

28 July 2023

Bruce
fyi-request-23174-a073a7af@requests.fyi.org.nz

Tēnā koe Bruce

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 19 June 2023. You asked for information following a response provided to OIA request IR-01-23-15645.

My response to each part of your request can be found below.

1. *How were the video files shown on 16/02/2022 and 18/11/2021 from the Eagle chopper given to media organisations? If they were sent by email then that would presumably have met the criteria of my previous request regarding all correspondence.*

No media agencies made requests to Police regarding the video files shown on 16 February 2022 nor 18 November 2021. The footage referred to was posted by Police at the time to public facing Police Facebook pages, in which media outlets have previously extracted copies of videos for their use. Therefore, your request for all correspondence between media outlets and Police in requesting and releasing the CCTV footage has been refused under s18(e) of the OIA, that the requested information does not exist.

2. *Have there been requests from media organisations for additional Eagle footage in the last year?*

There have been two requests made in the past year to the Police Media Team.

3. *If so, who asked for it, and was the footage released? Please supply all documentation regarding the requests, and any internal correspondence regarding the release or otherwise of the footage.*
 - 17 March 2023: As part of a media enquiry from TVNZ seeking information about a burglary in Howick they asked for any Eagle footage. It was not provided.
 - 27 April 2023: Newshub requested Eagle footage from a critical incident that occurred in Papatoetoe in 2021 that was subject to an IPCA report. It was not provided.

Please refer to the attached email correspondence regarding these two requests. Some information has been withheld under s9(2)(a) of the OIA, to protect the privacy of natural persons.

Police considers the interests requiring protection by withholding the information are not outweighed by any public interest in release of the information.

4. Please release any policy or guidelines regarding the release of video footage by Police to media organisations.

Please refer to a copy of Police Instructions 'Releasing information to the media' as attached.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

Keri Wilson

Keki Wilson
District Operations Manager – Auckland Metro Groups
New Zealand Police

From: Media/POLICE/NZ
Sent by: Jarred WILLIAMSON/POLICE/NZ
To: s9(2)(a)@discovery.com>

Date: Thursday, April 27, 2023 11:39AM
Subject: Re: [EXTERNAL] Eagle helicopter pictures

Hi s9(2)(a)

We are working on your other request. AC Hoyle is in Wellington today, so trying to find some availability.

We don't have Eagle footage to provide today.

Thanks,
Jarred

Police Media Team

WLG +64 04 238 5111
AKL +64 09 353 3111
W www.police.govt.nz

Police National Headquarters,
180 Molesworth St, PO Box 3017, Wellington 6011

WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents. Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately.

-----'s9(2)(a)@discovery.com> wrote: -----

To: "media@police.govt.nz" <media@police.govt.nz>
From: "s9(2)(a)@discovery.com">
Date: 27/04/2023 11:32AM
Subject: [EXTERNAL] Eagle helicopter pictures

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Further to my email about the ipca report into the papatoetoe incident is the contemporaneous eagle helicopter footage available to us?

s9(2)

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s9(2)(a) REPORTER

NEWS DISCOVERY NZ MOBILE s9(2)(a) DISCOVERYCORPORATE.CO.NZ



From: s9(2)(a) [REDACTED]@tvnz.co.nz>
To: "media@police.govt.nz" <media@police.govt.nz>,
"Peter.vanSchaardenburg@police.govt.nz" <Peter.vanSchaardenburg@police.govt.nz>

Date: Friday, March 17, 2023 11:53AM
Subject: RE: [EXTERNAL] Howick ram-raid

History: ↩ This message has been replied to.

Hi

The owner said several of the youth had hammers.

From: Peter.vanSchaardenburg@police.govt.nz <Peter.vanSchaardenburg@police.govt.nz> **On Behalf Of** media@police.govt.nz
Sent: Friday, 17 March 2023 8:22 am
To: s9(2)(a) [REDACTED]@tvnz.co.nz>
Cc: media@police.govt.nz
Subject: Re: [EXTERNAL] Howick ram-raid

Kia ora s9(2) [REDACTED]

Attributable to a Police spokesperson:

Police received a report at 9.22am on Wednesday of a burglary at a commercial premises in Elliot St, Howick, in which a group of offenders have entered the building and stolen a number of items, including alcohol. A stolen white van used by the offenders was spotted soon after by attending Police units and was subsequently spiked. Eagle provided aerial support and tracked the vehicle to a location in Manurewa, where it was deliberately driven through a fence at a residential property. The occupants of the van have decamped into the address and six offenders were subsequently taken into custody without incident. Three were arrested and appeared in the Manukau Youth Court on Wednesday and the other three were released and referred to Police's Youth Aid Service. The offenders ranged in age from 10 to 15 years old.

Please note: the hammer aspect is not correct in the Herald's story (not their fault but ours) - the youths simply ran into the store as it was open at the time.

nga mihi Pete

Police Media Team

WLG +64 04 238 5111

AKL +64 09 353 3111

W www.police.govt.nz

Police National Headquarters,

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s9(2)(a) [REDACTED]@tvnz.co.nz wrote: -----

To: "media@police.govt.nz" <media@police.govt.nz>
From: s9(2)(a) [REDACTED]@tvnz.co.nz
Date: 17/03/2023 08:13AM
Subject: [EXTERNAL] Howick ram-raid

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kia ora

May i please have a statement on the Elliot Street Liquorland ram-raid on Wednesday this week and if any other stores in Howick were ram-raided between now and then.

1. How many offenders were there?
2. Their ages?
3. What was taken?
4. Were they arrested?
5. Any footage of Eagle tracking offenders? (sometimes we get Eagle footage or it's posted to Police Facebook page)
6. Any charges?

Thanks

s9(2)(a) [REDACTED]

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Releasing information to the media

Guidelines on releasing information

Police employees must observe the strictest confidentiality in relation to Police business. They can release information only in so far as:

- this satisfies the provisions of any Act or Police instruction
- is necessary to the performance of their duty
- is within the authority of the Commissioner.

Police employees must **not**:

- criticise Police policy or instructions, the courts or statutes
- comment on matters on which the Minister of Police or the Commissioner are likely to have contrary views
- comment on matters that are sub judice
- make unfavourable comments about other government departments.

The provisions of the [Official Information Act 1982](#) and the [Privacy Act 2020](#) can be used as a guide. They apply to all media requests for access to Police files, documents, videos, photographs, digital recordings and archival material.

Authority to speak to the media

District Commanders are authorised by the Commissioner to speak to the news media and may authorise local employees, generally or specifically, to speak to journalists about matters within their areas of responsibility.

Unless otherwise directed by their supervisors, employees in charge of enquiries, operations or functions may speak to reporters about matters over which they have control.

Police employees authorised to speak on behalf of service organisations should make it clear to journalists who they are representing.

The Police Media Team

The Police Media Team is on hand to help with any and all media issues.

Media Advisors can assist with drafting responses to media queries, appealing for information from the public, setting up interviews or media opportunities, and promoting good news stories.

The Police Media Team is based at Police National Headquarters, and operates between 6am and 11pm, seven days a week. To contact call x41222 or media@police.govt.nz. An Auckland-based team based provides media support across Tamaki Makaurau and Northland Monday to Friday from 9am to 5pm.

The Police Media Team also operates an on-call service between 11pm and 6am for major and significant events requiring urgent communication activity, i.e. major natural disasters.

Independent Police Conduct Authority investigations

The Police Professional Conduct Group at PNHQ will assist with liaising with the Authority. Where the Authority has, or is likely to have, an interest in an incident, reactive news releases should be referred to the district commander and Professional Standards prior to release.

The Police Media Team can give advice and help to draft appropriate reactive news releases or statements.

Districts or business groups responding to IPCA reports should also advise the Police Media Team and/or DCE: Media and Communications of their intended response as part of the 'no surprises' protocol - particularly when there is likely to be criticism of Police. Once notified the Police Media Team will work with you on a reactive media response.

Details of investigations

Police may on occasion release details about an investigation prior to an arrest if in doing so we are looking to gain information from the public to assist in the investigation or if we are trying to provide reassurance to the community. However, statements must be carefully phrased with such terms as 'suspected', 'believed' or 'alleged'.

Using the term 'suspect'

Avoid using the term 'suspect' when describing people who may be routinely eliminated from the enquiry. Do not allow yourself to be dragged into using the term just because the media use it.

When using alternative terms such as 'person' or 'people being investigated', do not indicate the actual numbers of people being investigated. As names are eliminated from or added to the list, any apparently conflicting numbers may create a public perception of confusion. If numbers must

be used at all, give an approximation.

Naming dead people

In order to save relatives from unnecessary shock, the names of people killed in incidents or accidents must not be released to the news media until the next of kin have been advised. The next of kin should be told of the need for urgency in informing other members of the family because of the rapidity with which news is disseminated.

Once notification has been made to the deceased's family, the deceased's name should be released to media as soon as possible. Unnecessary delays in releasing the name of a deceased can result in media exerting pressure on Police and other emergency services (particularly in smaller towns or tourist areas) to release unconfirmed identity information. This can lead to incorrect information being published.

If there is a legitimate reason why Police cannot provide the name of a deceased to the media, then Police should state the reason for this. Requests from next of kin for withholding the name of a deceased cannot be granted by Police and the next of kin should be told this.

Giving details of suicides

See the '[Releasing information to the media after a sudden death](#)' chapter for details.

Explaining Police action during tragedies

Sometimes Police must do things that are logical rather than instinctive or that, for some other reason, are not readily understandable by the public. If the operation has attracted a lot of attention, you may have to explain why Police acted in the way they did.

This is particularly important in emotional situations such as multiple murders, major disasters and large-scale demonstrations. Releasing information or Police recordings, or showing exhibits, may seem undesirable because it would:

- offend people's sensibilities
- breach privacy
- breach sub judice rules.

However, releasing some information may also:

- help explain the Police position
- aid the healing process
- give the public a tenable way of understanding the tragedy
- prevent media harassment of the survivors and their relatives
- show the public how they should respond in a situation.

Controlled media access to the scene can also assist in reducing media demands and helping the public relate to the tragedy.

Any release of material must be in the public interest, and not for entertainment or 'infotainment'.

The Media Team are available to support the release of information to the media.

Guide on disclosure of personal information

Comments to media which disclose personal information are governed by the [Privacy Act 2020](#). Unauthorised disclosure of personal information may be in breach of an [Information Privacy Principle](#) as outlined in the Privacy Act 2020 and may result in court action against the Police

(note exceptions in (3) & (4)).

Police must not disclose information that is of a nature that:

- could be linked to a specific individual by anyone else (including spouse, family members, witness, co-offender, victim, etc.)
- would tell that person something they did not already know about the individual.

Exceptions for the disclosure of personal information include:

- where Police believe on reasonable grounds that disclosure is necessary to avoid prejudice to the maintenance of law; or
- where Police believe that disclosure is necessary to prevent or lessen a serious and imminent threat to the safety of any person.

Note: These exemptions enable Police to disclose information about cases where public assistance is sought with an investigation, or to provide descriptions of dangerous escaped prisoners.

Written consent from the member(s) of the public concerned is required to override Principle II and enable disclosure of personal information that would otherwise be deemed a breach of the Privacy Act.

See: '[Privacy and official information](#)' chapter for more detailed information.

Offenders' photographs

Offenders' photographs should not be released to the media unless there are compelling reasons. The principle to follow is that there must be an arrest warrant in existence or sufficient evidence available to charge the person photographed. See '[Wanted person postings](#)' for further information.

Note: This criterion also applies to 'persons of interest' - for example, people caught on security cameras engaged in criminal activity.

You must be careful not to disclose photographs that include other people who are not the offenders as such inadvertent release can cause them considerable grief. If the footage is such that other people in a photograph cannot be separated from the offenders then every attempt should be made to disguise their faces.

Important note: Photographs and footage must be removed as quickly as possible from the Police website and any Police social media forums as soon as the offender or person of interest has been located.

Interview recordings

Requests for Police interview recordings should be declined. Recordings used in court may sometimes be released by the court but not by Police. Offenders and their counsel sometimes also release their copies of interviews after trials are completed.

Amounts of stolen money

Details about amounts of money stolen should not be released unless:

- the O/C investigation considers there are valid reasons connected with the investigation to do so
- requested by the O/C for operational reasons
- the Fraud and Security branch of the respective bank has been consulted.

Note: If such information is not released, journalists will try to find alternative sources of information and this can lead to additional work for Police.

Bank staff can be re-victimised and may become concerned for their safety if named following a bank robbery. Investigators should seek name suppression for victims/witnesses in such situations should the matter proceed to court.

Further, if investigators wish to release bank CCTV footage, then they must be careful not to disclose images of staff members or members of the public not involved as offenders. The inadvertent release of bank staff images can cause them considerable angst. If the footage is such that the staff member cannot be separated from the offenders' photo then every attempt should be made to disguise the staff member's faces.

Offence statistics

The Evidence Based Policing Centre validates and releases official crime statistics on a monthly basis. These are made available publicly via data@police.govt.nz. The Media and Communications Group, assisted by the Evidence Based Policing Centre, will where required liaise with districts and business units to develop media comment in response to our official crime statistics that appropriately captures important national messages.

Interpol-initiated enquiries

Requests from the media for information about Interpol-initiated enquiries should be referred to the Police Media Team.

To ensure national co-ordination of releases of information, local Police should not provide progress reports or any other information on enquiries that have originated from the Interpol Office. Where necessary, local Police carrying out enquiries for Interpol will be advised of information that may be given to the media.

See the '[Interpol](#)' chapter.

Incidents at prisons

If an incident at a prison warrants a Police investigation, the O/C investigation must advise the prison's senior duty officer of the contents of any statement Police propose to make to the media..

Media access to Police files, documents, videos, photographs and archival material

The provisions of the Official Information Act and the Privacy Act apply to media requests for access to Police files, documents, videos, photographs, tape/digital recordings and archival material.

Requests for information (e.g. video interviews) about matters that have been produced as an exhibit during criminal proceedings are subject to the [Criminal Proceedings \(Search of Court Records\) Rules 1974](#). Such requests must be transferred to the Ministry of Justice pursuant to

section 14 of the Official Information Act 1982 or section 43 of the Privacy Act 2020. The request must be transferred within 10 working days after the day on which the request was received and the person who made the request must be advised accordingly.