MEDIA AND COMMUNICATIONS MANAGEMENT AND HANDLING OF MAROKOPA DOCUMENTARY

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EXECUTIVE SUMMARY:

This review examines how Police managed engagement with documentary production and mainstream media during *Operation Curly*, the four-year investigation into the disappearance of Mr Tom Phillips and his children. The purpose was to assess whether key decisions were appropriate at the time, identify lessons, and strengthen Police practice for future high-risk investigations. The review is learning-focused and does not assess investigative outcomes or documentary content.

Operation Curly evolved over a significant time-period from a welfare focused missing persons case into a prolonged, high risk armed offender investigation involving violent offending, suspected community assistance, and significant operational complexity. Public interest remained strong throughout, driven by child safety concerns, Mr Phillips' alleged offending, and questions about Police effectiveness. Media engagement was therefore a critical operational component, requiring Police to balance public confidence, investigative integrity, and operational security.

The review drew on extensive interviews with national and district leaders, investigators, media and communications specialists, and an external media expert. These perspectives provided a comprehensive evidence base linking strategic intent with operational delivery.

Mainstream Media Engagement:

Police maintained a structured and consistent approach to mainstream media, coordinated nationally by the Media and Communications team and delivered operationally through district leadership and the Officer in Charge of the case. Messaging was intentionally shaped around five themes: child safety, community cooperation, challenging sympathisers, escalating risk, and operational momentum. This strategy ensured consistency across multiple phases of the investigation and helped sustain public engagement.

Executive leaders fronted communications at critical moments, particularly during the 2025 critical incident, reinforcing organisational accountability and stabilising public confidence. The consistent presence of the Officer in Charge also provided continuity and credibility across the investigation's lifespan.

Media fairness and equity remained front of mind throughout the investigation; however, the introduction of a documentary production to follow the police investigation in March 2025 created an unavoidable disparity in access that challenged Police's ability to maintain a level and impartial media environment.

Documentary Engagement:

Police entered into a formal agreement with a documentary production company to create *The Marokopa Project*, intended as a feature length documentary following police in their Operation Curly work. The agreement provided the production company with controlled access to staff, briefings, and selected operational activity. Governance was managed nationally by the Director of Media and Strategic Communications, with district level governance and engagement led by the Officer in Charge.

The documentary agreement did not automatically compromise investigative integrity, but it created conditions where integrity required active protection. Decisions about access to crime scenes, evidence, specialist squads, and covert operations required heightened scrutiny to avoid exposing sensitive tactics or influencing investigative phases. Investigators raised concerns during contested access decisions, prompting escalation to senior district leadership.

Police worked to maintain public confidence through accurate, timely communication while withholding operational details that could compromise staff safety or investigative outcomes. This balance was largely effective; however, the documentary arrangement complicated perceptions of media fairness. Although access was controlled, the existence of a privileged documentary production created an inherent disparity that mainstream outlets would not receive under standard media protocols. This risk was amplified when the documentary camera man was granted access to the critical-incident shooting scene and campsite.

While Police has historically participated in documentary and reality-based productions, this arrangement represented a departure from standard practice due to its depth of access and the high-risk nature of the investigation. The review found that although the agreement was legally vetted and executive-endorsed, it lacked a formal governance framework, structured review points, and predefined access parameters.

Police relied on executive endorsement and editorial veto powers to mitigate risk. While these mechanisms provided assurance, the review concludes that future engagements require more robust governance, clearer access controls, and structured escalation pathways to safeguard investigative integrity.

METHODOLOGY

The Terms of Reference identified ten priority stakeholders whose perspectives were important to building a comprehensive understanding of the issues.

The interview series was planned to capture national level strategic insight before moving into district level operational perspectives. The first phase, conducted between 11 - 15 May, centered on Wellington-based stakeholders, including the Commissioner, senior Police leadership and members of the Police national media team. This phase established the overarching strategic context, clarified decision-making frameworks, and surfaced themes that would require deeper exploration.

To strengthen the overall analysis, I expanded engagement at the district level to capture a fuller and more nuanced understanding of the operational environment and decision-making context. While the initial stakeholder set provided essential strategic and national level perspectives, district-based personnel offered critical insight into how those strategies were interpreted, adapted, and executed on the ground. This created a more complete evidence base, enabling a clearer connection between strategic intent and operational delivery.

The second phase, undertaken between 18 May – 5 June, shifted to the Waikato District, engaging operational commanders, district-based investigations staff, and specialist personnel to understand how national direction translated into frontline practice. Together, these interviews formed a comprehensive evidence base, integrating strategic leadership perspectives with district operational realities to support robust analysis and informed recommendations.

Stakeholders interviewed were:

Person	Rationale
Commissioner: Richard Chambers	Early engagement with the documentary company.
Deputy Commissioner: Jill Rogers	Waikato District oversight and lead Police spokesperson at time of critical incident.
Chief Legal Advisor: William 'Bill' Peoples	Reviewed the contract with the documentary company.
Chief Media & Communications Adviser: Claire Trevett	Acting Executive Director Media and Communications at the time Operation Curly terminated.
Jane Archibald	Former Executive Director of Media and Communications during Op Curly.
Director Media & Strategic Communications: Juli Clausen	Lead relationship holder with documentary company and Director of the Media Team.
Wellington Team Leader Police Media: Stephanie McKay	Team Leader of Wellington Police Media Team.

Brand and Marketing Manager: Jess Bovey	Business owner of policy for documentary engagement.
Principal Advisor – Strategic Communications: Penelope Forrest	Travelled to Waikato District April 2025 for the 'Drone Phase'.
Senior Communications Advisor: Sarah Mair	Senior Communications Advisor. Knowledge of initial engagement with documentary production.
Wellington Team Leader Police Media: Jarred Williamson	Team Leader of Auckland Police Media Team. Travelled to Waikato District April 2025 for the 'Drone Phase'.
Senior Comms Advisor: Alex Clark	TV and video specialist. The current relationship holder with documentary company following the critical incident.
Detective Superintendent: Ross McKay	Lead territorial Detective Superintendent across the operation.
Superintendent Bruce Bird	Waikato District Commander during the first 4 years of Op Curly investigation.
District Commander: Scott Gemmell	Acting District Commander Waikato leading up to the Op Curly conclusion.
Inspector Andrea McBeth	Acting District Commander on the day of the Critical Incident and conclusion of Op Curly.
Superintendent William Loughrin	Waikato Hamilto West Area Commander. Served as Police spokesperson for the first disappearance and second disappearance of Mr. Phillips and his children.
Detective Inspector: Graham Pitkethley (Sydney PLO)	Waikato Crime Manager from the inception of the Op Curly until mid 2025.
Detective Inspector: Darryl Smith (London PLO)	Acting Waikato Crime Manager circa July 2025 and at the time of the Op Curly conclusion.
Detective Senior Sergeant: Andrew Saunders	Officer in Charge of Op Curly from August 2023 until its conclusion.
Senior Advisor Waikato District and Internal Comms: Phillipa Yalden	Internal Communications Manager for Waikato District.
Inspector Matthew Cranshaw	Acting Field Crime Manager overseeing Op Curly circa July 2025 until its conclusion.
Detective Senior Sergeant Nigel Keall	Scene Coordinator for Critical Incident shooting scene.
Detective Senior Sergeant Phillip Elvy	Lead covert phase and scene coordinator for Camps where Mr. Phillips and the children lived.

Interviews were recorded as conversations, with each participant providing informed consent. Participants were encouraged to speak openly and candidly to support an accurate and unfiltered understanding of matters relating to engagement and management of mainstream media and the documentary production during Operation Curly.

The discussions traversed matters that are currently sub judice, subject to court-ordered suppression, protected by legal professional privilege, and include operationally sensitive information provided in confidence. The nature of this material places it within several of the most protective withholding grounds under the Official Information Act 1982 (OIA), reflecting both the legal constraints and the operational risks associated with disclosure. The relevant provisions of the Official Information Act that support withholding these conversations are:

Subject matter in the recordings	OIA ground	Conclusive?
Sub judice material	s6(c)	Yes
Suppression-protected information	s6(c)	Yes
Operationally sensitive content	s6(c)	Yes
Legal privilege	s9(2)(h)	Yes - (Legal section member)
Confidential review participation	s9(2)(ba)	No
Fair and frank discussion	s9(2)(g)(i)	No

The conversations conducted as part of the review formed a critical evidence base, providing the insights and operational context required to address the questions set out in the Terms of Reference.

Dr Gavin Ellis, a former editor in chief of the New Zealand Herald and honorary research fellow in the School of Social Sciences at the University of Auckland participated in the review as an external subject-matter expert, providing specialist insight into contemporary media practice and the dynamics that shape media decision making. His expertise supported a deeper understanding of how the media operates, the pressures and incentives influencing coverage, and the implications of these factors for the issues under consideration. His contributions strengthened the evidence base by contextualising the operational and communications challenges within broader media industry norms and expectations.

OPERATION CURLY: THE MAROKOPA INVESTIGATION

Tom Phillips first disappeared with his children from their Marokopa property on 11 September 2021. Their abandoned Hilux ute was found parked below the tideline at nearby Kiritehere Beach. This generated a multi-agency search and rescue operation to locate Mr Phillips and his children. Mr Phillips and the children reappeared on 30 September 2021. Mr Phillips was charged with wasting police resources.

Mr Phillips disappeared again with his children on 9 December 2021. Mr Phillips subsequently failed to appear in court for his active charge and a warrant for his arrest was issued. Between 2021 and September 2025, Mr Phillips remained at large, evading authorities while living off-grid with his children in the western Waikato region. Over this period, Mr Phillips is alleged to have committed several crimes in the Waikato, including a bank robbery in Te Kuiti in May 2023 where a firearm was discharged at a member of the public.

The case escalated from a welfare-focused missing persons investigation to a protracted high-risk armed-offender investigation involving serious and violent crime, suspected community assistance and significant operational complexity.

The investigation concluded on 8 September 2025. Mr Phillips, suspected of having committed a burglary at a PGG Wrightson Store in Piopio, was fatally shot during an armed confrontation with Police on Te Anga Road in the Waitomo region. The children were safely recovered.

MAINSTREAM MEDIA COVERAGE:

The disappearance of Mr Phillips and his children attracted significant public interest focused on the unusual and prolonged disappearance of him and his children, child safety concerns, public safety concerns, community impact, and questions about police effectiveness. The matter has drawn, and continues to draw, widespread media coverage nationally and internationally.

Throughout the Operation Curly investigation, mainstream media engagement was coordinated by the Wellington based media relations team supporting the Investigation team, who oversaw several major phases of national and international media interest between 2021 – 2025. The Director of Media and Strategic Communications served as the liaison, aligning the media centre's operations with district-based priorities.

Within the district structure, initially the Hamilton West Area Commander was the district's primary operational liaison for all media engagement. In August 2023, responsibility for the investigations was elevated from an area-based function to full district ownership under the Criminal Investigation Branch (CIB). While the Waikato Crime Manager maintained oversight of the investigation, Detective Senior Sergeant Andrew Saunders, as the Officer in Charge, was the district's primary operational liaison for all media engagement.

Significant mainstream media engagements throughout the duration of Operation Curly are:

First disappearance:
Police initiated a coordinated media phase following the first disappearance of Mr Phillips and his children in September 2021, with public messaging centred on the multi-agency search effort, operational intensity and community reassurance. The Hamilton West Area Commander, Inspector William Loughrin, served as the primary spokesperson during this period. On 30 September 2021, communications confirmed Mr Phillips return and the children's wellbeing. To maintain public confidence after a resource-intensive search, Police subsequently outlined the rationale for charging Mr Phillips with wasting Police resources.

Second Disappearance:
The second media phase of the Phillips investigation began on 9 December 2021. During this period The Hamilton West Area Commander, Inspector William Loughrin, continues to serve as the primary Police spokesperson providing continuity in messaging as the case evolved. This role transitioned in August 2023 to Acting Detective Inspector Andrew Saunders who resumed responsibility as the Officer in Charge for the Investigation.

Police messaging consistently reinforced the safe return of the children remained the core objective. As time passed and public pressure intensified, Police increased visibility by appearing on *Ten 7 Aotearoa (Episode 2, 212 May 2022)* to broaden their appeal for information. The message from Police was that *'Police need your help to ensure the children's welfare and to get them back to their worried wider whānau.'* Public statements were used to manage expectations and maintain credibility, addressing sightings, false leads, and community concern, while also acknowledging the possibility that Phillips was receiving local support.

Police messaging increasingly shifted to a strategic posture that identified Mr Phillips not simply as missing but as an active violent offender evading authorities. Police confirmed over time that he was responsible for a series of criminal acts. The release of CCTV and still images were used deliberately to strengthen public appeals, reinforce the credibility of sightings, and maintain pressure on anyone assisting him. Police elevated the risk narrative, highlighting the presence of firearms to underscore the potential danger Phillips posed both to the public and to his children.

- ***3 August 2023 –confirmed sighting of Mr Phillips:***
  On 2 August 2023 Police received reports that Mr Phillips was driving a stolen Toyota Hilux south of Te Awamutu. Later that afternoon he was observed in the Bunnings Te Rapa car park, before becoming involved in an altercation on Kawhia Road, Makomako. This was the first confirmed public sighting of Mr Phillips since his disappearance on 12 December 2021.

  The Hamilton West Area Commander, Inspector William Loughrin, renewed a public appeal, identifying the recent vehicle sighting as a critical breakthrough that could only be advanced with community cooperation. He emphasised that locating the vehicle of interest was key to progressing the investigation. He issued a direct challenge to those assisting Mr Phillips, urging them to come forward and reconsider their support

considering the ongoing risks to the children. Having named the children and highlighting their ages he reminded the public they have been missing since 2021.

- ***5 September 2023: Aggravated Robbery ANZ Bank, Te Kuiti:***
  On 5 September 2023 Acting Detective Inspector Saunders confirmed to the public that Mr Phillips been charged with aggravated robbery, aggravated wounding and unlawful possession of a firearm in relation to a bank robbery that occurred in Te Kūiti in May, earlier that year.

  While he could not publicly detail the evidence linking Mr Phillips to the robbery, he stated that the new charges should prompt anyone assisting Mr Phillips to reconsider their support, particularly in light of the children's welfare. He highlighted a mixed community response, acknowledging that some individuals still viewed Mr Phillips sympathetically, and directly challenged that perception by urging supporters to reflect on the seriousness of the situation. CCTV released showed armed offenders fleeing on a motorbike, reinforcing the gravity of the offending. This highlighted to the community that this was a high-risk situation requiring public cooperation.

- ***11 June 2024 - Reward offered:***
  On 11 June 2024, Detective Senior Sergeant Andrew Saunders announced an $80,000 reward for credible information leading to the location and safe return of the children. Police also stated that immunity from prosecution could be considered for individuals who had assisted Mr Phillips. This reward period was open until midnight 25 June.

  The communication strategy centered on appealing for actionable intelligence while reinforcing that the paramount objective was the children's safe recovery. Although the two-week reward period prompted a high level of public reporting, none of the intelligence provided led to locating the children.

- ***3 October 2024 - confirmed sighting:***
  On 3 October 2024, Mr Phillips and his three children were sighted by pig hunters in a bush area west of Coutts Road in Marokopa. The hunters recorded their encounter before withdrawing due to Mr Phillips being armed and immediately notifying Police. This was significant as it was the first confirmed sighting of Mr Phillips and the children together since their second disappearance on 12 December 2021.
  Police conducted an intensive, three-day search following the sighting. Detective Senior Sergeant Andrew Saunders confirmed the sighting as a positive development and reassured both the family and the Marokopa community, while urging residents to stay vigilant and report any suspicious activity.

- ***27 August 2025 - Piopio Superette burglary:***
  Mr Phillips and one of his children broke into the Piopio Superette in the early hours of the morning on 27 August 2025. Police released CCTV footage showing what they believed to be Mr Phillips and one of the children attempting to break into a Piopio store.

  Detective Senior Sergeant Saunders confirmed the CCTV as a confirmed sighting of Phillips. He highlighted to the public the risk that Mr Phillips may pose to the community. He reminded the public that Mr Phillips is currently charged with a serious violent crime

committed with firearms, where a member of the public was shot at while trying to intervene (ANZ Bank robbery). He highlighted the need for public caution and reinforced that the safety of the children and the community were the central priority.

- ***8 September 2025 – Critical Incident:***
  In the early hours of 8 September 2025 Police responded to information that a Piopio resident was witnessing a burglary at the PGG Wrightson store in Piopio. This led to the discovery that Mr Phillips and one of his children had committed a burglary and had fled on a quad bike. As they travelled along Te Anga Road, Police deployed spikes, disabling the vehicle. An armed confrontation unfolded, during which a Police officer sustained serious injuries and Mr Phillips was fatally shot.

  Acting Deputy Commissioner Jill Rogers served as Police's spokesperson that day, confirming the Piopio burglary, the armed confrontation, and Police's belief that the deceased male was Mr Phillips. She advised that one of the children had been safely located, commented on the injured officer, and reiterated that locating the remaining children was the priority. She also acknowledged Mr Phillips' whānau and thanked the public for their assistance.

  Later that day, Acting Deputy Commissioner Jill Rogers confirmed the remaining children had been safely located, accompanied by Detective Senior Sergeant Andrew Saunders. She advised that the children were well and unharmed, acknowledged the efforts of Police staff and the complexity of the prolonged investigation, and noted that Police would maintain a presence while forensic examinations continued. She also confirmed that Commissioner Richard Chambers would attend the following day upon his return from Australia.

  Commissioner Richard Chambers returned to New Zealand and spoke publicly on 9 September, alongside Police Minister Hon Mark Mitchell and Oranga Tamariki Regional Commissioner Warrick Morehu. The Commissioner provided an overview of events, acknowledged the work of Police staff in managing a volatile situation and the death of Mr Phillips, and identified his priority as meeting the injured officer and their whānau. He also recognised both the Critical Incident team and the staff who had worked on the wider investigation for more than four years, expressing his pride in their sustained commitment.

  The Commissioner noted that Mr Phillips had been armed, dangerous, and highly motivated, and that Police had taken time to consider how best to manage the situation. He acknowledged that achieving a peaceful resolution was always going to be challenging. He outlined how information provided by one of the children enabled Police to locate the others in dense bush, and referenced photographs released to the media to illustrate the difficult terrain Police were operating on. He advised that firearms were expected at the campsite, which was confirmed, and highlighted that the children had lived in the bush for four years, were highly skilled in that environment, and therefore required a cautious approach to ensure their safety. He acknowledged the sustained efforts of staff—many of whom are parents themselves—and noted the clear emotion among those he met that morning, who were relieved the children were safe and well. He confirmed that the matter would now progress to a Critical Incident investigation, a review of the preceding four years including anyone who may have assisted Mr Phillips, and an IPCA investigation as standard

practice. He closed by acknowledging Acting Deputy Commissioner Jill Rogers for her leadership the previous day.

The Police mainstream media narrative was intentionally shaped around five key themes:

- ***the safe return of the children:*** keeping public attention fixed on their welfare.
- ***community cooperation:*** positioning the public as essential stakeholders who can help to locate the children through appeals for sightings, information, and any intelligence that might advance the case.
- ***sympathizers:*** directly challenging support networks believed to be assisting Mr Phillips and working to change the perception of Mr Phillips as a well-intentioned father, to a high-risk, violent unpredictable offender who is actively evading police and placing his children at risk.
- ***escalating risk:*** highlighting Mr Phillips' past violent offending and unpredictable behaviour to explain operational decisions and reinforce public caution.
- ***operational momentum:*** using sightings, stolen vehicles, CCTV, and new intelligence to demonstrate progress and encourage continued public engagement.

Together, these themes create a coherent strategic message:

- the children's safety is paramount,
- Mr Phillips poses real risks to his children and the community, and
- the location and safe return of the children depends on sustained public cooperation.

DOCUMENTARY PRODUCTION: THE MAROKOPA PROJECT

The final proposal for *The Marokopa Project* is set out in Schedule C of the Operation Curly Access Agreement. Key stakeholders interviewed for this review consistently referred to the agreement as *the contract*, reinforcing its role as the central governance instrument for oversight and implementation in the Waikato District.

This proposal is a feature-length documentary film, projected at 90 – 120 minutes. The documentary would be strictly scoped to *Operational Curly* and the search for the missing Phillips children, with an anticipated broadcast in 2027, following the recovery of Tom Phillips and his children and the completion of any associated court proceedings.

Section 1 of the agreement establishes the governing definitions and interpretive framework. It specifies that *Access* refers to the Producer's authorised ability to view evidential material and to attend and record Police briefings, meetings, and operational activity that would otherwise fall outside the reach of a media organisation.

The Documentary may include:

- A focus on follow-footage following staff involved in Operation Curly, and associated Operations,
- Interviews with key Investigation and District staff,
- Interviews with appropriate spokespeople for specialist groups within Police
- Interviews with former Area Commander Will Loughrin, and Detective Inspector Andrew Saunders.
- Footage of Police visits to the Marokopa community and any local stakeholders (subject to permissions being granted)
- Where permitted, footage obtained by drone or any other means during aerial operations.
- Any additional footage, audio recordings and still images requested by the Producer and deemed appropriate for release to be made available by NZ Police
- Recordings or transcripts of interviews, as permitted.
- Access to stills, CCTV and trail camera footage being used as evidence, provided Police have the right to grant such Access.

This agreement was to conclude on **30 November 2026**, or upon the recovery of Tom Phillips and his children and the completion of all court proceedings unless an alternative termination date is formally agreed in writing.

KEY REVIEW QUESTIONS:

The following questions are designed to examine decision-making and governance in a complex and high-profile context.

1: How was the relationship with the documentary company established, governed and managed? Have there been similar and previous engagements and how did this compare?

The documentary company's involvement was initiated through a formal engagement process, beginning with an approach from NHNZ Worldwide Limited's Chief Executive Officer, Julie Christie DNZM, and Karen Rutherford, who sought Police cooperation and access. Their request was escalated to a strategic-level meeting with the NZP Executive Director of Media and Communications, the Director of Media and Strategic Communications, and the Brand and Marketing Manager at Police National Headquarters, where the proposal was formally considered.

Following the meeting, the Commissioner of Police spoke with Julie Christie and Karen Rutherford. The Commissioner said he thought the proposal could serve as an artefact of Police work, allowing the public to see the efforts undertaken by Operation Curly staff to locate and safely return the Phillips children that were largely invisible to the public.

The *Operation Curly Access Agreement* was subsequently drafted and iterated between both parties through a structured consultation process including Police Legal Section. The final version underwent review and endorsement from the Chief Legal Advisor, after which the agreement was signed on 20 March 2025 by the Executive Director of Media and Communications.

Beyond his initial expression of support for the project, prior to the Agreement being signed, the Commissioner's involvement was very limited. He was not involved in decision-making or kept informed of access given to the documentary crew. Nor was he aware his early support for the documentary was being referenced at various stages to help ensure the documentary progressed.

Following this, the Commissioner's only involvement with the documentary crew was being filmed (but not interviewed) when he visited during the drone phase, as well as being filmed and interviewed when he went to Waikato following the recovery of the children.

Governance and management of the agreement were led at the national level by the Director of Media and Strategic Communications, who held strategic responsibility for managing the partnership with documentary production. Operational engagement within the district was coordinated through the Officer in Charge, who served as the primary district-level interface with the documentary company.

Both the Director Media and Strategic Communications and the Officer in Charge operated with oversight from their respective supervisors. While no formal governance structure or review framework was established, the relationship was effectively managed through usual police practices including regular communication between the two, enabling timely escalation of issues and maintaining alignment throughout the partnership.

Police have historically participated in reality and documentary series. Some notable past and ongoing documentaries include:

- *Police Ten 7 / Police Ten 7 Aotearoa:* a reality and documentary series produced by Screentime showing the everyday reality of policing in New Zealand. Police Ten 7 concluded in April 2023.
- *Highway Cops:* a reality and documentary series produced by Greenstone TV focusing on the New Zealand Highway Patrol as they police New Zealand roads.
- *Motorway Patrol:* a documentary series produced by Greenstone Pictures tracking the daily lives and operations of police patrolling New Zealand's busy motorways.
- *Border Patrol:* a reality documentary series produced by Greenstone TV that primarily featuring the New Zealand Customs Service and Immigration. Police often collaborate and feature in specific episodes tracking crime at New Zealand's borders.
- *Cold Case:* a series produced by Screentime New Zealand that re-examines unsolved New Zealand homicides and missing persons cases.
- *NZ Detectives: In Pursuit of the Truth / Serious Crime Investigation:* a docu-drama series produced by The Gibson Group giving a behind-the-scenes look at the Criminal Investigation Branch (CIB) as they tackle organized and violent crime.
- *Warts & All - Ginette McDonald Probes the Police: a* one-off documentary produced by Frame Up Films in which presenter Ginette McDonald went through police riot training and shadowed constables on speed guns and drug busts
- *Crime Down Under: Undercover:* a three-part documentary produced by The Gibson Group that explores the human cost and history of the New Zealand Police Undercover Programme.
- *Fighting the Demon:* a NZ Herald investigative documentary tracking the impact of the methamphetamine crisis across New Zealand. Frontline police officers and specialised detectives granted filmmakers access to showcase how law enforcement hunts large-scale traffickers, disrupts local supply chains, and manages the fallout alongside health professionals.
- *Guyon Espiner: Wasted:* this documentary produced by RNZ and TVNZ investigates New Zealand's legislative approach to the "War on Drugs" and low-level cannabis convictions. The documentary features the collaboration of the NZ Police through programs like Te Ara Oranga, a joint initiative between Northland Police and health services designed to reduce methamphetamine demand.
- *Patrick Gower: On P / On Weed / On All The Drugs:* a series of high-profile documentary specials hosted by journalist Patrick Gower, investigating local drug laws, addiction, and organized crime across New Zealand. The series features input from NZ Police, drug bust footage, and insights into how gangs control the illicit market.
- *The Lie: The Murder of Grace Millane:* a true crime feature documentary produced by GFC Films.

The Marokopa Project represented a unique engagement for NZ Police, reflecting both the exceptional public interest in Operation Curly and the complexity of managing a documentary production alongside an active investigation. The review identified several areas where governance, access-management, and communications frameworks could be further strengthened to support future engagements of a similar nature.

Executive-level support: The proposal received the Commissioner's support, reflecting a view that the documentary could help provide public insight into the efforts undertaken by Police staff during Operation Curly. The senior level endorsement held weight with the operations team and impacted the openness of communication between Police. However, those interviewed consistently advised that the documentary did not alter the outcome of the search for Mr Phillips and his children.

Lack of formal governance structure: Governance was exercised through existing organisational leadership structures and regular engagement between operational and communications leaders. The review identified opportunities to supplement these arrangements with more formalised governance mechanisms, review points, and documented decision-making processes for future high-profile projects.

Engagement during an active high-risk investigation: The documentary was undertaken during an active and complex investigation rather than a historical case review. This created a unique operating environment that required ongoing balancing of operational, reputational, and communications considerations.

- **Scope of authorised access:** The agreement provided a broader range of access than has typically featured in previous Police documentary engagements, including exposure to operational activity and specialist policing functions. While this access was provided under Police oversight and subject to contractual controls, the review identified value in establishing more clearly defined access parameters for future engagements.
- **Media-access considerations:** The agreed documentary arrangements created a level of operational visibility that differed from that available to mainstream media organisations. While managed through contractual arrangements and operational oversight, the review identified opportunities to strengthen media-equity frameworks and communication around differentiated access models.
- **Risk-management processes:** The review did not identify evidence of a single comprehensive documented assessment encompassing all operational, reputational, privacy, and evidential considerations associated with the documentary engagement. Future engagements would benefit from a structured end-to-end risk assessment process and contingency planning for significant investigative developments.

A future operating model looking at governance and management should separate mainstream media management from documentary or reality-based production access. At the time the agreement was made, the position of TV and video specialist, who is the NZ Police relationship holder with documentary companies, was not occupied. Now that position is occupied it is

normal practice to separate the management of mainstream media and documentary or reality -based production access.

Allocating mainstream media responsibilities to the Media Team Leader and assigning documentary or video-based engagements to the Senior Communications Advisor – Reality TV and Video would ensure each work stream is led by distinct roles with clear mandates. This division of responsibilities would provide a more transparent structure for managing competing media demands, support more consistent decision-making, and better protect operational integrity during high-risk or sensitive investigations.

2: How did the contractual terms with the documentary production shape Police's communications approach or plan, including any constraints, expectations, or risks, and was this adequately understood and overseen?

The *Op Curly Communications Plan* was created in March 2025, authored by the Director of Media and Strategic Communications. Its purpose, *"to identify opportunities for improving trust and confidence in the work done to date, risks to the organisation, and consider different scenarios including an exit strategy should the children not be found"*[1]. It provides a structured framework covering objectives, audience, media and internal communication approaches, risk mitigation, key messages, and an action plan spanning March–May 2025, all designed to support investigative staff while managing reputational risk through public trust and confidence.

- The Investigation team have *Version 3* of the plan, recorded as *"March 2025 – Draft 3"* stored within the Investigation Management Tool (IMT) as their principal document. There is no evidence this version of the plan was updated, reviewed, or actively maintained after May 2025, despite the document itself outlining ongoing media activity, risk scenarios, and an action plan extending into that period. This lack of regular review, updates and reinforcement reduced its effectiveness as a guiding communications tool during later phases of Operation Curly.

- *Version 5* of the Plan retained by the Media Team is more comprehensive, shifting from supporting the investigation, to using communications as a strategic tool to manage operational risk and public trust and confidence. Similarly, there is no evidence of this version of the plan being updated, reviewed, or actively maintained after May 2025.

The review identified a lack of awareness and implementation of the *Op Curly Communications Plan* across the investigation. Several individuals indicated they were either unaware of the plan's existence or the most current version of the plan. It has been suggested the plan was built around pre-set phases and reactive responses rather than a living, overarching strategy.

There is no evidence that the plan was ever reviewed or updated since May 2025, despite some significant developments in the investigation. The plan contains materially inaccurate information - for example, it records the reward for information leading to the location of Tom Phillips and his children as $100,000, when the actual reward offered was $80,000.

[1] *Op Curly Communications Plan, Purpose, Page 2*

The involvement of a documentary production is incorporated into the plan as an element of the overall communications strategy. The plan identifies that managing the documentary production, requires an explicit awareness of both the reputational risks and opportunities associated with Police being documented in real time. The *Action plan*[2] reinforces this by scheduling internal messaging to staff about the documentary crew, ensuring personnel were prepared for their presence. The plan also calls for developing reactive media messaging regarding camera presence.

The plan identifies a series of risks spanning operational, reputational, political, and community impacts, each paired with a mitigation strategy[3]. Operational and reputational risks, including the possibility of fatal or serious injury to either Tom Phillips and his children or Police staff during any confrontation are identified, each of which was expected to trigger intense public, political, and media scrutiny. Across all risks, the plan consistently emphasises proactive, rapid, and visible communication including senior level district leadership and members of the Police executive fronting, regular updates, and clear messaging as the primary mitigation strategy.

While the *Op Curly Communications Plan* outlines media activity, key messages, and high-level risks, it does not appear to have been given the strategic emphasis or operational impetus expected for a live communications framework supporting a high-profile, high-risk investigation.

The plan does not:

- have a defined governance framework
- have a set review cycle or update schedule
- have an agreed step by step crisis escalation framework
- have a framework for coordinating with key partners, or tailoring engagement approaches with different partners and their specific interest of influence
- clearly identify or expand on documentary related risks including expectations and parameters.
- sufficiently identify the risk of potential harm to the wider Marokopa community and how Police would address reassurance.
- have a structured approach to manage online digital and social media narratives, counter misinformation, or maintaining sustained public engagement in a long running case

Although there is no documented evidence of planning or updates to the communications plan after May 2025, the Director Media and Strategic Communications and the Officer in Charge maintained regular dialogue on media strategy. When significant events occurred, such as the 27 August 2025 Piopio burglary, Police responded in a manner that was consistent with their established strategic messaging, indicating that operational media coordination continued even in the absence of formal plan reviews.

[2] *Operation Curly Communications Plan V5, Action Plan, Page 9.*

[3] *Operation Curly Communications Plan V5, Risks and mitigations, Page 5-6.*

3: How were roles and responsibilities arranged for managing the documentary relationship and mainstream media engagement? Were those arrangements appropriate given the context, risks and expectations at the time? What does this indicate about effective practice for future cases?

Across both Wellington-based Media and Communications and district operational staff, there was a consistent view that the Director Media and Strategic Communications and the Officer in Charge of the investigation were the organisational leads for managing the documentary production relationship and mainstream media engagement.

Given the scale of national and international media interest in this case, in 2023 the Officer in Charge requested a single, centralised point of contact within the Wellington media team to ensure consistency of messaging and coordination across all mainstream media communications. The Director Media and Strategic Communications took this responsibility. This was appropriate given the sensitivity of the investigation, the operational knowledge already shared with the Director, and the need for consistency with mainstream media engagement.

The Director also assumed direct responsibility for the documentary relationship, supported by the Executive Director of Media and Communications. This configuration was appropriate as the Senior Communications Advisor – Reality TV and Video had been vacant, and the Director already held the operational awareness and seniority required to oversee such a sensitive engagement.

The Officer in Charge liaised with the Director Media and Strategic Communications for subject-matter advice and guidance on all media-related matters, positioning the Director as the primary source of expertise and direction for the operation's communications approach. Both individuals operated with direct oversight from their respective supervisors, but strategic and operational influence was contained to a small leadership cohort.

While this arrangement provided continuity, it reduced the degree of oversight that an independent governance group could have had. It limited opportunities for independent challenge or escalation. Future cases need to adopt a more balanced governance structure, separating strategic partnership management from day-to-day media operations.

4: How were actual, potential or perceived conflicts of interest identified and managed during the engagement, and what approaches best provide assurance in similar relationships?

In reviewing Operation Curly, no actual conflicts of interest were identified in how Police managed mainstream media or the documentary production. There is no evidence that Police decision-making or operational activity was influenced by the presence of the film crew.

Embedding a documentary production within an ongoing high-risk investigation did give rise to potential and perceived conflicts. These perceived conflicts arise because:

- Police have a mandate to uphold operational integrity and maintain impartiality.
- Covert operations require strict operational security. The presence of an external film crew can appear inconsistent with that requirement.
- Mainstream media were not granted equivalent access, creating the appearance of preferential treatment.
- The documentary production has commercial and editorial interests that may not align with operational priorities.

The ongoing seriousness of the investigation, the involvement of children, and the high level of public interest amplified these perception risks.

Media coverage post the critical incident also highlighted perceived, rather than actual, conflicts of interest from Police granting a documentary production access while restricting mainstream media.

- ***Preferential access:*** Media reported that the documentary crew received behind-the-tape access to serious-crime scenes and sensitive operational activity that mainstream media were denied. This created the perception that Police were favouring one media partner over others.
- ***Competing interests:*** The documentary production had commercial and editorial objectives, while Police had operational and public-safety priorities. Media commentary suggested that allowing a commercial production to film covert or sensitive operations risked blurring these interests, creating a perceived conflict between operational integrity and storytelling.
- ***Narrative influence:*** Some reporting questioned whether the presence of a documentary crew could influence what Police chose to show, say, or prioritise, raising concerns about impartiality and whether Police were shaping the public narrative through selective access.

Granting the documentary production access to the covert Airbus Flexrotor or *drone phase* of the search did not amount to an actual conflict of interest. It did create a perceived conflict of interest. Covert operations and the use of the specialist groups is one of the most sensitive and tightly controlled areas of policing, requiring strict protection of intelligence, tactics, and operational security. Allowing the documentary production to observe and record elements of this phase, while mainstream media were excluded, contributed to the appearance that Police were favouring one media organisation and potentially exposing sensitive surveillance tactics for non-operational purposes.

Similarly, granting the documentary production access to the covert interception phase of the investigation generated the same perceived conflict of interest for the same reasons, providing one media organisation privileged visibility into highly sensitive police tactics while mainstream media were excluded. This reinforced concerns about equity, operational security, and the appropriateness of media involvement in covert policing.

It was not an actual conflict of interest for Police to grant the documentary crew access to a crime scene while restricting mainstream media. Police retain operational discretion over scene access. However, the decision created a clear perceived conflict of interest; by providing the documentary production with privileged scene access, Police publicly appeared to favour one media organisation over others. This highlights a governance gap and the absence of a structured framework to assess, document, and mitigate conflict of interest risks when engaging with media during critical and or serious incidents.

Police must have clear protocols for managing complex media relationships in future high-risk operations. Consistent governance as well asformally documented expectations and boundaries must underpin any media engagement to ensure that media equity is a foundation principle during critical or serious incidents. All media must receive fair, transparent, and consistently managed access. This will ensure transparency and accountability, .

5 What governance, escalation and oversight arrangements supported decision-making, how were they applied in practice, and what lessons emerged for managing complex and high-profile engagements?

The Officer in Charge of the case held primary responsibility for all operational and investigative decisions, supported by the Waikato District Crime Manager. Regular engagement occurred between the Officer in Charge and the Director Media and Strategic Communications to ensure alignment of messaging, risk and media engagement. The Director Media and Strategic Communications provided strategic oversight of all media-related decisions.

Decision-making relating to media engagement was supported through the established district governance (*chain of command)* with oversight arrangements in place that combined both district leadership and senior media advice. In practice, regular coordination between the Officer in Charge and Director Media and Strategic Communications was happening. When high risk or sensitive matters occurred, decision making was escalated to include senior district leadership with support from the Director of Media and Communications. Decisions were escalated to executive level for oversight and direction when required.

Decision-making relating to documentary access was managed by the Officer in Charge, with strategic guidance from the Director of Media and Communications. Access to covert operations followed a parallel structure with primary authority remaining with the Officer in Charge of the case. Concerns relating to documentary production access to covert tactics and personnel were escalated at the time by specialist work groups through their chain of command.

Following the critical incident, decision-making regarding access to the shooting and campsite scenes was elevated to include senior district level leadership. Throughout this process, senior leaders liaised with the Director of Media and Strategic Communications. When investigators challenged documentary access to the crime scenes, the matter was escalated through the command structure to district-level senior leadership, ensuring decisions were made with appropriate strategic oversight.

Lessons that have emerged:

Operational Security: Operational security must remain the overriding principle, with access decisions prioritising the protection of Police tactics, personnel, and operational security. Police should not rely solely on veto or editorial control to manage future documentary access. Formalised parameters and escalation triggers must be embedded in agreements so that any contested access issues automatically move to senior-level review. This ensures decisions are consistent, defensible, and aligned with Police organisational risk settings.

Governance: Future high-risk investigations require clear and consistently applied decision-making authority. Management of mainstream media from documentary production access should be separated. This division would create a more transparent governance structure, reduce competing pressures, support consistent decision-making, and better safeguard operational integrity during high risk or sensitive investigations. Parallel governance structures should be put in place for any covert operations. Access to covert activity should follow the same principles as documentary access, with a clear governance structure independent of the investigation that hold primary authority for access to specialist groups.

Editorial control: Future decision making relating to documentary access should not rely on the authority to veto or refine footage through editorial control. This heavily influenced decision making, particularly those relating to access to crime scenes and specialist squads. Formalised parameters and escalation triggers must be embedded in agreements so that any contested access issues automatically move to senior-level review prior to footage being recorded.

Clearly defined Parameters: The occurrence of a critical incident demonstrated the necessity of immediate elevation of decision-making authority. When high risk events occur decision-making must shift to senior district leadership to ensure that operational, reputational, and safety considerations are integrated. Parameters and escalation triggers must be embedded in agreements so that any contested access issues automatically move to senior-level review. Parameters must be communicated to all relevant district staff to ensure expectations are understood, consistently applied, and effectively managed.

Structured escalation pathways: Future engagements need to establish structured escalation pathways to ensures that sensitive or contested matters including media access, covert activity, or documentary involvement are elevated early and handled with appropriate strategic oversight by a governance group.

The influence of executive endorsement: The Commissioner's endorsement has shaped decision-making. Executive oversight should be applied selectively, reserved for decisions with broader organisational, legal, or reputational implications and escalated beyond

district authority. Furthermore, when there is a change of circumstances in a project, decision making should be pushed back up to a group of senior leaders for reconsideration.

6: What access, if any, was given to the documentary team to investigative information, locations or operational activity not available to mainstream media, who authorised those decisions, and how was appropriateness assessed at the time?

The Operation Curly Access Agreement defines 'Access' as meaning 'the opportunity for the Producer to view evidence, and attend and record Police briefings, meetings, and Operations which would otherwise not be accessible to a media organisation'[4].

Police Vetting: Everyone involved in the documentary production that required access to Police facilities was required to undergo the standard Police vetting process before being granted access. This process was initiated and overseen by the Brand and Marketing Manager. No risks or concerns were identified through that assessment.

Access to Police facilities: Access to the Hamilton Police Station was tightly managed, with documentary personnel permitted entry only under direct Police supervision. All crew members were required to sign in at the front counter, after which a member of the Op Curly Investigation Team escorted them to Level 5, where the investigation team was based.

Both the Waikato District Organised Crime Squad and the Op Curly Investigation Team were domiciled within proximity of each other on Level 5 of the Hamilton Police Station. While the documentary crew was, in practice, confined to the area occupied by the Op Curly team, this location was not ideal given the nature of sensitive and covert operations undertaken by the Organised Crime Squad. Movement within the station was tightly controlled, with documentary personnel required to always remain under continuous escort by a member of the Op Curly team.

Access to Police Operations is stated in the agreement as *'The Producer, its Key People and its nominated agents, employees or contractors may work with nominated Police in the course of their duties on Operation Curly for the purpose of recording and filming. The recording and filming is only for inclusion in the documentary film outlined in the Proposal'*[5].

The Final Proposal contained in Schedule C states the documentary may include:

- *A focus on follow-footage following staff involved in Operation Curly, and associated Operations,*
- *Interviews with key Investigation and District staff,*
- *Interviews with appropriate spokespeople for specialist groups within Police*
- *Interviews with former Area Commander Will Loughrin, and Detective Inspector Andrew Saunders.*
- *Footage of Police visits to the Marokopa community and any local stakeholders (subject to permissions being granted)*

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[4] *Operation Curly Access Agreement, Definitions and Interpretation, Page 1.*

[5] *Operation Curly Access Agreement, Access to Police Operations, Page 2*

- *Where permitted, footage obtained by drone or any other means during aerial operations.*
- *Any additional footage, audio recordings and still images requested by the Producer and deemed appropriate for release to be made available by NZ Police*
- *Recordings or transcripts of interviews, as permitted.*
- *Access to stills, CCTV and trail camera footage being used as evidence, provided Police have the right to grant such Access*[6].

The agreement strategically provides the documentary production with broad and structured access to Police activities and personnel associated with Operation Curly. This includes follow-footage of staff engaged in the operation and related activities, alongside interviews with key investigation personnel, district staff, specialist group spokespeople, and senior figures such as former Area Commander Will Loughrin and Detective Inspector Andrew Saunders.

The production is further enabled to capture community engagement, including Police visits to the Marokopa area and interactions with local stakeholders where permissions allow, as well as aerial perspectives through drone or similar footage where authorised.

The agreement facilitates access to a wide evidential and archival base encompassing additional requested footage, audio recordings, still images, interview recordings or transcripts, and, where lawful and appropriate, evidential materials such as still photography, CCTV, and trail camera footage.

Access in practice:

From March 2025 up to the day of the critical incident, the documentary production was operating with access across all agreed areas, as authorised and overseen by the Officer in Charge, with oversight input from the Waikato Crime Manager and Director Media and Strategic Communications as required.

Observational / Fly-on-the-Wall:

As the production documentary crew became more embedded with the investigation team, the access given during investigation briefings has extended to include exposure to discussion and practical utilisation of covert policing tactics. During the interception phase, staff were filmed actively listening to intercepted communications. They also had access to the covert, motion-activated cameras and footage.

Flexrotor phase access:

The documentary production crew was provided access to the Airbus Flexrotor drone phase. The crew had access to the presence and operations of specialist and partner agencies, including the Technical Operations Group (TOG), Special Tactics Group (STG), military personnel, and Airbus assets and equipment. Access during this period extended to operational briefings, personnel, equipment, and live radio communications. Observations were made of recording devices, including microphones and cameras, being positioned in proximity to personnel engaged in discussions that were not intended for capture. As a result, members of specialist units formally raised concerns regarding the breadth and nature of access afforded to the documentary production crew. This phase

[6] *Operation Curly Access Agreement, Schedule C – The Final Proposal, Page 14.*

was as authorised and overseen by the Officer in Charge, with oversight input from the Waikato Crime Manager and Director Media and Strategic Communications as required.

Critical Incident Access:

Shooting scene: The documentary production was granted privileged, controlled access to the critical incident shooting scene on Te Anga Road in the Waitomo region on Tuesday, 9 September. This was the day following the shooting, after the deceased had been removed, but not all forensic examination had been completed. Under this arrangement, Dame Julie Christie and a cameraman were permitted to attend and film from the northern side of Te Anga Road, an area that had been forensically processed. They were accompanied by the Officer in Charge of the Scene, who provided a recorded operational narrative. At the time of access, key elements of the scene remained in situ, including the ATV and Police vehicles. Forensic evidence was present and visible within the scene at this time. Dame Julie remained at the scene under Police escort for approximately 25–30 minutes, during which time the cameraman captured exclusive footage. Upon completion of filming, Dame Julie and the cameraman departed the scene and were transported by a Police staff member to the children's camp location. Exclusive access to the scene was authorised by the Acting District Commander.

Campsite: Dame Julie Christie and the cameraman were then given privileged, controlled access to the 'Pines' campsite where the children had been located the day before. Dame Julie and a cameraman were authorised to enter the campsite and film by the Officer in Charge of Operation Curly. They were accompanied by the Officer in Charge of the Scene, who provided a recorded operational narrative. At the time of access, the forensic examination had not been completed, and key elements of the scene remained in situ. Exclusive access to the scene was authorised by the Officer in Charge of the scene, following engagement with their operational command and the Officer in Charge of Operation Curly.

Both Officers in Charge of their respective scenes were cognisant that granting such access to the documentary production was inconsistent with established best practice and had created additional scene-management risks that required careful control. Each officer formally challenged the decision to permit access; however, access was approved with communication emphasising that the agreement with the documentary crew was approved at a senior level.

Op Curly staff interviews post the critical incident:

Following the safe location of the Phillips children, the documentary production was further granted access to conduct interviews with selected Operation Curly investigation staff. These interviews, authorised through the Officer in Charge, captured candid and contemporaneous reflections from personnel directly involved in the operation. They were characterised by a high degree of emotional authenticity, with staff who had been heavily invested in the recovery of the children presenting as visibly affected and expressing raw, unfiltered responses to the outcome.

Lessons that emerged

Both operational and strategic decision-makers have placed reliance on the existence of editorial control mechanisms, specifically the ability for Police to review and veto content,

together with the endorsement provided at the Commissioner level, as key safeguards underpinning the granting of access to the documentary production.

There is consistent reliance on Sections 5 (*Right to preview)*, 10 (*Control of Operations)* and 11 (*Documentary approval procedure)* provisions of the Operation Curly Access Agreement[7]. There is an implicit assumption that any risks arising from the documentary crew's operational visibility can be mitigated retrospectively through editorial control. This mindset that the contractual safeguards were sufficient in themselves has led to an omission of broader governance and risk management obligations that should have guided the engagement and access.

7: How did Police balance investigative integrity, staff safety, media fairness and public confidence, and what principles should guide this balance in future live investigations?

Investigative integrity:

Maintaining investigative integrity means ensuring that evidence, tactics, and operational decisions remain uncompromised by external factors. In this case, the agreement to and the presence of, documentary production crew with escalating media focus and public interest were contributing factors to consider when ensuring investigative integrity. In practice, Police balanced this by ensuring the Officer in Charge was the primary decision maker, supported by senior leadership when risks increased with strategic oversight from the Director of Media and Strategic Communications. This allowed operational decisions to be made with a clear focus on maintaining the investigation's credibility and outcomes. Messaging to the media has been consistent stating that they cannot disclose operational details because doing so could compromise the investigation. This approach aligns with standard integrity principles.

The extent to how much a documentary agreement can influence investigative integrity depends on how well governance, access controls, and escalation pathways were applied. The *Operation Curly Access Agreement* itself did not automatically compromise investigative integrity; however, it created conditions where integrity needed to be actively protected. Decisions about access to evidence, crime scenes, specialist squads, and covert operations required heightened scrutiny to ensure that filming did not expose sensitive tactics, contaminate evidence, or influence the timing and prioritisation of investigative actions.

Where investigative integrity was most at risk was in contested access decisions, where investigators raised concerns about the presence of documentary crews. These situations required escalation to senior district leadership, indicating that the agreement introduced tensions that needed higher-level intervention to resolve. This does not mean integrity was breached, but it does show that the agreement placed additional strain on the investigative environment.

As this review has highlighted, Police recognised the risk early; however, their mitigation approach relied heavily on executive-level support and the use of editorial control mechanisms. While these tools provided a degree of assurance, the reliance on them

[7] *Operation Curly Access Agreement, Pages 4 -6.*

highlights the need for more structured, pre-defined governance settings, escalation pathways, and parameters to manage similar risks in future investigations.

Staff safety:

Staff safety was a primary operational consideration throughout the Operation Curly investigation, given the combination of remote terrain, possession of firearms, unpredictable behaviour, and the potential for rapid escalation. Staff safety was managed through a series of deliberate decisions designed to minimise exposure, protect frontline personnel, and ensure that operational activity did not create unnecessary risk.

A core element of this approach was the use of risk based operational planning. Before deploying staff into the Marokopa area, Police assessed the threat environment, including Mr Phillips' and his children's known access to firearms, their familiarity with the terrain, and the likelihood of ambush or evasion. These assessments informed decisions about the scale of deployments, the use of specialist teams, and the timing of operational activity.

Police relied on specialist capability including the Special Tactics Group (STG) and other tactical units when the risk profile required it. This ensured that staff entering high risk environments had the training, equipment, and support needed to operate safely. Routine frontline staff were not deployed into situations where the risk exceeded their capability or where intelligence suggested a heightened threat.

Police limited public disclosure of operational plans to avoid compromising staff safety or enabling Phillips to anticipate movements. While this created public frustration, it aligned with the principle that staff safety must not be jeopardised by transparency pressures.

Police also made decisions about timing and tempo of operations to avoid unnecessary confrontation. Rather than pursuing high-risk tactical interventions without sufficient intelligence, Police prioritised containment, surveillance, and controlled engagement. This approach reduced the likelihood of violent confrontation and protected both staff and the public.

Police maintained structured escalation pathways for high-risk operational decisions. When operational risk increased through reported sightings, community reports, or potential contact events decisions were escalated to senior leadership to ensure that staff safety remained the overriding determinant of action.

Police planned for multiple scenarios, including the potential for injury or death not only to staff but also to Mr Phillips and his children, ensuring operational decisions accounted for the full spectrum of risk. The critical incident demonstrates the inherent danger of policing a high-risk armed offender determined to avoid capture.

Media fairness:

Prior to the Documentary Production agreement, Police approached media fairness by using consistent access processes across all outlets, ensuring no organisation received privileged operational information or preferential treatment. Enquiries were managed through the Wellington based media team and updates were provided through structured channels including scheduled media releases and controlled standups which helped maintain equity and avoided any perceptions of bias. This consistency helped uphold fairness even when public pressure for more detailed information increased.

The presence of a documentary production from March 2025 introduced an inherent imbalance in media access. The arrangement placed Police in a position where they had to balance operational security with the expectations of a contracted production partner. This added pressure to operational decision making and increased the risk that media fairness could be compromised, even unintentionally.

While mainstream outlets were managed through the standard, equitable processes, the documentary crew operated under an agreement that provided access to Police activity that mainstream media did not have. This created a significant difference in access that other media organisations could not receive, raising fairness concerns. This imbalance was further exacerbated when the documentary crew was given access to the critical incident shooting scene and campsite, creating a level of proximity and visibility that mainstream media could not receive under standard media fairness protocols.

Although Police attempted to manage this through editorial veto mechanisms and by limiting what the crew could film, the very existence of this access meant there was no equity. This raised perceptions of preferential treatment.

Public confidence:

Police sought to maintain public confidence by providing credible, timely updates that demonstrated the investigation was active, accountable, and appropriately resourced. The consistent presence of the Officer in Charge of the case helped maintain public confidence by providing a single, authoritative voice for the investigation, ensuring continuity in messaging and reducing the confusion that can arise when multiple spokespeople front a complex, high-profile case.

Police maintained operational security and investigative integrity by restricting the release of sensitive information that could compromise tactics, reveal investigative leads, or endanger staff. This included limiting detail about sightings, deployment activity, intelligence assessments, and specialist capability.

The existence of a documentary agreement risked creating perceptions of enhanced access and narrative influence, which in turn challenged public confidence in the neutrality and fairness of Police communication. The need to manage both public expectations and the obligations of the agreement added complexity to an already sensitive media environment.

The decision for the Deputy Commissioner and Commissioner to publicly front the critical incident phase strengthened public confidence by demonstrating visible executive level accountability at a moment of heightened risk and scrutiny. Their direct involvement signaled that Police recognises the seriousness of the incident, is exercising strong oversight, and is prepared to answer publicly for operational decisions.

Principles to Guide Future Engagements:

Future engagements of this kind should be guided by principles that ensure operational integrity is non-negotiable. Any documentary production agreement must have clear independent governance.

This governance group must establish parameters that are agreed to by both parties that support strict access controls and structured escalation pathways to manage contested decisions or emerging risks. Police need to ensure these parameters safeguard media fairness and equity by avoiding real or perceived preferential access.

All agreements should be subject to continuous risk assessment, with the ability to pause or terminate access immediately if operational conditions change.

Police should always retain editorial veto rights to protect covert and sensitive tactics, safeguard investigations and prevent the interests of victims.

RECOMMENDATIONS:

MEDIA EQUITY & INTEGRITY:

1. The media serves an important democratic function by reporting on police actions and decisions, enabling public understanding, transparency, and accountability. Introduce a Formal Media Equity Protocol to ensure transparent, consistent and equitable treatment of all media.
2. Establish a formal Conflict Identification and Assurance Framework System, including mandatory declarations of documentary relationships and an independent review mechanism for high-risk cases.

GOVERNANCE & STRUCTURE:

3. Establish a nationally consistent Documentary Engagement Framework to govern all relationships, encompassing approval processes, comprehensive risk assessment, clearly defined access parameters and robust oversight mechanisms.
4. Implement a tiered governance model for high-risk engagements that provides structured review checkpoints, clear escalation pathways and enhanced senior level oversight to ensure consistent, risk informed decision making. This includes all sensitive matters going to the most senior team, in this case the Executive Leadership team (ELT). Furthermore, if there is any change of circumstances during the process it should be referred back to the ELT.
5. Formalise roles, responsibilities, and decision rights across district operations, National Media and Communications, and Legal Services to ensure clear accountability, coordinated decision-making, and consistent application of policy and practice.

OPERATIONAL RISK & ACCESS:

6. Implement a mandatory, standardised risk assessment process for all documentary engagements to proactively identify, evaluate, and mitigate operational, reputational, and privacy risks.
7. Introduce a structured Operational Access Matrix to clearly define permissible levels of access at each stage of an investigation, ensuring consistent decision-making and safeguarding operational integrity, staff safety, and evidential security.

COMMUNICATIONS & CAPABILITY:

8. Ensure all high-risk investigations have a living Strategic Communications Plan that is actively maintained, regularly reviewed and continuously updated to align with evolving operational priorities and risk.
9. Implement a centralised information management system for Media and Communications Teams to support comprehensive record-keeping and enable efficient access to media planning, documentation, and engagement activities.

10. Deliver targeted, capability-focused training to staff on contractual obligations and media equity, ensuring informed decision-making, consistent practice, and alignment with organisational standards.
11. Embed continuous improvement practices by mandating that all formal reviews and operational debriefs include a Media and Communications component, with all identified lessons captured, documented, and integrated into the national Lessons Learned database to inform future practice and capability development.
12. Engage relevant stakeholders, including documentary-production representatives, regarding implementation considerations.



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