



13 January 2015

Mr Lindsay Kennard
fyi-request-1994-cac34d5e@requests.fyi.org.nz

Dear Mr Kennard

I refer to your Official Information Act request of 8 September 2014 seeking the following:

1. *Notes of best practice as at January 1 1998 and any updates before the application of the Evidence Act 2006 in two [2] areas of operation and investigation-*

Area 1: *Eyewitness interview and identification procedure of suspects or persons of interest, the methods of viewing live and photographic lineups and methods of supervision, methods of recording the entire interview and identification procedure and specially witness confidence and documentation, numbers of positive [suspect selection] and false positive [filler selection] and none selection recorded. Randomisation between witnesses of lineup members, whether a suspect or suspect photo even if changed were used over different lineups with different fillers. The method of selecting fillers [known innocents], were they chosen on the basis of witness description or suspect resemblance*

Area 2: *Methods of obtaining information from in custody informants. Methods used to check accuracy of information given by informant or if it was checked at all for newness. How offered information was recorded along with records of payment or other consideration given to informant in exchange for Information. Was a record kept of previous information given and its accuracy and relevance to previous convictions obtained where the informant gave testimony. Was there a register of both free and in custody informants so their history of use and accuracy could be checked.*

And if these processes changed to reflect the huge amount of scientific improvements in both areas following the huge rise in DNA and other exoneration's since 1989 of innocents convicted and incarcerated in Canada, United Kingdom [1974], Scotland, Australia and United States, also the many Commission of Inquiry reports and reviews of reports in Canada.

Response

In respect of topic one, please find attached a PDF copy of the 'Identification of Offenders' chapter in the Police Manual of Best Practice Volume 2, Investigation Support, published in April 1997. This chapter was not updated until after the introduction of the Evidence Act 2006.

Safer Communities Together

NATIONAL CRIMINAL INVESTIGATIONS GROUP - Police National Headquarters
180 Molesworth Street, P O Box 3017, Wellington, New Zealand
Telephone: 64-4-474 9499 Facsimile: 64-4-498 7409

With respect to topic 2, I can advise that Police receive information from a wide range of people regarding criminal offending. Police undertake relevant enquiries to confirm the veracity of any information before acting upon that information. In the normal course of events, Police retain a record of relevant information received. This general practice has not changed during the period you stated - 1998 until 2006.

Police are not willing to make public operational information about its informant programme as to do so could lead to the identification of persons presumed to be linked to police as an informant. Disclosing such information, would only help criminals know more about the operating methods of police, and would place our informants or our programme at risk and would not be in the public interest.

Therefore your request for the notes relating to the topic 2 is refused pursuant to section 6(c) of the Official Information Act as the making available of the information would be likely to prejudice the maintenance of the law including the prevention, investigation and detection of offences.

As outlined in an email to you on 17 November 2014, there was a delay in obtaining the historic notes of best practice you sought due to their inaccessibility because of earthquake strengthening at the Police Library in Wellington.

If you are not satisfied with my response to your request you have the right to complain to the Office of the Ombudsman and seek an investigation and review of my decision.

Yours faithfully



Rod Drew
National Manager
National Criminal Investigations Group

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