pretending that there are bigger things involving bad people going on and that if they tell us anything the baddies might get away?

5c) In anticipation of your delay in answering, can you please provide me with a date convenient to you that I can send my complaint to the Ombudsman?

I have responded to your request using the above numbering.

1. Whilst 'court siding' is not an offence in New Zealand undertaking this activity is often done to support activity that is criminal. Examples of this include Match-fixing (Section 240A of the Crimes Act 1961) and Illegal Gambling (Section 9(2) of the Gambling Act 2003). Revealing how Police conduct surveillance or monitor social media in the public arena may allow those who seek to carry out illegal activity in New Zealand to adapt their counter surveillance techniques, for this reason I have declined the request under Section 6c of the Official Information Act 1982.
2. Please refer to my answer above.
3. Please refer to my answer above. It is important to note that there was no "surveillance" of suspected 'court siders' as you have suggested in your request.

4. The interview by the New Zealand Herald was done by way of a telephone interview, as such there is no "statement" that can be provided to you.
 - a) Because this was a telephone interview I am unable to confirm 'word for word' the contents of the New Zealand Herald article.
 - b) The role of the New Zealand Police at any public event fit within the functions of Police as set out in Section 9 of the Policing Act 2008 specifically keeping the peace, maintaining public safety, law enforcement, crime prevention and community support and reassurance.
 - c) Please refer to my comment in b) above.
5.
 - a) This appears to be a statement of your opinion rather than a request for information. If I have misinterpreted this please clarify your request .
 - b) This also appears to be a statement by you, rather than a request for information.
 - c) This is not a request for information. You are entitled to complain to the Ombudsman at any stage in relation to this or any request.

You have the right to complain to the Ombudsman to seek an investigation and review of my decision if you are not satisfied with the way I have responded to you request.

Yours sincerely



Superintendent S J Manderson
National Operation Commander
2015 Cricket World Cup