

30 September 2020

Our Reference: IR-01-20-26142

M.R.M

fyi-request-13530-451ebe2a@requests.fyi.org.nz

Dear M.R.M

I am writing to you in response to your email sent to New Zealand Police on 7 September 2020 which was made pursuant to the Official Information Act 1982. This request was made in relation to Police's response to Official Information Request IR-01-20-23555 and specifically requested:

I have taken a good look at the Evidence Act 2006 and the Evidence Regulations 2007. The former applies to cases of domestic violence while the latter applies to video evidence collections not mobile telephone evidence collections. Neither apply to cases where NZ Police officers use their NZ Police issued mobile phones to record interviews with parents and other caregivers in relation to child safety and welfare checks carried out by NZ Police in private homes.

My response to your request is below:

As outlined in response to your Official Information Act request IR-01-20-23555, any formal interviews conducted using Police issued iPhones must comply with the Evidence Act 2006 and Evidence Regulations 2007. I draw your attention to Part 4 of the Evidence Regulations, which deals with the taking and recording of mobile video records. Part 4 allows Police to formally interview family violence complainants using a "mobile device" (such as a Police issue iPhone). There are no further policy, procedure, guidelines or rules in addition to those previously provided.

If you have information to indicate that Police staff are using mobile phones to record interviews that is not in accordance with the Evidence Act 2006 or Evidence Regulations 2007 please get in contact with me.

You have the right, under section 28 (3) of the Official Information Act 1982 to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Yours sincerely



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