

25 September 2023

N Bromberg  
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Tēnā koe N Bromberg

***Request for information***

Thank you for your Official Information Act 1982 (OIA) request dated 5 September 2023. You wrote:

*It was recently reported in the media that there have been a number of incidences where people have been illegally turned away from places they are entitled to be with a service dog. In the article it was mentioned that police incorrectly and illegally removed a passenger from an Auckland bus who had a service dog. It was reported that the officers were ignorant of the law. In order to determine if this is likely to be widespread miss-application of the law I require the following information.*

When Police communication centres receive a request for service, an event is entered in the Communication and Resource Deployment (CARD) system. Events may come via many sources, not just via phone, and may include officer-discovered events.

CARD events can only have one code type, and Police practice is to code the most serious risk or alleged offence. The code for Human Rights Act offences is 7410, but this can relate to other offences in the Act.

To answer your questions, a text search was performed for 'service dog' in all CARD events in the last 12 months, and then the results were reviewed manually to see if they were related to your specific questions.

Your questions are listed below, followed by an answer for each.

*- How many times have police been called to remove someone with a dog from a public place in the last 12 months?*

*- How many times have police been called about a service dog in a public place in the last 12 months?*

Six events were identified that related to a service dog in a public place but they were recorded as other event types, such as public relations, intimidation, or trespass.

*- Specifically looking at Auckland Transport, how many people have police removed from buses, trains or ferries in the last 12 months?*

In none of the identified events, on Auckland Transport or elsewhere, was anyone removed by police.

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*- Of those times police have been contacted, how many have resulted in police intervention in the last 12 months?*

Police intervention can refer to many response options, from police attendance to the situation being resolved over the phone by a Police Communicator. Within the six events, four resulted in a form of police intervention.

*- Of the times police intervention was required, how many times were people with service dogs asked to leave a public place in the last 12 months?*

Police does not keep a record in CARD of whether a person/s is asked to leave a public place by an attending Police officer. Of the six identified events, there was only one instance of a person with a service dog being asked, not directed, to leave a public place. This occurred over the phone by an emergency call handler in the interest of keeping the peace and de-escalating the situation. This was the same event you describe (bus) and is further discussed later in this response.

*- How many trespass notices have been issued by police against people with service dogs seeking to access a public place in the last 12 months?*

In none of the identified events was anyone issued with a trespass notice.

*- How many officers have been disciplined or referred for further training for incorrectly applying the law when it comes to service dogs in the last 12 months?*

The word search for 'service dog' in the professional conduct database returned no results. No police officers have been disciplined or referred for further training for incorrectly applying the law when it comes to service dogs in the last 12 months.

*- What additional training has been provide to frontline officers to advise them of the change in the law regarding service dogs in the last 24 months?*

No additional training has been developed in relation to section 134 of the Act, on top of the existing legislation training provided to recruits.

*- What options are being considered by the police to address the shortfall in officer training regarding service dogs?*

Training on all relevant legislation, including the Human Rights Act, is provided to all police recruits during initial training. Note that this specific offence requires Attorney-General approval to prosecute as per section 135 of the Act.

*It should be noted that it is patently unacceptable for officers to be unaware of the law. It is incumbent of every member of the public to be aware of the law at all times. It stands to reason we must hold police officers to the same or higher standards. I hope the media reporting prompts the police to address these shortcomings so we don't have further incidents where the state fails to protect the most vulnerable, as has been reported in the media.*

In the specific event you are referring to where you say 'police illegally removed the passenger from the bus', Police records show that the police were called by both the bus driver and by the passenger with the dog. The bus driver had stopped, disembarked the bus, and was not willing to drive the bus further with this passenger.

As mentioned earlier, the call handler had originally asked the passenger to disembark the bus. When the police arrived, they offered to drive the passenger home to de-escalate the situation and keep them safe.

The functions of Police as listed under section 9 of the Policing Act 2008 are:

- (a) keeping the peace
- (b) maintaining public safety
- (c) law enforcement
- (d) crime prevention
- (e) community support and reassurance
- (f) national security
- (g) participation in policing activities outside New Zealand
- (h) emergency management.

Due to the dynamic nature of policing, the functions are not always complementary of each other and keeping people safe and making them feel safe encompasses Police's purpose.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

Ngā mihi



**A/Superintendent Bronwyn Marshall**  
Director Emergency Communications Centres (Relieving)