

9 June 2022

Connor Johnson
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Dear Connor

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 23 April 2022, in which you asked for information regarding paperwork related to arrest. You requested the following:

- 1) *any paperwork an officer has to complete once they arrest someone (arrest reports)*

As an arrest can take different avenues the only paperwork that must be submitted are reports required by law to be submitted to the Commissioner such as an arrest of a child or young person and/or any arrest which involves a seizure under the Search and Surveillance Act 2012.

There are no minimum records, or 'arrest reports', as it depends on the circumstance and type of arrest.

The types of reports that may be completed include;

- Electronic custody records if received into police custody;
- A Prosecution file if being prosecuted;
- A Formal Warning record if formally warned and released;
- Notebook entries are not mandatory but are good practice;
- Reporting in the National Intelligence Application (NIA).

Police National Headquarters

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2) *Any paperwork that has to be completed during to booking process.*

We have taken your use of the term 'booking process' to mean the process that is followed when a person is taken into police custody and the steps that follow.

The majority of police custody units use the Electronic Custody Module (ECM), a paperless system which captures everything that happens in relation to a detainee, from processing to release.

The following is an excerpt from the relevant chapter of Police Instructions, titled 'People in Police Custody' which shows what these steps are:

Procedures

Procedures for officers who arrest or detain

The arresting or detaining officer is responsible for safety and security, especially the detainee's, until they are handed over to custody area staff. This topic outlines procedures that must be followed from the time of arrest or detention to ensure those responsibilities are met.

Step/Action

1 Carry out an initial assessment of risk in regards to the detainee at the time of arrest or detention. The responsibility of the arresting officer remains until the detainee is formally processed and evaluated in the ECM, unless responsibility is transferred to another officer, agency or person.

*2 Carry out a rub-down search of the detainee under section 85 or 88 of the Search and Surveillance Act 2012 (S&S Act) **before transport**, and remove articles that:*

- may be used to:*
- harm the detainee or anyone else, or*
- assist their escape, or*
- cause damage (e.g., to the vehicle), and*
- under s88, **if you have reasonable grounds to believe** the person has on them or is carrying evidential material relating to the offence for which they are arrested or detained, you may also remove that evidential material.*

Ensure that there is another employee present where possible.

Notes:

- If it is not practicable to search detainees immediately after they are taken into custody, take care to prevent them from disposing of evidence or harming themselves or others.

- Leave searches under section 11 of the Act (a search of a person who is or is about to be 'locked up') for completion at the station (Step 7 below). If s11 is used for the search before the person is at a Police station, they can only be searched again if one of the circumstances in s11(3) of the Act apply.

- For more information, see 'Searches of arrested or detained people' in the 'Searching people' chapter.

3 All detainees must be considered to be 'at risk' until an evaluation takes place.

- Those without signs of suicide risk must be frequently monitored.
- Those with signs of suicide risk must be constantly monitored.

Note: It is sufficient to comply with this step if the detainee is under the direct supervision of a third party, e.g., a doctor treating an injured detainee, or a lawyer speaking to the detainee in an interview room.

4 Ensure a NIA check is done at the earliest opportunity. Be vigilant for any flags relevant to the detainee's safe custody or risk including previous alerts and evaluation history records and advise the employee receiving the detainee of these.

Note: "Evaluation History" can be accessed by query person and opening the last custody record for the detainee (Records, select "Custody" category and open Evaluation History).

5 Transport the detainee after an assessment of risk using TENR. Consider the use of mechanical restraints. When transporting apply the segregation requirements.

6 When detainees are formally received at the custody area, advise the employee receiving them of:

- the reason for the detention
- whether the person can be bailed or released
- any special care required.

Ensure that risk information and any special care instructions are recorded in the ECM.

7 Search the detainee under section 11 of the Search and Surveillance Act 2012, preferably in the presence of the custody staff.

Note: Once a detainee has been searched at a Police station and is, or is to be, "locked up", they can only be searched again if one of the circumstances in section 11(3) of the Search and Surveillance Act 2012 apply. See 'Searches of arrested or detained people' in the 'Searching people' chapter.

8 Advise the detainee of their rights in custody by asking them to read and sign the 'Notice to Person in Custody' form. Witness their signature and file the signed form. (If they refuse to sign, note this on the form.)

If the detainee is unable to read the notice, read it to them and ensure they understand it. (Notices are available in a number of different languages - see Police Intranet>Response and Operations>Legislation and Resources, or if necessary, an interpreter could be engaged). Endorse the back of the form to indicate the action taken.

9 Help the custody staff place the detainee safely in a cell.

You have the right to ask the Ombudsman to review my decision if you are not satisfied with my response to your request.

I trust this information is of use to you. Yours sincerely



Superintendent David Greig
Director: Capability
New Zealand Police

