OIA request dated 27 June 2018 Additional information provided:

Dear Mr Devere

I refer to your OIA request where you requested additional information following an amended response around receivers left at the property.

I will answer your queries in the number format you provided to me.

- 1. Q. Please provide all information relating to a number of firearms parts left on the property in question.
- A. As a result of new information received, from the subject of the search and obtaining photographs taken from him, the investigation determined that 17 lower receivers were left in an exhibit bag at the rear of the property. This was an oversight by Police.
- 2. Q. Previously you had denied that this took place, and in another response (letter dated 22 feb) a) denied that firearms were left at the property by Police b) that any member of the public had to transport the firearms to another place. What has changed since that response? Did your investigation determine that a Police officer had misled the investigation and had refuted the allegation. A. The previous correspondence (letter dated 22 feb) outlined what had been established from the investigation after speaking to the Police officers concerned. At that time Police view reflected what was known however as a result of the information obtained above I amended my response. The Police officer concerned was spoken to about the firearms parts being left at the property however he couldn't recall the context of the conversation when the subject of the search had rung to advise him.
- **3.** Q. Provide copies of any documentation that confirms events surrounding the receivers being left at the address. A. These were provided by the subject of the search in the form of photographs of 17 receivers left in an exhibit bag at the rear of the property. They are enclosed.
- **4.** Q. Provide copies of all correspondence between you and any members of Police staff surrounding the definition of a firearm in the context of this investigation.
- A. These were provided to the subject of the search who is the complainant in this matter and have been released publically on the Kiwi Gun blog. However I attach them.
- **5.** Q. Provide copies of all correspondence between you and any members of Police staff surrounding the OIA requests involved in this matter, made by both myself and any other person.
- A. Some correspondence is withheld to protect legal professional privilege pursuant to section 9(2)(h) of the OIA. Other email correspondence is attached and some information is withheld to protect privacy.
- 6. Q. As it would now appear that one of your fellow constables left receivers unattended at the property, please action what has been taken in respect of that failure?
- A. The internal investigation was extended to include the oversight surrounding the lower receivers left at the address. The employment investigation has now been completed however due to privacy issues details of the investigation and outcome are withheld pursuant to Section 9 (2) (a) of the OIA. The IPCA is aware of and upholds Police actions I this regard.

From:

OSBOURNE, Mark

Sent:

Wednesday, 20 June 2018 8:57 a.m.

To:

Section 9(2)(a) Official

Subject:

Information Act 1982

Section 9(2)(a) Official Information Act 1982

I think I mentioned to you that I would forward through an insert of what I would put into the report about the receivers left behind in an exhibit bag.

I am still dealing with fallout from that with the various bloggers who claim Police are covering up/lying about 'rifles' left at the property Section 9(2)(a) Official Information Act 1982
Section

Insert

Police exhibit Bag containing 17 Lower receivers left at scene:

On the 1st May 2018 I interviewed Section 9(2)(a) Official Information Act 1982
Section 9(2)(a) He also provided me with photographs he took of a brown Police exhibit bag containing 17 lower receivers left behind by Police. He advised that he rung Section 9(2)(a) when he discovered them and was told to take them to Litten Place.

Section 9(2)(a) was spoken to about this revelation on the 7th May 2018 and conceded that it must have happened. When questioned about the conversation, Section 9(2)(a) had no recollection of this being mentioned in conversation and that if it did happen it was left in the possession of who remained on the property and guns or receivers for guns were not left on the front lawn of the property as indicated by Section

He questioned why Mr JORDAN had held onto this photos so long without sending them to the Police Section 9(2)(a) maintained he was unaware of the movement of other gun parts and components sent to Litten Road from Wiltshire as he was dealing with the firearms exhibits for his prosecution.

I questioned whether a lower receiver can be classed as a 'firearm' it is a part for a firearm but it was not capable of discharging a projectile in its current state. An opinion from the armourer in PNHQ was sought and he thought some common sense could be applied to the scenario as 'for it to be classed as a firearm albeit dismantled, it would have to have available an upper receiver to attach, upper receivers can be sourced and this could be included in the argument that might meet section (ii) of the Arms Act of 'by its completion'. (Photos at rear of report)

That last paragraph is a general comment about the argument about receivers being firearms.

Any questions let me know.

Rgds Mark



From: Sent:

Section 9(2)(a) Official Information Act

Tuesday, 1 May 2018 12:02 p.m. OSBOURNE, Mark

To: Subject:

Pics as requested







From:

OSBOURNE, Mark

Sent:

Monday, 7 May 2018 11:51 a.m.

To:

Section 9(2)(a) Official

Subject:

FW: Pics as requested

Tim

I thought I would advise you that I went out an interviewed Section 9(2) last week and got from him the photos of 'firearms' left at the scene. I needed to cover this off because the IPCA had already interviewed him and got the photos.

As you can see they are lower receivers in a brown exhibit page left behind on the back wall of his house. He advised

Section 9(2)(a) Official Information Act 1982

There is a bit of

debate about whether a lower receiver is a 'firearm' as it is quite misleading saying they are firearms in the complaint but the fact it that some 'police exhibits' where left behind Section 9(2)(a) Official Information Act 1982 Section 9(2)(a) Official Information Act 1982

Section is adamant they are firearms because they are serial numbered and are capable under the definition of a firearm by the addition of a part capable of firing a projectile, (I had a debate about that with

Anyway it's kind of a mute point because we did leave something behind and so as a result I will have to amend the report I did to cover this off.



Rgds Mark



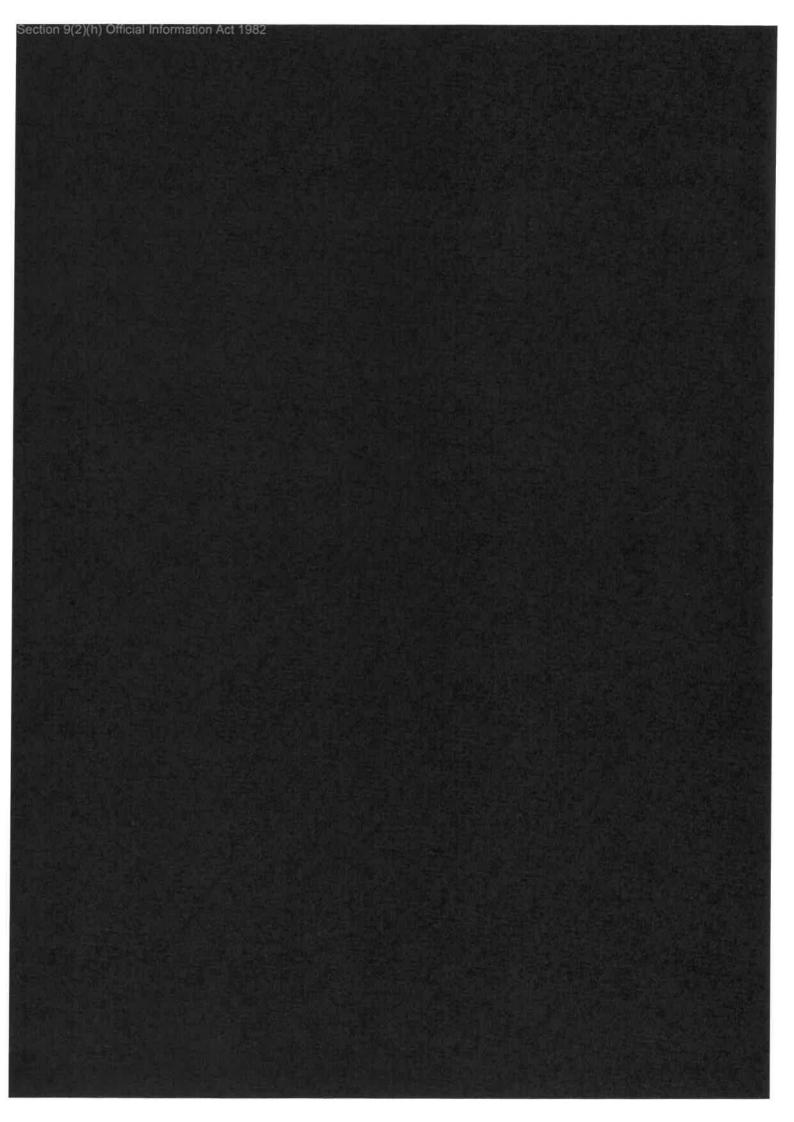
Mark Osbourne

From: Section 9(2)(a) Official Information Act 1982

Sent: Tuesday, 1 May 2018 12:02 p.m.

To: OSBOURNE, Mark < Mark.Osbourne@police.govt.nz>

Subject: Pics as requested





----Original Message-----

From: J Devere [mailto:fyi-request-6690-81a7ddda@requests.fyi.org.nz]

Sent: Sunday, 25 March 2018 10:23 p.m.

To: OSBOURNE, Mark < Mark.Osbourne@police.govt.nz>

Subject: Re: Letter in response to OIA

Dear Detective OSBOURNE, Mark.

Thankyou for your updated response, it was a deal more helpful than your initial response.

As per my original request, I await copies of the correspondence and documents I requested under the OIA. I would obviously accept that names and any other personally identifying content might need to be redacted however the remainder should be able to be released. I would now note that request to include photographs taken at the address, contemporaneous and subsequently made file or notebook entries, and notes of interview and summary material arising from the internal investigation into this matter.

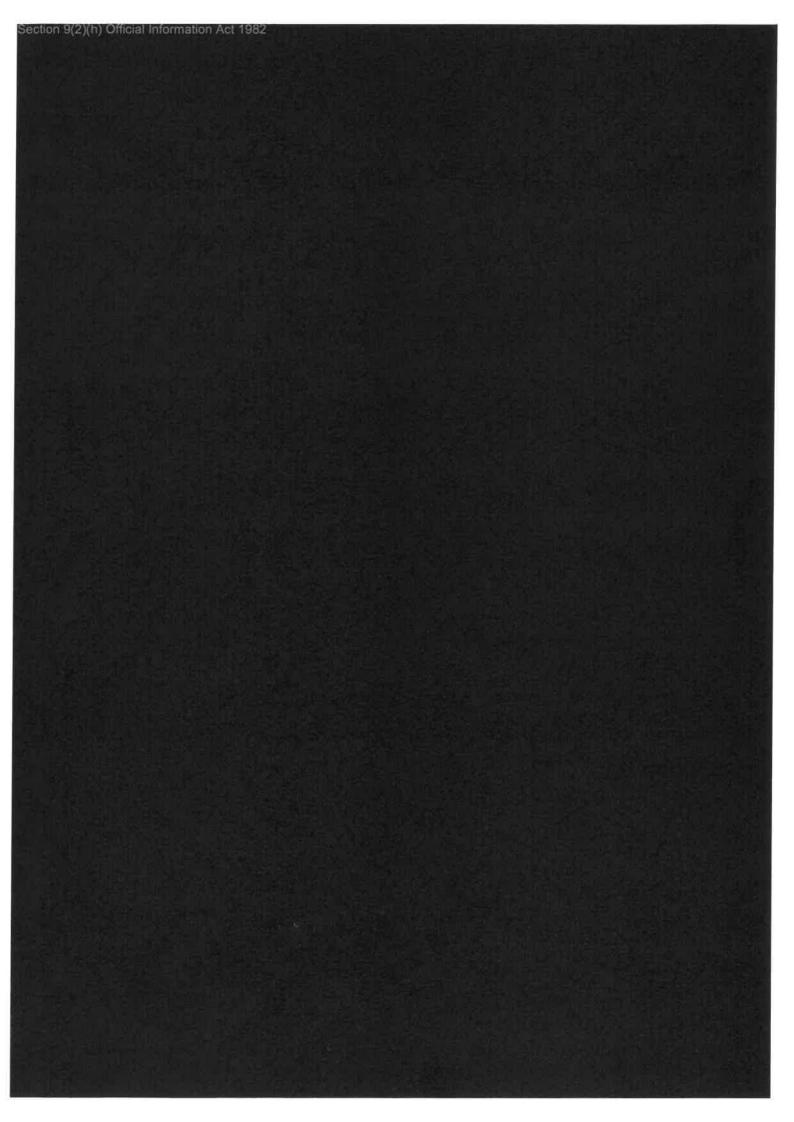
I look forward to receiving this shortly please.

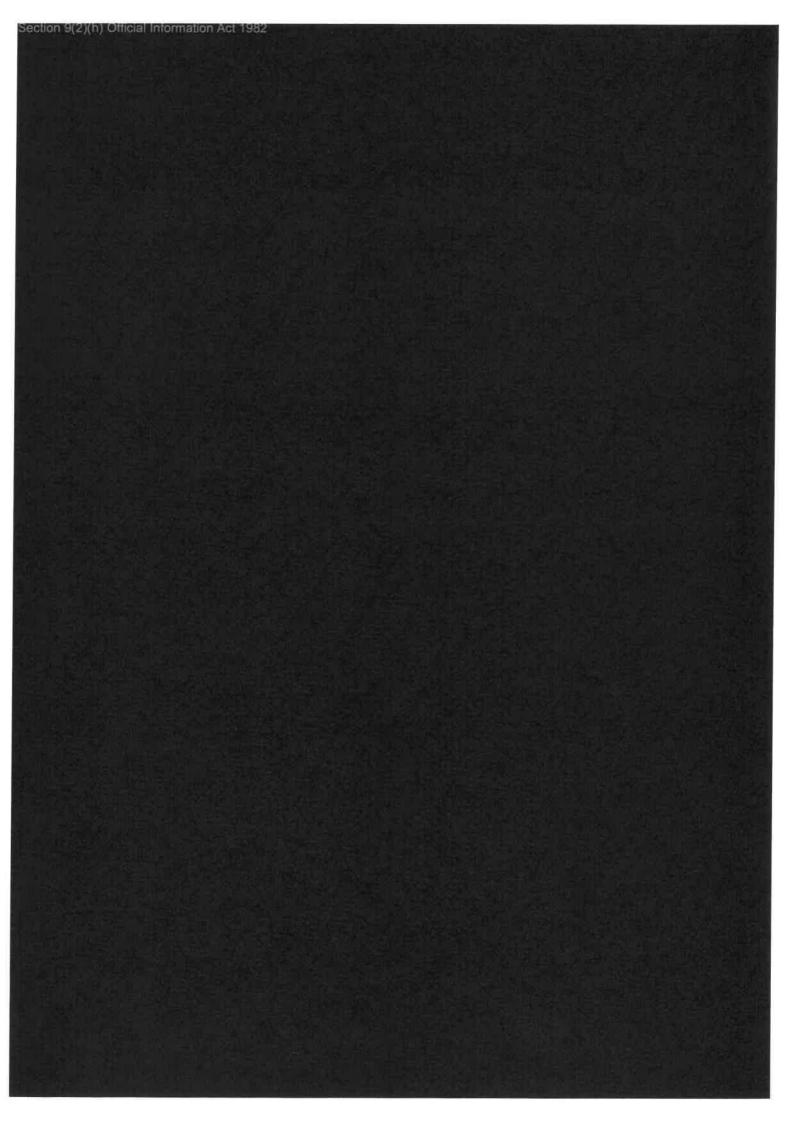
Yours sincerely,
J Devere
Original Message
Mr Devere.
Please find attached letter in response to your request under the OIA.
Rgds

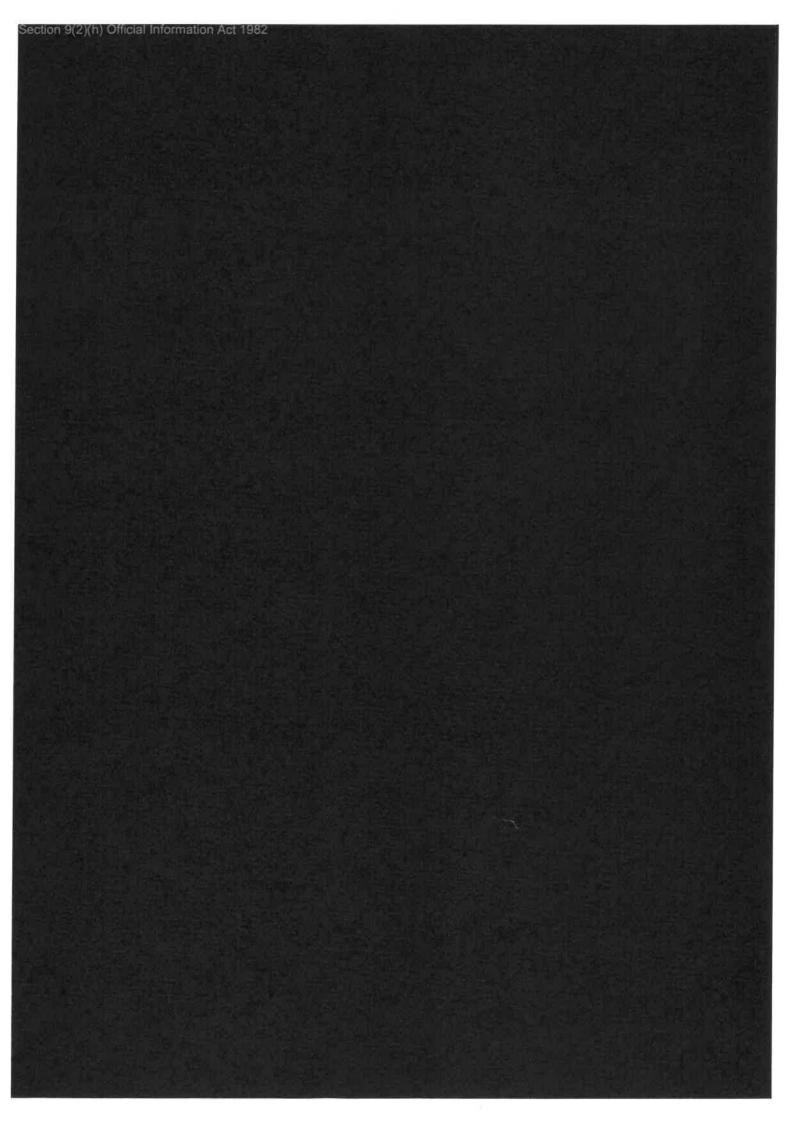
[1]NZ Police crestMark Osbourne

Detective Sergeant | Professional Conduct Investigator Auckland City |

Ponsonby Police Station, 12 Jervois Road, Ponsonby, P O Box 92002, Auckland 0627









From: OSBOURNE, Mark

Sent: Wednesday, 7 March 2018 10:52 a.m.

To: 'J Devere' < fyi-request-6690-81a7ddda@requests.fyi.org.nz>

Subject: Response to complaint to Ombudsman.

Dear Mr De Vere

I write following communications with the Office of the Ombudsman about your complaint about Police's response to your request for information dated 10 October 2017 regarding an allegation reported on Kiwi Gun Blog that Police left fifteen complete "upper and lower AR15 receivers on the lawn of a firearms dealer during a search warrant in Auckland in 2017". Police's response dated 12 October 2017 was that the information did not exist, as the Counties-Manukau Police district who received your request had not executed a search warrant.

You clarified that your request about the search warrant was not restricted to Counties-Manukau Police. The relevant incident in fact involved a search warrant executed by Auckland City Police in 2014. A further response dated 14 December 2017 refused the request on the basis that Police had been carrying out an internal employment investigation. This employment investigation arose from a request for information from the IPCA in connection with a complaint about matters relating to execution of that search warrant, including the allegation you have asked about.

The internal employment investigation is almost complete and I have decided to provide the following extract from the draft report as a summary of the information requested (identifying information has been removed):

In relation to firearms left on the front lawn of the property, this was disputed by [the Police officers involved]. [The officer in charge of exhibits] stated that [the subject of the search warrant] was present when they left the address and the allegation that 17 firearms were left on the lawn did not happen nor any parts of firearms which could be considered firearms.

When interviewed [the officer in charge of the search] stated that she couldn't remember any firearms leaving the garage and can't recall them being on the front lawn, she states there is no way she would have left the address with firearms scattered on the lawn.

Note: Without any other evidence (Photos) it's difficult to prove this allegation.

For the sake of clarity, I confirm that the investigation canvassed whether any parts of firearms were left on the lawn. The officer in charge of the search commented that guns were being photographed in the garage and she could see no reason why they would have taken any guns outside; and that, despite the fact that the subject remained at the house in this instance, they would have done a final sweep in the usual way. The officer in charge of exhibits also believed no firearms or parts of firearms were left on the lawn or insecure. He stated that E Cat firearms, including the working parts of firearms and the lower receivers for AR15 style assault rifles, were located and, due to insecure safes at the address, it was decided that they should be moved to the subject's approved security address. He recalls the subject ringing him on his mobile phone about whether some parts left behind

ought to have been included for removal to the approved security address, but it was not about Police having left parts of firearms on the lawn.

A copy of this response will be provided to the Ombudsman. I trust this clarifies the matter for you, but you have the right to complain to the Ombudsman if you are dissatisfied with my response.

Yours faithfully.



Mark Osbourne

Detective Sergeant|Professional Conduct Investigator Auckland City|
Ponsonby Police Station, 12 Jervois Road, Ponsonby, P O Box 92002, Auckland 0627

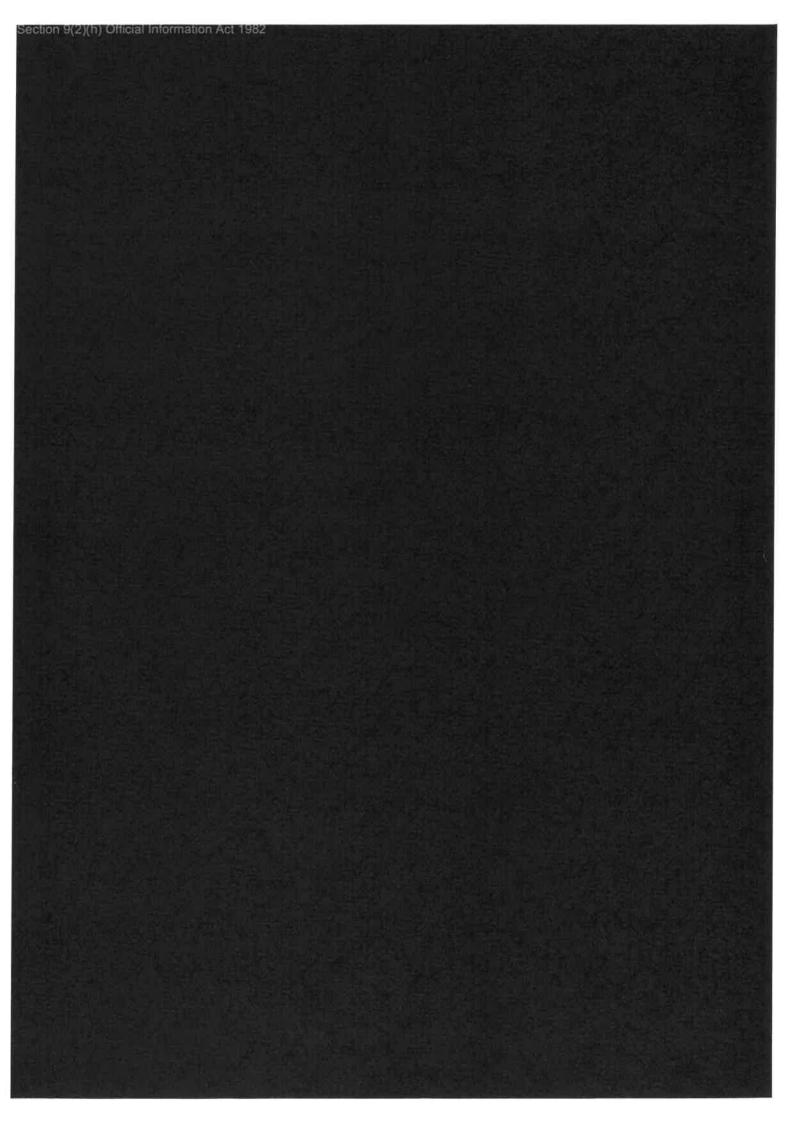
● 09 3593111
021 1916104
mark.osbourne@police.govt.nz

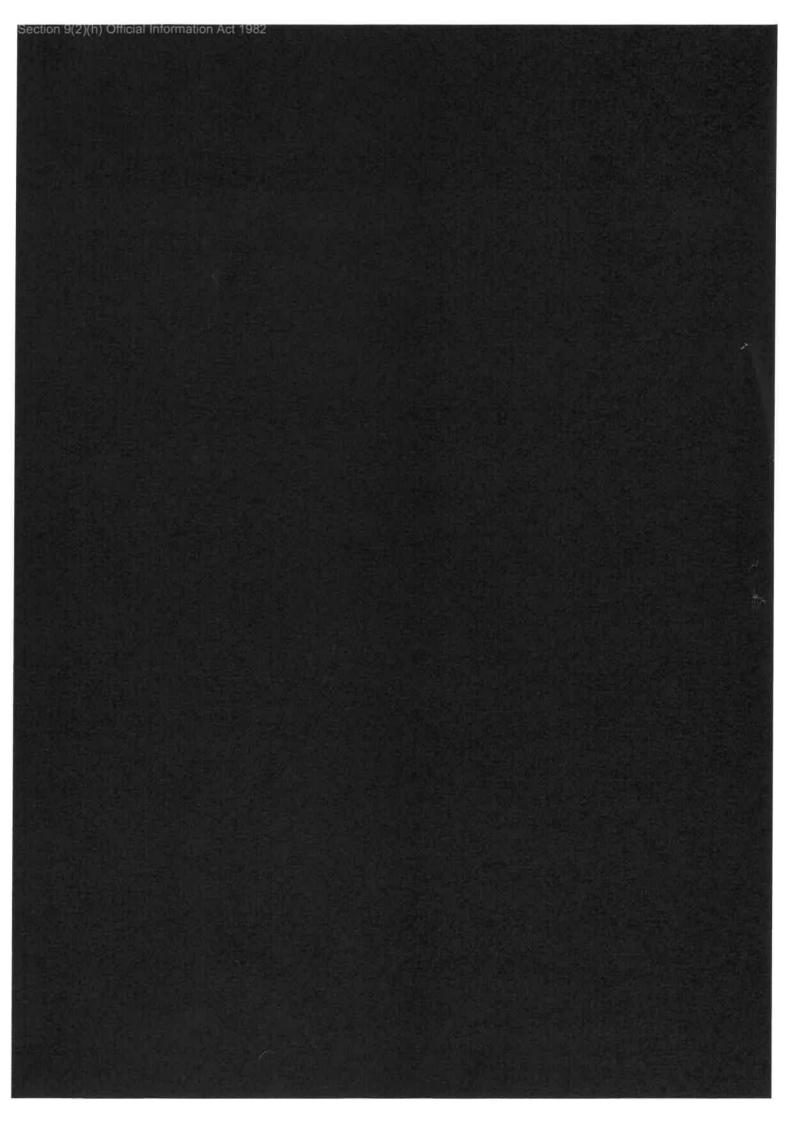
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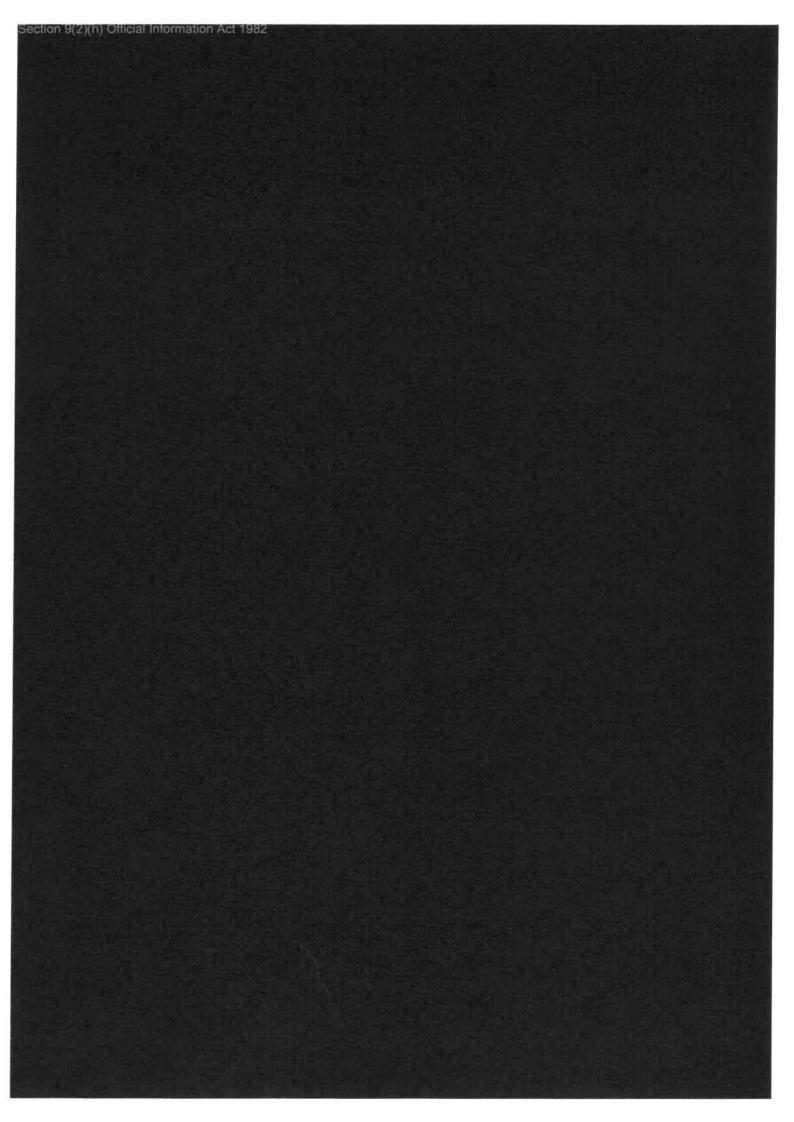
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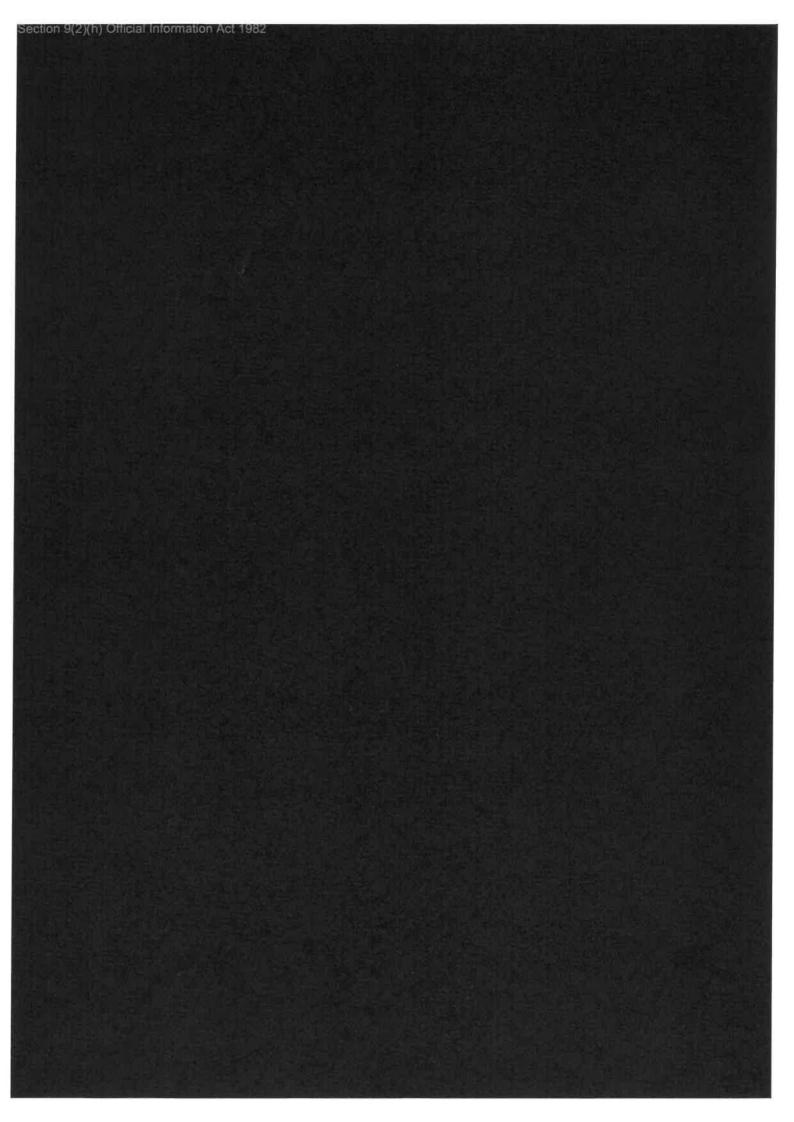
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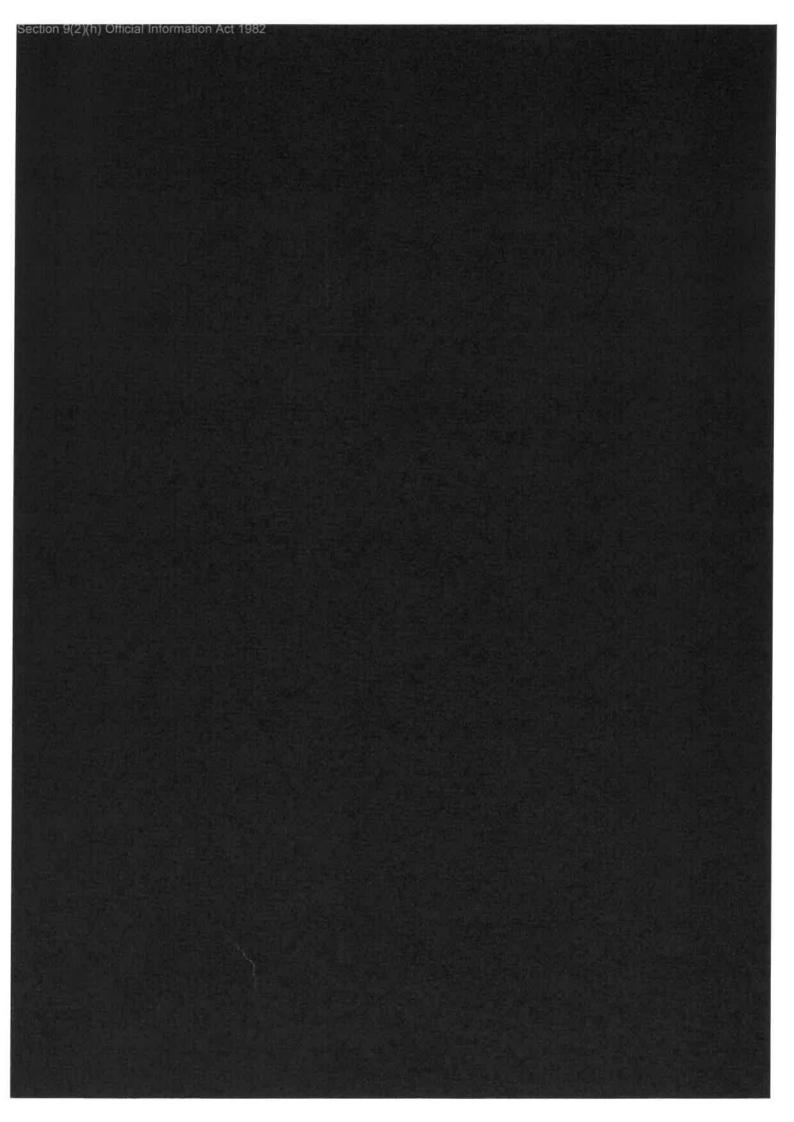
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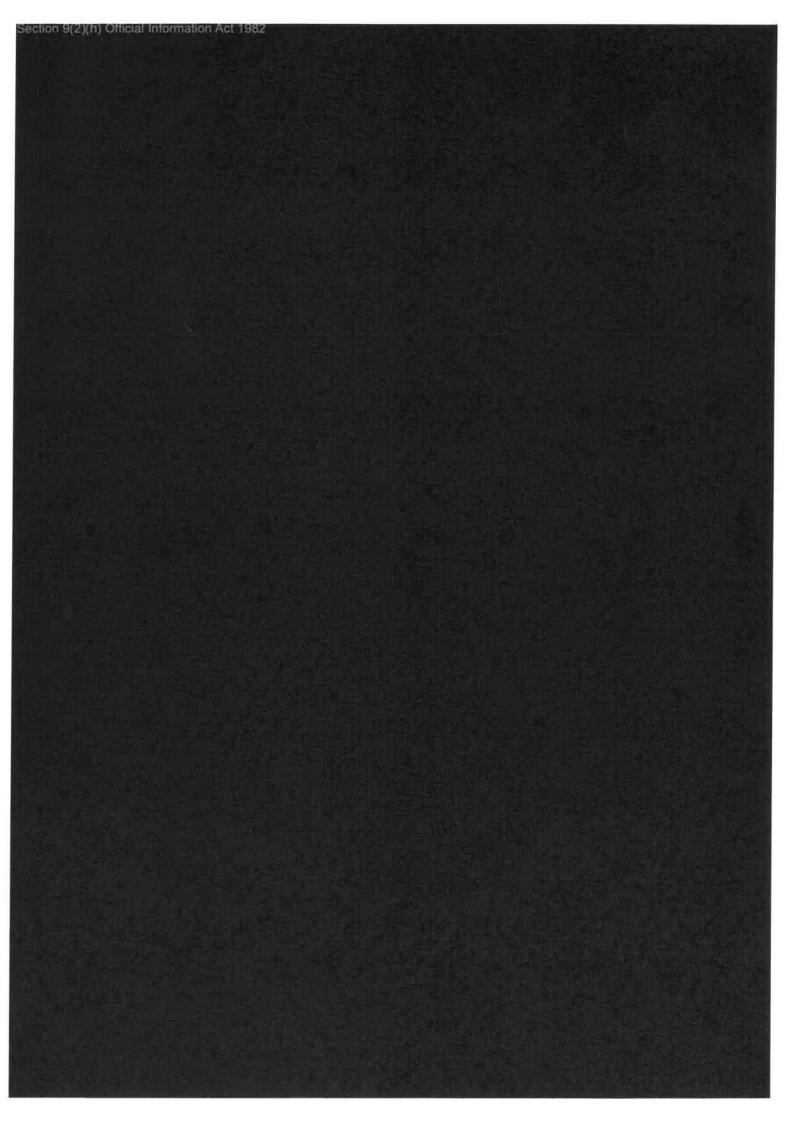


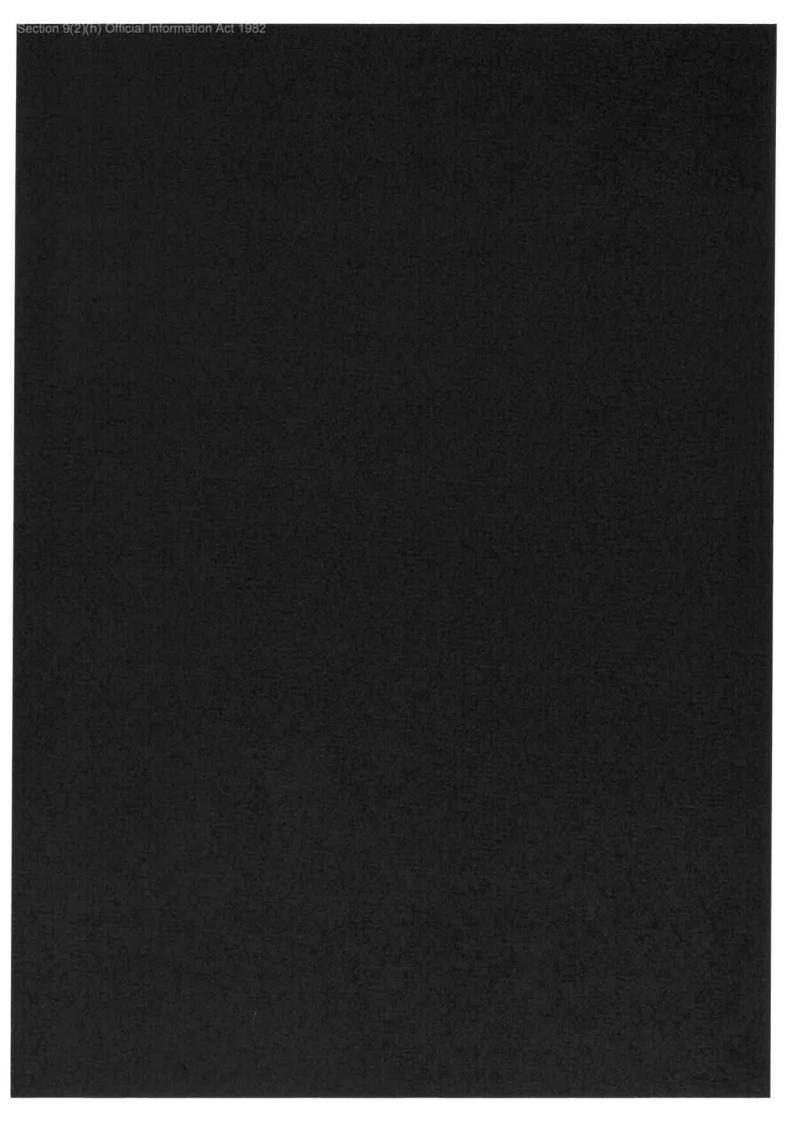


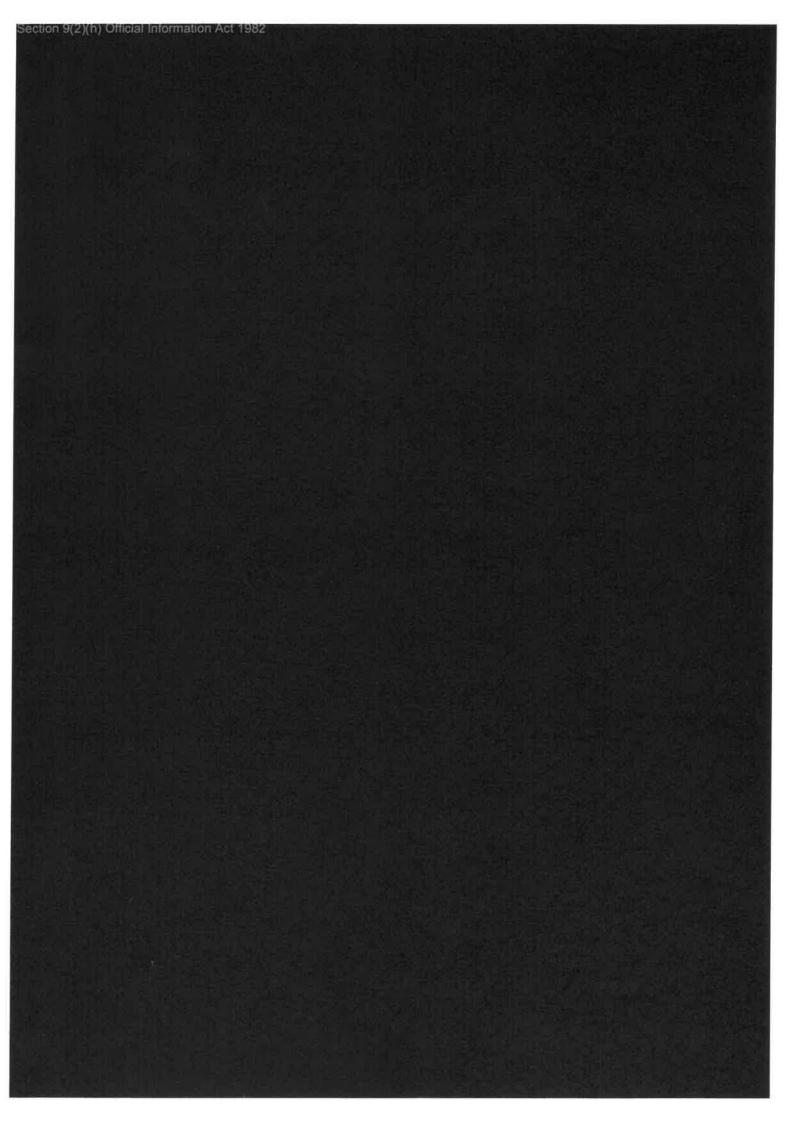


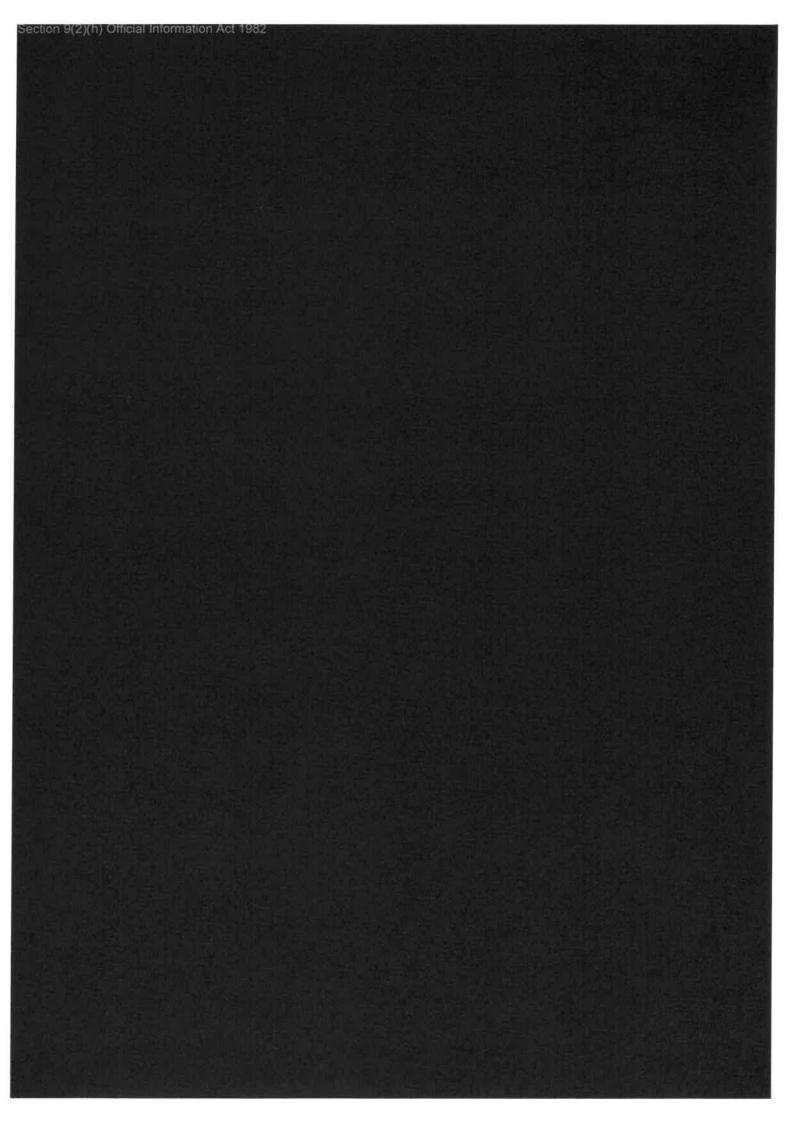


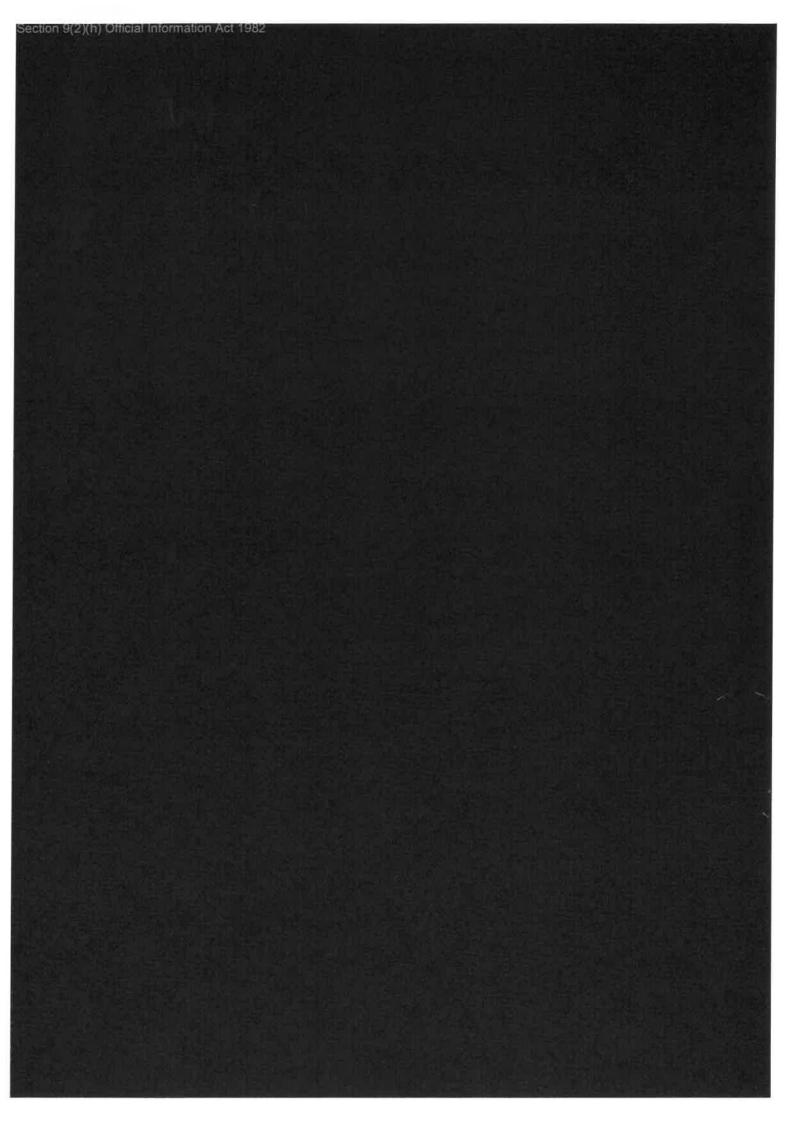


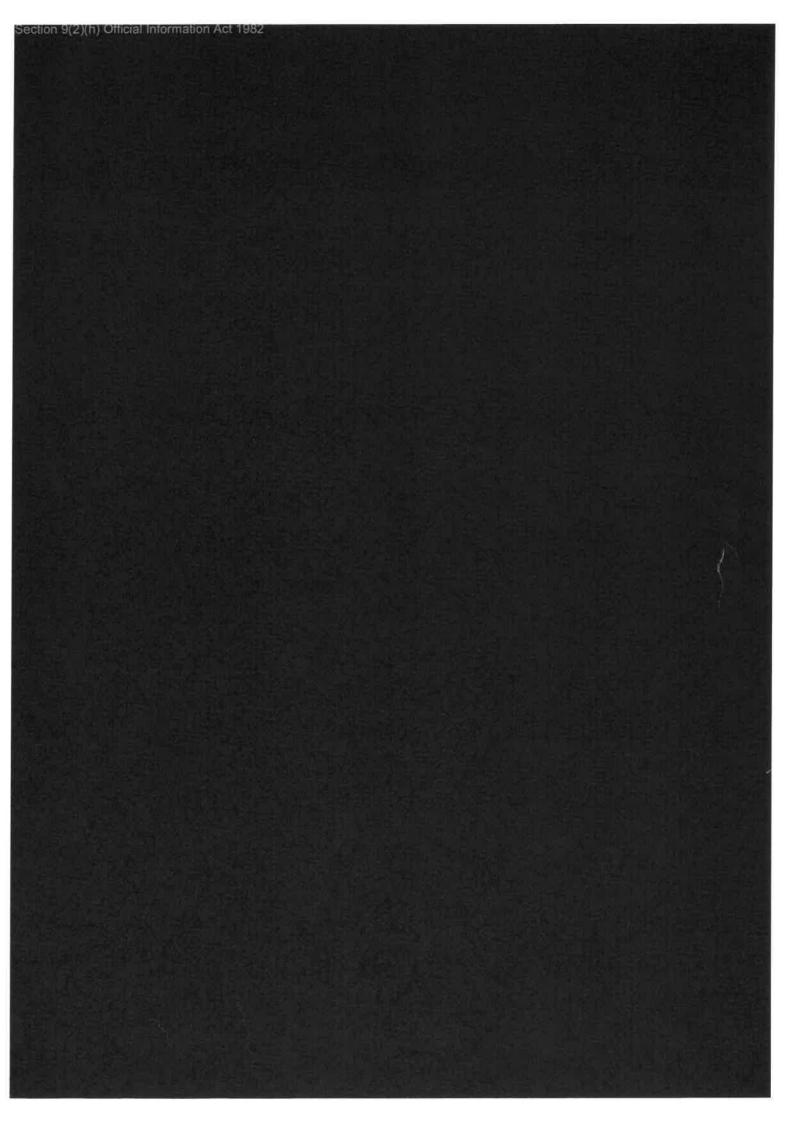














From: OSBOURNE, Mark

Sent: Wednesday, 17 January 2018 9:00 a.m.

To: MCILRAITH, Michael < Michael. McIlraith@police.govt.nz>

Subject: Re: OIA from Section 9(2) and Ombudsman follow up: Mark Osbourne heads-up

Hi Mike.

I'm sorry I neglected to put my out of office reply on but I'm on leave until the 22nd Jan.

I can answer the request then. If the request is an explanation for the delay in the response I will take responsibility for that. I had never received training or guidance around OIA requests and after accepting the electronics file and drafting out a response I believed it would have been forwarded on to the people concerned.

After seeking clarification approx 30 days later I realised the error and sent them directly to the complainers.

I note the specific requests were if a formal search warrant was used and if there was any truth to the allegation about guns left on the lawn. Both questions were answered in the letter, that apparently is now not good enough and they want docs disclosed, something (on advice) I can withhold as it is a current employment matter.

Not sure if that point can be emphasised with the complainers (Section 9(2)(a) de vere). I'm sure they will find a reason to complain about that. Not sure what else I can do to fulfil our obligations apart from being ordered to disclose certain docs which I will have to seek a legal opinion before doing.

Hope that explains things from my end.

Rgds mark

Sent from my iPhone

On 16/01/2018, at 7:31 AM, MCILRAITH, Michael < Michael. McIlraith@police.govt.nz > wrote:

Morning Mark

I hope that you had a break over the festive season.

I am back today and catching up on emails. One email is from the Office of the Ombudsman and relates to the Section 9(2) DIA that you ended up dealing with recently. I will forward the email to you for follow up and response please.

Note that Section is a regular complainer to the Ombudsman. In circumstances where there has been a delay in response, such as this one, it isn't ideal but it is what it is. We do now have a 19 January time expectation from the Ombudsman so it would be helpful to meet that expectation, or let me know and I can discuss directly with them.

Touch base when you are fee.

Kind regards,

Mike

Mike McIlraith Officer in Charge Arms Act Service Delivery Group

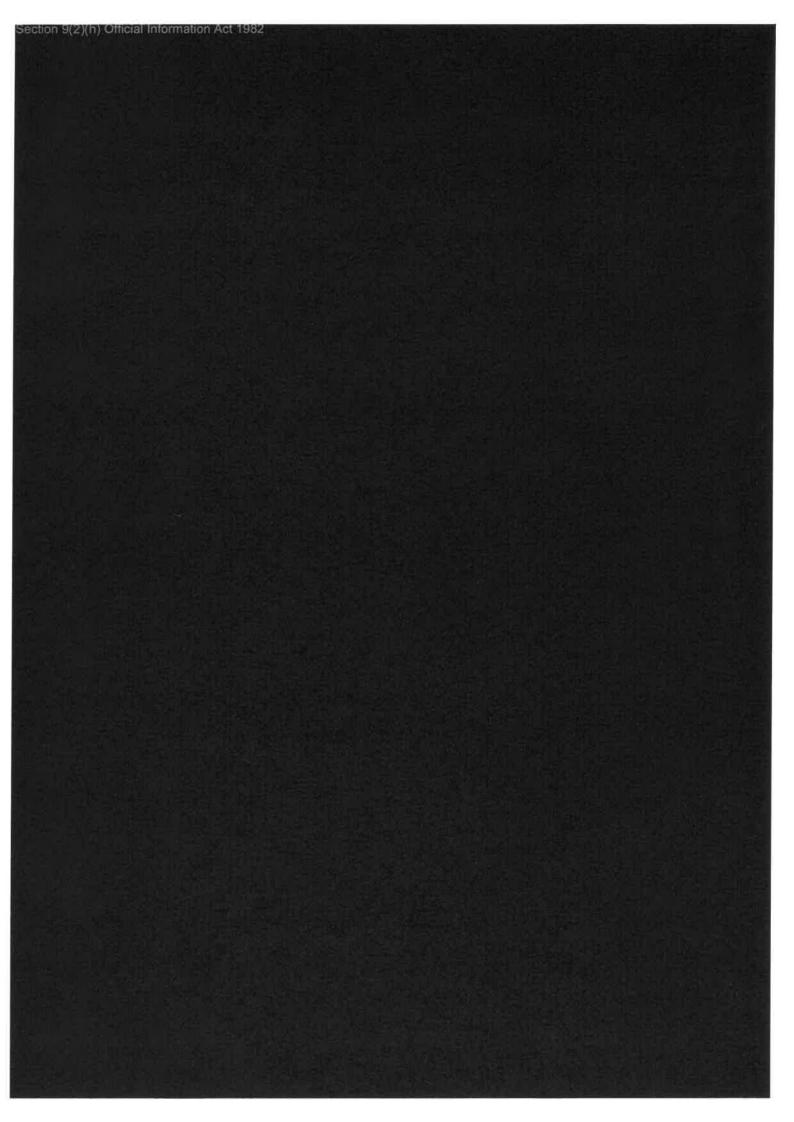
M +64 21 192 2172 E michael.mcilraith@police.govt.nz

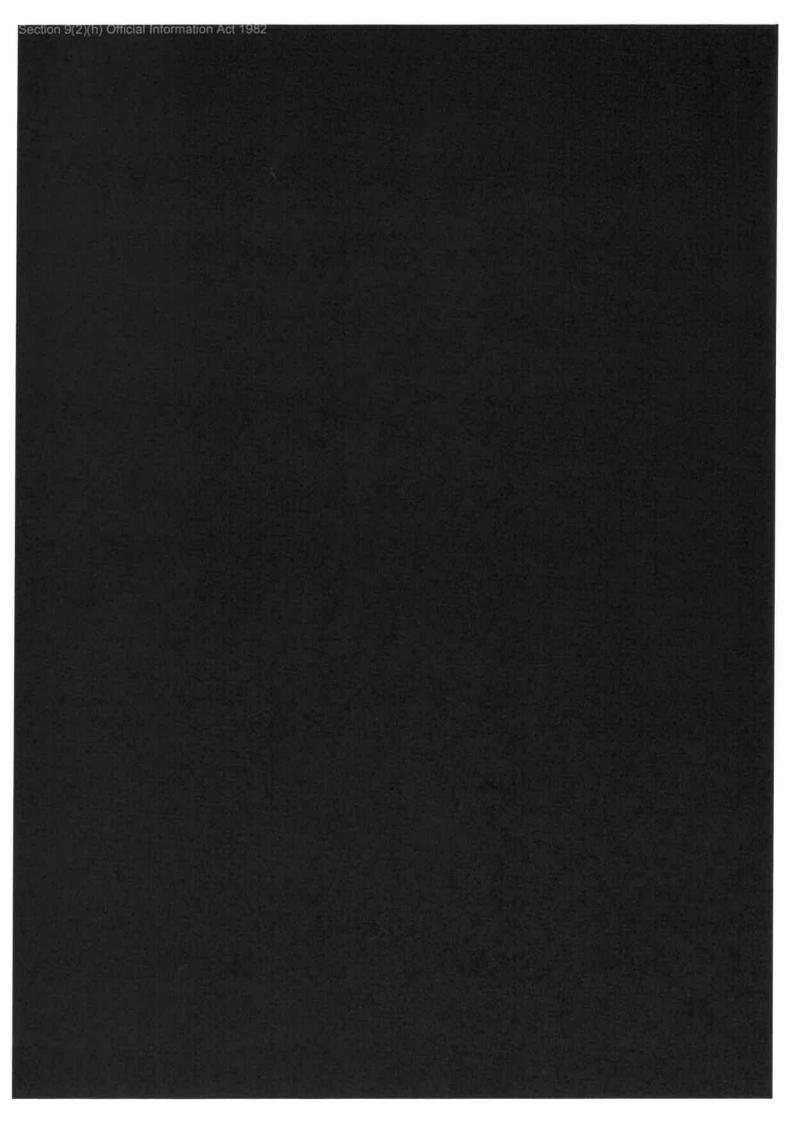
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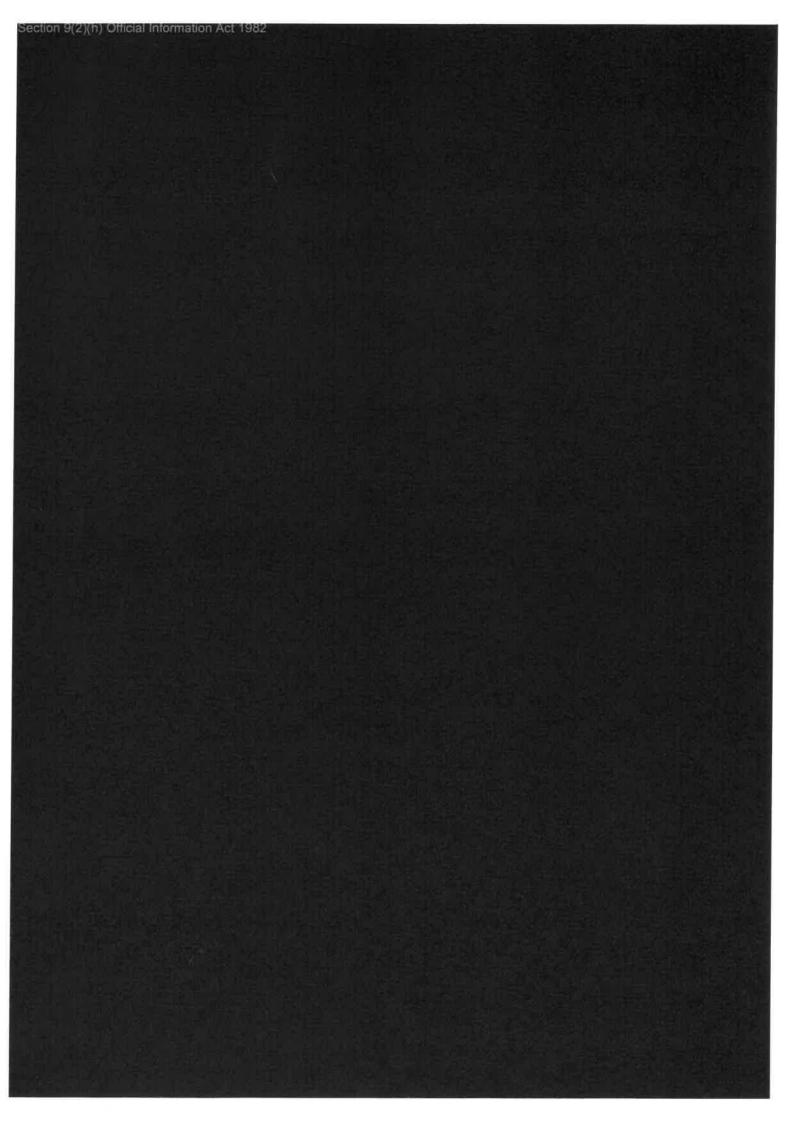
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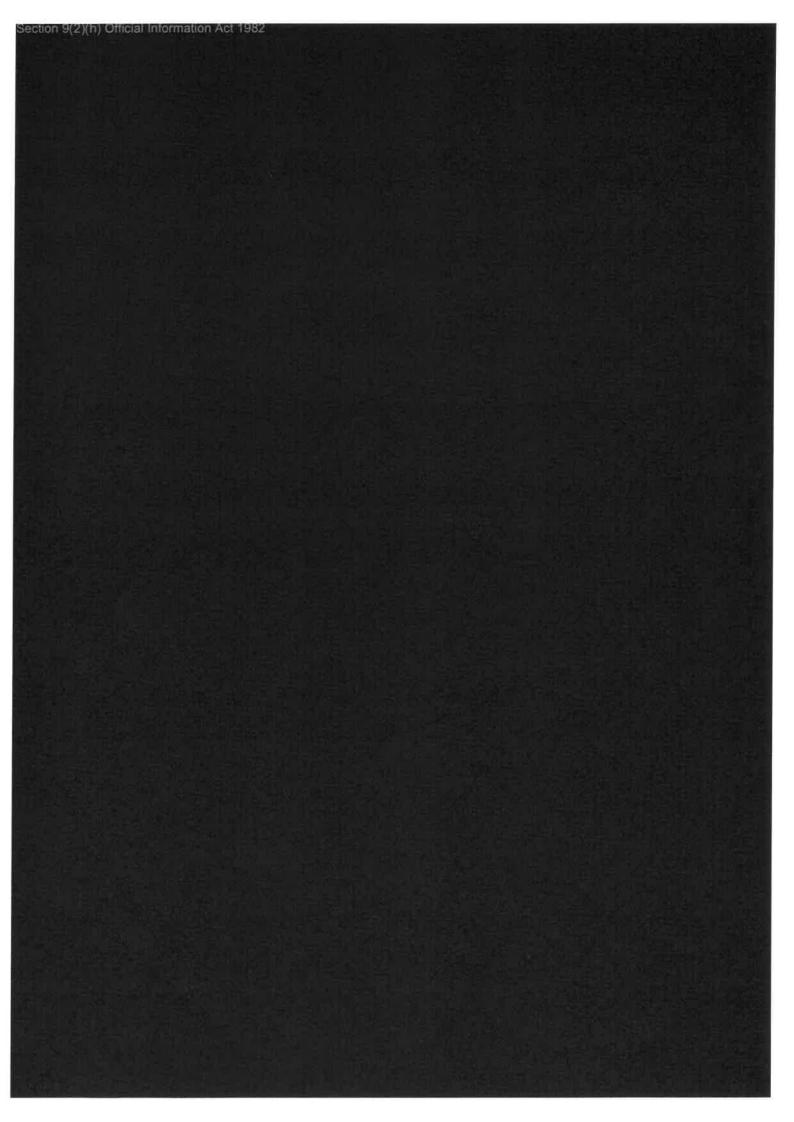
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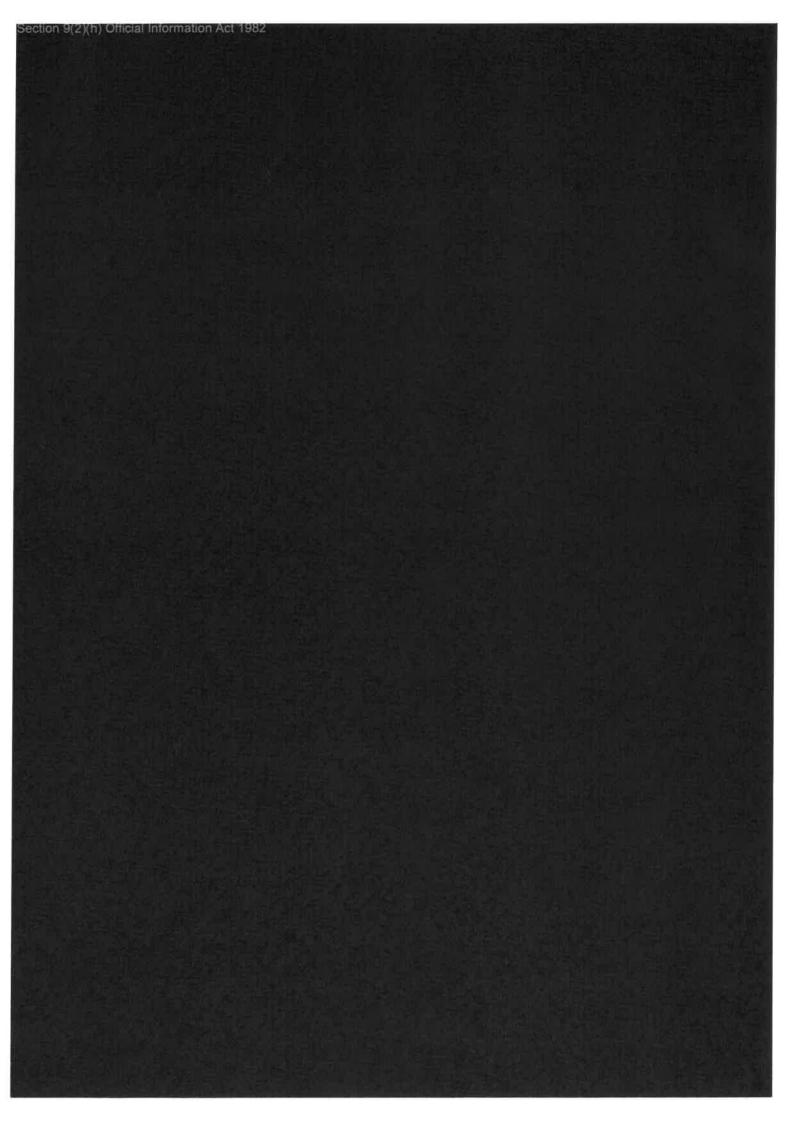
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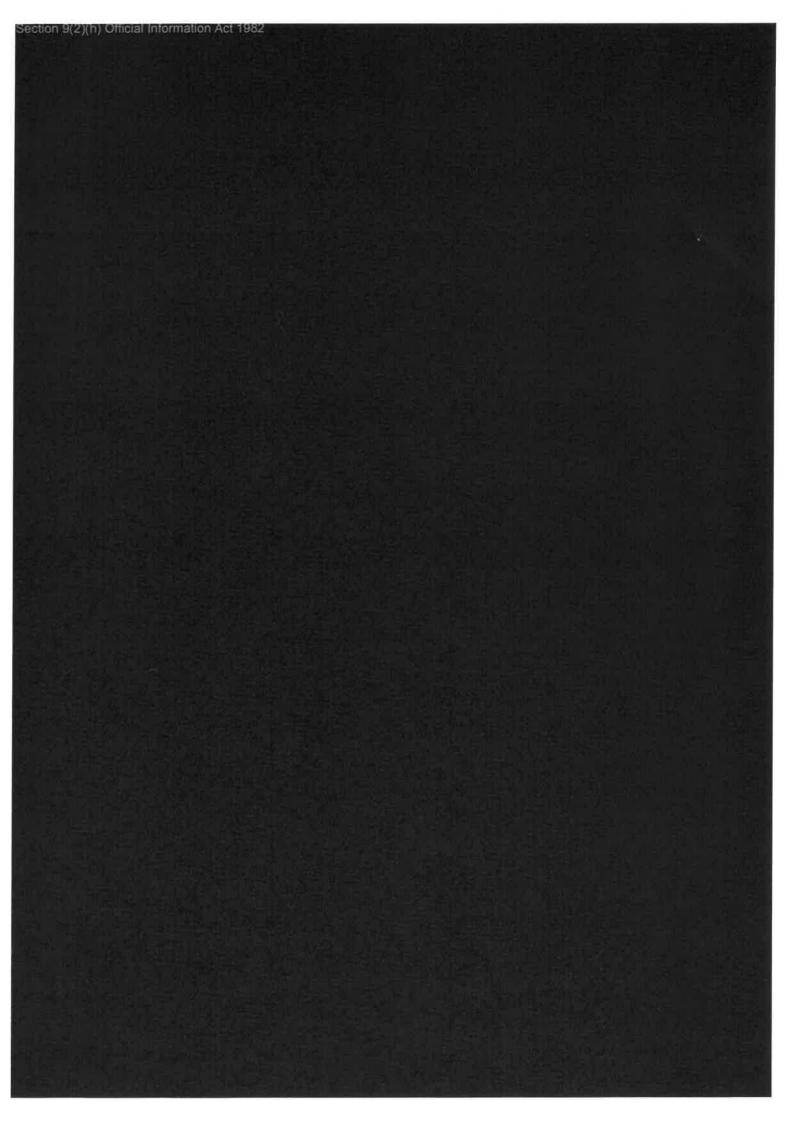


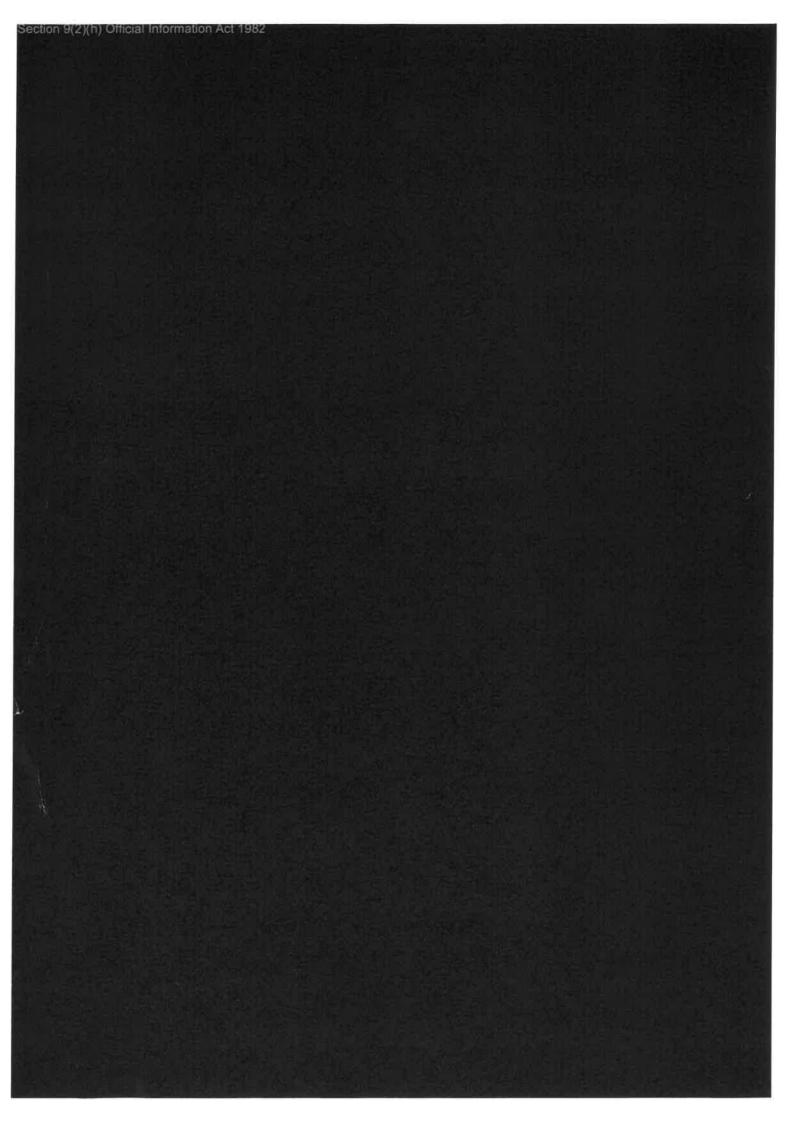












From:

MCILRAITH, Michael

Sent:

Wednesday, 17 January 2018 9:06 a.m.

To:

OSBOURNE, Mark

Subject:

RE: OIA from Section

and Ombudsman follow up: Mark Osbourne heads-up

Hi Mark

Thanks for the quick response, especially as you are on leave; sorry to have interrupted your break. Response is fine and fully understand that unless we are told about things there can be gaps. No other action required at this point.

Enjoy the rest of your break.

Mike

Mike McIlraith
Officer in Charge
Arms Act Service Delivery Group

M +64 21 192 2172 E michael.mcilraith@police.govt.nz









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From: OSBOURNE, Mark

Sent: Wednesday, 17 January 2018 9:00 a.m.

To: MCILRAITH, Michael < Michael. McIlraith@police.govt.nz>

Subject: Re: OIA from and Ombudsman follow up: Mark Osbourne heads-up

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Rgds mark

Sent from my iPhone

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Touch base when you are fee.

Kind regards,

Mike

Mike McIlraith
Officer in Charge
Arms Act Service Delivery Group

M +64 21 192 2172 E michael.mcilraith@police.govt.nz

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I have been provided with no information, nor contacted in any way about this.

The request is now at forty days. Twice the limit.

Thanks,

Section 9(2)

On 12/1/2017 2:20 PM, MCILRAITH, Michael wrote:



I understand that you have also contacted Ministerial Services about this and I understand that you have been advised that the file is with Auckland City District for follow up. I will call/email the investigator.

Mike



Acting Superintendent Mike McIlraith DipNZPol, GradDipBusStud, GradDipEmergMgt, MSS Officer in Charge | Arms Act Service Delivery Group | New Zealand Police M +64 21 192 2172 | E michael.mcilraith@police.govt.nz

From: Section 9(2)(a) Official Information Act 1982

Sent: Thursday, 30 November 2017 2:16 p.m.

To: MCILRAITH, Michael < Michael. McIlraith@police.govt.nz>; Info

<info@ombudsman.parliament.nz>
Subject: Still waiting on a response

I am still awaiting your response to my questions regarding this case:

http://www.times.co.nz/news/police-leave-rifles-grass-blog/

You had insisted that my questions to local Police and the media centre be treated as an Official Information Act request.

'Government agencies must answer official information requests within 20 working days'.

You have now delayed over thirty days.

Please answer the questions put to you.

Section 9(2)

From:

OSBOURNE, Mark

Sent:

Thursday, 14 December 2017 1:26 p.m.

To:

WU, Wenfang (Elsa)

Subject:

FW: OIA request from Section 9(2) update for Auckland City District and Mark

Osbourne

Hi Elsa

I have been contacted by PNHQ about the OIA for which I responded to on the 4th December. (see email trail) Section has been chasing it up. I'm not sure of the process once I push complete on the OIA but does the information get reviewed and then released?

Please advise if I need to do anything at this end or the letter has been sent out to Section



Rgds Mark



Mark Osbourne

Detective Sergeant|Professional Conduct Investigator Auckland City| Ponsonby Police Station, 12 Jervois Road, Ponsonby, P O Box 92002, Auckland 0627

From: MCILRAITH, Michael

Sent: Thursday, 14 December 2017 9:17 a.m.

To: OSBOURNE, Mark < Mark.Osbourne@police.govt.nz>

Subject: RE: OIA request from section update for Auckland City District and Mark Osbourne

HI Mark

Thanks and appreciated. Can you let me know what our find out from your administrator please. If by chance the letter is missing-in-action then we can pick it up from this end by way of sign-off and release.

Let me know.

Cheers

Mike



Acting Superintendent Mike McIlraith DipNZPol, GradDipBusStud, GradDipEmergMgt, MSS Officer in Charge | Arms Act Service Delivery Group | New Zealand Police M +64 21 192 2172 | E michael.mcilraith@police.govt.nz

From: OSBOURNE, Mark

Sent: Thursday, 14 December 2017 8:48 a.m.

To: MCILRAITH, Michael < Michael. McIlraith@police.govt.nz>

Subject: RE: OIA request from Section 9 update for Auckland City District and Mark Osbourne

Hi Mike

I answered this OIA by way of a letter dated 4/12/17 (attached) and clicked the completed button on the OIA, where it goes from there I have no idea, gets reviewed and sent out?

I have left a message with our administrator to chase up when the information would be released but apart from that I feel I have done my part, appears to be held up at the other end.

Rgds Mark



Mark Osbourne

Detective Sergeant|Professional Conduct Investigator Auckland City|
Ponsonby Police Station, 12 Jervois Road, Ponsonby, P O Box 92002, Auckland 0627

● 09 3593111 ● 021 1916104 ● mark.osbourne@police.govt.nz

From: MCILRAITH, Michael

Sent: Wednesday, 13 December 2017 5:31 p.m.

To: OSBOURNE, Mark < Mark. Osbourne@police.govt.nz >

Subject: OIA request from Section update for Auckland City District and Mark Osbourne

Hi Mark

A follow up to our discussion last week. Email as below from the OIA requester, Mike Loder. I recall you saying that the OIA has been sent for review. I think that following up on progress of the review and release of information to the requester would be timely.

Can you consider options and touch base tomorrow please.

Kind regards,

Mike



Acting Superintendent Mike McIlraith DipNZPol, GradDipBusStud, GradDipEmergMgt, MSS Officer in Charge | Arms Act Service Delivery Group | New Zealand Police M +64 21 192 2172 | E michael.mcilraith@police.govt.nz

From: www.MikeLoder.com [mailto:backcut@kinect.co.nz]

Sent: Wednesday, 13 December 2017 5:25 p.m.

To: MCILRAITH, Michael < Michael. McIlraith@police.govt.nz >; Info < info@ombudsman.parliament.nz >;

www.MikeLoder.com < backcut@kinect.co.nz>

Subject: Re: Still waiting on a response

Good evening,

Can the Ombudsman's office please look into this matter?

From:

OSBOURNE, Mark

Sent:

Thursday, 14 December 2017 1:26 p.m.

To:

WU, Wenfang (Elsa)

Subject:

FW: OIA request from Section update for Auckland City District and Mark

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Rgds Mark



Mark Osbourne

Detective Sergeant|Professional Conduct Investigator Auckland City|
Ponsonby Police Station, 12 Jervois Road, Ponsonby, P O Box 92002, Auckland 0627

■ 09 3593111 ■ 021 1916104 □ mark.osbourne@police.govt.nz

From: MCILRAITH, Michael

Sent: Thursday, 14 December 2017 9:17 a.m.

To: OSBOURNE, Mark < Mark.Osbourne@police.govt.nz>

Subject: RE: OIA request from Section 9(2) update for Auckland City District and Mark Osbourne

HI Mark

Thanks and appreciated. Can you let me know what our find out from your administrator please. If by chance the letter is missing-in-action then we can pick it up from this end by way of sign-off and release.

Let me know.

Cheers

Mike



Acting Superintendent Mike McIlraith DipNZPol, GradDipBusStud, GradDipEmergMgt, MSS Officer in Charge | Arms Act Service Delivery Group | New Zealand Police M +64 21 192 2172 | E michael.mcilraith@police.govt.nz

From: OSBOURNE, Mark

Sent: Thursday, 14 December 2017 8:48 a.m.

To: MCILRAITH, Michael < Michael. McIlraith@police.govt.nz >

Subject: RE: OIA request from section 9(2) update for Auckland City District and Mark Osbourne

Hi Mike

I answered this OIA by way of a letter dated 4/12/17 (attached) and clicked the completed button on the OIA, where it goes from there I have no idea, gets reviewed and sent out?

I have left a message with our administrator to chase up when the information would be released but apart from that I feel I have done my part, appears to be held up at the other end.

Rgds Mark



Mark Osbourne

Detective Sergeant|Professional Conduct Investigator Auckland City|
Ponsonby Police Station, 12 Jervois Road, Ponsonby, P O Box 92002, Auckland 0627

■ 09 3593111 ■ 021 1916104 □ mark.osbourne@police.govt.nz

From: MCILRAITH, Michael

Sent: Wednesday, 13 December 2017 5:31 p.m.

To: OSBOURNE, Mark < Mark.Osbourne@police.govt.nz>

Subject: OIA request from Section 9(2) update for Auckland City District and Mark Osbourne

Hi Mark

A follow up to our discussion last week. Email as below from the OIA requester section 9(2). I recall you saying that the OIA has been sent for review. I think that following up on progress of the review and release of information to the requester would be timely.

Can you consider options and touch base tomorrow please.

Kind regards,

Mike



Acting Superintendent Mike McIraith DipNZPol, GradDipBusStud, GradDipEmergMgt, MSS Officer in Charge | Arms Act Service Delivery Group | New Zealand Police M +64 21 192 2172 | E michael.mcilraith@police.govt.nz

From: Section 9(2)(a) Official Information Act 1982

Sent: Wednesday, 13 December 2017 5:25 p.m.

To: MCILRAITH, Michael < Michael.McIlraith@police.govt.nz >; Info < info@ombudsman.parliament.nz >;

Section 9(2)(a) Official Information Act 1982

Subject: Re: Still waiting on a response

Good evening.

Can the Ombudsman's office please look into this matter?

I have been provided with no information, nor contacted in any way about this.

The request is now at forty days. Twice the limit.

Thanks,

Mike Loder.

On 12/1/2017 2:20 PM, MCILRAITH, Michael wrote:



I understand that you have also contacted Ministerial Services about this and I understand that you have been advised that the file is with Auckland City District for follow up. I will call/email the investigator.

Mike



Acting Superintendent Mike McIlraith DipNZPol, GradDipBusStud, GradDipEmergMgt, MSS
Officer in Charge | Arms Act Service Delivery Group | New Zealand Police
M +64 21 192 2172 | E michael.mcilraith@police.govt.nz

From: Section 9(2)(a) Official Information Act 1982

Sent: Thursday, 30 November 2017 2:16 p.m.

To: MCILRAITH, Michael < Michael. McIlraith@police.govt.nz>; Info

<info@ombudsman.parliament.nz>
Subject: Still waiting on a response

I am still awaiting your response to my questions regarding this case:

http://www.times.co.nz/news/police-leave-rifles-grass-blog/

You had insisted that my questions to local Police and the media centre be treated as an Official Information Act request.

'Government agencies must answer official information requests within 20 working days'.

You have now delayed over thirty days.

Please answer the questions put to you.

Section 9(2)(a)

From:

MCILRAITH, Michael

Sent:

Friday, 1 December 2017 2:31 p.m.

To:

OSBOURNE, Mark

Subject:

OIA matter from Section 9(2

Hi Mark

I understand that you might have the OIA matter referred to below. If so can I leave it with you to contact Section? If you haven't got it let me know too.

Secti

Cheers

Mike



Acting Superintendent Mike McIlraith DipNZPol, GradDipBusStud, GradDipEmergMgt, MSS Officer in Charge | Arms Act Service Delivery Group | New Zealand Police M +64 21 192 2172 | E michael.mcilraith@police.govt.nz

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Section 9(2)
(a) Official