

22 September 2021

Reference: IR-01-21-26360

Mark Hanna
fyi-request-16566-68bad9b5@requests.fyi.org.nz

Dear Mark

I am writing in response to the request you submitted 29 August 2021. Your request has been considered pursuant to the Official Information Act 1982 (the Act). I have responded to each of your questions below.

1. Since 1 January 2020, what advice or guidance has been given to police officers regarding how to respond if a member of the public films their activities?

The following is an excerpt from the 'Police filming and audio recording of operations and events' Police Instructions. These instructions include (amongst other information) policy, general instructions and guidance that apply to all Police employees:

*Occasionally, members of the public film or take photographs of Police employees carrying out their duties. This is **not an offence** and **you have no power** to prevent the photographs being taken or to seize the camera or digital storage media.*

2. Under COVID-19 Alert Level 1, filming police officers is not unlawful. What advice has Police received regarding whether or not filming police officers under increased COVID-19 Alert Levels is lawful?

Police has not received any advice regarding whether or not filming Police officers under increased COVID-19 Alert Levels is lawful. Members of the public must consider the appropriate lockdown level rules when engaging in filming police officers to ensure they are doing so in a safe manner.

3. What advice or guidance has been given to police officers regarding when they must or should maintain distance from members of the public under the current COVID-19 Alert Level restrictions, and under which circumstances may they get close to members of the public?

Police take all appropriate precautions when there is a need to interact with members of the public in close proximity, whether to arrest or transport them to be processed. The

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graduated response below is used when interacting with the public at the different Alert Levels.

- *Engage with the parties and communicate with them to identify whether their current behaviour or activities are contrary to the government's response to COVID-19*
- *Educate them on the current requirements (if necessary) to correct their behaviour or activities*
- *Encourage compliance measures if required*
 - *Warn – only where evidence of education exists and when offences are repeated or are sufficiently serious*
- *Enforcement – only resort to prosecutorial measures if absolutely necessary.*

The Police threat assessment methodology (TENR) is a decision-making process that supports the timely and accurate assessment of information directly relevant to the safety of Police and others. As part of TENR threat assessments, all personal protective equipment options are considered for traffic stops/breath testing, i.e. gloves, P2/N95 mask and eye protection, in accordance with existing health advice on use, to mitigate the threat to staff and community of transmission of the virus.

I trust that this information is of use to you.

Yours sincerely



Superintendent Barry Taylor
Director: Major Events
