25 February 2021

Mark Hanna
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Dear Mark Hanna

I write in relation to your email dated 18 January 2021, referring to Police's Official Information Act response IR-01-20-34818. My response to your 18 January 2021 correspondence follows below, using the numbering in your email.

Background

After further consideration of your request of 1 October 2019 (reference IR-01-19-27258) it became apparent that the amount of work involved to prepare the full requested data for release while meeting Police's statutory obligations to protect individuals' privacy, and identify and remove records relating to ongoing investigations would be prohibitive, requiring substantially more time than Police's initial estimate.

Police worked in consultation with the Office of the Ombudsman to come to a mutually acceptable agreement about the data to be released and withheld, to satisfy the scope of your request while being achievable for Police. All changes from the previous data release were discussed and agreed with the Office of the Ombudsman, and the final dataset and withheld data (including justifications) were reviewed and approved by the Office of the Ombudsman.

Question 1(a): Which withholding ground did Police mean to invoke here?

The letter should have referred to section 6(c) of the Official Information Act 1982 (the Act): the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Question 1(b) Which columns were withheld for this reason?

The withheld columns contain information relating to Police staff equipment, including details about equipment failures, vulnerabilities, and tactical assets. Releasing this data publicly would be likely to compromise staff safety and Police's operational capability. The specific columns removed were:

Taser 1: TaserCam Serial No	Taser 2: TaserCam Serial No
Taser 3: TaserCam Serial No	Hard armour plates (HAP): Used

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Reflectorised jacket: Used	SRBA: Used
SRBA: Felt Safer	SRBA: Worked
SRBA: Why Not	SRBA: Negative

Question 2(a) and 2(b): Were these additional 64 TOR events at which subjects sustained one injury excluded from the 2018 summary report?; If they were excluded, why were they excluded?

The apparent discrepancy in the TOR event data is due to injuries that were not caused by tactical options. The analysis in the Annual Tactical Options Research Report 1 January to 31 December 2018 (2018 Annual TOR report) provides information about how many injuries each tactical option caused, with the total number representing the sum of these injuries. However, some subjects sustained injuries that were not caused by tactical options –the cause of these injuries is recorded as "other – not tactic" and they are not included in the total sum in the 2018 Annual TOR report. In the dataset provided, there are 72 TOR events where the subject sustained one injury with the injury cause recorded as "other – not tactic." Excluding these records leaves 754 subjects who sustained one injury.

As you'll note, this number is lower than what was reported in the 2018 TOR Report. The remaining discrepancy is due to a technical error: when 2018 data was drawn, information about the use or absence of pain compliance did not populate for some records, and in the absence of information to the contrary, all these records were retained for the 2018 TOR report.

Subsequently, as described in the Annual Tactical Options Research Report (1 January to 31 December 2019 (2019 Annual TOR report) (see page 13), 74 records were identified as not containing a reportable use of force. These records were then removed from the 2018 TOR data; the updated values differ from the 2018 TOR Annual report but improve data accuracy as well as consistency with other years' reports. In 8 of these 74 events with no reportable use of force, the subject sustained one injury.

Question 3: Number of events withheld, and reason for them being withheld

No events have been withheld. As explained above and in the 2019 TOR Annual Report, the 2018 Annual TOR Report included 74 TOR events where there was actually no reportable use of force. Including these records in the analyses inflated the total number of TOR events. The data has since been updated to remove the records that had no reportable use of force. The updated values differ from the 2018 report - improving data accuracy and consistency with other years' reports.

Question 4(a) and 4(b) Has any information been withheld under section 6(c) of the OIA?; If so, what specific information has been withheld (e.g. specific columns or a specific number of TOR events)?

The columns noted in response to question 1(b) were withheld under section 6(c) of the Act, however no records were removed due to ongoing internal and external investigations. As negotiated and agreed with the Office of the Ombudsman, Police instead removed information that increased risk of identifying people involved in these incidents, reducing the risk to their privacy and their right to a fair trial. The time involved to identify and remove ongoing cases was prohibitive and would have been likely to result in not being able to release the data pursuant to the Act.

Question 5: Columns without a clear meaning

My response follows in the table and paragraphs below.

Column Name	Notes
HC: Not reportable	Indicates when handcuffs were used **only without** pain compliance (Y = yes); this is not a reportable use of force. See 2019 Annual TOR report for more detailed explanation. Please note that this is a coded column calculated from data in other columns – it is not from a field on the TOR report.
HCwP&R Usage Count	Counts number of uses of handcuffs and restraints, only including reportable handcuffs uses (i.e. handcuffs with pain compliance). As above, this is a coded column, not a field from the TOR report.
Charge Categories	Lists the categories of offences that the subject was charged with.
1000 2000 3000 4000 5000 6000 A-W Traffic	Categorical variable to identify whether subject was charged with offences in given category (1 = yes).

In relation to the charge columns, these numbers represent broad categories of offence codes, as per the following list:

1000	Violence
2000	Sexual
3000	Drugs & Antisocial
4000	Dishonesty
5000	Property damage
6000	Property abuse
A-W Traffic	Traffic offences

Question 6(a): Several taser columns (e.g. those for the number of discharges with probes and contact stuns) contain cells with values of 0 and cells with values of '-'. Am I correct in assuming that cells with either of these values both represent the same thing?

Your statement is correct.

Question 6(b): One cell in the "Firearm 1: Capable of Threat" column has the value "Immediate and sufficient", which looks like it belongs in one of the tactic effect columns and does not seem applicable here.

Your statement is correct, this value should be in the column to the immediate right: "Firearm 1: Tactic Effect".

Question 6(c): One cell in the "Subject Injury 1: Site" column has a value of "Miss", which looks like it belongs in one of the body location columns and does not seem applicable here.

This is how the data has been reported on the TOR form, so this should be retained as is.

Question 6(d): The "Staff Injury By Subject: Behaviour" column has several values of "Threaten Police", "Physically assault non-police", and "Threaten non-police". It isn't clear to me how any of these could cause injuries to Police staff, but these values don't appear in any other columns in the dataset so they may have been entered as intended.

This column records the subject behaviour reported as contributing the most to the injury/health issue and should be retained as is.

Question 7: Ethnicity recoding

The statement in the final paragraph of your question is correct. Ethnicity classifications are based on the Statistics New Zealand Statistical Standard for ethnicity (ETHNIC05 v2) with the priority order Māori, Pacific peoples, Asian, MELAA, European, Other/Unknown. Each subject's ethnicity is coded to only one category based on this priority order.

Question 8: Format difference

All changes to the data being released were discussed and agreed with the Office of the Ombudsman. The specific columns including these two examples were removed to reduce the risk of individuals being identifiable. Publicly available information (such as media reports) and/or personal knowledge of specific events may make a specific record identifiable (e.g. having occurred in a given district with a given specialist group) leading to individuals being identified and other personal information about them becoming publicly available (e.g. drug use, behaviours, offence charges) and potentially jeopardising their right to a fair trial.

By excluding these columns (and other similar columns) the data has been sufficiently anonymised to reduce the risk that individuals and ongoing investigations would be identifiable, therefore reducing the risk that an individual's privacy and/or right to a fair trial would be compromised. By removing these columns, Police were able to release the data without conducting the substantial additional work to identify and remove reports related to ongoing investigations. This work would have required significant time and would have resulted in Police declining the request under section 6(c) of the Act.

Question 8(a) and 8(b): Please provide a breakdown of columns that have been withheld entirely, and the grounds under which they have been withheld; If Police intend for any this information to have been withheld under grounds other than section 9(2)(a) of the OIA, then under section 19(a)(ii) of the OIA I ask that you please provide the grounds in support of these reasons.

Columns containing free text – section 9(2)(a) and 6(c)

The following columns allow free text, which may contain information that may have to be removed pursuant to section 9(2)(a) and 6(c) of the Act. The making available of the information would allow the subjects to be identified, compromising their privacy and being likely to prejudice their right to a fair trial (should a trial occur), due to information relating to any alleged offending entering the public domain.

These have been removed in their entirety due to the significant time required to check and apply any required redactions. Where noted, a coded column or series of columns have been retained in order to still capture the content of the original column, without requiring the significant time to check and redact.

Column Name	Notes
Subject Ethnicity	A recoded column is retained, which categorises the data into StatsNZ Ethnicity categories.
Role	
Relevant Factors	A series of recoded columns with category data is retained, which indicates the content of these cells across coded categories of relevant factors.
Subject Weapon	A recoded column with category data is retained.
All subject behaviours	A coded column is provided, which indicates the content of these cells across seven coded categories of behaviour.
Communication: Subject Behaviour	
HC-Restraints 1: Subject Behaviour	
HC-Restraints 2: Subject Behaviour	
HC-Restraints 3: Subject Behaviour	
OC Spray 1: Subject Behaviour	
OC Spray 2: Subject Behaviour	
OC Spray 3: Subject Behaviour	
Empty Hand 1: Subject Behaviour	

Empty Hand 2: Subject Behaviour	
Empty Hand 3: Subject Behaviour	
Baton 1: Subject Behaviour	
Dog 1: Subject Behaviour	
Dog 2: Subject Behaviour	
Taser 1: Subject Behaviour	
Taser 2: Subject Behaviour	
Taser 3: Subject Behaviour	
Firearm 1: Subject Behaviour	
Firearm 2: Subject Behaviour	
Other 1: Subject Behaviour	
Empty Hand 1: Technique	
Empty Hand 2: Technique	
Empty Hand 3: Technique	
Taser 1: Reason No Warning	
Taser 2: Reason No Warning	
Taser 3: Reason No Warning	
Incident Type	A coded column is retained, which provides Incident Type data which has been categorised and reformatted.
Most effective tactic	
Subject Resolution	
Staff Injury: Type	
Staff Injury By Police: Actions	
Staff Injury By Equipment	
Staff Injury By Equipment: Failure	

Staff Injury By Other	

Columns containing identifying information – section 9(2)(a) and 6(c)

Some of these columns directly identify the persons involved. Others are not independently identifying, but in combination with data from other columns, increase the risk the persons involved may be identified. This may compromise their privacy and be likely to prejudice their right to a fair trial, due to information relating to any alleged offending entering the public domain.

Column Name	Notes
Incident ID	The report date is part of the system generated number.
Duplicate check	
Incident Date	
Month	
Incident Station	
Area	
District	
Your Role	
Workgroup (Recoded 2019)	
WORKGROUP - HEADING	
Special Police groups	
Reporter Name	
Reporter QID	
Reporter Rank	
Reporter Position	
Other Police QIDs	
Subject	
Subject DOB	
Subject Age	Coded Age group column is retained

CARD Event	
CARD Event Recode	

Columns which contain information relating to operational security – removed pursuant to section 6(c) of the Act.

Please see answer to question 1(a) and 1(b) above.

Columns which are blank, or duplicate information from other columns

The following columns are either blank, as they contain no data for the 2018 year, or are columns added for the purposes of performing calculations and contain no new data which is not held in other columns.

Column Name	Notes
Status	All records in the dataset are Complete, as is specified in the caveats which accompany the release of any TOR data, making this column redundant.
Violence - working	This a manually added column which is used to assist the coding process.
Tactics Used (second – first column of this title is retained)	These columns repeat information already included elsewhere in the file. The data has been duplicated and formatted into these columns for calculations.
Tactic 1	
Tactic 2	
Tactic 3	
Tactic 4	
Tactic 5	
Tactic 6	
Tactic 7	
Tactic 8	
Tactic 9	
Tactic 10	
Tactic 11	
TOTAL Tactics Used	

Communication: Tactic Location Description	These columns are blank. Data for Tactic Location Description was not included in the 2018 dataset
HC-Restraints 1: Tactic Location Description	
HC-Restraints 2: Tactic Location Description	
HC-Restraints 3: Tactic Location Description	
OC Spray 1: Tactic Location Description	
OC Spray 2: Tactic Location Description	
OC Spray 3: Tactic Location Description	
Empty Hand 1: Tactic Location Description	
Empty Hand 2: Tactic Location Description	
Empty Hand 3: Tactic Location Description	
Baton 1: Tactic Location Description	
Dog 1: Tactic Location Description	
Dog 2: Tactic Location Description	
Taser 1: Tactic Location Description	
Taser 2: Tactic Location Description	
Taser 3: Tactic Location Description	
Firearm 1: Tactic Location Description	
Firearm 2: Tactic Location Description	
Other 1: Tactic Location Description	
Other 2: Tactic	These columns are blank. There were no Tactical Options Reports with more than 1 use of an "Other" tactic in 2018.
Other 2: Subject Behaviour	
Other 2: PCA	
Other 2: Tactic Location Type	
Other 2: Tactic Location Description	

Other 2: Tactic Effect	
Baton 2: Subject Behaviour	These columns are blank. There were no Tactical Options Reports with more than 1 use of a Baton tactic in 2018.
Baton 2: PCA	
Baton 2: Type	
Baton 2: Method	
Baton 2: Strikes	
Baton 2: Tactic Location Type	
Baton 2: Tactic Location Description	
Baton 2: Tactic Effect	

I trust you are satisfied with my response to your correspondence. If not, you have a right under section 28(3) of the Act to ask the Office of the Ombudsman to seek an investigation and review of my decisions relating to your previous requests.

Yours sincerely

Inspector Nic Brown
Acting National Manager: Response & Operations