

Review

The DOUBLE

‘You live by deception’

Mark van Leewarden tells his story in a new book and, writes **Steve Braunias**, it doesn't make for easy reading

life of an undercover cop

OPINION

Most of us get only one life, but undercover cops get two: their actual life, and their imagined life. Neither identity seems especially likeable in the new, very readable, and quite fascinating memoir *Crimetime* by ex-cop turned private investigator Mark van Leewarden. About 60 per cent of his book is devoted to the year he worked undercover in Auckland, in 1979. He went by the name Mark Munro. He dealt drugs, got wasted, spent \$5000 a week. It's a portrait of old-school crims and an Auckland that no longer exists. But two qualities of his police work remain exactly the same in undercover operations that will be going on right now, right under the noses of the unsuspecting – deceit, and courage.

It's a dark and ancient art. Judas was a kind of undercover agent; his work led to the world's most significant conviction. The philosophical rationale is that the end justifies the means and it scarcely gets much more complex than that in New Zealand law. The so-called Mr Big undercover stings have been ruled acceptable by our Supreme Court, despite a series of appeals objecting to their use of psychological manipulations and inducements.

“You live by deception,” defence lawyer Eb Leary said to van Leewarden at a trial where he presented evidence gathered as an undercover cop. “You've spent a year telling lies. . . . You're as much a street criminal as the man being tried here today. . . . You dealt in drugs yourself. . . . You had a sexual relationship with this woman [a sex worker involved in the case], didn't you. You used and abused her.”

Quite a few of Leary's accusations were accurate. Ex-con Arthur Taylor – himself the author of a very good new book, *Prison Break* – acknowledged that undercover cops had a job to do, but scorned their gross abuse of trust. Asked if he had a grudging respect, he said, “No. And I'll tell you why. Some of these cops were forming relationships with young women. That's f***en low for a cop who is sworn to uphold the law. And making out they're in love with them and having sex with them and all rest of this s***, and then getting them arrested.”

Van Leewarden writes of his relationship with Ruby, whom he gets arrested, and piously declares, “Ruby had paid the price of straying from hooking into dealing drugs.” But she was hardly Mr Asia. “Her income was derived from prostitution and dealing small amounts of cannabis to other parlour girls.” Most of the low-end drug deals he got involved with were opiate pharmaceuticals – Tuinal, Seconal, Decanol – bought and sold in a shabby criminal network of burglaries, fencing, and hookers. He busted a chemist: “Avarice, coupled with an absence of morals, had driven him to drug-dealing.” An absence of morals! Look who's talking. “Of all the offenders I took down, he was the most deserving of a decent prison sentence.” The chemist got 14 years. The longest sentence he helped secure – for murder – was given to an Auckland crime boss whom he befriended and betrayed, Ricki Goodin.

“Ricki Goodin!” laughed Arthur Taylor. “I knew him well. He's dead now. His body was found floating under a wharf somewhere. Wouldn't trust him as far as I could kick him. Killed his girlfriend in a pub, didn't he?”

Yes, the New Station Hotel on Anzac Ave. “That's right. Christ, he was such a druggie. From the moment he woke up to the moment he went to sleep, if he ever actually slept, his mind was on drugs. Willie rags, as he called them. Thorough ratbag. He used to steal off fellow prisoners. I met him one day in Parry [Paremoreno prison]. He used to use this hollow leg to smuggle drugs into prison. He even used it to smuggle a gun inside Parry! A 9mm Beretta. He used it in a stand-off.”

Fete Taito, a former King Cobra gang member who has since gained a double major in sociology and Māori at the University of Auckland, also knew Goodin, and many other criminals in *Crimetime*. He can vouch for the book's guided tour of criminal hang-outs.

The Alexandra Tavern. “Parnell Rd. Yeah.”

The White Horse. “Pakuranga. Yeah, yeah.”

Cleopatra's. “Oh, the nightclub. Panmure, I think?” Yeah. “Yeah.”

The Star, Ōtāhuhu. “Black Power.



Mark van Leewarden
Photo / Michael Craig

The guy had bottle. He walked down some very mean streets and held on to his fiction while drinking hard in some very mean bars.

Didn't go there much.”

The New Station Hotel. “It had a lift from the bar on Beach Rd to the bar on Anzac, and we'd do our drug transactions in the lift. The lift was real slow so you could take your time.”

The Schooner, Quay St. “It had a 7am opening so you'd go there from all-night parties. The lounge bar was full of druggies and heroin addicts, the public bar would have 50-60 gang members. Sometimes you'd see the cops would have all the lounge guys out against the wall and they'd have buckets, plastic mop buckets, next to them, and you'd look inside and it'd be full of spoons and needles.”

“Three doors down was the Wharf copshop. It was well known that's where all the rejects from Central went, the hardmen coppers, and if you went there, which I did many, many times, there were two interrogation rooms and above one of them, above the door, was a sign: ‘Headache Department.’ That's where you'd get a good slap.”

Street justice. Van Leewarden writes of smashing some hapless villain over the head with a metal barstool in the Schooner, and then sitting down to finish his beer. He writes, “Alcohol was a constant, day in, day out, and heavy drinking the norm. I'd always start with beer and after three or four switch to bourbon and Paeroa. I'd drop pills as well. . . . By the time I switched to bourbon, I normally had a good buzz on and was nestled into my criminal persona.”

Two lives, but really the same character. Surely no one could love Mark van Leewarden and Mark Munro as fully as Mark van Leewarden and Mark Munro.

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Mark van Leewarden

Crimetime is a love letter to a tough guy, a record of vanity. “I captained the Mid-Canterbury Under-18 South Island tournament team and was selected to play in the trials for the South Island team,” he writes. “I have often wondered what would have happened if I had remained in Dunedin and focused on rugby.” Yes, he might have changed All Black history, but we'll never know.

After he steps out of undercover work, he meets his future wife,



Ex-con Arthur Taylor acknowledged that undercover cops had a job to do, but scorned their gross abuse of trust.
Photo / Dean Purcell

Ainsley, a constable. The first time they talk, she tells him, “Joe from the other section said whenever you went out you always had good-looking birds with you. The boys also said you had worked UC [undercover]. They actually spoke about you with awe.” Never trust a man who quotes his own good reviews.

But there's no doubting the fantastic levels of bravery he possessed in that line of work. The

undercover operation in New Zealand led to the 2016 conviction of Kamal Reddy for the murder of his ex-girlfriend Pakeeza Yousef and her 3-year-old daughter Jojo. The six-month sting resulted in a confession, and he also showed where he buried the bodies, beneath an overbridge in Takapuna. “Yeah, it worked there,” said Tim McKinnel, a private investigator who worked to secure the release of Teina Pora. He's now case manager with the Criminal Cases Review Commission. “So the question is, do you keep it going because it worked, or is it like torture, where sometimes it works, but when it doesn't, it's a terrible perversion of what's supposed to be good process.”

It wasn't really a question. “My view is that Mr Big operations shouldn't be used at all. I think they extend beyond what should be regarded as a safe collection of evidence. . . . There's a vulnerability to obtain tainted evidence, whether that is a false confession or some other form of compromised evidence through psychological manipulation, the use of inducements, the use of lies, the use of incentives, the use of trickery. Just because it can work doesn't mean it should be legitimised.”

But subterfuge plays a vital role in crime prevention, doesn't it? “It's legitimate on occasion,” McKinnel said. He went further but not by



Fete Taito, a former King Cobra gang member who has since gained a double major in sociology and Māori, knew many of the criminals in *Crimetime*.
Photo / Michael Craig

much. “It should be rarely and sparingly used. . . . I point to the frequency of false confessions through more traditional interviewing and investigative processes. If they are occurring in that environment, then surely the risks to false confessions and other tainted evidence through those sorts of methods is heightened. It's a matter of logic, it must be.”

He talked of undercover work as “a bit of an artefact from the past.” The use of technology surveillance was

from drug addiction and post-traumatic distress syndrome. “Health and safety all over is a big thing now and it extends to undercover officers, so that their mental and physical well-being is looked after a lot better than the old days.”

The wellness of agents is one concern; what about the rights of those caught up in undercover operations? Asked whether there was potential for false confessions, the detective said, “Aw, yeah, there is. Criminals, a lot of them by nature are

quite boastful and ego-driven. But that's why we would never rely on something some criminal had said to an undercover officer. Cos they say all sorts of s***. It would always be corroborated in other ways. We would never, ever go to court based on what some crook said.” The detective liked his absolutes – “always”, “never”. Asked about the reliability of undercover evidence, he said, “100 per cent solid.”

That figure was closer to somewhere around zero for Christopher Stevenson, co-chairman of the New Zealand Defence Lawyers Association. He scorned undercover work: “All of this stuff where you have highly unregulated, secretive, subterranean investigations is fraught, and the worst example of it is Mr Big. Really I think it represents us getting caught up in the clamour for a conviction, and when we get carried away, we elevate the risk that we get bad outcomes, that we get unreliable evidence, that we get innocent persons caught up in all of this. It's really in many respects anathema to fundamental principle of criminal justice system, which is due process, transparency, fairness. . . . Mr Big operations and parallel-type undercover operations are grotesque and I think they would shock the conscience of any New Zealander who truly understood what's going on.”

Would they, though? The end justifies the means. . . . Everyone spoken to for this story – crooks, cops, lawyers – agreed that undercover work was a necessary tool and served a useful purpose. It catches the guilty. It can also catch the innocent and make a travesty of criminal justice. All dark arts are volatile, random, improvised. “It's a shadowy world,” as the city detective described undercover. But he claimed it was smoothly managed: “It's a very well-oiled machine.” The moving parts, though, are under constant stress. “Not every officer is cut out for it. You've got to be the right person for it and you do that sort of work because you like the challenge of it.”

Was he that sort of person?

“Next question.”

That was a yes. Van Leewarden, too, was obviously that sort of person. He was good at it, and his pleasure in the work is evident in *Crimetime*. The heat goes out of the book when he finishes writing about 1979 and gets on with listing various conceits from the rest of his police career (“At 23, I was the youngest constable in the New Zealand Police to qualify as a detective”, etc.) and subsequent work in private investigation. His best life belonged to the past. That one amazing year, 1979, was a kind of ecstasy: risk, lawlessness, unbridled power, the kind of freedom only a criminal can enjoy.

National MP Simon Bridges told the story of an undercover cop (“he was quite a fat boy”) whom he dealt with when he was a Crown prosecutor: “He was with the Road Knights or some sh**ty white gang in the South Island. He was fully – he became one of them, right. He said they'd get so wasted they'd play this game in the gang pad where they'd stick pint glasses on their head and smack them off with baseball bats.”

Yeah, good one. Imagine that; imagine the thrill, and the trauma that lay in wait. Tony Bouchier now practises law. He formerly practised the dark arts when he went undercover in 1976-77, and said, “In many ways it was the highlight but also the lowlight of my life. The mental health toll was enormous.”

What were the highlights? “I took a lot of creativity and courage. One of the biggest addictions we had in those days was adrenaline. We went out looking for it. We were dealing with a criminal underworld who were violent and the cost of being found out would have been enormous. I had a contract out on my life in Southland and had to escape to Stewart Island while that was sorted out. That was a real threat.”

He investigated drug crime, gaming, prostitution. Did he take drugs?

“Yes.”

Anything stronger than marijuana?

“Um.” He left a long pause, and said, “I'd prefer not to answer that.”

His answer was all in the long pause.

Bouchier knows van Leewarden, and has read *Crimetime*. It “resonated” with him, brought back those days when he led a double life.

Was it exciting?

“Yeah. It was. Every day was,” he said, with something resembling nostalgia.