

15 March 2021

Our Reference: IR-01-21-3028

Mark Hanna

fyi-request-14584-a00514d1@requests.fyi.org.nz

Dear Mark

I am writing in response to the request you submitted 31 January 2021. Your request has been considered pursuant to the Official Information Act 1982 (the Act). Specifically, you requested:

1. *All information held about the findings, results, or outcomes of the review, including any and all presentation slides, briefings, A3s, aides-memoire, and reports.*
2. *Police's current firearms policy.*
3. *For any temporary carriage of firearms directives for which records have been kept, since July 14, 2020:*
 - 3a. *The start date of the directive.*
 - 3b. *The name and role of the person responsible for issuing the directive.*
 - 3c. *The area(s) covered by the directive.*
 - 3d. *The dates on which the directive was reviewed.*
 - 3e. *How many times firearms were discharged by police officers covered by the directive, while it was active?*
 - 3f. *The end date of the directive.*
4. *Clarification of Police response dated 14 July 2020, to your question "what records does NZ Police keep regarding temporary carriage of firearms directives?"*

Question 1

The review to which you refer and was mentioned in request (IR-01-20-15406) was a verbal discussion held at Executive level to address a gap in the capture of the routine carriage of firearms data. Therefore, the request for findings, results, or outcomes of any review, including presentation slides, briefings, A3's, aide memoires or reports is refused pursuant to section 18(e) of the Act, as the information you have requested does not exist.

However, I can confirm the following notification was communicated to staff. On the 8 July 2020, an update was released to Police staff noting that the 'Police firearms' chapter of Police Instructions had been updated regarding the temporary carriage of firearms in specified circumstances.

The update includes:

Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.
Telephone: 04 474 9499. Fax: 04 498 7400. www.police.govt.nz

- The specific circumstances that must exist to authorise the temporary carriage of firearms, which included a TENR assessment and consideration of the Police's obligations under the Health and Safety at Work Act 2015
- Who can authorise the carriage: Inspector or above (includes Comms Inspectors)
- Conditions of carriage
- Who must be notified and by who?
- Records to be kept
- RIOD recording
- Continuous review to determine if the threat still exists.

To coincide with the updated Police Instructions, the National Command & Coordination Centre (NCCC) developed messaging to promote the Temporary Carriage RIOD portal that was set up in July also, and that this messaging continues today. This messaging is included in daily email updates to District Command Centres (DCC).

Question 2

Please find the relevant extract from Police Instructions section titled “*Temporary Carriage of Firearms*” below. Police Instructions include (amongst other information) policy, general instructions and guidance applying to all Police employees:

Temporary carriage of firearms

Police officers at the rank of Inspector or above can authorise temporary carriage of firearms by some or all District / Area staff when they determine that the circumstances of an event warrant that. The authorisation may be given as an initial verbal instruction or as part of a coordinated pre-planned operation with an operation order.

Conditions of temporary carriage decisions

Any authorisation for temporary carriage must:

- *be made on the basis of a risk assessment using TENR and by having regard to Police's obligations as an employer under the Health and Safety at Work Act 2015 and Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 for the safety of its employees*
- *be for a specific time frame*
- *specify roles and conditions of carriage specific to the threat*
- *be continuously reviewed to determine if the threat still exists*
- *be notified to the DCC and NCCC so it can be communicated to all staff in the operating environment including oncoming shifts and to ensure that the relevant Police Executive members are aware of the authorisation*
- *clearly outline the nature of the threat and rationale for the temporary carriage (where it is operationally appropriate to do so)*
- *utilise known intelligence and continue to build our intelligence as an event unfolds*
- *be recorded in RIOD along with the justification for the decision and updated when reviewed.*

Recording, notifying and managing temporary carriage decisions

This table outlines responsibilities for recording/ logging, notifying and reviewing decisions on temporary carriage of firearms.

Step	Action
1	<p>A Police Inspector or higher ranked officer (<i>Inspector</i>) makes an initial decision to authorise the temporary carriage of firearms. The authorisation details the timeframe in which it applies, and the roles and conditions of carriage specific to the threat justifying the carriage.</p> <p>The authorisation may be given as an initial verbal instruction or as part of a coordinated pre-planned operation with an operation order.</p>
2	<p>The Inspector must:</p> <ul style="list-style-type: none"> • document their decision including factors such as date, time, and reasons or justification for it; • immediately notify the District Command Centre (DCC) and the Duty Shift Commander of the Emergency Communication Centre; and • notify the District Commander of their decision as soon as practicable (the timing of this notification will depend on the nature of the risk to public and staff and the District Commander's expectations for notification).
3	<p>The District Commander must consider the temporary carriage decision and where it is supported notify:</p> <ul style="list-style-type: none"> • the Assistant Commissioner Districts; and • all of the District Commander's Direct Reports <p>of the temporary carriage decision.</p> <p>Should the District Commander not support the decision or if the risk profile has changed, the instruction for temporary carriage should be immediately withdrawn.</p>
4	<p>The Assistant Commissioner Districts must notify the Deputy Commissioner Operations.</p> <p>Should the Assistant Commissioner Districts or the Deputy Commissioner Operations not support the decision or if the risk profile has changed, the instruction for temporary carriage should be immediately withdrawn.</p>
5	<p>The DCC, on receipt of the initial temporary carriage of firearms decision, must:</p> <ul style="list-style-type: none"> • ensure the decision is communicated to all staff in the operating environment including oncoming shifts. Where it is operationally appropriate to do so the DCC should clearly outline the nature of the threat and rationale for the temporary carriage • notify the NCCC • create a New Firearms Event> Temporary Carriage Log in RIOD • enter the carriage authoriser's details including factors such as time, date, reason / justification for the decision • advise neighbouring District DCC's where appropriate.
6	<p>The DCC in consultation with the District Commander must:</p>

	<ul style="list-style-type: none"> • ensure that continuous reviews of the temporary carriage authorisation and conditions occur (Reviews should be carried out as any facts change, and at a minimum of at the end of every shift) • ensure reviews are undertaken by an Inspector or as authorised by the District Commander, and utilise known intelligence and continue to build our intelligence as an event unfolds • maintain a record (decision log) of all reviews and subsequent decisions in RIOD and keep these up to date • regularly update the NCCC and all staff in the operating environment including the District Commander. <p>The District Commander must keep the AC Districts updated on the situation and the decision(s) following each review.</p>
7	<p>The NCCC must advise the Commissioner of Police's Office.</p> <p>The Commissioner's Office will notify the Minister of Police's Office, where appropriate.</p>

Question 3

In response to sub-questions 3(a) through 3(f), please refer to the **attached** table for the requested information about temporary carriage of firearms.

- Table 1: Temporary Carriage Orders – July 14, 2020 to January 26, 2021

Question 4: Clarification of Police response

Police has kept records of temporary carriage of firearms since July 2020. No records were kept prior.

I trust you are satisfied with my response to your request. If not, you have a right under section 28(3) of the Act to ask the Office of the Ombudsman to seek an investigation and review of my decision.

Yours sincerely



Inspector Nic Brown
Acting Director: Capability, Frontline Capability