



8 September 2015

Dear H Rogers,

**REFERENCE: Official Information Act Request Application 14/5258/3.**

This letter relates to the above Official Information Act Request application 14/5258/3 that you made on the 14<sup>th</sup> of August 2015.

You requested information related to: *Best Practice of Guidelines on Police Assistance in Serving Legal Documents on Parties to Proceedings under the Domestic Violence Act 1995.*

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

Please find attached the appropriate excerpt from the New Zealand Police national policy regarding the serving of court documents relating to the Domestic Violence Act 1995.

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.

If you have any further questions please contact me at the address below.

Yours faithfully,

Acting Detective Inspector David Greig

Prevention Manager: Harm Reduction

Police National Headquarters

180 Molesworth Street

P.O. Box 3017

Wellington

## Procedures for serving protection orders

This table outlines the procedures for courts and Police for the service of protection orders and seizure of firearms. These procedures also apply, where appropriate, to the service of Police and court issued safety orders.

(**Note:** Due to the compressed time frame of a **Police safety order** and the time limitations on service (48 hours before expiry) they must be served as soon as possible, with both parties and the Crime Reporting Line (CRL) advised once this is done. (Refer to "Procedures when orders are served" in the Authorising, issuing and serving safety orders section of the Police safety orders chapter for further information about serving safety orders).

Step	Action
1	The Family Court: <ul style="list-style-type: none"> <li>*decides on the application for a protection order</li> <li>*determines (using local protocols between Police and the Family Court) whether or not the respondent holds a firearms licence (s 90) or has control or possession of weapons.</li> </ul>
2	Courts deliver a copy of the order to the nearest Police district commander without delay.
3	Police enter the details of the protection order and make relevant firearms checks. Safety of applicants (and Police) must not be compromised by undue delay.
4	The district commander (or people identified in local protocols) sends copies of the order without delay to the O/C station nearest to where: <ul style="list-style-type: none"> <li>*the protected person(s) resides</li> <li>*the respondent resides.</li> </ul> <p>If the respondent is a Police employee, the copy must be sent to the employee's district commander or national manager (or the General Manager: if the employee is of a superintendent's level or above) for appropriate action to be taken.</p>
5	If a copy of a temporary protection order is received, the O/C station nearest to where the respondent resides must: <ul style="list-style-type: none"> <li>*assess all relevant information, and</li> <li>*if the respondent holds a firearms licence, consider invoking the provisions of ss27 and 27A of the Arms Act 1983 (revocation of licences) and s60A of the Arms Act 1983 (seizure of firearms).</li> </ul> <p>If the respondent does not hold a firearms licence, the O/C station must consider whether or not to search the respondent's address pursuant to s60A.</p>
6	Police must serve protection orders, or accompany bailiffs to serve, if the respondent holds a firearms licence or is believed to be in possession of a weapon (whether or not they have a licence).  <p>At the time of service, Police must demand surrender of all firearms and the firearms licence. Respondents who fail to surrender all firearms in their possession on demand or their firearms licence, may be arrested for breach of the protection order.</p> <p>(Where the respondent is not a licensed firearms holder, the court registrar is responsible for serving copies of protection orders).</p>
7	Provide suitable storage for all weapons seized under the Domestic Violence Act 1995 or Arms Act 1983 for the period of the suspension of the firearms

licence.

Dispose of firearms according to s28 Arms Act 1983 when a final order is made.

**Notes:**

Staff safety is of paramount importance when determining appropriate methods to seize firearms or firearms licences.

To ensure safety of victims and Police, service of protection orders must be afforded priority and carried out without delay.