LECC
Law Enforcement
Conduct Commission

OPERATION FERONIA

A report under section 132 of the *Law Enforcement Conduct Commission Act 2016* concerning unauthorised access and disclosure of confidential police information by a Leading Senior Constable

September 2025

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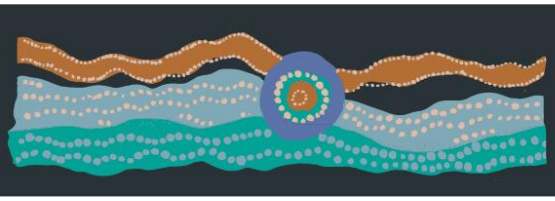
The Law Enforcement Conduct Commission acknowledges and pays respect to the Traditional Owners and Custodians of the lands on which we work, and recognises their continuing connection to the lands and waters of NSW. We pay our respects to the people, the cultures, and the Elders past and present.



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Office of the Chief Commissioner

3 September 2025

The Hon Ben Franklin, MLC
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon Greg Piper, MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Mr President and Mr Speaker

Operation Feronia

In accordance with s 132(3) of the *Law Enforcement Conduct Commission Act 2016* (the LECC Act), the Commission provides you with a copy of its Report:

> Operation Feronia
>
> A report pursuant to section 132 *Law Enforcement Conduct Commission Act 2016* concerning unauthorised access and disclosure of confidential police information by a Leading Senior Constable

I presided at the private examinations held in aid of the investigation.

In accordance with s 142(2) of the LECC Act, I recommend that this report be made public immediately.

Yours sincerely

The Hon Peter Johnson SC
Chief Commissioner

Executive Summary

In May 2023, the NSW Police Force commenced an internal investigation into Leading Senior Constable Housam Khatib (Officer Khatib) when concerns were raised that he was providing confidential police information to criminal associates and misusing police information systems to do so.

Officer Khatib was an experienced and well-respected officer. He joined the NSW Police Force in 2013, was promoted to Senior Constable in 2019, and received a community award in 2020.

The NSW Police Force investigation culminated in Officer Khatib being charged with 4 counts of Misconduct in Public Office and 9 counts of accessing restricted data held in a computer.

The Commission decided to investigate this matter to explore the extent of and motivation for Officer Khatib's unauthorised accesses and disclosures.

Officer Khatib was examined by the Commission on 14 and 15 March 2024. He admitted to accessing police information for unauthorised purposes, sharing confidential police information to relatives and friends, and failing to comply with NSW Police Force policy and procedures relating to declarable associations.

The Commission has found that Officer Khatib's conduct in respect of:

- unauthorised access and disclosure of confidential police information; and
- failing to be forthcoming about his declarable associations,

amounted to serious misconduct.

The Commission did not find that Officer Khatib accessed and disclosed confidential police information with the intent to aid criminal associates. However, the risk that this information could ultimately end up in the wrong hands was plain.

Officer Khatib pleaded guilty to all charges and on 22 May 2025 was sentenced in the NSW District Court to an aggregate term of imprisonment of 3 years to be served by way

of an intensive correction order in the community. The Intensive Correction Order was also subject to a number of additional conditions, including the requirement to complete 400 hours of community service and comply with curfew requirements for a period of 12 months.

The sentence imposed on Officer Khatib demonstrates how seriously conduct of this nature is taken. In the Commission's view this case is a timely reminder that whilst the temptation to misuse police systems will continue to exist, the need to deter employees from doing so is of paramount importance.

Accordingly, the Commission supports the Commissioner of Police's decision made on 5 December 2024 to remove Officer Khatib from the NSW Police Force and recommends that all members of the NSW Police Force be made aware of this matter to deter future conduct of this type within the force.

The delivery of this report was delayed until the related criminal proceedings were finalised.

Table of Contents

1. Introduction

1.1. In October 2023, information was received by the Commission from the NSW Police Force that Officer Khatib had unlawfully accessed NSW Police Force computer databases and disclosed sensitive and confidential police information to family members and other associates.

1.2. Further information was received by the Commission which alleged that Officer Khatib:

- had improper associations with people known to have significant criminal history, some of which had not been declared to the NSW Police Force; and
- was assisting an associate to supply drugs by providing a police escort, using his Highway Patrol vehicle whilst on duty, to vehicles carrying drugs.

1.3. On 26 October 2023, the Commission decided to investigate this matter under Operation Feronia. The main object of the Commission's investigation was to examine the extent of and motivation for Officer Khatib accessing and disclosing of confidential police information.

1.4. During the Commission's investigation, a further concern arose in respect of suspicious financial activity of Officer Khatib.

1.5. Publication of material that relates to proceedings that are being heard before a court may prejudice the right of the accused to a fair hearing and may be seen as creating an interference with the administration of justice. The Commission's governing legislation reinforces this right to a fair hearing, requiring the Commission to take all reasonable steps to ensure that the conduct of an investigation does not prejudice criminal proceedings which are on foot.[1] For this reason, the Commission delayed tabling the report until the related criminal proceedings against Officer Khatib had been finalised.

[1] s 97 *Law Enforcement Conduct Commission Act 2016* (LECC Act).

2. The Commission's Statutory Functions

2.1. The relevant provisions of the *Law Enforcement Conduct Commission Act 2016* (LECC Act) are set out in Appendix 1 to this report.

2.2. The Commission does not sit as a criminal or civil court. It does not determine the rights of any person. However, the Commission may make findings which are adverse to persons and their reputation. The standard of proof to be applied by the Commission in making findings of fact is the civil standard of proof, proof on the balance of probabilities, being qualified having regard to the gravity of the questions to be determined. The test is whether the facts have been proved to the reasonable satisfaction of the Commission.[2]

2.3. An important function for the Commission is to determine whether any police officer has engaged in 'serious misconduct' as defined in s 10 of the LECC Act. In addition, the Commission may make findings, express opinions or make recommendations under s 133 of the LECC Act.

2.4. For reasons explained in Appendix 2, all civilians referred to in this report will be described by pseudonym and their names will not be used.

2.5. There is to be no publication of the name or image of any person assigned a pseudonym in relation to the evidence given in Operation Feronia or included in this report without further order of the Commission.

3. Unauthorised access of confidential information and dissemination

3.1. All NSW Police Force officers are automatically granted access to computer systems which contain restricted data when commencing their employment. This is because these systems are essential for them to undertake and record their daily functions. Two of the systems utilised by the NSW Police Force are the Computerised Operational Policing System (COPS) and the Exhibits Forensic Information and Miscellaneous Property System (EFIMS).

[2] *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 362; [1938] HCA 34; *Rejfek v McElroy* (1965) 112 CLR 517 at 521; [1965] HCA 46; *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 67 ALJR 170 at 171-172; [1992] HCA 66.

3.2. COPS is the main system used by police officers to perform their daily duties and is used to store operational and intelligence information. The system includes details of NSW Police Force officers' interactions with members of the public, and sensitive information concerning victims of crime, persons of interest, and witnesses. It also contains a person's criminal history, warnings, alerts about locations, vehicles, or objects.

3.3. EFIMS is a database used to record the existence and examination of exhibits and miscellaneous property relating to a police investigation. Notably, EFIMS also records the results of forensic examinations that are conducted to identify suspects such as DNA analysis, and fingerprint identification.

3.4. With access to such information, the community places significant trust in the NSW Police Force and its officers to appropriately manage this personal, confidential, and sensitive information.

3.5. Accordingly, the NSW Police Force Code of Conduct and Ethics provides that:

> An employee of the NSW Police Force:
> ....
> 8. only access, use and/or disclose confidential information if required by their duties and allowed by NSW Police Force policy.
> 9. not make improper use of their position or NSW Police Force information or resources.[3]

3.6. Further, clause 76 of the *Police Regulation 2015* requires a member of the NSW Police Force to treat all information which comes to their knowledge in their official capacity as strictly confidential, and on no account divulge it to anyone without proper authority.

3.7. This means that a police officer must have a lawful reason to access the information on COPS or any other NSW Police Force database and only use or disclose the information they become aware of, by virtue of being a Police Officer, for lawful purposes in the course of their duties. The NSW Police Force conducts regular audits of its employees' COPS accesses to ensure compliance.

[3] NSW Police Force Code of Conduct and Ethics <https://www.police.nsw.gov.au/__data/assets/pdf_file/0004/508315/COCE_113782_01_Dec_14.pdf>.

3.8. The criminal law in NSW also prohibits unauthorised access to restricted data held in a computer by operation of s 308H of the *Crimes Act 1900*. This offence carries a maximum penalty of 2 years imprisonment.

3.9. It is important to note that it is not an ingredient of a s 308H offence that the offender utilises or acts on the basis of the information that they have accessed and nor that there be any actual harm or loss caused by their conduct. Therefore, it is not an element of a s 308H offence that the restricted data be disseminated or disclosed to others.[4] It is possible for that conduct to be captured by the common law offence of misconduct in public office.

NSW Police Force Investigation

3.10. The NSW Police Force's Professional Standards Command (PSC) carried out its own investigation in relation to concerns about unlawful access of NSW Police Force databases by Officer Khatib.

3.11. On 12 September 2023, the PSC executed a search warrant on the home of Officer Khatib and seized items, including his mobile phone and other devices. An examination of the phone discovered that Officer Khatib had passed on confidential police information to Civilian ZDQ and other family members and associates. Officer Khatib was subsequently suspended with pay from the NSW Police Force, whilst the PSC completed its investigation.

3.12. On 18 December 2023, the NSW Police Force charged Officer Khatib with:

- 1 x misconduct in public office (common law offence); and
- 8 x access/modify restricted data held in a computer contrary to s 308H of the *Crimes Act 1900* (NSW).

3.13. On or about 29 May 2024, the following additional charges were laid against Officer Khatib:

- 3 x misconduct in public office (common law offence); and
- 1 x access/modify restricted data held in a computer contrary to s 308H of the *Crimes Act 1900* (NSW).

[4] *Abubakar Braimah-Mahamah v R* [2016] NSWDC 138.

3.14. Officer Khatib ultimately pleaded guilty to all charges and was sentenced on 22 May 2025 in the NSW District Court to an aggregate term of imprisonment of 3 years to be served in the community by way of an intensive correction order. The Intensive Correction Order was also subject to a number of additional conditions, including the requirement to complete 400 hours of community service and to comply with curfew requirements for a period of 12 months.

The Commission's Investigation

3.15. As noted above, on 26 October 2023 the Commission decided to investigate this matter under Operation Feronia.

3.16. The Commission sought not only to investigate the allegations surrounding the unauthorised access and dissemination of confidential police information, but also wider allegations in respect of Officer Khatib's associations and assisting persons to undertake illegal activities.

3.17. In the course of Operation Feronia, the Commission obtained evidence from the NSW Police Force, including:

- audit reports of Officer Khatib's COPS accesses; and
- digital data from the Cellebrite download conducted by the NSW Police Force on Officer Khatib's mobile phone.

3.18. The documentary evidence available to the Commission supported, that Officer Khatib accessed confidential information on NSW Police Force databases for reasons unrelated to his policing duties, on the following occasions:

Number:	Date:	Description:
1.	01/06/2020	Accessed NSW Police Force records on a relation's ex-partner (REF2).
2.	15/06/2020	Used COPS to access an associate, REF3's, profile and viewed their licence and traffic records, as well as 2 intelligence reports.
3.	24/08/2021	Used COPS to access a police information report linked to neighbouring property.
4.	07/01/2022	Used COPS to perform searches on an associate's licence, vehicle registration and CNI number.
5.	07/07/2022	Used COPS to search and access an event relating to the execution of a search warrant on REF1's home.

6.	14/07/2022	Used COPS to access an associate's profile.
7.	14/07/2022	Accessed registration information about a car.
8.	10/01/2023	Used RMS to access a relative's traffic history and used COPS to access COPS Events relating to the relative.
9.	06/02/2023	Used COPS to perform a licence and vehicle registration check on a neighbour and associate.
10.	06/02/2023	Accessed COPS and RTA records for a person who had no events or traffic matters associated with them at the time.
11.	08/02/2023	Used COPS to access information on his own traffic matter.
12.	06/05/2023	Used COPS to access confidential records about a neighbouring property and its occupants.
13.	07/05/2023	Used COPS to access a COPS Event relating to a recent report made by the occupants of the above neighbouring property.
14.	16/05/2023	Used COPS to access confidential records relating to 3 neighbouring properties. Used EFIMS to view exhibits taken from a neighbour's property.
15.	10/06/2023	Used COPS to access confidential police records for vehicles parked outside a house he was interested in purchasing.
16.	22/06/2023	Used COPS to access confidential records about a neighbouring property.
17.	29/06/2023	Used COPS to access an associate's profile.
18.	31/08/2023	Used COPS to access confidential information about a neighbouring property, and a police event at that property.
19.	10/09/2023	Used COPS to access confidential police records for a vehicle.

3.19. Further, the documentary evidence supported that Officer Khatib disclosed confidential NSW Police Force information to persons outside of the NSW Police Force on the following occasions:

Number:	**Date:**	**Information:**	**Disclosed to:**
1.	04/11/2019	NSW Police Force information report about conflict between 2 criminal groups.	ZDQ
2.	14/11/2019	NSW Police Force information report about a relation of ZDQ that had been charged.	ZDQ
3.	22/11/2019	NSW Police Force information report about an individual with outstanding warrants.	ZDQ

4.	22/11/2019	NSW Police Force information about the currency of a relation's vehicle registration.	ZDQ
5.	29/02/2020	Images and location of an accident.	ZDQ
6.	29/03/2020	NSW Police Force information about the currency of REF1's vehicle registration.	REF1
7.	03/04/2020	Image of CAD job regarding a person who passed away from COVID-19.	Wife
8.	14/05/2020	NSW Police Force Situation Report about a motor vehicle accident involving someone known to Officer Khatib.	ZDQ, sister, wife
9.	01/06/2020	Image, CNI number, and address of a relation's ex-partner.	Sister
10.	22/01/2021	NSW Police Force intelligence briefing on a person who was involved in an incident which occurred outside ZDQ's shop.	ZDQ
11.	19/06/2021	Image of an intelligence briefing of Officer Khatib's wife's uncle.	Wife
12.	24/08/2021	Image of CAD job regarding a family in a neighbouring house being COVID-19 positive.	Sister
13.	30/08/2021	Image of paper sheet containing names, birthdates, and home addresses of COVID-19 positive people.	Brother-in-Law
14.	09/09/2021	Image of an intelligence briefing showing the image, charges, name and address of a person.	Wife
15.	29/10/2021 and 30/10/2021	Image of CAD job regarding ZDQ's restaurant allegedly failing to check COVID-19 vaccination certificates.	ZDQ (on 29/10/2021) Wife (on 30/10/2021)
16.	18/03/2022	Image of an intelligence briefing of 2 people. The image included the addresses of their family homes, charge photos and CNIs.	ZDQ
17.	01/06/2022	Image of intelligence briefing containing the names and dates of birth of 2 people. For one of the people, it also has their charge number.	ZDQ
18.	01/07/2022	Image of intelligence briefing about a murder, showing images, dates of birth, and other information of 2 people.	ZDQ
19.	14/07/2022	Registration information about a car.	Brother-in-Law

20.	10/06/2023	Information held on COPS pertaining to the vehicles parked outside a house he was interested in purchasing.	Wife

3.20. The Commission determined to hold private examinations in Operation Feronia.

3.21. The following persons gave evidence in March 2024 in private examinations before the Chief Commissioner, the Hon Peter Johnson SC:

- Civilian ZDQ (14 March 2024); and
- Officer Khatib (14 and 15 March 2024).

3.22. Ms Natasha Case of counsel acted as Counsel Assisting the Commission in the private examinations.

Officer Khatib - Background

3.23. At the time of his examination, Officer Khatib had been a police officer for almost 10 years and held the rank of Leading Senior Constable.[5]

3.24. Prior to his suspension, Officer Khatib was working as a Highway Patrol Officer, based in Revesby. In the course of his examination, Officer Khatib explained that his day-to-day duties were to respond to the radio and conduct proactive patrols.[6] Describing how he would commence a shift, Officer Khatib said:

> Just - you get dressed, get your equipment, find out what car you're allocated to, take that, and then that's the car you're allocated to, prepare the vehicle. And then, yeah, we have a morning briefing, and then really the day is yours, unless you have specific taskings you respond to, or do what you want to do on that day.[7]

3.25. When asked to provide more detail about what he meant by 'the day is yours', Officer Khatib went on to say:

[5] Examination of Officer Khatib at T5-6.
[6] Examination of Officer Khatib at T6.
[7] Examination of Officer Khatib at T7.

A. I mean, yeah, unless there's specific taskings sending you somewhere specific, you're open to conduct whatever proactive patrols or enforcement you want to conduct, whether that's, you know, this school on this side of the area or a school 10 minutes down the road. You can do whatever you want there, you can sit at a stop sign, you can do speed enforcement, It's really up to you.

Q. How do you decide what to do every day?
A. Just whatever I feel like doing on the day.

Q. And that's all confined to the area?
A. Yes.

Q. In which you are working?
A. Correct.[8]

3.26. Officer Khatib stated that during his time working as a Highway Patrol Officer he was 'more often than not' on his own for the shift rather than with a partner. He stated '…you are on your own unless there's a trainee, of course, and then they may be allocated to you.'[9] Officer Khatib went on to clarify that:

> Unless, of course, there's more people than there are cars on that shift, then you'll be allocated two to a vehicle, or, of course, if it's a night shift then you'll be allocated two to a vehicle.[10]

3.27. When asked about the level of supervision as a Highway Patrol Officer, Officer Khatib explained that there is a Highway Sergeant and a Field Supervisor. However, he 'hardly ever' called on supervision unless he needed help with something.[11]

3.28. In his evidence, Officer Khatib denied that he regularly shared police information with other people.[12] However, when asked if he had shared any police information with any people outside of the NSW Police Force, he admitted that he had done

[8] Examination of Officer Khatib at T8.
[9] Examination of Officer Khatib at T7.
[10] Examination of Officer Khatib at T8.
[11] Examination of Officer Khatib at T8.
[12] Examination of Officer Khatib at T17.

so. When asked who he shared that police information with, Officer Khatib stated 'Sister - family members, a neighbour, and my partner.'[13]

3.29. Officer Khatib admitted that he provided this information when these individuals had asked him to do so. However, Officer Khatib said that he had said no to requests like this more than he had said yes. He confirmed he received requests like this verbally or sometimes through family members.[14]

3.30. Officer Khatib also admitted to sharing information with people outside of the NSW Police Force in circumstances where they had not asked for the information, but he thought it may be of interest to them.[15] When asked why he had done so, Officer Khatib stated 'I'm not really sure, just – just take an interest in it and - I don't know, just to – it's just something of interest.'[16]

Civilian ZDQ – Background

3.31. At the time of giving evidence, Civilian ZDQ was 46 years old. He owned and operated a business in the local Bankstown area.[17]

3.32. During the examination, Civilian ZDQ was asked if Officer Khatib shared police information with him from time to time. Civilian ZDQ's evidence on this point was that Officer Khatib sometimes talked to him about his work in the police.[18] He stated:

> I mean sometimes I might ask him a question because I was just curious to know, who maybe got shot or whatever it may be, but it's not like, you know, daily we would, you know, discuss things.[19]

3.33. Civilian ZDQ indicated a belief that Officer Khatib doesn't have access to 'really confidential task force stuff' because 'he's a common officer'.[20]

3.34. Civilian ZDQ stated in evidence that the only time he asked Officer Khatib for police information was in relation to the 'Sefton Case'.[21] He said the purpose for

[13] Examination of Officer Khatib at T18.
[14] Examination of Officer Khatib at T19.
[15] Examination of Officer Khatib at T19.
[16] Examination of Officer Khatib at T18.
[17] Examination of Civilian ZDQ at T5.
[18] Examination of Civilian ZDQ at T15.
[19] Examination of Civilian ZDQ at T16.
[20] Examination of Civilian ZDQ at T18.
[21] Examination of Civilian ZDQ at T18.

asking for this information was that he wanted to know whether he was 'innocent' or a 'dealer'. When asked whether he had relayed the information he received from Officer Khatib on this subject to others, Civilian ZDQ gave evidence that he had discussed the information with friends.[22]

3.35. Civilian ZDQ gave evidence that, if family friends had asked him to speak to Officer Khatib about a police matter, he would have done so.[23] Civilian ZDQ agreed with counsel assisting that people would request him to ask Officer Khatib questions that he could answer because he was a police officer.[24]

3.36. When questioned why he did not tell Officer Khatib to stop sending him police information, Civilian ZDQ said, 'Maybe I was partially guilty that I was interested myself, you know? I don't know. Not – it's highly possible.'[25]

3.37. Civilian ZDQ gave evidence that he did not pass the information he received from Officer Khatib to other people and reiterated that the information was for his personal interest.[26] However, he agreed that it was improper for him to be receiving the material.[27]

Examples of Officer Khatib's unauthorised access and disclosures

3.38. During his examination, Officer Khatib was asked about his various unauthorised accesses and disclosures of confidential police information.

3.39. Civilian ZDQ, was asked about the information he received from Officer Khatib, why he received it, and what he did with that information.

3.40. Some discrete examples of Officer Khatib's conduct in this regard are discussed below.

4 November 2019 – unauthorised disclosure

3.41. On 4 November 2019 at 11:52 pm, Officer Khatib sent Civilian ZDQ a photograph of an intelligence briefing pertaining to conflict between 2 organised crime

[22] Examination of Civilian ZDQ at T19-20.
[23] Examination of Civilian ZDQ at T55.
[24] Examination of Civilian ZDQ at T62.
[25] Examination of Civilian ZDQ at T73.
[26] Examination of Civilian ZDQ at T74.
[27] Examination of Civilian ZDQ at T74-75.

groups. The briefing contained, amongst other things, photographs, names, addresses, and warnings about members of these groups.[28]

3.42. During their respective examinations, Officer Khatib and Civilian ZDQ were shown the series of messages relating to this disclosure.[29]

3.43. In his evidence, Officer Khatib admitted that he took the photograph of the intelligence briefing from a computer screen. When asked why he did so, he said because he recognised one of the individuals from Civilian ZDQ's shop.[30] Officer Khatib said he knew that the individual was part of an organised crime group and gave the following evidence about his interactions with the individual[31]:

> A. When I was patrolling that area, he would wave me down and ask me questions about, you know, "I saw a detective here. Like, what do the police want", blah, blah, blah, and I'm just, "Don't know".
>
> Q. He was collecting intelligence from you?
> A. Yeah, he was very paranoid and he was very - always - you could just always see his head turning, looking.

3.44. Officer Khatib stated that Civilian ZDQ did not ask him for the information, he just sent it because it was interesting and Civilian ZDQ was the only person he really spoke to about the situation with organised crime gangs in the area.[32]

3.45. Civilian ZDQ gave evidence that the police information sent to him on 4 November 2019, by Officer Khatib, was incorrect, and that 'between them [the organised crime groups] there's no dramas.' Civilian ZDQ said that he knew this because it was the 'word on the street'.[33] When asked why he received such information from Officer Khatib, Civilian ZDQ indicated that Officer Khatib would have found it 'funny' that they [members of the criminal groups] were known to him.[34] Civilian ZDQ had little recollection about whether he spoke with Officer Khatib about the message containing the information after he received it.[35]

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[28] Exhibit LNW9C.
[29] Examination of Officer Khatib at T42; Examination of Civilian ZDQ at T21-22.
[30] Examination of Officer Khatib at T43.
[31] Examination of Officer Khatib at T44.
[32] Examination of Officer Khatib at T44.
[33] Examination of Civilian ZDQ at T23.
[34] Examination of Civilian ZDQ at T23 -25.
[35] Examination of Civilian ZDQ at T25.

3.46. Civilian ZDQ did not believe he told anyone else about what he had read in the photograph sent by Officer Khatib.[36]

14 November 2019 – unauthorised disclosure

3.47. Just 10 days later, on 14 November 2019 at 4:04 pm, Officer Khatib sent Civilian ZDQ a photograph of part of an intelligence briefing which contained a photograph of an individual and some personal information, including a relevant charge number. The photograph was followed up by the following messages:

> Officer Khatib: Is that [your wife's] brother
>
> Civilian ZDQ: Yeah
>
> Civilian ZDQ: He attacked cops
>
> Officer Khatib: Oh wow he is beyond f***ed
>
> Officer Khatib: Can you talk

3.48. Officer Khatib confirmed in his evidence that he sent the photograph to Civilian ZDQ. He said he did so because the individual depicted in the photograph was ZDQ's brother-in-law and he was just showing him what he had been charged with.[37] Officer Khatib denied that Civilian ZDQ had asked him to provide him with that information. Instead, Officer Khatib said he provided it because he was trying to confirm it was indeed Civilian ZDQ's brother-in-law.[38] Officer Khatib confirmed he subsequently had a conversation about the charges with Civilian ZDQ. Officer Khatib said it was not intended that the information would go beyond Civilian ZDQ, and he denied the proposition put to him that it would be natural for Civilian ZDQ to pass this information on.[39]

3.49. Civilian ZDQ agreed in his evidence that he had received this photograph and that it was memorable to him but could not recall if he further discussed this information with Officer Khatib. However, he did discuss it with his wife.[40]

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[36] Examination of Civilian ZDQ at T24.
[37] Examination of Officer Khatib at T46.
[38] Examination of Officer Khatib at T47.
[39] Examination of Officer Khatib at T48.
[40] Examination of Civilian ZDQ at T34.

22 November 2019 – unauthorised disclosure

3.50. On 14 November 2019 at 4:25 pm, Civilian ZDQ forwarded Officer Khatib 2 photographs of an individual from what appeared to be CCTV footage. When asked why these images were sent to him, Officer Khatib stated 'I think this is when his shop got robbed.'[41] Civilian ZDQ confirmed that the photographs were of the person who robbed his shop.[42]

3.51. On 22 November 2019 at 11:36AM, Officer Khatib sent Civilian ZDQ a photograph of an intelligence briefing relating to the person suspected of stealing money from Civilian ZDQ's shop. The photograph of the briefing appeared to include one of the images Civilian ZDQ had sent to Officer Khatib on 14 November 2019. The photograph of the briefing also included personal details of the suspect, notably his parents' residential address.

3.52. When asked why he handed that information to Civilian ZDQ, the following exchange took place:

> A. Well, I didn't really take that into account. I sent that to him to sort of convey that the police are aware of who he is.
>
> Q. You knew, though, didn't you, that [Civilian ZDQ] was extremely angry about the theft?
> A. Yeah, but … I know that – like I didn't ever anticipate – sort of assume or ever think that he would do anything about it.
>
> Q. But you know he has connections and associations that would be considered inappropriate if they were your own associations, don't you?
> A. Yeah, but I just know [Civilian ZDQ] and I know he wouldn't do anything like that.[43]

3.53. Officer Khatib's evidence was that Civilian ZDQ did not ask him to send the information.[44]

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[41] Examination of Officer Khatib at T50.
[42] Examination of Civilian ZDQ at T35.
[43] Examination of Officer Khatib at T53.
[44] Examination of Officer Khatib at T53.

3.54. Civilian ZDQ agreed in evidence that he received this information from Officer Khatib, but that he did not act on it, nor did he pass it on to anyone else.[45]

14 May 2020 – unauthorised disclosure

3.55. On 14 May 2020 at 8:19AM, Officer Khatib sent a photograph of a NSW Police Force situation report (SITREP) to his wife, sister, and Civilian ZDQ. The SITREP contained confidential information about 2 people involved in a serious motor vehicle accident.[46]

3.56. Officer Khatib and Civilian ZDQ then engaged in the following message exchange:

> Officer Khatib: Do not sent [sic] to anyone
>
> Civilian ZDQ: They called me last night [name omitted] about this
>
> Civilian ZDQ: I thought yr not working
>
> Officer Khatib: Emails
>
> Civilian ZDQ: OK
>
> Officer Khatib: What they call you for
>
> Civilian ZDQ: There worried cause if he does manslaughter

3.57. Civilian ZDQ said that Officer Khatib sent this to him because one of the people involved was a 'family friend'.[47]

3.58. When Officer Khatib was asked by counsel assisting why he had sent this information to his wife, the following exchange occurred:

> A. I don't know. I send - generally send a lot of things to her. I don't know. I don't know why, maybe as a coping mechanism or just to share something, just my day-to-day stuff and - yeah. I don't know. There's no real specific reason as to why I sent things to her, it's just – just something I did.

[45] Examination of Civilian ZDQ at T43.
[46] Exhibit LNW9C; Exhibit LNW11C.
[47] Examination of Civilian ZDQ at T64.

Q. Well, you've said one of your reasons for sending the COVID related material –

A. Yeah.

Q. -- was to encourage her to accept that it was a real thing. Do you say that you sent more police information to [your wife] than others?

A. Yeah, I would say so.

Q. How much more?

A. Oh, just - there were just other things - I just can't remember exactly, I just know I've sent her more things than – more than anyone else.

Q. How frequently would you send police information to [your wife]?

A. I'm not sure, just anything interesting that I find interesting, day to day.

Q. And you've just said you sent her material for reasons you don't understand yourself except perhaps it was a coping mechanism.

A. Yeah, I'm not sure.

Q. What did [your wife] do with the information that you sent her?

A. Nothing.[48]

3.59. Officer Khatib was of the opinion that his wife did not do anything with the police information he sent her. This opinion was formed on the basis that some time ago he had discussed with her that when he shared something with her, she was not to send it to anyone else.[49]

3.60. Civilian ZDQ did not think he passed this information on to anyone because he normally didn't pass anything on from Officer Khatib, but he could not be 'a hundred percent' on that point due to his lack of recollection of these events.[50]

[48] Examination of Officer Khatib at T80.
[49] Examination of Officer Khatib at T81.
[50] Examination of Civilian ZDQ at T53.

1 June 2020 – unauthorised access and disclosure

3.61. On 29 May 2020 at 8:45AM, Officer Khatib and his sister engaged in the following conversation via WhatsApp[51]:

> Officer Khatib: Yeah who's
>
> Sister: [REF2]. She lives in mount annan
>
> Officer Khatib: Campbelltown?
>
> Sister: What
>
> Sister: No she lives in mount annan now
>
> Sister: Her mum lives in Campbelltown I think

3.62. The COPS audit provided to the Commission by the NSW Police Force shows that on 1 June 2020, Officer Khatib accessed police records about REF2.

3.63. That evening at 9:21 pm, Officer Khatib sent his sister a photograph of REF2 that included her CNI number, followed by a message asking, 'Is that her'.[52] Once his sister confirmed it was the right person, Officer Khatib then disclosed REF2's address to her.[53]

3.64. In his evidence, Officer Khatib confirmed that REF2 was his brother-in-law's former partner, with whom his brother-in-law shares a child. When asked why he sent this information to his sister, Officer Khatib stated that he thought his sister wanted to speak to her about the child arrangement. Officer Khatib assumed that his sister would go around to the address to have this discussion.[54]

3.65. Officer Khatib agreed that REF2's address is not only police information but also her personal private information. However, Officer Khatib stated that he probably did not think about that when he sent the information through to his sister.[55]

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[51] Exhibit LNW10C.
[52] Exhibit LNW10C.
[53] Exhibit LNW10C.
[54] Examination of Officer Khatib at T74.
[55] Examination of Officer Khatib at T75.

30 August 2021 – unauthorised disclosure

3.66. On 30 August 2021 at 3:52 pm, Officer Khatib sent a photograph of a NSW Police Force tasking sheet to his brother-in-law. The tasking sheet contained confidential information of about 30 people who were either confirmed to have COVID-19 or were high-risk close contacts of those individuals. The tasking sheet detailed, amongst other things, the full names, dates of birth, and addresses of these 30 individuals.

3.67. In his evidence, Officer Khatib agreed that this was a real breach of confidentiality but stated that he probably didn't think of it at the time.[56]

29 October 2021 – unauthorised disclosure

3.68. On 29 October 2021 at 10:23 pm, Officer Khatib sent Civilian ZDQ a photograph of a CAD job about his café's compliance with COVID-19 regulations, and a subsequent planned police check.[57] Following receipt of the photograph, Officer Khatib and Civilian ZDQ exchanged messages in which Officer Khatib advised that 'they will come ask questions just say you always check and not sure why someone would say that.'[58]

3.69. Officer Khatib admitted in evidence that he took the photograph, and when asked why he sent it to Civilian ZDQ he said, 'so he's aware'.[59] Officer Khatib agreed with counsel assisting that he was essentially tipping Civilian ZDQ off about an impending police check, and that he was in effect telling Civilian ZDQ to lie to police. When asked why he did so, Officer Khatib said 'I suppose just to help [Civilian ZDQ]'.

3.70. Civilian ZDQ agreed in evidence that:

- he believed that Officer Khatib was tipping him off about an impending police check, and that he perceived this as Officer Khatib doing him a favour.[60]

[56] Examination of Officer Khatib at 101-102.
[57] Exhibit LNW9C.
[58] Exhibit LNW9C.
[59] Examination of Officer Khatib at T59.
[60] Examination of Civilian ZDQ at T70.

- in doing so, Officer Khatib was acting contrary to his duties as a police officer.[61]

- in telling him to say that he complied with the COVID-19 regulations without knowledge of whether he was in fact checking, that Officer Khatib was telling him to lie.[62]

7 July 2022 – unauthorised access and disclosure

3.71. The COPS audit report obtained by the Commission from the NSW Police Force, supported that on 7 July 2022 Officer Khatib accessed REF1's information on COPS. This included viewing a COPS Event pertaining to his REF1's arrest for a drug related matter earlier in the year.

3.72. It was Officer Khatib's evidence that he had accessed his REF1's information on COPS on his own volition.[63] It was also his evidence that he had volunteered to access this information as his mother and the REF1's mother were 'concerned that he might go to gaol'.[64]

3.73. Officer Khatib confirmed in evidence that he told his mother and his REF1's mother what he found out. He did not know if they passed the information on to anyone else.[65]

Analysis

3.74. The evidence of Officer Khatib before the Commission highlighted the often-independent nature of the work performed by officers in the Traffic and Highway Patrol Command. Regrettably, it appears this level of autonomy can provide an increased opportunity for officers completing this work to engage in unauthorised access. While the Commission acknowledges that the auditing of NSW Police Force data systems can be resource intensive, this investigation highlights its importance in detecting and deterring this type of conduct.

[61] Examination of Civilian ZDQ at T71.
[62] Examination of Civilian ZDQ at T71-72.
[63] Examination of Officer Khatib at T33.
[64] Examination of Officer Khatib at T33.
[65] Examination of Officer Khatib at T33.

3.75. Officer Khatib was a cooperative witness. Although he did not agree that he 'regularly' shared police information with people, during his examination he acknowledged his conduct and made appropriate admissions.

3.76. However, Officer Khatib showed limited insight into why he engaged in this behaviour in the first place, only being able to offer the Commission an explanation that he thought the information was of interest to those he was sharing it with, or perhaps as a coping mechanism for himself.

3.77. Based on the evidence available, the Commission is of the view that the main reasons for Officer Khatib's unauthorised access and disclosure of confidential police information was largely personal curiosity, and a desire to assist family, friends and associates. There was no evidence to suggest that it was for personal gain or to further any criminal enterprise.

3.78. The examples explored in this report demonstrate that Officer Khatib's conduct was not a once off lapse in judgment. His unauthorised accesses and disclosures were repeated and occurred across several years. It was apparent in the material obtained by the Commission, as well as Officer Khatib's evidence, that he shared confidential police information with a wide range of people including immediate family members, broader relatives, as well as other associates.

3.79. Officer Khatib did not grasp the potential serious consequences of his actions. He simply trusted that the people to whom he disclosed the information, would not disseminate the information further, and that no harm would come to those individuals whose personal information he provided. This was naïve and, as demonstrated in paragraphs 3.34 and 3.49 above, the information was at times discussed with others.

3.80. Officer Khatib's blind trust in the people to whom he shared confidential information and lack of appreciation of the risk he was exposing to individuals, whose confidential information he provided, was particularly evident in the examples explored at paragraphs 3.50-3.54 and 3.61-3.65 above.

3.81. As set out in paragraphs 3.50-3.54, Officer Khatib admitted that he in effect disclosed to Civilian ZDQ an address relating to the individual who stole from his business. Officer Khatib had no regard for the individual's personal safety when doing so and did not hesitate to provide the information to Civilian ZDQ, even

though he was not asked to do so and in circumstances where he knew Civilian ZDQ was angry about the theft.

3.82. Furthermore, as set out in paragraphs 3.61-3.65 above, Officer Khatib disclosed to his sister the current residential address of her husband's former partner. In doing so Officer Khatib did not have regard to the personal safety of REF2, given he admitted he 'probably' did not consider that this was not only police information but also her personal private information. Officer Khatib's decision to provide this information to his sister upon her request, left REF2 in a vulnerable situation where her former partner could readily obtain her residential address, without her knowledge or permission, by virtue of his wife's relationship with Officer Khatib. This conduct is particularly concerning when you consider the prevalence of domestic violence incidents carried out by former intimate partners in NSW.

3.83. It was plain to the Commission that Officer Khatib knew what he was doing was wrong. He acknowledged in evidence that he was acting improperly when disclosing information to people outside of the NSW Police Force.[66] In the Commission's view he knew it was wrong when engaging in the conduct, yet he continued to behave in this manner. This is supported by the fact that, when sending police information on 14 May 2020, Officer Khatib told Civilian ZDQ not to send the information to anyone else, indicating he knew the information was not public knowledge and should not have been disclosed outside of the NSW Police Force.

3.84. It is behaviour like this from NSW Police Officers that can lead to a loss of community trust and confidence in the NSW Police Force. Furthermore, the unauthorised disclosure of information can put investigations and the safety of individuals in jeopardy. This poses a real risk to the NSW Police Force that individuals will be less willing to cooperate with police and provide important intelligence in the future.

3.85. The seriousness of the breach of trust of a police officer is apparent in Judge Berman SC's judgment in *R* ***v*** *Delinicolis & Dellosa* [2021] NSWDC 684 at [40]:

[66] Examination of Officer Khatib at T71.

> …In order to best carry out their duties police need their office respected and members of the public to cooperate with them. Police can exercise significant powers over members of the community and it is important that when they do so, their actions are perceived as being carried out in the interests of the community generally, not for the police officer's own personal gain…

3.86. The gravity of misconduct in public office offences by police officers which involve the dissemination of confidential police information was explained by Leveson LJ (Davis and Lloyd Jones JJ agreeing) in *R v Bohannan* [2010] EWCA Crim 2261 at [48]-[49]:

> …It is, of course, trite to say that misconduct in public office can be committed in remarkably varied circumstances. The gravity of the offence will equally vary enormously, save only that the guiding principle throughout the cases is that serving police officers are permitted access to police computer records which are always confidential, and may be sensitive, only for the purpose of fulfilling their responsibilities to serve the public and never for personal use. Their misuse in any way is always very serious with the result that whatever the harm in fact caused, a deterrent sentence is both appropriate and inevitable.
>
> Thus in R v Kassim [2006] 1 Cr App R(S) 12, in a Court presided over by Rose LJ, then Vice President of the Court of Appeal, Criminal Division, it was observed:
>
> > "It seems to us that, especially nowadays, the preservation of the integrity of information regarding members of the public held on data bases like those maintained by the police is of fundamental importance to the wellbeing of society. Any abuse of that integrity by officials, including the police, is a gross breach of trust which, unless the wrongdoing is really minimal, will necessarily be met by a severe punishment, even in the face of substantial mitigation."
>
> Those principles were adopted in Attorney General's Reference (No 1 of 2007) [2007] 2 Cr App R(S) 86 at page 544 by Lord Phillips CJ:

> "The seriousness of the offence left no proper alternative to this course. Further, this is one of those offences where it is realistic to include a deterrent element in a sentence. Accessing police computer information for an improper purpose is an offence that involves deliberation. It must be quite clear to police officers that if they commit this offence they risk dire consequences."

3.87. The seriousness of Officer Khatib's actions were also reflected in the remarks on sentence of her Honour Judge O'Rourke SC when sentencing him on 22 May 2025.

3.88. Specifically, her Honour said[67]:

> As submitted by the Crown the present facts can be broadly characterised as a deliberate misuse of information, at times providing a general benefit to friends and family in receiving relevant information they would not otherwise be privy to, and a reputational benefit flowing to the offender being known as the provider of otherwise confidential information.
>
> There is no evidence before me that the offender received a direct benefit or financial windfall for his conduct, however, the offence itself does not require a financial gain or motive, to be objectively serious. The real harm is the damage caused to the institutions of Government and the public confidence in them. Wilful misconduct in public office is a common law offence. The offence of misconduct in public is by its nature protean covering a wide range of offending, and it has been observed that the object of the offence in public office is ensuring a public official does not abuse intentionally the trust reposed in him.
>
> Police officers in particular are subject to important responsibilities having regard to the position of trust that they occupy. The importance of maintaining confidentiality of police information is paramount in the effective pursuit of investigative activities.

[67] Sentence of *R v Housam Sobhi Khatib* dated 22 May 2025 (Per Judge O'Rourke SC), page 15.

4. Declarable associations

4.1. According to NSW Police Force Policy, a declarable association exists when an individual is associated with a person, group, or organisation that is involved in (or perceived to be involved in) activity that is incompatible with activity conducted on behalf of the NSW Police Force. These associations create a conflict of interest between the individual's responsibility to the NSW Police Force and their personal relationships/private interests.[68]

4.2. The NSW Police Force Procedures to Manage Declarable Associations prescribes that a declarable association can include (but is not limited to):

- a relationship with a person who has a criminal history (having regard to the recency and seriousness of the history), or their known associates
- a relationship with a person suspected to be engaged in criminal activity, including “social” drug use
- a relationship with members of groups involved in unlawful activity
- membership of, or participation with, groups perceived to be involved in unlawful activity
- a relationship with a NSW Police Force employee who is suspended or facing charges (with the exception of people performing a legitimate support person role)
- a relationship with a former NSW Police Force employee who was dismissed or resigned while under investigation.

4.3. It is acknowledged by the NSW Police Force that declarable associations are sometimes unavoidable, and thus policy and procedures have been put in place to manage them. It is not considered misconduct to have a declarable association if it is reported to the NSW Police Force and managed appropriately.

4.4. NSW Police Force Officers are specifically required to:

- identify declarable associations

[68] NSW Police Force Declarable Associations Policy Statement.

- report any declarable association in writing using the prescribed Declarable Association Report Form, regardless of whether or not it can be avoided

- report in writing any noticeable change in circumstances relating to a managed declarable association using the prescribed Declarable Association Report Form.[69]

4.5. Furthermore, the NSW Police Force Code of Conduct and Ethics relevantly provides that:

> An employee of the NSW Police Force must:
> ....
> 3. know and comply with all policies, procedures and guidelines that relate to their duties.
> 7. take reasonable steps to avoid conflicts of interest, report those that can not be avoided, and co-operate in their management.

Officer Khatib's declarable associations

4.6. When applying to join the NSW Police Force in 2012, Officer Khatib completed the required Professional Suitability Application Kit. That Application Form asked the following question:

> Have you ever in Australia or Overseas had any association with any person(s) whom the NSW Police Force would consider inappropriate or cause a conflict of interest?

Officer Khatib answered the question in the affirmative and wrote:

> I have a relative by the name of [REF1] who was previously imprisoned for drug related offences, however I no longer have any sort of social relationship with him.[70]

4.7. Officer Khatib also identified Civilian ZDQ, writing:

[69] NSW Police Force Declarable Associations Policy Statement.
[70] Exhibit LNW1C.

> The other person that I know of that the police have had an altercation with would be ...[Civilian ZDQ], as I do recall he was arrested by police at MENAI on 5 April 1998 however as far as I am aware all charges were dropped.
>
> At the time of the altercation I was 7 years of age.[71]

4.8. Officer Khatib did not identify or report any further declarable associations to the NSW Police Force until 5 December 2022. On 5 December 2022, Officer Khatib submitted a Declarable Association Form in respect of a fellow police officer who had been charged. Officer Khatib considered this officer to be a colleague and a friend and wanted to continue to maintain his friendship with him outside of work.[72]

4.9. A management strategy was promptly put in place in respect of Officer Khatib's association with the fellow police officer. However, the Commission has found no evidence to support that a management strategy was put in place by the NSW Police Force in respect of Officer Khatib's association with Civilian ZDQ or with REF1. This would have been desirable.

Officer Khatib's evidence – declarable associations

4.10. During the course of his examination, Officer Khatib was asked about his declarable associations.

4.11. Officer Khatib could not recall how long before he made his application to join the NSW Police Force that he stopped talking to REF1. Officer Khatib was asked if his lack of relationship with REF1 continued for the whole period that he has been a police officer. He stated that:

> I don't know exactly when but I started to speak to him again and then I went to a few dinners with him and he - we would go out to dinners, and that happened maybe - I'm not sure, but six, seven, eight, nine times.[73]

4.12. Officer Khatib went on to clarify that his communication with REF1 had recommenced in the last 5 years or so. They would exchange text or WhatsApp

[71] Exhibit LNW3C.
[72] Examination of Officer Khatib at T15.
[73] Examination of Officer Khatib at T10.

messages and go out for dinners.[74] Officer Khatib was shown the following message exchange between himself and REF1 on 29 May 2020:

> Officer Khatib: You're [sic] rego is cancelled bro
>
> REF1: Thanks
>
> REF1: Did u drive past
>
> Officer Khatib: That was me next to you on Hume Highway last nigh [sic]
>
> Officer Khatib: Too many outstanding fines so cancelled rego until fines paid
>
> REF1: No way u made me shit myself I was gonna take the red light
>
> REF1: Hahahahahahaha
>
> Officer Khatib: Lmao
>
> REF1: I seen u slow down I was here we go
>
> Officer Khatib: Yeah I wanted to stop it but then realised it was probably you so said fuck it and kept driving before my partner got interested lol
>
> REF1: Hahahahaha thank god I thought first it was a done up car so I gave it so we can race and then I noticed the signs on the car and shit myself hahaha…I still have the stains on my undies to prove it hahaha…
>
> Officer Khatib: He ran the checks and goes that bloke is unregistered lol I'm like ah fuck it can't be bother doing a u turn
>
> REF1: Lol I was waiting for u to turn the way u slowed down wallah I was ready to take off see ya Alligator U not gonna catch me
>
> Officer Khatib: Haha
>
> REF1: Miss ya cuz let's catch up soon
>
> Officer Khatib: For sure bro when this fkn bullshit virus goes away lol
>
> …

[74] Examination of Officer Khatib at T10.

4.13. Officer Khatib admitted he did not declare or report the change in his association with REF1 once they started to recommence contact. When asked why he did not do so, Officer Khatib stated, 'Don't know. Silly.' [75]

4.14. When taken to the NSW Police Force Procedures to Manage Declarable Associations – Individual Responsibilities, Officer Khatib acknowledged that he was aware that this policy exists, however, he had never read it.[76]

4.15. Officer Khatib conceded in his evidence that he had not complied with the NSW Police Force Procedures to Manage Declarable Associations in relation to REF1.[77]

4.16. Officer Khatib was shown the declaration he made in 2012 in respect of Civilian ZDQ. However, he could not recall what charges had been bought against Civilian ZDQ.

4.17. Officer Khatib informed the Commission that no conditions were imposed on him in respect of his relationship with either REF1 or Civilian ZDQ when being accepted into the Academy or at any time since becoming a sworn police officer.[78]

4.18. When asked if there were any other individuals that he presently associated with that he thought would constitute a declarable association, Officer Khatib acknowledged that there was a further family friend, REF3. However, he had not made any declarations of association with him to the NSW Police Force.

4.19. When asked about his relationship with REF3, Officer Khatib explained that they grew up together and then went their separate ways. However, Officer Khatib admitted that he had spoken to REF3 a few months before but that the contact had not been regular; they had only communicated 2 or 3 times.[79]

4.20. Officer Khatib confirmed in his evidence that he had submitted a declarable association form in respect of his colleague and friend who was suspended with

[75] Examination of Officer Khatib at T12.
[76] Examination of Officer Khatib at T12-13.
[77] Examination of Officer Khatib at T13.
[78] Examination of Officer Khatib at T17.
[79] Examination of Officer Khatib at T20-21.

pay at the time. Officer Khatib could not recall having submitted a declarable association form in respect of anyone else.[80]

Analysis

4.21. REF1 has numerous criminal convictions. These convictions relate, amongst other things, to the supply and possession of illicit drugs and dealing with proceeds of crime. These are not minor offences, and this relationship required appropriate management by the NSW Police Force and Officer Khatib.

4.22. Officer Khatib rightly declared his relationship with REF1 on his application to the NSW Police Force. However, Officer Khatib failed to make the NSW Police Force aware of the change in the nature of his relationship with REF1 which occurred in about 2019.[81]

4.23. It is apparent that Officer Khatib was aware of the seriousness and recency of REF1's interactions with police, given that he conducted an unauthorised search for REF1 on COPS on 7 July 2022. However, even after becoming privy to the 2022 charges against REF1, Officer Khatib did not cease all contact with REF1, nor did he provide notice to his superiors about the change in circumstances relating to his relationship with REF1.

4.24. Officer Khatib's failure to report the change in his relationship with REF1 deprived the NSW Police Force of the opportunity to caution Officer Khatib about this relationship and implement an appropriate management plan.

4.25. REF3 has numerous criminal convictions. These convictions relate, amongst other things, to the supply of illicit drugs and dealing with proceeds of crime. Again, these are not minor offences, and it should have been apparent to Officer Khatib that this relationship required reporting to the NSW Police Force and appropriate management.

4.26. It is apparent that in maintaining these relationships with REF1 and REF3, Officer Khatib placed his own interest above those of the NSW Police Force. This is particularly so on examination of the message exchange between Officer Khatib and REF1 on 29 May 2020 where it appears that Officer Khatib neglected his

[80] Examination of Officer Khatib at T16.
[81] Examination of Officer Khatib at T10.

duty when he decided not to stop REF1 on the road when his vehicle registration was cancelled.

4.27. Officer Khatib's decision to maintain relationships with REF1 and REF3, without management strategies in place, put the integrity and reputation of the NSW Police Force at risk.

5. Drug related allegations

5.1. The Commission's review into the digital data from Officer Khatib's phone showed text exchanges with another officer regarding illicit drug use.[82]

5.2. Allegations pertaining to drug use were put to Officer Khatib. He was asked by counsel assisting about a text exchange with another officer in which the other officer stated: 'Don't bring drugs, there's dogs here'.[83]

5.3. Officer Khatib maintained that this message was written in jest and that was the officer's character. He further noted that he has never taken drugs, and he has never met the officer socially to consume drugs.[84]

5.4. The digital data also showed a video that was sent from Officer Khatib's sister to Officer Khatib depicting what may have been an illicit substance being chopped up.[85]

5.5. Counsel assisting asked Officer Khatib about this video. Officer Khatib noted '…it looks like it's weed or something'.[86] It was Officer Khatib's evidence that his sister invited him over to smoke 'pot', but he declined the invitation.[87]

5.6. Officer Khatib accepted that he had done nothing about potential criminal activity being sent to him:

> Q: Your sister, it would seem, had no inhibition about sending you a video of what looks like criminal activity?
>
> A: It would seem so.

[82] Exhibit LNW17C.
[83] Exhibit LNW17C.
[84] Examination of Officer Khatib at T110.
[85] Exhibit LNW17C.
[86] Examination of Officer Khatib at T114.
[87] Examination of Officer Khatib at T114.

Q: And you did nothing about it?

A: No.[88]

5.7. There is no evidence before the Commission that Officer Khatib himself engaged in recreational drug use.

5.8. Nor was there evidence before the Commission that Officer Khatib was assisting any associate to supply drugs by providing a police escort.

5.9. The Commission makes no finding against Officer Khatib in respect of these allegations.

6. Suspicious financial activity

6.1. As part of the Commission's initial inquiries in Operation Feronia, a review of Officer Khatib's financial activity was undertaken.

6.2. These inquiries revealed a number of cash deposits into Officer Khatib's bank accounts. This includes a significant international funds transfer in August 2023.

6.3. The unexplained transactions in Officer Khatib's bank accounts are summarised below:

Date:	Amount (AUD)	Category	Description
ACCOUNT 1			
31 May 2021	7,800.00	Cash Deposit	
7 October 2021	4,500.00	Internet Transfer	Transfer from an individual description states: 'I don't want this Stop Sending'.
25 November 2021	17,100.00	Cash Deposit	
	10,000.00	Internet Transfer	Transfer to another account Description states: 'Future'.
	5,500.00	Internet Transfer	Transfer to another account. Description states: 'Mum'.
	2,300.00	Internet Transfer	Linked account transfer
25 February 2022	9,450.00	Cash Deposit	
10 August 2022	8,400.00	Cash Deposit	
	8,400.00	Internet Transfer	Transfer to another account.
5 September 2022	8,500.00	Cash Deposit	
ACCOUNT 2			
11 April 2023	2,500.00	Internet Transfer	Transfer into account.
16 June 2023	13,000.00	Cash Deposit	

[88] Examination of Officer Khatib at T117.

24 August 2023	50,150.33	Internet Transfer	Transfer into account.
25 September 2023	40,000.00	Internet Transfer	Transfer out of account.
27 September 2023	10,153.39	Internet Transfer	Transfer out of account.
ACCOUNT 3			
11 September 2023	14,000.00	Internet Transfer	'Transfer to MY NAB ACCOUNT CommBank App Savings'
6 November 2023	20,000.00	Internet Transfer	'Transfer to other Bank NetBank Car'

6.4. During the course of his examination, Officer Khatib was asked about unexplained transactions, including cash deposits into his bank account.

6.5. Evidence was put to Officer Khatib of multiple transactions involving large sums of cash being deposited into his account. Officer Khatib had little recollection of each transaction and the reasons why they occurred.

6.6. When asked about whether he had other sources of income, Officer Khatib noted that his sole income was his salary as a police officer.[89] It was his evidence that, on occasion, his family would gift him cash to help him pay for his mortgage. When asked about where this cash is from, he noted that his family members owned a tobacconist's business and a café.[90]

6.7. It was also his evidence that when he was gifted cash, he would collate it and wait until it became a significant amount before depositing it into his account.[91]

6.8. Officer Khatib also added that his account was once used for his wife's photography business. He noted that deposits for bookings would go into the account.

6.9. Evidence was put to Officer Khatib of a new account he opened with the National Australia Bank (NAB). It was put to the officer that there were multiple withdrawals at various clubs, a cash deposit of $13,000.00 and a transfer of $50,000.00.[92]

[89] Examination of Officer Khatib at T126.
[90] Examination of Officer Khatib at T129.
[91] Examination of Officer Khatib at T128.
[92] Examination of Officer Khatib at T151-152.

6.10. It was Officer Khatib's evidence that he opened this account for an aunt who was due to receive an inheritance from Turkey.[93] He noted that the withdrawals at the clubs were made by his aunt.[94]

6.11. It was put to the officer that one way of money laundering was to withdraw from ATMs and put it through gaming machines, and the clubs where the withdrawals were made all had gaming machines. Officer Khatib noted that his aunt did gamble.[95]

6.12. There was no direct evidence before the Commission to support that the origin of the money deposited into Officer Khatib's account was obtained from illicit activities.

6.13. Accordingly, the Commission makes no finding against Officer Khatib in respect of these allegations.

7. Findings

Unauthorised access of confidential information and dissemination

7.1. The Commission is satisfied to the requisite standard of proof that Officer Khatib accessed confidential NSW Police Force information without authority or lawful excuse on 19 occasions between 1 June 2020 and 10 September 2023.

7.2. The Commission is satisfied to the requisite standard of proof that Officer Khatib provided confidential police information to:

- Civilian ZDQ on 11 occasions between 4 November 2019 and 1 July 2022; and
- other family members on 12 occasions between 29 March 2020 and 10 June 2023.

7.3. The Commission is satisfied that Officer Khatib:

[93] Examination of Officer Khatib at T151-152.
[94] Examination of Officer Khatib at T153.
[95] Examination of Officer Khatib at T153.

- behaved wrongly and made poor decisions in accessing and releasing confidential police information on the occasions identified in paragraphs 7.1 and 7.2 above; and

- did not intend for the confidential police information he shared to be disseminated beyond the recipient.

Nonetheless, Officer Khatib's actions are contrary not only to community expectations of the behaviour of police officers, but also the standards of ethics and integrity that the NSW Police Force itself sets for its employees.

7.4. The Commission is of the opinion that Officer Khatib's conduct in this regard could amount to a breach of points 8 and 9 of the NSW Police Force Code of Conduct and Ethics (which is set out in paragraph 3.5) and be contrary to clause 76 of the *Police Regulations 2015*.

7.5. Furthermore, his conduct gave rise to criminal offences for which he was prosecuted, namely offences under s 308H of the *Crimes Act 1900* and common law offences of misconduct in public office.

Declarable Associations

7.6. The Commission is satisfied that Officer Khatib ought to have updated his declarable associations by identifying and reporting his relationship with REF3 and advising the NSW Police Force of the change in the nature of his relationship with REF1.

7.7. It is the Commission's opinion that Officer Khatib's failure to do so is contrary to NSW Police Force policy and procedures, and in turn could amount to a breach of points 3 and 7 of the NSW Police Force Code of Conduct and Ethics (set out in paragraph 4.5 above).

8. Should a finding of 'serious misconduct' be made?

8.1. The term 'serious misconduct' is defined in s 10 of the LECC Act and includes conduct of a police officer that could result in prosecution of the officer for a 'serious offence' or 'serious disciplinary action'.[96]

[96] s 10(1)(a) LECC Act.

8.2. A 'serious offence' means a serious indictable offence, being an offence punishable by 5 years imprisonment or more.[97]

8.3. 'Serious disciplinary action' against an officer or employee means terminating the employment, demoting or reducing the rank, classification or grade of the office or position held by the officer or employee or reducing the remuneration payable to the officer or employee.[98]

Serious disciplinary action

8.4. The Commission is satisfied to the requisite standard that the conduct of Officer Khatib, as identified in paragraphs 7.1-7.5 and 7.6-7.7 of this report, could result in serious disciplinary action against Officer Khatib so that a finding of serious misconduct[99] should be made on this basis.

Was Officer Khatib being prosecuted for a serious offence?

8.5. As noted earlier in this report, Officer Khatib has been charged and convicted of the following offences:

- 4 x misconduct in public office (common law offence); and
- 9 x access/modify restricted data held in a computer contrary to s 308H of the Crimes Act 1900 (NSW).

8.6. An offence under s 308H of the *Crimes Act 1900* is a summary offence punishable by a maximum penalty of imprisonment for 2 years and therefore is not a 'serious offence'.[100] The offence of misconduct in public office is a common law offence for which there is no penalty prescribed by statute.

8.7. As a common law offence, the penalty for misconduct in public office is at large. In such instances it is the practice of the court to adopt an analogous or corresponding statutory offence, where available, as a reference point for the imposition of penalty: *Blackstock v R* [2013] NSWCCA 172 at [8]; citing *R v Hokin* (1922) 22 SR (NSW) 280. However, the courts have emphasised that the

[97] s 4(1) Crimes Act 1900.
[98] s 10(2) LECC Act.
[99] ss 10(1)(a) and 10(2) LECC Act.
[100] ss 10(1)(a) and 10(2) LECC Act. 'Serious offence' means a 'serious indictable offence' which is defined in s 4 of the *Crimes Act 1900* (NSW) as an indictable offence punishable by imprisonment for 5 years of more.

statutory analogue is a point of reference only; it does not establish a kind of de facto maximum: *Blackstock v R* at [59]; *Jansen v R* [2013] NSWCCS 301 at [51]. Nor does is it fetter the sentencing discretion which remains at large: *Blackstock v R* at [11].

8.8. Accordingly, the common law offence of misconduct in public office is an indictable offence for which there is no maximum penalty prescribed by statute. It is open to a sentencing court, in an appropriate case, to impose a sentence of more than 5 years imprisonment and sentences of that length have been passed in New South Wales. Accordingly, an offence of misconduct in public office is a 'serious offence' within s 10 of the LECC Act.

8.9. In circumstances where Officer Khatib has pleaded guilty to and been sentenced for offences of misconduct in public office, a finding that he has engaged in serious misconduct is both open and appropriate. This finding may be made despite the fact that Officer Khatib is no longer a member of the NSW Police Force.[101]

9. Submissions

9.1. Officer Khatib was provided in August 2025, on a confidential basis, the draft s 132 report to enable submissions to be made in respect of its contents.

9.2. The Commission was informed that Officer Khatib did not wish to make submissions regarding the findings made in the draft report, but did urge the Commission to reconsider its decision to name Officer Khatib in this report.

9.3. In summary, Officer Khatib submitted that he should not be identified because:

- He fully cooperated with the investigation and made appropriate admissions.
- He pleaded guilty in the criminal proceedings against him and accepted the consequences of his actions, demonstrating his insight about his conduct.
- He was of previous good reputation.

[101] s 9(5) LECC Act.

- He has paid a high price for his conduct and has already been named in the criminal proceedings against him, and subsequent media reporting.
- He is seeking to move on with his life.
- The use of a pseudonym does not diminish the issues dealt with in the report, its findings, or impact on using it as a case study.

9.4. The Commission explained in Appendix 2 to this report why it proposed to name Officer Khatib and not use a pseudonym in his case.[102]

9.5. Whilst the Commission acknowledges the submissions made by Officer Khatib, it is not satisfied that they form a sufficient basis for not naming Officer Khatib in this report. Applying the Commission guidelines fortifies this conclusion, especially against the background of media publicity of the criminal proceedings already identifying Officer Khatib. Given the extensive publicity of Officer Khatib's related criminal proceedings, the use of a pseudonym for him in this report would likely be both futile and confusing for the media and the wider community.

9.6. The Commission remains of the view that Officer Khatib should be named in this report.

10. Affected persons

10.1. In Appendix 1 to this report the Commission sets out the provisions of s 133 of the LECC Act dealing with the contents of reports to Parliament. Subsections (2), (3) and (4) relate to an 'affected person'.

10.2. The Commission is of the opinion that Officer Khatib is an affected person within the meaning of s 133(3) of the LECC Act, being a person against whom, in the Commission's opinion, substantial allegations have been made in the course of the investigation.

Consideration of affected persons under s 133(2) LECC Act

10.3. Section 133(1) of the LECC Act authorises the Commission to include in a s 132 report statements as to any findings, opinions and recommendations of the

[102] Appendix 2, paragraphs 1-10, 13-16.

Commission together with statements of the Commission's reasons for any findings, opinions and recommendations.

10.4. Section 133(2) of the LECC Act requires the Commission to include in a report, in respect of each affected person, a statement as to whether or not in all the circumstances the Commission is of the opinion that consideration should be given (relevantly) to the following:

(a) obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of the person for a specified criminal offence;

(b) the taking of action against the person for a specified disciplinary infringement;

(c) the taking of action including the making of an order under s 181D of the *Police Act 1990* against the person as a police officer on specified grounds, with a view to dismissing, dispensing with the services of, or otherwise terminating the services of the police officer; and

(d) the taking of reviewable action within the meaning of s 173 of the *Police Act 1990* against the person as a police officer.

Section 133 consideration concerning Officer Khatib

10.5. Findings have been made earlier in this report that Officer Khatib has engaged in serious misconduct by his unlawful access to confidential information held on NSW Police Force databases, and his disclosure of this information to members of his family and other associates. Conduct of this type constituted:

- an offence under s 308H of the *Crimes Act 1900*;
- the common law offence of misconduct in public office;
- breaches the NSW Police Force Code of Conduct and Ethics; and
- breaches and the *Police Regulations 2015*.

10.6. In circumstances where Officer Khatib has been prosecuted and sentenced for offences of misconduct in public office and under s 308H of the *Crimes Act 1900,* no referral to the DPP is necessary under s 133(2)(a) of the LECC Act.

10.7. The Commission notes that, for understandable reasons, on 5 December 2024 the Commissioner of Police ordered the removal of Officer Khatib from the NSW Police Force under s 181D of the *Police Act 1990* (NSW). In these circumstances no further action is required under s 133(2)(b)-(d) of the LECC Act.

11. Recommendations

11.1. Members of the NSW Police Force have access to a wide range of sensitive information. Whilst availability of this information is essential to police for the effective performance of their duties, it presents police officers with the opportunity for misuse. This is an ongoing risk to the NSW Police Force that requires continual management.

11.2. In the Commission's view, the conduct of Officer Khatib demonstrates this ongoing risk to the NSW Police Force. The prosecution, sentence, and dismissal of Officer Khatib plays an important role by way of general deterrence against future conduct of this nature by other police officers. It also highlights the auditing undertaken by the NSW Police Force and how that can be effective in detecting conduct of this nature.

11.3. The Commission recommends to the Commissioner of Police that the investigation, prosecution, and disciplinary action concerning Officer Khatib be used as a case study for publication to all NSW Police Force officers and employees. This is an important opportunity to shine a light on the serious consequences that can flow from criminal and improper conduct of this kind. It would also provide an opportunity to reinforce the values of the NSW Police Force, and the important expectations the organisation and the community place on NSW Police Force officers to protect and safeguard law enforcement data.

Appendix 1 - The Commission's Statutory Functions

1. The *Law Enforcement Conduct Commission Act 2016* (the LECC Act) lists among the Commission's principal functions the detection and investigation of serious misconduct and serious maladministration: s 26.

2. Section 9 of the LECC Act defines 'police misconduct', 'administrative employee misconduct' and 'Crime Commission Officer misconduct':

> **9 Police misconduct, administrative employee misconduct and Crime Commission officer misconduct**
>
> **(1) Definition — police misconduct** For the purposes of this Act, **police misconduct** means any misconduct (by way of action or inaction) of a police officer —
>
> (a) whether or not it also involves participants who are not police officers, and
>
> (b) whether or not it occurs while the police officer is officially on duty, and
>
> (c) whether or not it occurred before the commencement of this subsection, and
>
> (d) whether or not it occurred outside the State or outside Australia.
>
> **(2) Definition — administrative employee misconduct** For the purposes of this Act, **administrative employee misconduct** means any misconduct (by way of action or inaction) of an administrative employee —
>
> (a) whether or not it also involves participants who are not administrative employees, and
>
> (b) whether or not it occurs while the administrative employee is officially on duty, and
>
> (c) whether or not it occurred before the commencement of this subsection, and
>
> (d) whether or not it occurred outside the State or outside Australia.

(3) **Definition — Crime Commission officer misconduct** For the purposes of this Act, **Crime Commission officer misconduct** means any misconduct (by way of action or inaction) of a Crime Commission officer —

(a) whether or not it also involves participants who are not Crime Commission officers, and

(b) whether or not it occurs while the Crime Commission officer is officially on duty, and

(c) whether or not it occurred before the commencement of this subsection, and

(d) whether or not it occurred outside the State or outside Australia.

(4) **Examples** Police misconduct, administrative employee misconduct or Crime Commission officer misconduct can involve (but is not limited to) any of the following conduct by a police officer, administrative employee or Crime Commission officer respectively —

(a) conduct of the officer or employee that constitutes a criminal offence,

(b) conduct of the officer or employee that constitutes corrupt conduct,

(c) conduct of the officer or employee that constitutes unlawful conduct (not being a criminal offence or corrupt conduct),

(d) conduct of the officer or employee that constitutes a disciplinary infringement.

(5) **Former police officers, administrative employees and Crime Commission officers** Conduct may be dealt with, or continue to be dealt with, under this Act even though any police officer, administrative employee or Crime Commission officer involved is no longer a police officer, administrative employee or Crime Commission officer (but only in relation to conduct occurring while he or she was a police officer, administrative employee or Crime Commission officer). Accordingly, references in this Act to a police officer, administrative employee or Crime Commission officer extend, where appropriate, to include a former police officer, administrative employee and Crime Commission officer, respectively.

3. Section 10 of the LECC Act defines 'serious misconduct':

> (1) For the purposes of this Act, **serious misconduct** means any one of the following:
>
> (a) conduct of a police officer, administrative employee or Crime Commission officer that could result in prosecution of the officer or employee for a serious offence or serious disciplinary action against the officer or employee for a disciplinary infringement,
>
> (b) a pattern of officer misconduct, officer maladministration or agency maladministration carried out on more than one occasion, or that involves more than one participant, that is indicative of systemic issues that could adversely reflect on the integrity and good repute of the NSW Police Force or the Crime Commission,
>
> (c) corrupt conduct of a police officer, administrative employee or Crime Commission officer.
>
> (2) In this section:
>
> **serious disciplinary action** against an officer or employee means terminating the employment, demoting or reducing the rank, classification or grade of the office or position held by the officer or employee or reducing the remuneration payable to the officer or employee.
>
> **serious offence** means a serious indictable offence and includes an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be a serious indictable offence.

4. 'Officer maladministration' and 'agency maladministration' are both defined in s 11 of the LECC Act. 'Officer maladministration' is defined in s 11(2) in these terms:

> (2) Officer maladministration means any conduct (by way of action or inaction) of a police officer, administrative employee or Crime Commission officer that, although it is not unlawful (that is, does not constitute an offence or corrupt conduct):
>
> (a) is unreasonable, unjust, oppressive or improperly discriminatory in its effect, or

(b) arises, wholly or in part, from improper motives, or

(c) arises, wholly or in part, from a decision that has taken irrelevant matters into consideration, or

(d) arises, wholly or in part, from a mistake of law or fact, or

(e) is conduct of a kind for which reasons should have (but have not) been given.

5. The conduct of an officer or agency is defined as "serious maladministration" if the conduct, though not unlawful, is conduct of a serious nature which is unreasonable, unjust, oppressive or improperly discriminatory in its effect or arises wholly or in part from improper motives: LECC Act, s 11(3).

6. The Commission may hold an examination for the purpose of an investigation into conduct that it has decided is (or could be) serious misconduct or serious maladministration: s 61 (a).

7. Section 29 provides the authority for the Commission to make findings and express opinions:

(1) The Commission may:

(a) make findings, and

(b) form opinions, on the basis of investigations by the Commission, police investigations or Crime Commission investigations, as to whether officer misconduct or officer maladministration or agency maladministration:

(i) has or may have occurred, or

(ii) is or may be occurring, or

(iii) is or may be about to occur, or

(iv) is likely to occur, and

(c) form opinions as to:

(i) whether the advice of the Director of Public Prosecutions should be sought in relation to the commencement of proceedings against particular persons for criminal offences against laws of the State, or

(ii) whether the Commissioner of Police or Crime Commissioner should or should not give consideration to the taking of other action against particular persons, and

(d) make recommendations as to whether consideration should or should not be given to the taking of action under Part 9 of the *Police Act 1990* or under the *Crime Commission Act 2012* or other disciplinary action against, particular persons, and

(e) make recommendations for the taking of other action that the Commission considers should be taken in relation to the subject-matter or opinions or the results of any such investigations.

(2) Subsection (1) does not permit the Commission to form an opinion, on the basis of an investigation by the Commission of agency maladministration, that conduct of a particular person is officer maladministration unless the conduct concerned is (or could be) serious maladministration.

(3) The Commission cannot find that a person is guilty of or has committed, or is committing or is about to commit, a criminal offence or disciplinary infringement.

(4) An opinion or finding that a person has engaged, is engaging or is about to engage in:

(a) officer misconduct or serious misconduct or officer maladministration or serious maladministration (whether or not specified conduct), or

(b) specified conduct (being conduct that constitutes or involves or could constitute or involve officer misconduct or serious misconduct or officer maladministration or serious maladministration), and any recommendation concerning such a person is not a finding or opinion that the person is guilty of or has committed, or is committing or is about to commit, a criminal offence or disciplinary infringement.

(5) Nothing in this section prevents or affects the exercise of any function by the Commission that the Commission considers appropriate for the purposes of or in the context of Division 2 of Part 9 of the *Police Act 1990*.

(6) The Commission must not include in a report under Part 11 a finding or opinion that any conduct of a specified person is officer misconduct or

officer maladministration unless the conduct is serious misconduct or serious maladministration.

(7) The Commission is not precluded by subsection (6) from including in any such report a finding or opinion about any conduct of a specified person that may be officer misconduct or officer maladministration if the statement as to the finding or opinion does not describe the conduct as officer misconduct or officer maladministration.

8. This report is made pursuant to Part 11 of the **LECC Act**. Section 132(1) provides that the Commission may prepare reports "*in relation to any matter that has been or is the subject of investigation under Part 6*".

9. Section 133 (Content of reports to Parliament) provides that:

(1) The Commission is authorised to include in a report under section 132:

(a) statements as to any of the findings, opinions and recommendations of the Commission, and

(b) statements as to the Commission's reasons for any of the Commission's findings, opinions and recommendations.

(2) The report must include, in respect of each affected person, a statement as to whether or not in all the circumstances the Commission is of the opinion that consideration should be given to the following:

(a) obtaining the advice of the Director of Public Prosecutions with respect to the prosecution of the person for a specified criminal offence,

(b) the taking of action against the person for a specified disciplinary infringement,

(c) the taking of action (including the making of an order under section 181D of the *Police Act 1990*) against the person as a police officer on specified grounds, with a view to dismissing, dispensing with the services of or otherwise terminating the services of the police officer,

(d) the taking of reviewable action within the meaning of section 173 of the *Police Act 1990* against the person as a police officer,

(e) the taking of action against the person as a Crime Commission officer or an administrative employee on specified grounds, with a view to dismissing, dispensing with the services of or otherwise terminating the services of the Crime Commission officer or administrative employee.

Note. See section 29 (4) in relation to the Commission's opinion.

(3) An "**affected person**" is a person against whom, in the Commission's opinion, substantial allegations have been made in the course of or in connection with the investigation (including examination) concerned.

(4) Subsection (2) does not limit the kind of statement that a report can contain concerning any affected person and does not prevent a report from containing a statement described in that subsection in respect of any other person.

10. Section 146 provides:

146 Notification of proposed action on reports

(1) As soon as practicable after the Commissioner of Police or Crime Commissioner receives a report under section 27, 32, 132, 134, 135 or 136 or a copy of the report is laid before a House of Parliament, the Commissioner of Police or Crime Commissioner, respectively, must notify the Commission of the nature of the action taken, or to be taken, as a result of the report.

(2) If the Commission has provided a copy of the report to the Commissioner of Police or Crime Commissioner and the Commission is of the opinion—

(a) that the Commissioner of Police or Crime Commissioner has unreasonably delayed notifying the Commission of the nature of the action taken, or to be taken, as a result of the report, or

(b) that the nature of the action taken, or to be taken, as a result of the report is, in the circumstances of the case, unreasonable or inadequate, or

(c) that the Commissioner of Police or Crime Commissioner has unreasonably delayed taking action as a result of the report,

the Commission is to advise the Commissioner of Police or Crime Commissioner accordingly by notice in writing served on that Commissioner.

(3) If the Commission and the Commissioner of Police do not, within 28 days, resolve any issue the subject of a notice under subsection (2), either or both of them may notify the Minister administering the *Police Act 1990* that the issue is unresolved.

(4) If the Commission and the Crime Commissioner do not, within 28 days, resolve any issue the subject of a notice under subsection (2), either or both of them may notify the Minister administering the *Crime Commission Act 2012* that the issue is unresolved.

(5) The issue may be the subject of a Commission's special report under section 138.

Appendix 2 - Use of Names of Witnesses or Pseudonyms in this report

1. The 2 witnesses who gave evidence in Operation Feronia did so in private examinations. Having considered matters relevant to the choice between a private and public examination under s 63 of the LECC Act, the Commission determined that each examination should take place in private.[103]

2. There is a legal restriction in s 177 of the LECC Act concerning the disclosure and use of evidence given at a private examination.

3. As Operation Feronia was the subject of examination under Part 6 of the LECC Act, the Commission must prepare a report either under s 132 or s 135 of the LECC Act in relation to the investigation.[104]

4. A report prepared under s 132 is a public report,[105] whilst a report under s 135 is effectively a private report to the Minister for Police and Counter-terrorism and the Commissioner of Police.[106]

5. As Operation Feronia did not involve a public hearing, the Commission is not obliged to prepare a public report concerning this investigation.[107] However, having regard to the issues raised in the investigation and the report, the Commission has determined that a public report is appropriate in this case.

6. The question arises as to whether persons (including witnesses) should be named in the report.

7. It should be kept in mind that the Commission is not a court hearing adversarial civil or criminal proceedings. The Commission is empowered to hold public or private examinations in aid of its investigatory functions under the LECC Act. The principle of open justice, which applies to court proceedings, has no application

[103] Factors relevant to the choice of private and public examinations under s 63 LECC Act were considered in the *Public Decision Concerning Public and Private Examinations in Aid of an Investigation in Operation Mantus* (3 March 2023) ('Operation Mantus Public Examination Decision').
[104] ss 132(1) and 135 LECC Act.
[105] ss 132(3) and 133 LECC Act.
[106] s 135 LECC Act.
[107] s 132(2) LECC Act.

to Commission examinations.[108]

8. The starting point is that Officer Khatib and Civilian ZDQ gave evidence in a private examination and there is, subject to further order of the Commission, a statutory restriction upon revelation of that evidence including disclosure of the identity of the witness.

9. With respect to the possible naming of police officers and civilian witnesses in public reports of the Commission, guidelines have been developed by the Commission for general use and are available on the Commission's website.[109]

10. Although the LECC Act does not provide expressly for the making of pseudonym orders, this step is incidental to the power to conduct private examinations, to make orders under ss 176 and 177 and to issue a public report under s 132 of the LECC Act. The use of pseudonyms is simply a mechanism to identify different persons in the report without using names. This is a necessary step to facilitate a meaningful and informative report without detracting from analysis of the important issues arising in the context of the investigation.

Civilians

11. As noted in the guidelines, 'generally speaking the Commission will not identify anyone who is not an officer. Care will be taken when describing a civilian's personal details, including any relevant location, to ensure that their identity is not disclosed. This approach will be taken even where the person is the subject of an adverse finding, unless there are compelling reasons to identify the person.'

12. In respect of Operation Feronia, Civilian ZDQ and other civilians referred to in this report are not officers of the NSW Police Force, nor are they subject to any adverse findings. In the circumstances, the Commission will not depart from its usual approach and accordingly all civilian's will be referred to by a pseudonym in this report.

[108] Paragraph 10, Operation Mantus Public Examination Decision.
[109] LECC Guidelines on the use of pseudonyms and non-publication orders in Commission reports.

Officer Khatib

13. Adverse findings are made in this report against Officer Khatib. He was a serving member of the NSW Police Force until his removal on 5 December 2024.

14. The Commission acknowledges there can be detrimental consequences flowing to the officer and the officer's family through identification in a public report of the Commission. There is also an argument that transparency points to identification of an officer against whom adverse findings have been made.

15. For the purposes of this report, the Commission has determined that Officer Khatib should be identified. In arriving at this decision, the Commission has taken into account a number of factors including:

    - The nature and seriousness of the conduct in question.
    - The level of seniority of Officer Khatib at the time.
    - That Officer Khatib was the subject of criminal proceedings as a result of his conduct, which culminated in his conviction for offences under s 308H of the *Crimes Act 1900* and the common law offence of misconduct in public office.
    - The criminal proceedings brought by the DPP against Officer Khatib, proceeded in public with no suppression orders being made in respect of his name.
    - The criminal proceedings attracted media attention which named the officer and reported the sentencing proceedings and remarks on sentence.

16. The Commission has decided that Officer Khatib should be named in this report.[110]

[110] This approach is consistent with the Commission's approach in Operation Denali where the affected person was also named, noting that criminal proceedings were brought against them which resulted in conviction and the sentence being passed in open court.

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