

29 June 2022

Tina Kahurangi  
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Tēnā koe Tina

***Request for information***

Thank you for your Official Information Act 1982 (OIA) request of 19 June 2022, in which you asked for information regarding policing by consent, common law and charges.

Please see the response to each of your questions below:

*Provide full information of policing by consent;*

Policing by consent refers to a model of policing which originated in the United Kingdom, often referred to as the Peelian principles as they came from Sir Robert Peel when he passed the Metropolitan Police Act in 1829. Policing by consent indicates that the power of Police comes from public common consent; It does not indicate that the explicit consent of individuals is required. There is an expectation from the community that police would uphold the law, which is where the consent would come from in these events.

“Policing by Consent” is underpinned by “Police Legitimacy” which has the four key pillars of Lawfulness, Procedural Justice, Distributive Justice, and Effectiveness. Police is committed to policing by consent and having the trust and confidence of all New Zealanders.

New Zealand’s community style of policing – and the safety benefits this provides – is important to us because we want to remain approachable and have connections with our communities as part of our everyday policing.

*Provide details of official information whether police recognize and practice common law?*

*Provide full information of which jurisdiction do police stand in, is it legal jurisdiction or is it common law?*

**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](http://www.police.govt.nz)

Police does not provide legal advice, or legal interpretation services to the public, therefore your request is refused under section 18(g) of the OIA, as the information requested is not held by Police.

I refer you to the Policing Act 2008 which is publicly accessible here:  
<https://www.legislation.govt.nz/act/public/2008/0072/latest/whole.html>,

*Provide information relating to what is a charge is it civil or criminal and do police have to provide evidence of the charge;*

If there is evidence that a criminal offence has been committed, Police must consider whether to commence a prosecution (by filing a charge) in accordance with the Solicitor-General's Prosecution Guidelines. Under the Guidelines, the Test for Prosecution is met if the evidence which can be adduced in Court is sufficient to provide a reasonable prospect of conviction ("the Evidential Test"); and prosecution is required in the public interest ("the Public Interest Test").

A copy of the Guidelines can be found here:  
<https://www.crownlaw.govt.nz/assets/Uploads/Prosecution-Guidelines/ProsecutionGuidelines2013.pdf>

You have the right to ask the Ombudsman to review my decision if you are not satisfied with the response to your request. Information about how to make a complaint is available at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours sincerely



**Manager: Ministerial Services**  
Police National Headquarters  
New Zealand Police

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