



25 May 2015

Dear Mr Townsend

C/- fyi-request-1836-e76d98b0@requests.fyi.org.nz

Official Information Act request and complaint

I refer to your request for official information dated 24 July 2014 in which you asked for:

Any extracts of manuals, guidelines or any resources related to the use of coercion, psychological persuasion and / or manipulation by undercover officers to entice someone to commit a criminal offence.

Your request was initially refused and you complained to the Ombudsman. The Ombudsman has consequently suggested that Police provide you with a statement addressing your concern that Police may permit enticement or psychological manipulation of members of the public to commit crime.

Police accept the Ombudsman's suggestion and therefore provide comment on the issue that concerns you as follows:

Police do not coerce or psychologically manipulate any person to commit a crime. There are a number of reasons for this including;

- the risk that evidence obtained by use of such methods may be found to have been unfairly obtained and excluded by the courts, thereby potentially causing a prosecution to fail (In this regard, section 30 of the Evidence Act 2006 provides that a court may exclude evidence if it decides that the evidence was improperly obtained. Unfairly obtained evidence may be considered to be improperly obtained),
- police may themselves be committing an offence, such as being a party to the offence with which the person is charged, and
- police may be criticised by the courts for such conduct.

It is not unlawful or unacceptable for Police to present to a person already disposed to commit an offence an opportunity to commit it. In such a case Police do not create an offence. The courts have considered, and accepted, the distinction between presenting an opportunity for a person to offend, and creating an offence. The first situation is accepted by the courts, the second is not.

New Zealand Police Legal Services

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Telephone: 64 4 474 9499 Facsimile: 64 4 498 4447 <http://www.police.govt.nz>

Safer Communities Together

I hope that this information assists you.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C MacKenzie', written in a cursive style.

C MacKenzie
Solicitor