

21 January 2015

K Logan  
fyi-request-2213-8c874760@requests.fyi.org.nz

Dear K Logan

**REQUEST FOR INFORMATION**

I refer to your email dated 27 November 2014 in which you requested all relevant information the Police have on the procedure for checking the previous convictions of someone charged with domestic violence related charges when the person charged is not a resident or citizen of New Zealand. This includes anything that states that the Police should request the defendant's previous relevant history from their country of origin or anything that specifically states that they should not.

I have considered your request in accordance with the Official Information Act 1982.

The only Police policy existing relating to your query is the enclosed *Overseas criminal history checks* section from the Police Manual. This relates to procedures for requesting overseas criminal history checks through Interpol relating to a criminal investigation. Some information from this section, as blacked out, has been withheld pursuant to the following sections:

- Section 6(a) to prejudice the international relations of the Government of New Zealand
- Section 6(c) to prejudice the maintenance of the law

There is no Police policy about requesting overseas conviction information in circumstances of charges filed, either specific to family violence or not.

Any request made to an overseas jurisdiction is subject to the domestic laws of the other country. New Zealand Police cannot require criminal history information be provided from other jurisdictions.

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

Yours sincerely



Fiona Prestidge  
Inspector



### Overseas criminal history checks

A request for an overseas criminal history check:

- must relate to a criminal investigation (generally overseas countries will not do vetting checks),
- should be made as soon as possible after arrest (do not wait until the sentencing date as these checks can take several weeks to be completed).

**Note**, that checks based on a name alone can be very difficult to process in some countries as centralised and/or computerised records are either not held or there are very large population bases in that country. Any information resulting out of a nominal check could, therefore, be seen as very unreliable and inconclusive.

All requests for criminal history checks must be directed and emailed to INTERPOL Wellington ( ), unless New Zealand fingerprints are held on NIA (see later in this chapter). The request must contain:

- reasons for the check
- full details of subject, including full name, date of birth, place of birth, occupation, nationality, passport/national identity number and last known address in that country
- note, a number of Asian countries, such as ( ) require the subjects parents names and village / town along with subjects place of birth.

Some countries will decline request for a history check without being provided with fingerprints or identity card information. Overseas criminal histories can only be uploaded on to NIA, if identity is verified by fingerprints. If the subject has New Zealand fingerprints, the request should be emailed to the Overseas Fingerprints Section directly. Their Email address is: ( ). In such cases, your request should include subjects NIA ID, AFIS number and the countries you want the fingerprints sent to.

The Fingerprint Section will enter an alert on the subjects NIA Dossier page, indicating that the fingerprints have been sent overseas and their reference number. They will also upload any replies received. You can, therefore, check the progress of your request in NIA.