

5 July 2016

Grace Haden
fyi-request-4132-e73e5201@requests.fyi.org.nz

Dear Grace

I refer to your Official Information Act request of 10 June 2016 about guidelines for enforcing offences. I have considered your request in accordance with the Official Information Act 1982 and your request and Police's response is below.

1. *What your current guidelines are for enforcing some offences usually quite minor ones and ignoring others which are often far more serious like fraud?*

Please find enclosed the Speed Enforcement chapter from the Police Manual that sets out all information relating to police procedure, protocol and training for speed estimation of moving vehicles.

I can advise that there are two alternative resolutions for dealing with minor traffic offending.

The first is by way of compliance. This is used for offending such as minor vehicle faults, lack of a current warrant of fitness or lack of a child car seat. While the offender is issued with an infringement offence notice, they have the opportunity within a certain timeframe to rectify the fault or defect, then notify Police with proof of this to have the notice waived. Police would prefer that people detected for this type of offending spend the money on having the fault fixed, rather than simply paying the fine and not attending to the fault. This type of approach leads to better road safety outcomes.

The second alternative resolution is the use of written traffic warnings. This is where police officers have a general discretion to issue written warnings for minor traffic offending that does not place other motorists at undue risk.

Please find enclosed both the 'Offering Traffic Compliance' chapter from the Police Manual, as well as the 'Written Traffic Warnings' chapter that set out the relevant information.

2. What factors are considered in determining what to investigate and what not to investigate is it based purely on being economic?

Police officers are empowered to apply their discretion, balanced against policy, as set out in the Police Manual, and the full circumstances of the incident. Refer to question 1 of this response for the relevant chapters from the Police Manual.

3. Blatant serious offences where the evidence is overwhelming are often ignored by police and called civil why are these not investigated and dealt with when the actual offence is one under the crimes act.

I can advise that Police investigate and make charging decisions in line with policy and the Solicitor General's guidelines for prosecution, in consultation with the Crown Law in appropriate circumstances.

4. Why are obligations on drivers who are driving safely and according to the conditions in an area which is badly sign posted greater than a persons obligations for blatantly committing a crimes act offence which seriously harm others

Police strive to treat all members of the public fairly and with integrity at all times. As advised above, Police officers are empowered to apply their discretion, balanced against policy, as set out in the Police Manual, and the full circumstances of the incident.

5. How many police prosecutors are there now who came up through the ranks and how many are lawyers who have never walked the beat?

The below data includes only those staff whose role is titled 'Prosecutor', 'Senior Prosecutor', or 'Principal Prosecutor', and excludes 1) vacancies, and 2) both District Prosecution Managers and National Office staff (who are often constabulary staff, and who may prosecute in a court, but who do not have this as a primary routine responsibility of their role). This data is current as at 18 January 2016 (the last time this calculation was made). Please note that the ratio of constabulary to non-constabulary staff changes regularly due to attrition and the vacancies.

As at 18 January 2016 there were 164 constabulary staff employed by the Police Prosecution Service in the role of a Prosecutor, Senior Prosecutor, or Principal Prosecutor, and either in a full or part-time capacity.

As at 18 January 2016 there were 39 non-constabulary staff employed by the Police Prosecution Service in the role of Prosecutor, Senior Prosecutor, or Principal Prosecutor, and either in a full or part time capacity.

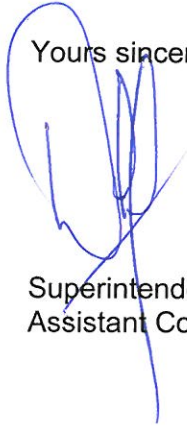
6. What is the salary for lawyers employed by the police, is it greater or smaller than that of a sworn prosecutor?

The salary of a Police Prosecutor varies according to their role and role seniority, years of service, and qualifications attained within the Prosecution Service career progression framework.

7. Please provide all documentation which relate to the economics of decision making for investigation and prosecutions.

As stipulated in the Solicitor General's Prosecution Guidelines, Police decisions about whether to prosecute a case are made on the basis of two factors: first, the available evidence, and second, whether the prosecution is in the public interest.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'D. Trappitt', written over the 'Yours sincerely' text.

Superintendent David Trappitt
Assistant Commissioner: Road Policing and Prevention