

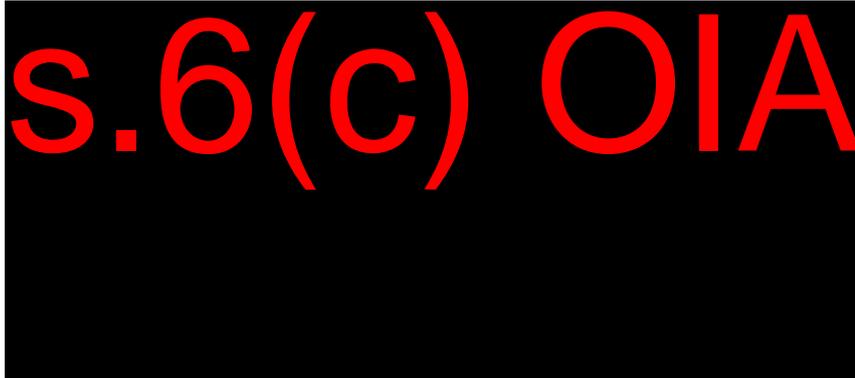
Lessons Learnt

UPDATED WEEKLY

Akoranga kua akohia

3D printed firearms

At a recent warrant in ^{s.9(2)(g) OIA} staff seized a 3D-printed ^{s.6(c) OIA} (pictured below), along with a range of other firearms and ammunition.



^{s.6(c) OIA}

Most readily available 3D printers produce plastic parts. ^{s.6(c) OIA}

^{s.6(c) OIA}

Staff searching premises should be aware of the possibilities of 3D printers being used to produce firearms or weapon components and the additional threat this technology poses to safety.

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons [here](#) or on Checkpoint (search "debrief").

Lessons Learnt - Accidental Disclosure of Witness Information

Lessons Learnt

02/06/2017

s.6(c) OIA

s.9(2)(g) OIA

The same day, the officer (a sergeant) explained the situation to members of [redacted] team—highlighting his own mistake as an opportunity from which they could learn.

The local Professional Conduct manager, the District Commander and Police’s Chief Privacy Officer were all notified.

The IPCA was satisfied with investigators’ subsequent decision that because of the officer’s immediate actions in reporting and dealing with [redacted] mistake honestly and promptly, [redacted] disclosure of private information should be dealt with by way of professional conversation only.

Lessons identified:

1. Disclosure of private/sensitive information is a significant risk for Police and every possible effort must be made to minimise the possibility. Therefore, any disclosure should be checked independently before sending. This is not because staff are not trusted but purely out of recognition that it is impossible to eliminate human error; people **will** make mistakes.
2. In this case, the officer was not aware of the need to make a notification in the Security and Privacy Incident Reporting Database (SPIRD) under “Notifications” in the Bulletin Board and this was overlooked. Any security/privacy breach or incident must be notified to the SPIRD as soon as possible.

Comment:

It is highly unlikely this officer will ever make a similar mistake (**s.9(2)(g) OIA** [REDACTED]) However, the officer's honesty and courage in confronting **s.9(2)(g) OIA** own mistake, fronting up to those affected, and willingness to use **s.9(2)(g) OIA** own mistake as a learning opportunity for **s.9(2)(g) OIA** team, demonstrated integrity and professionalism.

It is unavoidable that because the public (rightly) holds Police accountable for its actions, incidents such as this must be investigated—as happened here—and officers involved should expect to be investigated or reviewed by the likes of Professional Conduct, the Privacy Office or the IPCA. However, where officers being investigated are honest and open, and their initial actions were genuine mistakes (made with good intent—and not either criminal or grossly negligent), they should have little to fear from an objective investigation, as evidenced by comments from the Chief Privacy Officer:

s.9(2)(g) OIA [REDACTED]
[REDACTED]
[REDACTED]

Topics:

[Legal/Prosecution](#) [Lessons Learnt](#) [Policy](#) [Security & privacy](#)

District:

National

Lessons Learnt

Akoranga kua akohia

🔄 UPDATED WEEKLY

Another homemade pipe gun

Officers conducting a warrantless search of a car, located a loaded homemade pipe gun stored in a **s.6(c) OIA**

The weapon looked like a PR24 baton **s.6(c) OIA**

s.9(2)(g) OIA

s.6(c) OIA

Submit debriefs and lessons on Checkpoint (search "debrief"), via the Lessons Learnt intranet page., or email: lessons.learnt@police.govt.nz

Lessons Learnt - AOS involvement in searches

Lessons Learnt - AOS involvement in searches

28/06/2017

In recent months, there have been a number of occasions where district staff have undertaken **pre-planned** activities or executed search or arrest warrants – known to involve significant risk – without involving (or even consulting) specialist AOS/STG personnel. Occasionally, this has also extended to incidents known or believed to involve firearms/violent armed offenders and repeated patterns of armed or violent offending.

Even in ostensibly ‘moderate risk’ searches, the recovery of large caches of firearms has shown how easy it is for planners to under-estimate the safety risks—and suggests it pays to err on the side of caution.

It isn’t possible to determine a “one-size-fits-all” approach, and it is accepted that every set of circumstances is different. It is also accepted that those staff dealing directly with an incident are usually well informed about the likely risks posed by a particular offender or situation. However, any time that staff deem it necessary to arm themselves in preparation for a pre-planned event, at the very least they should consult AOS for advice and to assist their TENR and decision-making.

When undertaking pre-planned high-risk activities, **s.9(2)(g) OIA**

Those specialist units have the skills, experience—and additional equipment **s.6(c) OIA**—necessary to deal with high-risk situations in the safest way possible.

District AOS commanders are available 24/7 to provide advice and AOS would rather be involved and not needed than to be needed and not involved.

s.9(2)(g) OIA

but the underlying principle of TENR is very clear: “... *'safety is success'. Victim, public and employee safety are paramount, and every effort must be made to minimise harm and maximise safety*”.

s.9(2)(g) OIA critical to “maximising safety and minimising risk” is the need for a thorough pre-search risk assessment and the completion of both the POL240 risk assessment and the Community Impact Assessment forms and it is essential that these are sent to Comms and the DCC to enable them to maintain oversight and ensure **your** safety.

s.9(2)(g) OIA
Make sure Comms and the DCC know where you are and what you’re doing, and if you consider the risk of a pre-planned event is high enough to justify arming, ask the experts!

Topics:

[Frontline](#) [Lessons Learnt](#) [Wellness & safety](#)

District:

National

Lessons Learnt

Akoranga kua akohia

🔄 UPDATED WEEKLY

Avoiding “blue-on-blue” fire

s.6(c) OIA

It is critical that all staff attending incidents consider their potential lines of fire and the possibility of crossfire; everyone should communicate with each other, and with whoever is controlling the incident s.6(c) OIA

Never just assume that other staff are aware of your presence—and never just assume where other staff might be located; communication is key.

Once cordon positions have been assigned to ensure safety, any change in position must be approved and communicated clearly to ensure continued safety and prevent the possibility of “blue-on-blue” fire.

Keep your colleagues safe; share your experiences.

Submit your debriefs and lessons [here](#) or on Checkpoint, (Search “debrief”).

Lessons Learnt

🔄 UPDATED WEEKLY

Akoranga kua akohia

Complacency and situational awareness

Previously published items have stressed the importance of appointment retention but there continue to be occasions when offenders take advantage of momentary complacency or distraction to try and take appointments from officers.

s.6(d) OIA

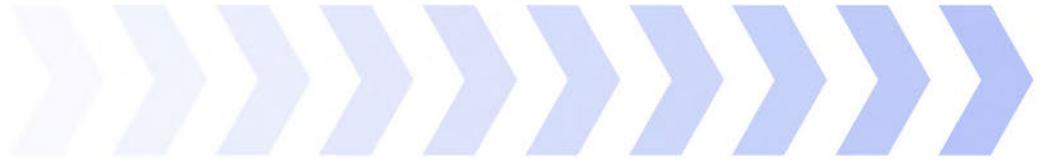
It is essential that officers always maintain full situational awareness when on duty—particularly in relation to safeguarding appointments and dealing with suspects.

s.6(d) OIA

When it is impossible to avoid proximity to offenders, mechanical safety systems are no substitute for effective situational awareness. Stay safe.

Keep your colleagues safe; share your experiences.

Submit your debriefs and lessons [here](#) or on Checkpoint, (Search "debrief").



Lessons Learnt

February 2016

- **Complaint of excess use of force and unlawful search**

Complaint of excess use of force and unlawful search

In November 2015, the IPCA released the report of its investigation into complaints from a member of the public about “excess use of force” and “unlawful search” by Police. The incident giving rise to the complaints followed Police attendance at a serious family violence incident from which a well-known violent offender had decamped. This incident is not atypical of those attended regularly by Police around the country, so the lessons identified are worth noting for staff who find themselves in similar situations in future.

[Link to Full IPCA report](#)

The situation

When Police received a complaint that a well-known violent offender had assaulted and threatened to kill his partner, they were quick to react and deployed five staff to the location—the shift supervisor (a sergeant), a dog handler and three other officers.

When they arrived, two witnesses told them the offender had left the address. They said they had followed him to flat a few streets away, and thought they had seen him peering out from behind the curtains at that address.

The shift supervisor and the dog handler formulated a plan for the team to surround the flat. The plan was for the supervisor to knock on the front door while the dog handler positioned himself with his dog behind the flat in case the offender tried to run from the back door. The three other constables were to position themselves in other locations around the flat to secure any other potential avenues of escape.

In view of the information from witnesses, attending staff believed they had good cause to suspect the offender was in the flat and that in the circumstances, they were justified in invoking section 8 of the Search and Surveillance Act (Entry without warrant to avoid loss of offender or evidential material).

s.9(2)(g) OIA

[REDACTED]

[REDACTED]

Although Police were acting appropriately on the

information they had been given, the offender was not in the flat. Only the flat’s resident and his pet dog were inside.

The resident’s and dog handler’s recollections of subsequent events differ. The dog handler insists that as soon as he opened the door, he called clearly to whomever was inside: “Police with a dog; come out!” He said that the resident came to the open door almost immediately and pulled back the curtain.

The resident claims the dog handler simply slid the door open, demanded to know where the offender was, and insisted he knew the offender was there.

At about this time, the resident’s dog approached the police dog. Once again, the resident and the handler’s recollections differ; the resident claims the officer swore at him, told him to keep his dog away from the police dog, and then kicked the pet dog. The dog handler insists the pet dog ran out and attacked the police dog, and that in response, he immediately pulled the police dog away from the door and down onto the grass.

The resident said he told the dog handler he’d seen a person running down the side of his property and jumping over the back fence. According to the resident, the dog handler said he didn’t believe him and that he wanted to search his flat.

While this discussion took place, the pet dog again approached the police dog and the two animals began fighting.

The dog handler recalled the resident as being reasonably amicable after having been “a little bit agitated” initially. The handler insists he never swore at the resident and, although he did direct the man to keep his dog under control, he also insists he never kicked his dog.

The pet dog subsequently attempted to approach the police dog again, at which point another of the officers used OC spray on the dog, which immediately brought it under control. Another officer had a TASER drawn, but did not switch it on or present it.

The resident was concerned for his pet's health after it was sprayed but attending officers explained the necessary after-care rinsing procedure.

Once the dogs were under control, the dog handler told the resident that Police needed to search his flat under the Search and Surveillance Act. The sergeant appointed another of the officers to oversee the search and that officer also told the resident he needed to search his house under the Search and Surveillance Act. He told the resident they were looking for an offender who had allegedly assaulted his partner.

The officer overseeing the search says the resident consented to the search and held onto the pet dog while the officers searched the flat.

The complaint to Police

The next day, the resident complained to the Police, listing six points of concern:

1. The Police dog handler had opened his door without announcement.
2. The dog handler had sworn at him and kicked his pet dog.
3. Police had searched his house despite being told the man they were after was not present.
4. There was no need to use OC spray on his pet dog.
5. Police should have paid his vet's bill.
6. Police should have apologised for their actions during the search.

Police acknowledged that the resident was an innocent party and attempted to resolve his complaint, with three different senior officers apologising to him over the course of the next two months.

The resident didn't accept the apologies because of

his view that Police hadn't accepted they had done anything wrong during this incident.

Although one of the resident's complaints was that Police had not paid for his vet's bill, in fact, the man didn't take his dog to the vet and thus there was no bill to be paid.

The complaint to the IPCA

Not satisfied with the Police's response to his complaints, the man complained to the IPCA.

The IPCA subsequently considered there were **four** issues to be investigated:

1. Was it appropriate for the dog handler to make the first approach to the flat with his dog and enter the flat?
2. Were the dog handler's demeanour and attitude unprofessional and aggressive?
3. Did Police have legal justification to enter the flat to search for the offender?
4. Was the use of OC spray on the resident's dog justified in the circumstances?

The IPCA's findings

1. While the Authority found the dog handler was justified in taking his dog with him, they considered that in view of the agreed plan to cordon and contain the property, he should not have made a unilateral decision to open the door.
2. Because of the conflict between the resident and the dog handler's versions of events, the Authority was unable to make a finding as to the dog handler's demeanour or attitude.
3. In terms of their authority to search the resident's flat, attending officers justified the search firstly, on the basis that it was consensual (section 92 off the Search and Surveillance Act), and, secondly, they believed they had the power to search under section 8 of the Act.

Unfortunately, although finding a section 8 search was justified, the fact that dog handler had not identified himself by name or number,

as required by section 131 when invoking this power, made the actual search unlawful.

Furthermore, although the officers might otherwise have been able to conduct a (section 92) consensual search, because they did not advise the resident—as required by section 93—that he could refuse permission for a search, the search was also unlawful in terms of section 92.

The IPCA made specific note of the need to balance the power to intrude into people’s private spaces with the responsibility to fully inform them of their rights when doing so.

4. As far as the use of OC spray on the resident’s dog, the IPCA accepted that its use was both appropriate and justified. The authority was satisfied that the dog handler had given the resident plenty of opportunity to control his dog, and it had already fought with the police dog more than once before it was sprayed.

Summary

There was no suggestion that any of the attending officers acted unreasonably or used excessive force. However, the Authority considered that in view of the number of officers present and an agreed plan of action to cordon and contain, the dog handler’s decision to enter without knocking was not good practice and potentially placed other officers at risk.

The Authority’s view was that in situations such as this, Police could reasonably expect there to be innocent people or unsecured pets inside an unknown address. (In this incident, it noted the pet dog’s response was “probably a predictable result of the surprise intrusion onto its property”.) In view of the number of officers present on this occasion, the Authority considered another officer should have made an initial door-knock at the address (as per the agreed plan) and that the dog handler should have provided back-up further away from the door.

Lessons identified

TENR

Despite the issues identified in the IPCA report, many aspects of this incident demonstrate appropriate TENR thinking by the staff involved. The decision

to deploy several staff to deal with a known violent offender reflected the potential threat to both staff and victims. Similarly, the decision to deploy a dog-handler and dog reflected the high degree of “deterrence” provided by dogs against violent offenders. At least one member also elected to carry a TASER (before TASERS were routinely carried), which reflected appropriate recognition of the perceived threat from a known offender.

The original plan formulated by the shift supervisor and the dog handler reflected their appreciation of potential threat and, had the plan been carried out as intended, would have mitigated exposure as much as possible.

Dog handlers are routinely the first on scene at critical incidents and, except for their dogs, must often confront violent and frightening situations alone. The nature of their role therefore requires them to think on their feet and be prepared to react quickly to changing situations.

However, this incident reinforces the need for both dog handlers and other staff working closely with them, not only to continuously update their TENR, but also to communicate effectively.

Search and Surveillance Act awareness

This incident highlights the need for complete familiarity with the provisions of the Search and Surveillance Act.

The technicalities of legislation—however burdensome they might seem—must be adhered to strictly if Police are to maintain the highest public trust and confidence, especially when that legislation relates to intrusions onto private property or otherwise adversely impacts the rights of individuals.

There is no suggestion that Police abused their powers deliberately on this occasion but by overlooking simple legislative requirements, their search, which—while completely justified—became “unlawful”.

[Link to Full IPCA report](#)

Lessons Identified

Akoranga kua akohia

Coordination with the AOS

An officer received information about the location of a high-risk offender. He consulted the AOS commander, who approved a **s.6(c) OIA** response to apprehend the man at a residential address.



s.6(c) OIA

The offender approached on a bicycle, saw the officer, and fled into the address. He was subsequently seen jumping over the back fence. The officer called for assistance and attempted to follow the offender, but the man escaped and was not located.

It is important the AOS commander and the contacting officer **confirm what action staff at the scene should take** while waiting for AOS to arrive.

There needs to be **discussion and agreement about contingency plans**, and clear direction about action to be taken **s.6(c) OIA**



When undertaking observations, the observation point should be discreet enough to avoid being compromised, prioritising officer safety.

Keep your colleagues safe; share your experiences.

Submit your debrief notes and lessons identified [here](#) or use Checkpoint (search 'debrief').

Lessons Learnt

UPDATED WEEKLY

Akoranga kua akohia

Disclosure of personal details

Think carefully before disclosing someone's sensitive personal details or circumstances with others who don't need to know. However well-meaning your intentions, this has potential to cause significant emotional harm, and damage trust in Police.

s.9(2)(a) OIA

The text 's.9(2)(a) OIA' is followed by three large black rectangular redaction boxes covering the majority of the page's content.

Privacy Survey 2023

New Zealand Police Assurance Group is seeking feedback from staff about their understanding and experience of the Privacy Act and the value of personal information to their work.

Your responses will be combined with others - you will not be identified in any reported survey results.

<https://www.surveymonkey.com/r/FQLWP6L>

If you have any queries or concerns about the survey, please email chiefprivacyofficer@police.govt.nz, annabel.fordham@police.govt.nz or colin.trotter@police.govt.nz

Keep your colleagues safe; share your experiences.

Submit your debrief notes and lessons identified [here](#) or use Checkpoint (search 'debrief').

Dog units are commonly among the first responders to attend the most difficult and dangerous critical incidents. As a result, dog handlers are widely recognised for their tactical capability, leadership and decision-making.

However, when the Comms dispatcher tells you that **s.9(2)(g) OIA** to your job, you must understand that dogs are not invincible and, like every other tactical option, there are some limitations to the kinds of tasks they can realistically and safely perform.

A number of incidents in recent months have highlighted some concerns and identified a number of lessons around the deployment and capabilities of police dogs, and occasional inflated expectations of them by other staff and the public.

s.9(2)(g) OIA dogs all have unique personalities, temperaments and different strengths and weaknesses; some dogs are excellent trackers while others excel at controlling violent offenders. A significant factor is their operational experience. **s.9(2)(g) OIA** dogs will grow in confidence, skill and ability the more operational experience they have. Handlers know their dogs best and their familiarity with their dogs will determine whether or not they should be deployed in the circumstances on a given day.

While dogs are “tactical options”, they are not “equipment” in the same way as OC spray, TASER or firearms and cannot be expected to operate in a exactly the same way that a switch or a trigger activates a TASER, OC spray or firearms. There is a great deal of reliance on handlers’ experience of their dogs and an unavoidable degree of subjectivity in any decision to deploy dogs as tactical options.

The decision as to whether a dog should be deployed against an armed offender or to protect you or anyone else, depends on all the circumstances **s.9(2)(g) OIA**

Among the range of factors that influence dog handlers’ decisions as to how, when and why to deploy their dogs are such thing as:

- the nature and seriousness of the offending, **s.6(c) OIA**
- the use (and type) of weapons and an **s.6(c) OIA** to use them
- the training certification, and operational experience and capability of the dog
- exposure of other people (Police and public) to avoidable risk

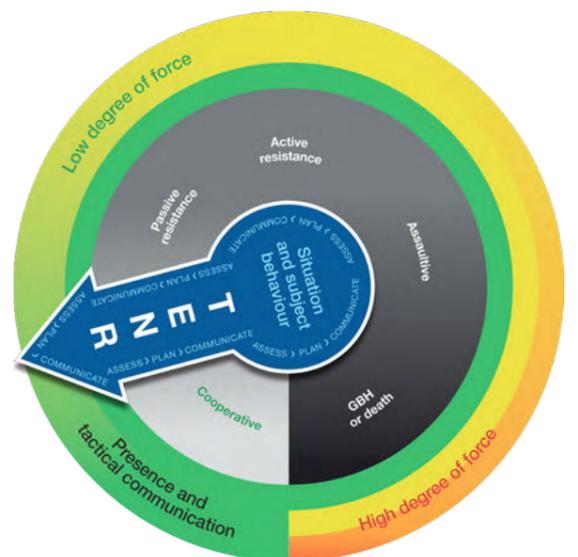
s.6(c) OIA



s.6(c) OIA

Dogs' abilities to outrun any human and use their incredible noses to locate target individuals in circumstances where no human could find them is exceptional. s.6(c) OIA

Make sure your TENR thinking and PCA takes these things into account; dog handlers consider all these things and more and are constantly reassessing TENR and their PCA in every situation.



s.9(2)(g) OIA

Dog handlers are more than happy to discuss with you the dogs' capabilities in various circumstances and are happy to attend training days to increase your knowledge around the role of a dog team.

Feel free to provide feedback on any of the articles you read in lessons learnt. Click on the following link to email Lessons Learnt:

lessons.learnt@police.govt.nz

Lessons Learnt

Akoranga kua akohia

UPDATED WEEKLY

Sorry team – no pictures this week – but no less important!

Firearm complacency (unfamiliarity?)

s.9(2)(g) OIA

The weapon would therefore be easily liable to unintentional discharge by anyone picking up the weapon subsequently.

Firearms must never be stored in the action state or (as happened in this case), loaded and with a bolt or slide held open such that if it were to release forwards, it would place the weapon in the action state and able to be fired unintentionally.

This event highlights the importance of ALL pre-deployment checks of vehicles and equipment.

If in doubt, ASK!

Any police firearm/TASER safety concerns or queries can be directed to the attention of: s.9(2)(g) OIA, or to any of the National Armoury team, who are always happy to help.

Suspicious items – clarification to item of 26 December

s.6(c) OIA

The advice was otherwise entirely correct that:

*"Anyone identifying suspicious items should...**assume the threat is real** and seek advice via the ECC/DCC/NCCC."*

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons on Checkpoint (search "debrief"), via the Lessons Learnt intranet page., or email: lessons.learnt@police.govt.nz

Lessons Learnt

Akoranga kua akohia

Firearms Seizures

When seizing firearms, ensure relevant information is recorded in;

1. **NIA** - required by the national recording standard
2. **Prop** - if seized as an exhibit
3. **RIOD** – in the daily occurrence log via the DCC
4. **Gun Safe** – RIOD Firearms Event Log - [Lessons Learnt: Use of RIOD Firearms Event Log \(GunSafe\)](#)
5. **s.6(c) OIA**

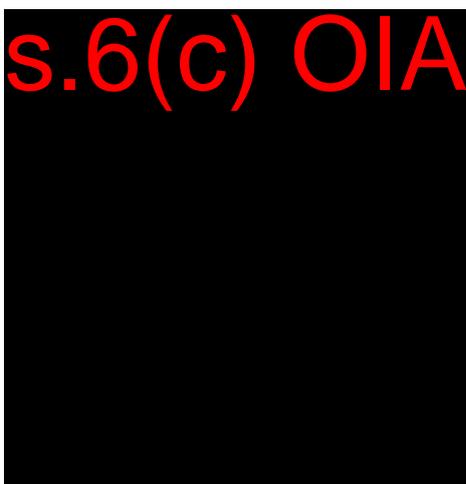
Data Quality

The data we collect, and record informs (among other things);

- Victim focused service delivery
- Intelligence picture
- Deployment
- Business cases for resources
- Official statistics
- Measures of police performance

Support the Data Quality and Integrity team by taking the time to accurately record offence data and resolutions.

To learn more about the importance and impact of data quality, check out the [Data Quality and Integrity team resources pages](#).



Keep your colleagues safe; share your experiences.

Submit debriefs and lessons [here](#) or on Checkpoint (search "debrief").

Lessons Learnt

Akoranga kua akohia

Firearms Seizures

When seizing firearms, ensure information is recorded in the relevant databases.

Officer who seized the firearm:

1. Record details of the firearm into - [Firearms Search and Seizure \(FSS\)](#) notifications database – this fulfils the legal requirement (s169(1) of the Search and Surveillance Act 2012) to notify the commissioner of any search under the Act. The FSS allows for recording of searches in relation to s6 and s18 of the Act and whether any firearms/explosives/ammunition were seized. Note - *If the seizure occurred within an AOS deployment, completing the seizure section of the [AOS Deployment Report](#) will send these details to FSS automatically.*
2. If the firearm is brought to a Police station, record details of the firearm into [Police Register of Property \(PROP\)](#).
3. Record details of the offence or incident that led to the seizure of the firearm into - **NIA** as an Occurrence.

District Command Centres:

1. **RIOD** – in the daily occurrence log via the DCC.
2. **Gun Safe** – RIOD Firearms Event Log - [Lessons Learnt: Use of RIOD Firearms Event Log \(GunSafe\)](#)

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons [here](#) or on Checkpoint (search "debrief").

Lessons Learnt

🔄 UPDATED WEEKLY

Akoranga kua akohia

Glock safe / M4 trigger risk

s.6(c) OIA

RISK MITIGATION:

- If an M4 is carried operationally s.6(c) OIA be aware of this risk.

In routine circumstances (i.e., if not deploying directly to a threat) the M4 must be carried s.6(c) OIA

Keep your colleagues safe; share your experiences.

Submit your debriefs and lessons here or on Checkpoint, (Search "debrief").

Lessons Learnt

🔄 UPDATED WEEKLY

Akoranga kua akohia

Use of RIOD Firearms Event Log (GunSafe) to accurately represent the firearms events our people face.

s.6(c) OIA

The primary purpose of GunSafe is to ensure events involving firearms are accurately recorded and reported on.

The information contained in GunSafe provides critical evidence about our operating environment.

GunSafe data is used to inform high level decision making around tactical response modelling and the tactical options available to our people.

DCCs are responsible for ensuring such occurrences are accurately represented and recorded, so please make sure any of the following situations are entered into GunSafe:

1. There is evidence to suggest firearms were involved in an event
2. Firearms have been presented at Police
3. Firearms have been seized or located (NOTE: This includes 4X type events)
4. Target subject/s are known to have access to firearms
5. Any other firearms related events deemed relevant for entry into GunSafe by the DCC (i.e. would advance the primary purpose of GunSafe.)

(PLEASE NOTE: GunSafe does not replace any other relevant notifications such as Firearms Search and Seizure notifications etc.)

Keep your colleagues safe; share your experiences.

Submit your debriefs and lessons [here](#) or on Checkpoint, (under "debrief").

Lessons Learnt

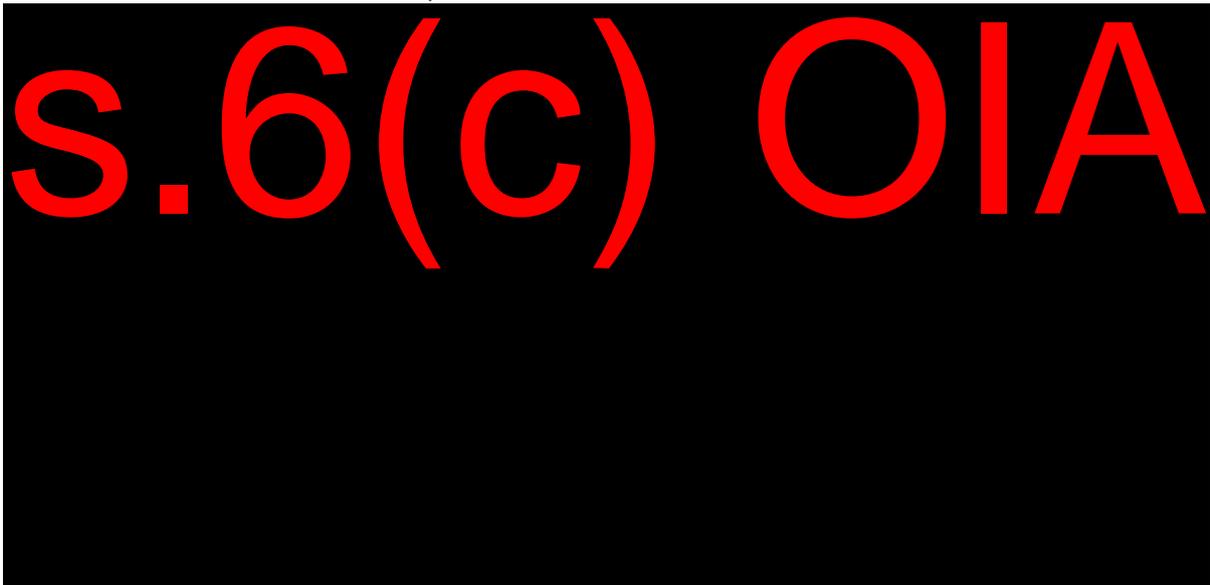
UPDATED WEEKLY

Akoranga kua akohia

Homemade firearm – modified paintball gun

Situation

s.9(2)(g) OIA District staff executed a search warrant at a private address. Inside a wardrobe, they located the homemade firearm pictured here.



The weapon had to be inverted to extract a spent casing before another round could be loaded.

Lessons identified

s.9(2)(g) OIA

s.9(2)(g) OIA

Be on the lookout for similar modified paintball guns or other “toys”.

Keep your colleagues safe; share your experiences.

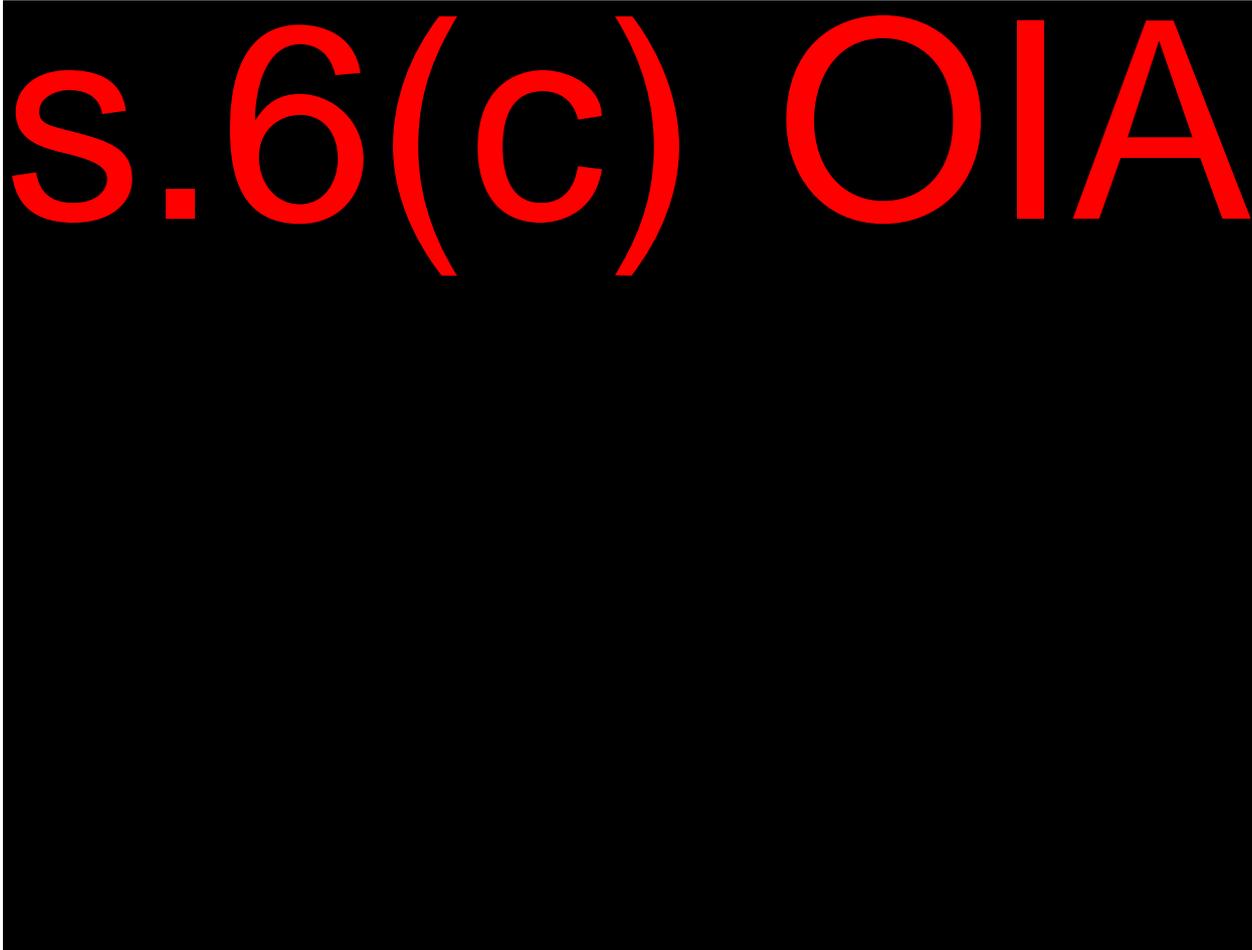
Submit your debriefs and lessons [here](#) or on Checkpoint, (Search “debrief”).

Akoranga kua akohia

Homemade firearm seized

Officers making enquiries into a 1C / burglary event, subsequently located a patched gang member.

When he saw police, he attempted to hide an object that officers found to be a homemade 'pipe gun'.



While simple in design, the weapon would easily be lethal at close range.

s.6(c) OIA

Be vigilant—always. No event is 'routine', and no job is 'simple'.

s.6(c) OIA

Keep your colleagues safe; share your experiences.

Submit your debriefs and lessons [here](#) or on Checkpoint, (Search "debrief").

Lessons Learnt

UPDATED WEEKLY

Akoranga kua akohia

Human Source Confidentiality

s.9(2)(g) OIA

Members of the public, s.6(c) OIA, provide information to Police in the expectation it will be kept confidential.

For example, if describing a conversation with an s.6(c) OIA in which they identify an offender, we must NOT write in such a way that the s.6(c) OIA could be identified; we would NOT say,

s.9(2)(g) OIA

Instead, we would say something like, *“Information from the public has identified the two offenders, and the CIB is investigating.”*

Think carefully about the privacy of every person you write about, regardless of whether a document is only intended for internal publication. It is too easy for unrestricted documents to be shared and breach people’s privacy or jeopardise their safety.

See the Police Manual for instructions on Police Human Sources

<https://tenone.police.govt.nz/pi/part-1-introduction-police-human-sources>

There is an onus on all of us to educate colleagues. If you sight a document that could s.6(c) OIA, take some action or seek advice.

Keep your colleagues safe; share your experiences.

Submit your debriefs and lessons [here](#) or on Checkpoint, (Search “debrief”).

Lessons Learnt

UPDATED WEEKLY

Akoranga kua akohia

Importance of thorough search when clearing an address

Staff attended a family harm event where a male offender on electronic bail had cut off his EM bail bracelet, and had several warrants to arrest. He was also flagged for firearms.

Officers cordoned and then 'cleared' the address, but did not locate him. The woman at the house told officers he had left.

When a dog unit was unable to find a track away from the house, and officers advised the woman the dog would search inside the house, she became obstructive. She sprayed perfume around the house and assaulted one of the officers.

s.6(c) OIA

Offenders are skilled at creating new and innovative hiding places for themselves, weapons, drugs and other contraband.

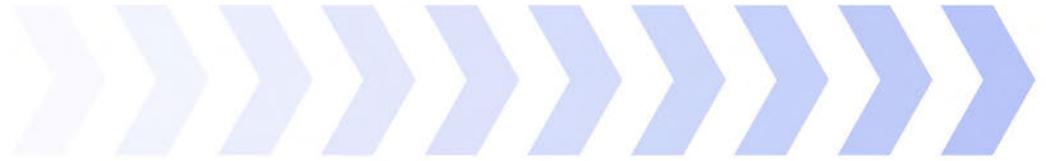
s.9(2)(g) OIA

Consider locations such as s.6(c) OIA

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons [here](#) or on Checkpoint (search "debrief").

s.6(c) OIA



Lessons Learnt

April 2016

- **Inadequate Service / Failure to Investigate**

The importance of communication and empathy to increasing trust and confidence

- **Cunning Concealment Countered**

Successful search when executing warrant highlights the importance of thorough searching and thinking “outside the square”

The Importance of Communication and Empathy to Increasing Trust and Confidence

In 2015, Police Professional Conduct received a total of just over 4,300 complaints about Police. Considering the huge number of interactions we have with the public, this represents a small percentage and must be kept in context. However, of these 4,300-odd complaints, nearly a quarter (1016 or 23.6%) related solely to either “inadequate service” or “failure to investigate” (the percentage ranging by district from a low of 15.3% to a high of 33.5%). Inadequate service and failure to investigate have consistently been among the “top five” complaints received by Professional Conduct (the other three being “attitude/language”, “excessive force” and “bullying/harassment”).

According to Superintendent Anna Jackson (National Manager: Professional Conduct), when most inadequate service or failure to investigate complaints are analysed and investigated, the underlying issue frequently proves to be more a case of “failure to communicate.”

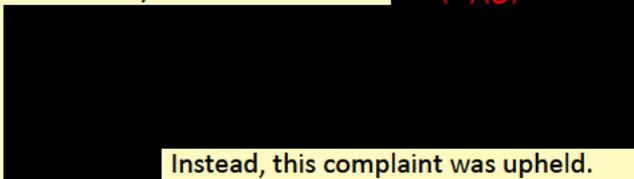
“Keeping complainants apprised of progress following complaints, particularly those involving volume crime, is essential,” says Anna. “Just as importantly, advising complainants of outcomes or—if police have not been able to solve a crime—an explanation of the reasons is helpful to the complainant.

“The opportunity to demonstrate fairness, empathy and respect clearly reflects our values. If complainants get the impression from our service that their experience matters, we can maintain a high level of—or improve—trust and confidence. If we’re able to get better at communicating with complainants, we will significantly reduce the number of ‘failure to investigate’ and ‘Inadequate service’ complaints, and it’s worth noting that each of these—even minor ones—takes around 10–15 hours to investigate.”

The fact that only around 7% of “inadequate service” and 3% of “failure to investigate” complaints are eventually upheld, highlights the importance of improving the way we communicate with complainants. It also reinforces the findings of our annual Citizens’ Satisfaction Survey (2014/15) that a positive service experience is the main reason people give for improved trust and confidence. This is particularly important when dealing with volume crime which is likely to be a significant experience for the victim. Behaviours that contribute to a positive service experience are being friendly, helpful, respectful and patient.

The March 2016 Lessons Learnt bulletin also touched on the issue of the necessity for police officers to act fairly and reasonably (as well as lawfully) when enforcing the many laws we are required to uphold. Many of the (avoidable) low-level complaints relate to perceptions of unfair or unreasonable actions by officers.

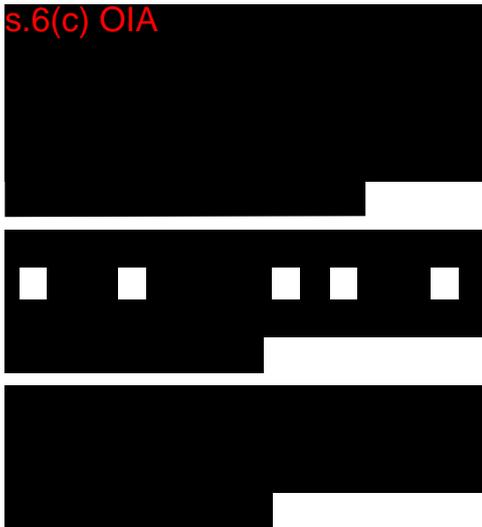
The following are some examples of complaints that could (and should) have been avoided...

- A driver complained when his car was green stickered for no other faults than a defective number plate light. The officer’s action was lawful, but was it fair or reasonable? This complaint was upheld—and resolved by officer training.
- A fraud victim was refused an opportunity to make a complaint when the officer at the front counter who believed (because the alleged offence occurred three weeks earlier) the complaint was not genuine. Obviously, sometimes officers must make such calls but the manner in which they treat the victim (or false complainant) makes a big difference to the perception of how they have been treated. **s.9(2)(g) OIA**
 Instead, this complaint was upheld.
- After his initial complaint was taken, there was no further communication with the victim of an assault. No victim impact statement, details of the victim’s injuries or the costs he had incurred were presented to the court and, as a result, the victim was unable to request any form of reparation. It is worth noting that no single officer was taken to task (there was a chain of errors) but the complaint was upheld and Police apologised to the victim.
- The family of a woman who died suddenly complained when Police failed to notify them—ostensibly because they could not establish contact details of next-of-kin. Some basic enquiries would have revealed an appropriate mobile phone number (which other people were able to establish). The complaint was upheld and officers given training.

We may not get it right every time—and there will always be some complaints about us regardless of our efforts. However, our sole reason for being is to serve and keep the public safe. We want to maximise the public’s trust and confidence in us and we owe it to those we serve to do our very best for them.

Cunning Concealment Countered

s.6(c) OIA



s.6(c) OIA

The find highlights the importance of thinking “outside the square” when searching for drugs or other contraband, which offenders are continually finding new and unusual ways to conceal.

Well done to those involved.



Above: Fifteen grams of methamphetamine that didn't make it onto the street.



Above: Cigarette packet contained a number of plastic deal bags.



Above: A lightweight folding scale completed the “kit”.

Lessons Learnt

Akoranga kua akohia

“LIFECARD” folding pistol

Officers executing a search warrant at a residential address found the LIFECARD folding pistol pictured here.

This innocuous looking weapon fires a single .22 calibre round, and has storage for another three rounds.

s.9(2)(g) OIA



Battery disposal

Following last week’s item about lithium batteries being inappropriately discarded in ‘blue bins’, several staff have queried what the ‘approved’ process is for their disposal.

While there is not yet an ‘official’ police policy on battery disposal, Inspector Geoff Logan of Capability Group advises that batteries should **not** be discarded in general waste either.

He advises that all Police facilities should **establish safe collection points for battery disposal**. Discarded batteries should then be **taken to hazardous waste collection sites** (typically council transfer stations or landfill sites) for safe disposal.

A Consumer article offers further information and advice on battery disposal:

<https://www.consumer.org.nz/articles/household-battery-recycling>

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons on Checkpoint (search “debrief”), via the Lessons Learnt intranet page., or email: lessons.learnt@police.govt.nz

Lessons Learnt

Akoranga kua akohia

UPDATED WEEKLY

M4 training ammunition risk identified

s.6(c) OIA



A robust process has now been implemented for range safety officers to check the ammunition, but all staff must be aware of the possibility (however faint) that such rounds might be present.

Be alert to the differences in the two rounds (see the image at right).

If any such ammunition is found, cease training immediately until all ammunition has been re-checked.

Notify the National Armoury (MS Word form under 'Armoury') and send them the suspect rounds.



**5.56
(M4)**



300Blk

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons on Checkpoint (search "debrief"), via the Lessons Learnt intranet page., or email: lessons.learnt@police.govt.nz

Lessons Learnt

Akoranga kua akohia

🔄 UPDATED WEEKLY

Maglite torch shotgun

An excellent find by staff recently uncovered a potentially deadly, hidden firearm made from a modified, large Maglite torch.

As can be seen from the images, this improvised firearm could easily have been overlooked by a cursory search.

S.6(c) OIA

Stay vigilant; stay safe.

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons [here](#) or on Checkpoint (search "debrief").

Lessons Learnt

Akoranga kua akohia

🔄 UPDATED WEEKLY

Modified torch firearm

Another modified torch firearm located during a vehicle search.

The weapon was chambered to fire a single .22 calibre round.

Once again, this highlights that there is no such thing as 'routine' for any frontline event.

s.9(2)(g) OIA

s.6(c) OIA

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons on Checkpoint (search "debrief"), via the Lessons Learnt intranet page., or email: lessons.learnt@police.govt.nz

Lessons Learnt

UPDATED WEEKLY

Akoranga kua akohia

Use of the Police Negotiation Team (PNT)

s.9(2)(g) OIA

It is important to note that PNT is a resource available to everybody.

Inspector Leairne Dow, the Police Negotiation Team National Capability Advisor has advised that:

- The PNT should be a priority consideration for any event in which their specialist skills might be able to resolve a situation effectively.
- While PNT might not be physically available to attend every such situation, at the very least, they should be contacted for information or advice. PNT is always available (via the Emergency Comms Centres), either via radio or a phone call.

• s.9(2)(g) OIA

Section 8 Search and Surveillance Act 2012

A valuable Law Note published recently ([link here](#)) in relation to section 8 of the SSA (*Entry without warrant to avoid loss of offender or evidential material*) outlines an issue s.9(2)(g) OIA

It is critical that our people understand the core requirements of this section, which are:

- **Must** have **reasonable grounds to suspect** that an **imprisonable offence** has been committed, **AND**
- **Must** have **reasonable grounds to believe** the offender is present at vehicle/property, **AND**
- **Must believe** that—unless entry is effected immediately—either the person will leave to avoid arrest, and/or evidential material relating to the offence will be destroyed, concealed, altered or damaged.

If these criteria are not met, a warrant to arrest should be sought.

Confirmation of the legitimacy of police inventory process when impounding a vehicle under the Land Transport Act 1998

A valuable Law Note published recently ([link here](#)) from a Court of Appeal decision has found that:

- If a vehicle is impounded under section 96(1) of the LTA, police have assumed a duty of safe keeping of the vehicle and its contents. It is lawful to conduct an inventory of the contents. The Court recognises that the duty of safe keeping is not just for the benefit of the owner as there may be other relevant interests that police must consider. In this context, where a vehicle is to be impounded and in police custody for 28 days, police must ensure the items are secure for the owner – and – protect towing and storing agents from potentially dangerous objects and false allegations of theft. The owner of the property cannot control how police fulfil their duty.

- In this case the Search and Surveillance Act 2012 (SSA) was also invoked during the inventory process, upon the finding of what was believed to be methamphetamine. The District Court and the Court of Appeal also found this to have been lawfully invoked in these circumstances.

Keep your colleagues safe; share your experiences

Submit your debriefs and lessons [here](#) or on Checkpoint.

Redaction/Disclosure Error

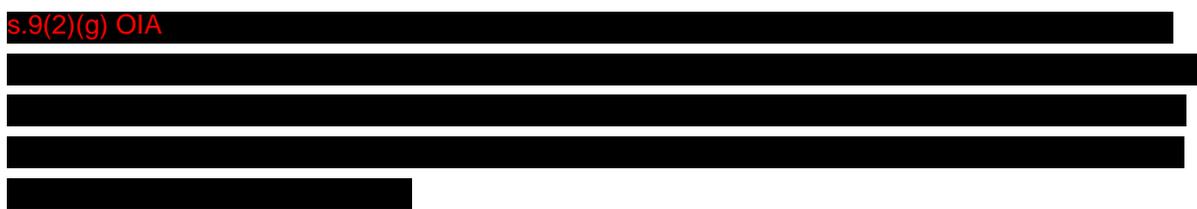
Lessons Learnt - Redaction/Disclosure Error

19/06/2017

Situation

The lawyer acting for a defendant in a serious assault case applied to have the case against his client dismissed after the O/C—who was out of district and unavailable at the time the matter first went to court—failed to provide disclosure as required.

s.9(2)(g) OIA

A large section of text is redacted with black bars. The redaction covers approximately four lines of text.

The prosecutor identified s.9(2)(g) believed should be redacted prior to disclosure. s.9(2)(g), he attempted to redact the information using a black pen. However, the redaction was ineffective and private/sensitive information could still be ascertained beneath the “redaction”.

When the lawyer notified Police and the Crown Law Office of the inadvertent inclusion of private information s.9(2)(g) gave an assurance that s.9(2)(g) had not passed the information on to the defendant. However, it can never be guaranteed that information that has been disclosed electronically cannot be retrieved or accessed in future.

Lesson identified

Inadvertent disclosure of sensitive information or private details threatens the privacy and security of those whose information is shared inappropriately. As a result, it also presents a significant risk to trust and confidence in Police.

It is essential that—particularly when disclosing or sharing information electronically—staff **take extra care** to ensure only the correct information is disclosed/shared and that no sensitive or private information is included.

Ensure that any redaction necessary is undertaken using the redaction function in Adobe Acrobat Pro (the minimum approved software is Adobe Acrobat Pro 9 or later). The use of pen/felt pen or other forms of redaction is unacceptable.

The Police Instructions chapter on [Electronic redaction and disclosure](#) covers all

aspects of redaction, including instructions on how to effect this using Acrobat Pro.

The Electronic redaction and disclosure policy also dictates that *“Supervisors must ensure electronic disclosure complies with these instructions to prevent compromising the confidentiality of information.”*

Comment

In this case, an investigation accepted that the prosecutor was acting with the best of intentions for the right reasons and, following a professional conversation, **s.9(2)(g) OIA** training in redaction and the use of Adobe Acrobat Pro. However, the disclosure of sensitive/private information is an extremely serious issue, as Police policy makes clear: *“Any disclosure that does not comply with policy and jeopardises an individual's personal safety and privacy, will be referred for employment investigation and may amount to serious misconduct.”*

Check twice (or more), click once!

Topics:

[Legal/Prosecution](#)

[Lessons Learnt](#)

[Police Instructions](#)

[Security & privacy](#)

District:

National

Lessons Learnt

Akoranga kua akohia

Situational awareness – radio eavesdropping

A lone officer conducted a 3T in a remote area where there was no cell phone coverage.

Because **s.9(2)** was unable to obtain checks on **s.9(2)** mobility device, the officer queried the driver by radio.

s.6(c) OIA

[Redacted]

Fortunately, the officer was able to disable the car and free **s.9(2)(g)** and subsequently arrested the offender.

For your safety, and the security of sensitive information, **s.6(c) OIA**



Keep your colleagues safe; share your experiences.

Submit debriefs and lessons on Checkpoint (search "debrief"), via the Lessons Learnt intranet page., or email: lessons.learnt@police.govt.nz

Lessons Learnt

🔄 UPDATED WEEKLY

Akoranga kua akohia

Skoda window opening/closing

Several staff have returned to their locked Skoda patrol cars to discover all four windows wound all the way down.

The Skoda key fob can be set to wind all of the windows down by continuously pressing the 'unlock' button, and wind them all up by continuously pressing the 'lock' button.

This functionality can be changed in the central touch-screen display.

From the home screen, choose the '**Vehicle**' menu.

Then go to '**Settings**'

Scroll up to '**Opening and closing**'

Under '**Window operation**' is a sub menu for '**Convenience opening**'.

This allows the user to choose '**All windows**', '**Driver window**', or '**Off**'.

To avoid the possibility of inadvertently opening all of the windows (such as has happened with the key fob squashed in a pocket), select '**Off**'

A video at [this link](#) demonstrates the process for changing the window settings.

s.9(2)(g) OIA

Keep your colleagues safe; share your experiences.

Submit debriefs and lessons [here](#) or on Checkpoint (search "debrief").



Lessons Learnt

October 2015

The arrest and prosecution of Troy Reuben

Following a critical IPCA report last year—*Police Arrest and Prosecution of Troy Reuben*—Superintendent Anna Jackson, National Manager: Professional Conduct, has emphasised the importance of reflecting and learning from experience; *“It is helpful to reflect on incidents or situations that have not ended well, to consider how a different decision may have saved us a lot of grief. When things don’t go according to plan, we must always be mindful of our authority to use our powers.”*

In the Reuben report, the IPCA found officers at an incident failed to follow good policing practice, leading to a disproportionate response and excessive use of force. There were also a number of issues arising in relation to the evidence given at Mr Reuben’s defended fixture.

In this bulletin, Police’s national Professional Conduct and Lessons Learnt teams consider some of the events surrounding the arrest and prosecution of Mr Reuben.

TENR and tactical communication

One of the issues highlighted in the IPCA report (<http://ipca.govt.nz/Site/media/2014/2014-Oct-09-Arrest-and-Prosecution-of-Troy-Reuben.aspx>), was the importance of ongoing TENR assessment and the need for, and value of, effective tactical communication to de-escalate potentially violent situations.

Notably, the IPCA Chair, Judge Sir David Carruthers, said: *“...the Authority found that the officers did not adopt strategies to effectively deal with the occupants of the house and de-escalate the situation.”*

The IPCA identified several issues with the actions of officers involved in attending the incident and subsequent issues relating to the prosecution of Mr Reuben. However, had the attending officers applied TENR and used tactical communication effectively during their initial attendance, it is unlikely the incident would have escalated to the same degree; there would have been no subsequent administrative or prosecution issues, and it is unlikely there would have been an IPCA investigation.

A total of four officers attended the reported disturbance. Although there was visible damage to the property, there was no ongoing disturbance when Police arrived. Two officers spoke to one occupier outside the house, while two others located the other occupants of the property—a man

(Mr Reuben), a woman and a child, who were in the process of showering in the bathroom inside the house, and another child in the lounge.

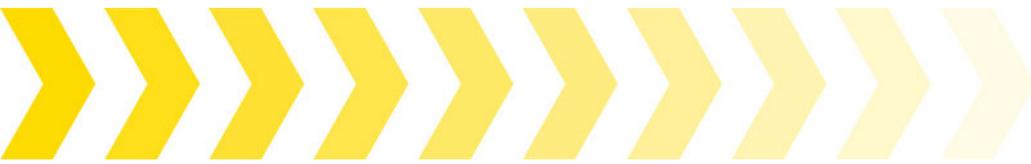
Mr Reuben was known to attending officers, who (in view of his history) suspected he might cause trouble.

There did not appear to be any “victims” or any specific offence requiring immediate investigation. Neither the woman nor the children appeared distressed and none were injured. Nevertheless, it is likely their welfare was uppermost in the officers’ minds as they attempted to investigate the reported disturbance.

Both Mr Reuben and the woman insisted the officers leave the bathroom; however, the officers did not do so and their continued presence aggravated Mr Reuben and the woman, which, in turn, distressed the child in the bathroom. As a result of the increased tension, the officers drew both TASER and OC spray.

It appears that—although having correctly identified Mr Reuben as a potential threat (because of his previous history), the officers failed to “update” their TENR assessment continuously to take account of such things as the lack of direct threat from two undressed/lightly dressed adults (without weapons), and the presence of a child.

Despite Mr Reuben’s known previous conduct,



with four officers present at the property—armed with a range of tactical options, including OC spray and TASER—it is unlikely that the officers were “exposed” to any significant degree of threat in the circumstances. The woman’s manner suggested that she had no fear for her safety, and did not feel threatened and she made it clear that she, too, wanted the officers to leave. However, as the situation began to escalate (between the officers, Mr Reuben and the woman), the children in the house became increasingly exposed to both physical harm and emotional distress.

Had the officers been continuously re-assessing their TENR, it is likely they would have felt less “necessity” to act immediately and perhaps it would have been better had their “response” been to withdraw (even if only temporarily to allow Mr Reuben and the woman to leave the shower and dress), and communicate this course of action calmly to them.

The IPCA report describes events in a way which suggests both the officers and the adults were talking “at” each other without actually “listening” or trying to understand the other (i.e. failing to “communicate” effectively). The Authority also noted the officers’ failure to separate Mr Reuben and the woman and communicate with them individually.

It is to be expected that agitated subjects might be unwilling to listen, but police officers should be prepared for this and use tactical communication to minimise—as much as possible—the emotional distress inherent in any potential confrontation. Police are expected to remain calm and unemotional when dealing with people in such circumstances but in reality, this it is not always easy. However, by deliberately and consciously re-assessing TENR on an ongoing basis, it is easier to maintain professional objectivity and focus on effective tactical communication to de-escalate a situation.

It is easy to understand how situations such as this have the potential to escalate, when officers have to think and act quickly under stressful circumstances—and it would be wrong to suggest officers in this incident acted with anything other than good intentions. However, in hindsight (a commodity

available in unlimited quantities to independent reviewers and the media), they did not need to respond in the manner they did...and a range of unsatisfactory consequences resulted.

Inaccurate evidence:

The most significant of the “flow-on” consequences related to the differences between the TASER camera footage from the event and the two officers’ notebook entries. It is not unusual for officers’ recollections of events to differ from video or audio recordings; all humans are naturally fallible and prone to perceive and recall events differently—especially in times of stress. Unfortunately, technical issues meant that the TASER camera footage was not available for viewing until after a court date had been set for a defended hearing and the officers had already written their briefs of evidence, which differed from what was evident in the TASER footage.

The officers did not amend their briefs of evidence to take account of what the TASER camera disclosed, but persevered in giving evidence in court in accordance with their original briefs.

Police (both the officers and Prosecutions) were aware that the evidence given did not match the TASER footage, but it was decided (incorrectly) that it would be acceptable to explain the discrepancies in court. Unfortunately Police did not raise the discrepancies in evidence in chief and it was raised by the defence under cross-examination.

s.9(2)(g) OIA

[REDACTED], what had in all likelihood been “human factors” mistakes made in times of stress, gave a different impression upon independent review and caused the IPCA to consider whether the officers had “colluded to provide a deliberately inaccurate record of the event.” While the IPCA was unable to determine whether this had happened, it recommended that Police commence investigations into the actions of all police staff involved.



Lessons identified

- The first lesson to be learnt from this incident is the need to continuously re-assess TENR and emphasise good tactical communication; this is critical between Police and suspects/subjects/offenders, but we must not forget the need for attending officers to communicate effectively between themselves. This incident highlights the potential for the “flow-on” effects of failing to apply TENR and tactical communication.

We must be mindful that when Police actions are reviewed—not only by independent agencies such as the IPCA and courts, but also, by the far less objective media—those reviewers can never fully appreciate the immediate stress of confrontation experienced by frontline staff. Therefore, the more we can do to prevent or de-escalate a situation—using TENR and effective

tactical communication—the easier it will be to remain calm, professional and objective and thus minimise the effects of stress that have the ability to impair judgement.

- The second significant lesson is that police officers must never—under any circumstances—give evidence that they know to be incorrect. Mistakes happen and police officers are only human. However, when we make mistakes—for example, recalling events incorrectly, as happened here—we must “own up” to and correct these mistakes at the earliest opportunity. While it might be embarrassing to admit mistakes, any other option is likely to have serious detrimental consequences for the individual/s concerned, and/or the organisation.

Lessons Identified

UPDATED WEEKLY

Akoranga kua tautuhia

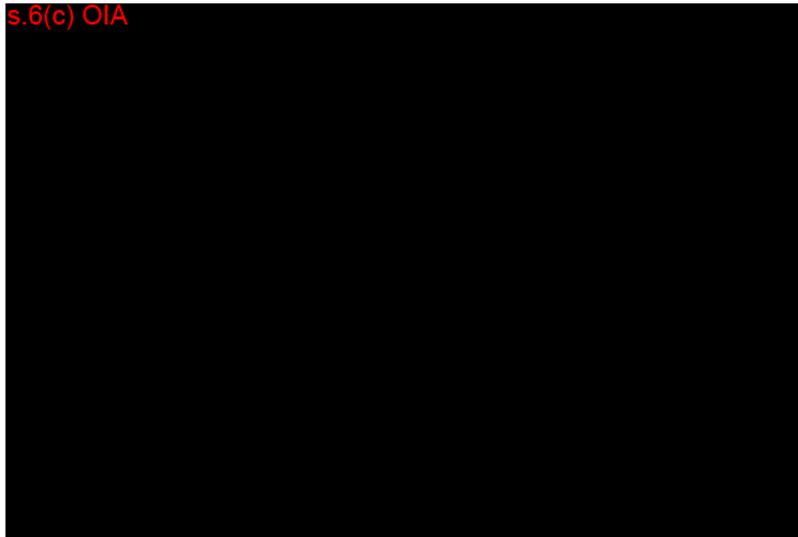
Thorough search by authorised officer

When a woman brought some clothing into the police station for a detainee, the authorised officer (AO) advised her Police could not store additional detainee property.

However, the AO agreed to exchange the dry track pants she brought, for the detainee's wet trousers.

After removing the cord from the track pants, the AO conducted a thorough search of the garment. He located loose tobacco and cigarette papers formed into a roll of cling film and **s.6(c) OIA**. He also located a number of broken-up matchsticks and a striker card concealed **s.6(c) OIA**.

The items were well concealed and could easily have been missed if the AO had not been conscientious. This highlights the importance of searching detainees (and detainee property) thoroughly.



Keep your colleagues safe; share your experiences.

Submit your debrief notes and lessons identified [here](#) or use Checkpoint (search 'debrief').

- This content was added in the digest list.
- Basic news **Lessons Learnt - Unlawful detention during search** has been created.



Lessons Learnt - Unlawful detention during search

Lessons Learnt - Unlawful detention during search

23/03/2018

In December last year, the IPCA reported its findings in relation to a complaint by a **s.9(2)(a)** that **s.9(** had been detained unlawfully during the execution of a search warrant.

s.9(2)(a) OIA

Although the search was lawful, and there were no issues with the manner of any of the officers involved, the IPCA determined the complainant's detention was unlawful.

It is appreciated that staff generally always try their best to avoid inconveniencing innocent people unnecessarily. However, it is important that the lessons identified as a result of this incident are understood and heeded by all staff involved in searches.

As with all lessons learnt publications, the sole purpose of this document is to enable learning and better outcomes in future; there is NO intent to "criticise" any of the individuals involved.

Situation

During the execution of a search warrant at a residential address where it was believed an armed offender and firearm might be present, police cordoned and appealed the address by loud hailer in the early hours of the morning. **s.9(2)(a) OIA**
s.9(2)(a) OIA all came out still dressed in their pyjamas.

Officers detained them, ostensibly under section 118(2) of the Search and Surveillance act 2012. Because it was raining and very cold, they were taken to sit in a marked patrol car with an officer.

After spending several minutes in one marked patrol car, they were transferred to another marked patrol car with another officer, who told them they were there purely to keep warm and dry and out of the cold.

The officer also told them the reason for the warrant was because Police believed property related to an alleged offender was at the house.

The s.9(2)(a) OIA spent a total of approximately 1 hour and 15 minutes in the marked patrol cars until officers had finished searching the house.

While they were in the car, the exhibit officer asked them questions about the ownership of a mobile phone, and also advised them of their rights.

They were not asked any questions about their respective connection to the object of the search.

Lessons Identified

Section 118 of the Search and Surveillance Act allows police to detain a person at the place (or vehicle) being searched “...for the purpose of determining whether there is any connection between [that person] and the object of the search...”

In this case, there was no attempt to establish any connection between the detained people and the object of the search. Furthermore, as well as being detained, the s.9(2)(a) OIA were excluded from the house.

Police can only exclude any person from a place being searched if it is believed (on reasonable grounds) that they will obstruct or hinder the exercise of search powers (S&S section 116).

The IPCA determined that the s.9(2)(a) OIA were unlawfully detained (in this case, for a period of 1hr and 15 minutes). Regardless of the officers’ intent to keep them warm and dry, the detention of the s.9(2)(a) OIA was nevertheless unlawful.

Accepting the IPCA’s finding, Superintendent Anna Jackson, National Manager: Professional Conduct, appreciates that staff acted with good intent. “However,” she says, “It is important that we reflect on incidents like this, so we learn from them and turn our mind to future strategies when conducting searches.”

Recommendations

Officers undertaking searches should endeavour to allow occupants back into an address as soon as it has been secured and where it is physically practicable (e.g. sufficient rooms available) for them to be present (and where they are not likely to hinder or obstruct the search).

If it is not practicable, Police should assist the occupants to find alternative locations, such as relatives' or friends' houses to stay while the search is completed. In essence, once people have been excluded and cleared of suspicion, they should be informed that they are free to go about their business.

Part of the planning prior to executing a search warrant must include identifying where occupants (if they are required to be excluded for some time) are to be taken while the search is in progress.

Topics:

Frontline Lessons Learnt

District:

National

Lessons Learnt

🔄 UPDATED WEEKLY

Akoranga kua akohia

s.9(2)(g) OIA

Police responding to recent protest action, parked patrol vehicles on a nearby street.

s.6(c) OIA

Consideration needs to be given to ensuring the security of police vehicles, particularly during protest or disorder events, where police resources may be deliberately targeted to

s.6(c) OIA

This could include parking in a secure carpark or building, or leaving a staff member with the vehicles to guard against interference.



Keep your colleagues safe; share your experiences.

Submit your debriefs and lessons [here](#) or on Checkpoint, (Search "debrief").