



IR-01-22-37208

24 January 2023

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Tēnā koe J Beddek

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 30 November 2022 regarding various chapters of the Police Manual. Responses to your questions are set out below.

Please release each of the following Police Manual chapters:

1. *Use of Force - Approved tactical equipment and carriage for constables and Authorised Officers (non specialist)*
2. *Use of Force - CS Gas*
3. *Use of Force - Positional asphyxia*
4. *Identification of offenders*

For each of the Police Manual chapters listed above, please release the following information:

- a. *A copy of the latest version of the document.*
- b. *The date on which the current version of the document came into effect.*
- c. *The next planned review date of the document.*
- d. *The licence under which the document and any accompanying information is released.*

Copies of these chapters are attached. Responses to questions b. and c. above are set out in the table below.

Chapter	Came into effect	Next review date
1	04/02/2021	04/02/2024
2	06/10/2020	06/10/2023
3	28/01/2022	28/01/2025
4	15/11/2022	31/05/2024

License terms for Police Manual chapters are specified on the Police website:
<https://www.police.govt.nz/about-us/publications/corporate/police-manual-chapters>

Please note that some information has been withheld from documents 1 and 3 under section 6(c) of the OIA, where making that information available would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences.

I am also requesting information surrounding the policy titled "Intel - Selection of operation names".

Police National Headquarters

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Following an OIA request from "Mark Hanna" dated the 23rd of April 2022, a full list of NZ Police policy documents was released [4]. Within this list is a policy titled "Intel - Selection of operation names". However, through a request from "Sebastian" dated the 1st of March 2021, it was stated that this policy did not exist [5]. In a different OIA request from "Mike Hunua" on August the 8th 2022 requesting details about operation naming, no reference to this policy was made within the response document [6]. Mike Hunua asked within that OIA request "[...] is there a police policy about this that can be released?" This question was not addressed in the response by NZ Police.

I would like to know the following information regarding this Intel policy:

- 1. Does this policy exist?*
- 2. When was it created?*
- 3. When was the earliest version of the policy made available to NZ Police members?*
- 4. Why did NZ Police fail to address Mike's question about the existence of the policy?*

A copy of this policy is attached. It was created on 26 October 2010 and first made available to staff on 21 December 2010. The response to Mr Hunua summarised the policy and it was simply an oversight that the response did not specifically acknowledge the existence of the policy.

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.

Yours sincerely



Dan Wildy PhD
Director National Intelligence
New Zealand Police

Approved tactical equipment and carriage for constables and Authorised Officers (non specialist)

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Part of the '[Use of Force](#)' chapter

Policy statement and principles

What

Police provides a range of equipment to constables and Authorised Officers to enable them to perform response duties as effectively and safely as possible. This equipment includes mandatory equipment that **must** be carried, and optional equipment that may be carried.

Only the approved equipment in this chapter can be carried or used, non-approved variations of this equipment **must not** be carried or used, modifications to approved equipment is prohibited.

Why

The purpose of this policy is to clearly identify approved equipment that can be carried and used by constables and Authorised Officers (non-specialist).

Auditing and tracking movement of tactical equipment ensures that equipment is in working order, and that we know where it is, and is properly allocated.

How

- All equipment must be approved by the Director: Capability.
- The individual's responder level will determine what equipment must be carried, and what equipment is optional.
- The Tactical Equipment Record of Movement (TERM) system will be the only platform used to track movements of all critical responder equipment.
- The audit and movement processes will be overseen and monitored by the Frontline Capability National Database administrator.
- There will be one centralised data record of all Police approved tactical equipment.
- Allocation and replacement of approved tactical equipment will be managed by the Director: Capability.

Who does this chapter apply to?

This part of the 'Use of Force' chapter:

- outlines approved tactical equipment, and its carriage, for constables and Authorised Officers, and in some circumstances, Police employees without constabulary powers
- applies to all:
 - constables
 - Authorised Officers authorised to carry and use approved equipment according to their role and function under section 24 Policing Act 2008
 - Police employees and contractors engaged in training roles that require the carriage and use of approved equipment for training purposes only, and
 - any other Police employees who from time to time may be issued with, or required to carry and use, approved equipment, for example, wearing BAS/SRBA for occupational health and safety reasons (see '[Body Armour System \(BAS\) policy](#)' and '[Stab Resistant Body Armour \(SRBA\) policy](#)').
- does **not** include approved equipment worn by specialist groups (e.g. Armed Offenders Squad), or by Police Support Units (e.g., Dog Section). This equipment is managed by Tactical Co-ordinators within each specialist group.

Approved equipment and carriage

The table below lists mandatory and optional approved equipment that constables and Authorised Officers **must** or may carry and use **when deployed** depending on whether they are working in a Level 1: Primary Responder; Secondary Responder; or a Level 2 responder role. Constables and Authorised Officers carrying and using equipment in these responder roles must be currently certified for their responder level.

Approved equipment	LEVEL 1 trained Primary Responder	LEVEL 1 trained Secondary Responder	LEVEL 2 trained Responder
Body Armour System (BAS)	✓	✓	✓
Stab Resistant Body Armour (SRBA)			
BAS HAP - Hard Armour Plates	✓	✓*	X
SRBA HAP (Hard Armour Plates)			
BAS Duty Belt	✓	✓	✓
Duty belt			
BAS Handcuff Pouch	✓	✓	✓
Handcuffs with standard leather pouch			
OC spray	✓	✓	✓
ASP baton	✓	✓	✓
Personal protection kit (PPK)	✓	✓	✓
Officer safety alarm (OSA)	✓*	0	0
Radio (Portable) or other communication device	✓	✓	✓
TASER holster/attachment plate	✓	0	X
TASER	✓	0	X
Bushmaster M4 rifle	✓	0	X
Glock holster/attachment plate with cover	✓	0	X
Glock magazine pouch	✓	0	X
Glock 17 pistol	✓	0	X
Plastic ties/plasti-cuffs	0	0	0
Torch	0	0	0
Tourniquet	✓	✓	0
Trauma Bandage	✓	✓	0

✓ mandatory (**must** be carried when deployed)

✓* mandatory in certain circumstances (when attending an event involving firearms)

0 optional (may be carried or worn)

X **must not** be carried or worn

For information on approved equipment that is not carried on the duty belt or person (e.g. spitting hoods), see the [Mechanical restraints](#) part of the 'Use of Force' chapter.

or information on approved equipment in Police vehicles, see the '[Equipment in Police vehicles](#)' section of the '[Police vehicle management](#)' chapter of the Police Manual.

Where to carry approved equipment

For reasons including staff safety, the following equipment is worn, as follows:

	Master side	Non-master side
Glock holster/attachment plate	✓ Mandatory	X
Taser holster/attachment plate	X	✓ Mandatory
OC spray	X Not recommended	✓ Recommended
ASP baton	✓ Recommended	X Not recommended
Glock magazine pouch	X Not recommended	✓ Recommended

Allocation and replacement

The Director: Capability is the business owner of all Police tactical equipment. Firearms and TASER will be assigned to districts and other groups to manage their operational deployment requirements. Firearms and TASER will be assigned to the RNZPC to manage their recruit initial training and PITT training requirements.

e-allocation of tactical equipment:

- **within a district or national group** is the responsibility of the District Commander, Director or unit commander
- **outside of the district or national group** must be done in consultation with the Director: Capability.

The annual management, purchase and budget allocation for firearms and TASER replacement is the responsibility of the Director: Capability.

Auditing tactical equipment

Definitions

This table provides key definitions used in this part.

Employee	For this chapter means a constable or appropriately warranted Authorised Officer or warranted enforcement officer or non-constabulary member.
Frontline Capability Group	Frontline Capability Group are responsible for the administration and maintenance of the national data records for all Police tactical equipment and supporting all audit and movement tasks and requirements on behalf of Police.
Tactical equipment	All Police owned operational firearms, training firearms, drill weapons, simulator or FX ammunition weapons, Tasers, BAS/SRBA hard armour plates (HAP) or other equipment as identified from time to time by the Director: Capability.
Tactical Equipment Record of Movement (TERM)	TERM has an Operational Asset Management section that provides facilities for Police tactical equipment movement requirements. TERM is the only platform to be used for of tactical equipment.
Audit levels	<p>There are three audit levels:</p> <ul style="list-style-type: none"> - A level one audit is a 100% audit of all tactical equipment at each station. - A level two audit is a 10% audit of all tactical equipment independent of the level one audit. - A level three audit is a 100% audit of all tactical equipment conducted by an employee independent of the district or group where the audit is taking place.
Station	For the purposes of this chapter, a station usually means any Police station. It also includes each Armed Offenders Squad, Special Tactics Group, Protection Services, the Royal New Zealand Police College, the Police Armoury and any other location owned, controlled or used by Police that has or may have Police tactical equipment assigned or housed.

Data administration

Frontline Capability Group:

- maintains a national database for all Police tactical equipment which allows for the monitoring and tracking of all equipment types, serial number(s) and locations
- updates all movement information each business day.

Audit requirements

Level	Requirement	By Whom	Frequency
Level one audit	100% audit of all tactical equipment assigned to each station.	An employee from that station.	Monthly between February and December.
Level two audit	10% audit of all tactical equipment assigned to each station.	An employee different to the employee that conducted the level one audit.	Monthly between February and December.
Level three audit	100% audit of all tactical equipment assigned to each station.	An employee that is independent of the district or group being audited.	Once annually.

How audits will be managed

All tactical equipment audits will be managed by Districts.

District Operations Managers and Group Commanders oversee the completion of all audit tasks for their district or group by the due date.

Level one and two audits will commence on the first Monday of the month and be completed by the third Monday of the same month. Level three audits will be conducted on an annual basis, usually by employees from the Police Armoury.

Audit procedure

Step	Asset type	Action
1	Tactical equipment	<p>Check:</p> <ul style="list-style-type: none"> - serial number(s) against national data base - day to day access procedures are being followed - functionality and cleanliness for deployment or training needs.
2	Ammunition	Check there is correct and sufficient type and quantity of serviceable ammunition per weapon.

Issues or repairs required

If any fault with weapons is discovered during this audit process, forward the firearm to the Police Armoury immediately, following the instructions for [transporting/relocating firearms](#).

Loss or theft of tactical equipment

The loss or theft of tactical Police equipment is a serious issue and must be reported to your supervisor. Consideration should be given to the creation of an enquiry file dependent upon the circumstances of the incident.

Any loss of equipment must also be recorded in the [Security and Privacy Incident Register](#) (SPIR). Any identifiable details such as serial numbers must also be entered into NIA. Any loss or theft of particularly important equipment must be reported as soon as possible to the Director: Capability. That equipment includes:

- Firearms
- TASERs
- OC Spray
- BAS
- BAS HAP
- SRBA
- SRBA HAP
- Portable radios
- Batons
- FX weapons
- Drills weapons.

BAS (Body Armour System)

The new approved Body Armour System for wear by employees is replacing the original armour through a planned national roll-out process. BAS and the integrated components are individually issued and fitted. The individually issued BAS and components cannot be shared with another staff member. BAS uses Cooneen Protection's soft armour panels and hard armour plates for wear by constables and Authorised Officers. All services, e.g. technical, replacement and information, are available through Tactical Solutions - www.bas.tactical.co.nz.

BAS Carrier



Body armour - Stab Resistant Body Armour (SRBA)

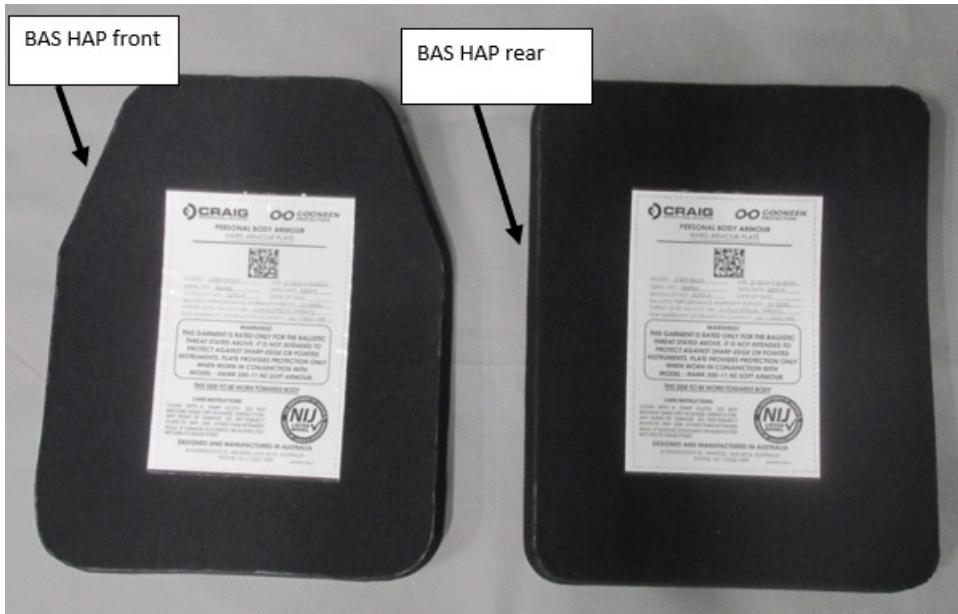
The approved Stab Resistant Body Armour (Aegis SRBA) for wear by employees is the Aegis brand armour.

Stab Resistant Body Armour



BAS Hard Armour Plates (BAS HAP)

The new approved Ballistic Body Armour, Cooneen Protection Hard Armour Plates are individually issued as part of BAS and componentry. The BAS hard armour plates (HAP) are part of a personally fitted system and cannot be shared with another staff member. The BAS HAP is a component of an in-conjunction system and **must** always be fitted inside the pockets of the BAS to provide optimum ballistic protection. For further information see [BAS Policy](#).



SRBA Hard Armour Plates (SRBA HAP)

The approved Ballistic Body Armour (BBA) for wear by constables is the TOTE brand Hard Armour Plate (HAP) contained within a blue bib carrier. HAP **must** be worn over the top of SRBA to provide optimum [ballistic protection](#).

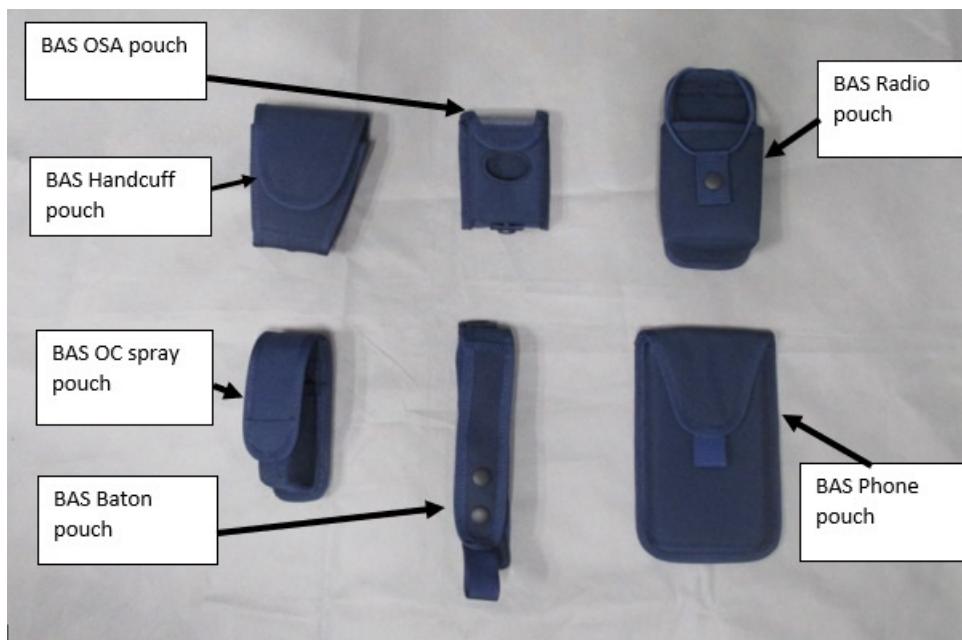
For further information on HAP see the [SRBA/HAP Policy](#).

TOTE brand Hard Armour Plate



BAS Duty Belt and BAS issued pouches

The Cooneen Protection supplied duty belt is worn attached to the BAS carrier and is issued as part of the componentry for use by constables and Authorised Officers. The pouches may be attached to either the carrier or the duty belt. For further information see the [BAS Policy](#).



SRBA Duty belt

The approved duty belt for use by constables and Authorised Officers is the Safariland Model 4302 belt.

or further information on duty belts see [SRBA/HAP Policy](#).

Safariland Model 4302 duty belt



Handcuffs and plastic ties/cuffs

The approved handcuffs for use by constables and Authorised Officers are the Smith and Wesson Model 1 handcuff, the Smith and Wesson Model 100 nickel chain metal handcuff, the single plastic tie/cuff (used in threes), and the Monadnock double cuff. The ASP Scarab Cutter is used to safely remove the single flexi and monadnock double cuffs.

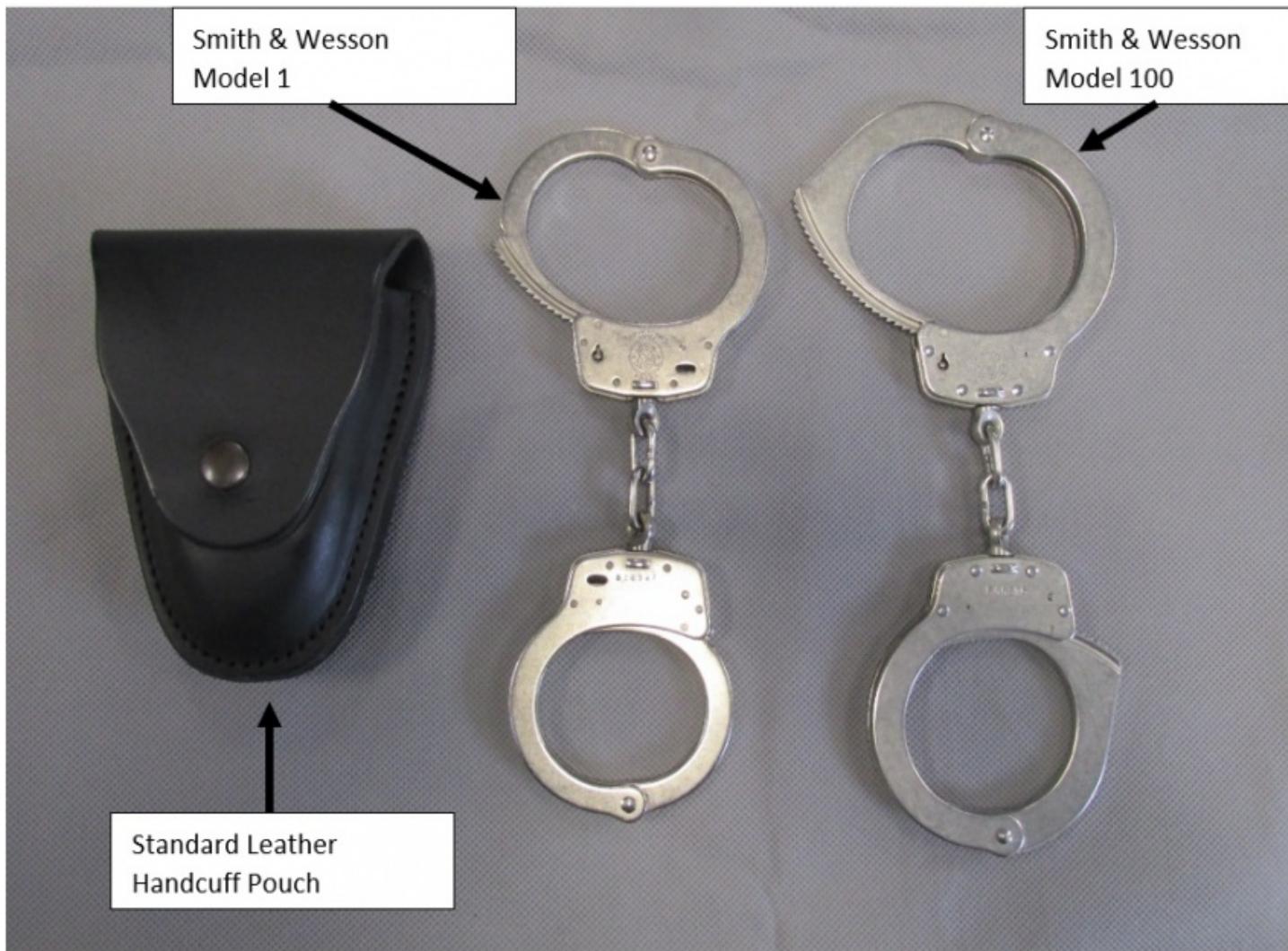
The carriage of additional disposable plastic ties/cuffs is recommended for use when metal handcuffs do not fit on a person's wrist.

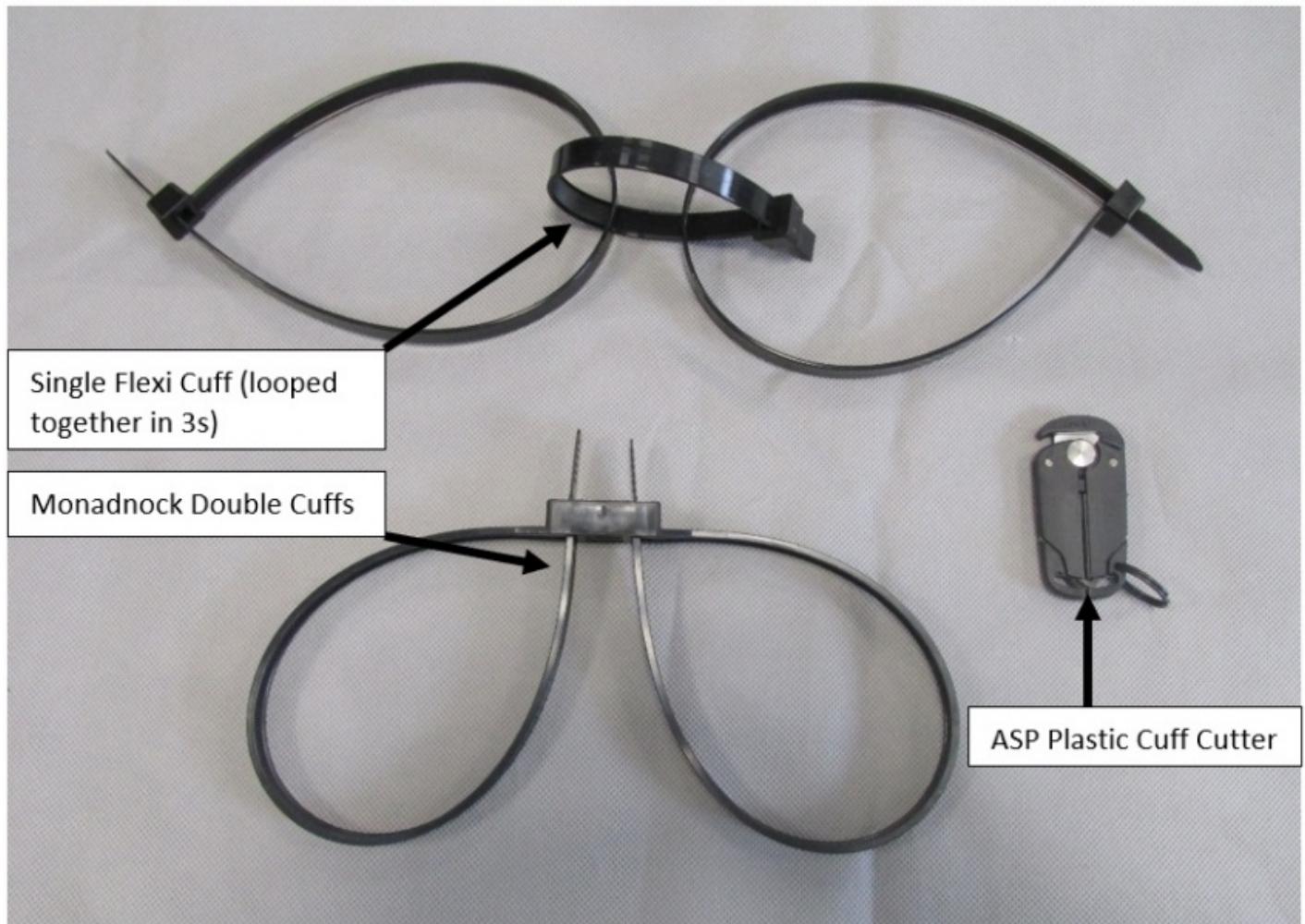
The metal Smith and Wesson handcuffs have two types of pouch for their carriage:

- standard leather pouch, and
- BAS issued blue handcuff pouch that can be worn on the MOLLE.

For further information on handcuffs see the '[Mechanical restraints](#)' part of the 'Use of Force' chapter.

Handcuffs and plastic ties/cuffs

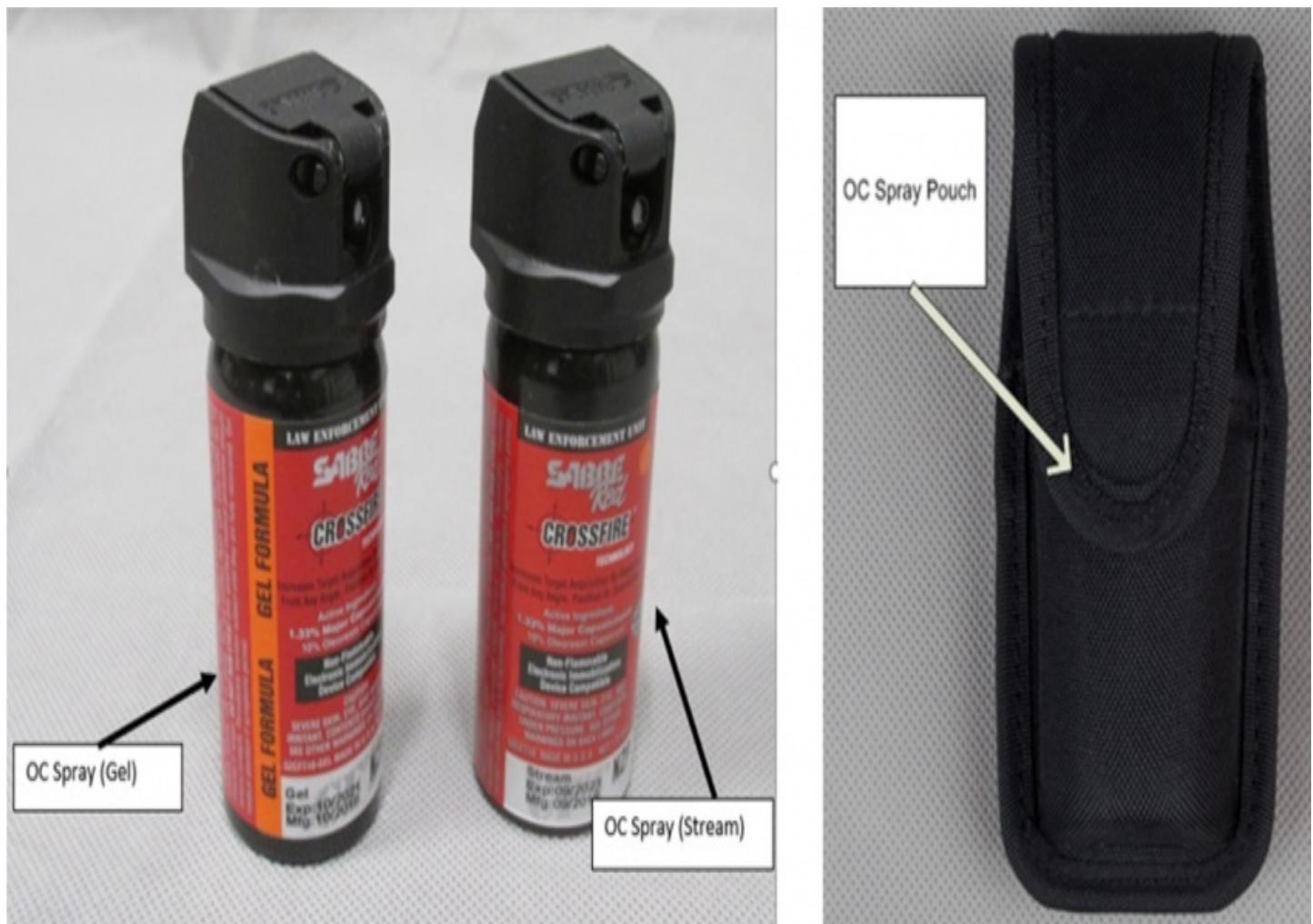




Oleoresin Capsicum (OC) spray

The two approved OC spray products for use by constables and Authorised Officers are the Sabre Red Crossfire Stream, and the Sabre Red Crossfire Gel, with their associated pouch. Those issued with BAS will have an OC Spray pouch that must be worn on the MOLLE.

For further information on OC Spray see the [Oleoresin Capsicum \(OC\) Spray](#) part of the 'Use of Force' chapter.

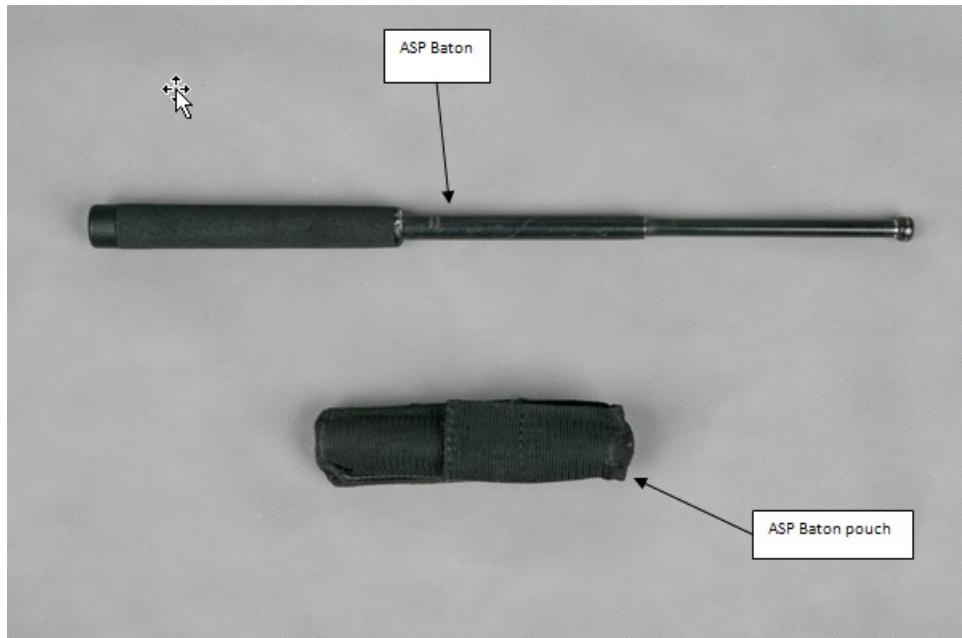


Batons

The approved baton for use by constables and Authorised Officers is the extendable ASP baton. Those issued with BAS will have a blue baton pouch that must be worn on the MOLLE.

For further information on batons, including the side-handle baton and straight baton, see the '[Baton](#)' part of the 'Use of Force' chapter.

ASP baton



Personal Protection Kit

The approved Personal Protection Kit (PPK) for use by constables and Authorised officers contains disposable gloves, a face shield, band aids, antiseptic wipes, antiseptic cream, and disposable soft ear plugs.

Also part of PPE is the Police issued Tourniquet and Trauma bandage.

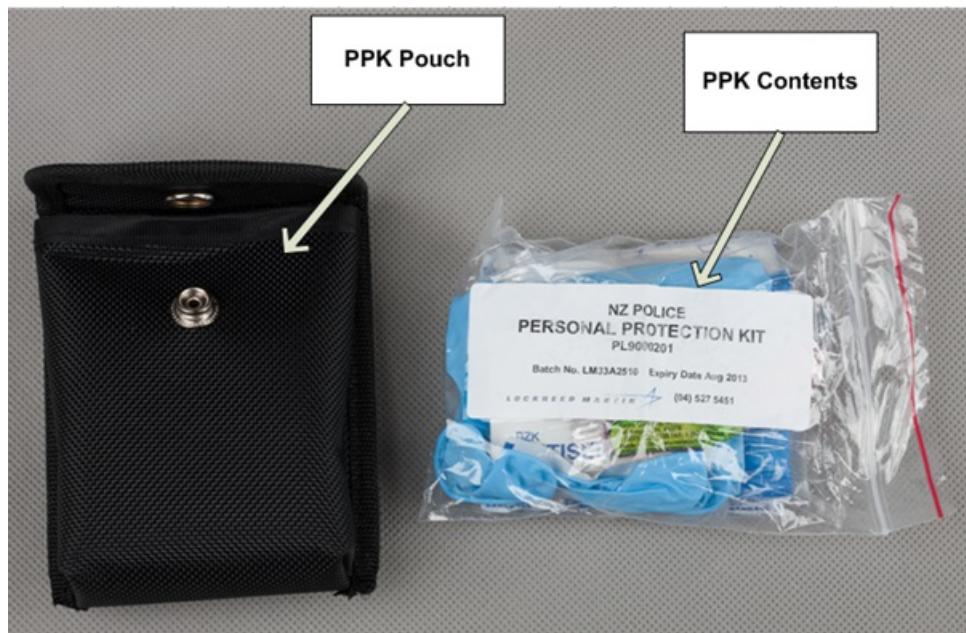
Those issued with BAS will have a blue handcuff pouch that will also store PPK and can be worn on the MOLLE. The Tourniquet is supplied with a pouch that can also be worn on either the belt or the MOLLE.

PE kit, Tourniquet and Trauma bandage must be carried by all L1 staff when deployed.

or information on Police first aid kits see the ‘Police-specific first aid kits’ section of the [‘First Aid Training and Equipment Kits’](#) chapter of the Police Manual.

Replacement items for the PPE kit, Tourniquet or Trauma bandage must not be taken from police first aid kits and districts are to maintain stocks for the purpose of replacement on use.

Personal Protection Kit



Tourniquet



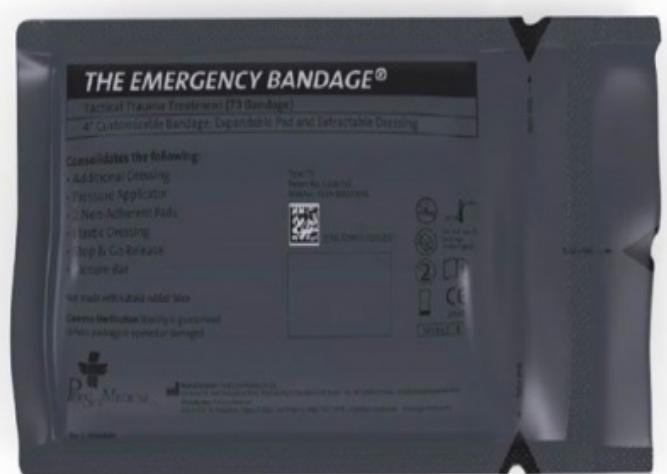
Tourniquet pouch



Trauma Bandage



Trauma Bandage in sealed pouch



Officer Safety Alarm

The approved Officer Safety Alarm (OSA) for use by constables and Authorised Officers is the Smartrak OSA, and associated pouch. Those issued with BAS will have a blue OSA pouch that can be worn on the MOLLE.

or requirements of carriage and further information on OSAs see the '[Officer Safety Alarms](#)' chapter of the Police Manual.

Smartrak Officer Safety Alarm



Handheld/Portable Radio

The approved portable radios for general (non-specialist) use is the Tait Models TP9155, 9400 and 9600. These radios are used in either digital or analogue configurations.

To be deployable, staff in all levels of Responder roles, must carry a portable radio or other communication device (cellphone). Those issued with BAS will have a blue radio and blue cell phone pouch that can be worn on the MOLLE.

For further information on the use of radio see the '[Radio and Communications Centre Protocols](#)' chapter of the Police Manual.

Handheld/Portable Radio

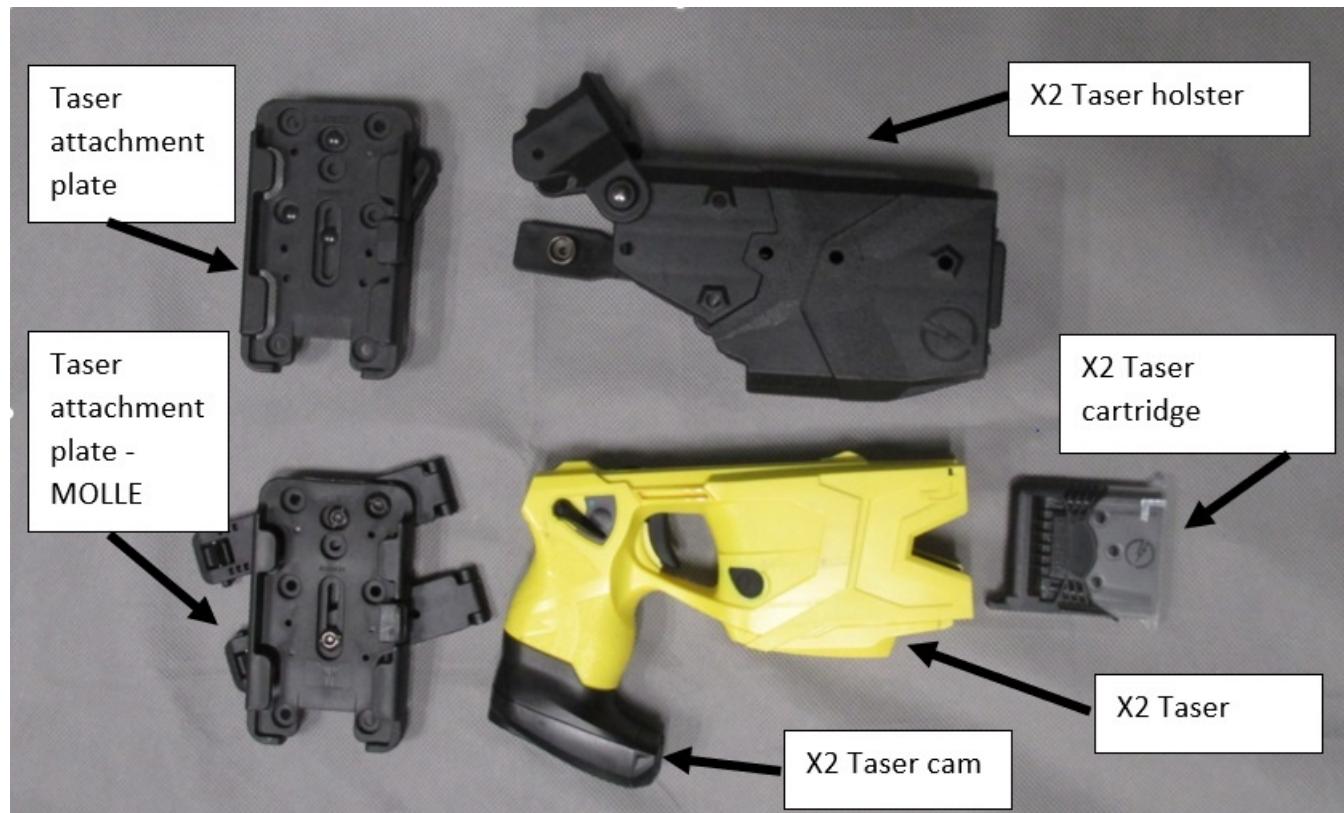


TASER

The approved TASER, and associated equipment, for use by constables is the X2 with TASERCam.

For further information on TASER see the '[TASER \(Conducted Electrical Weapons\)](#)' part of the 'Use of Force' chapter of the Police Manual.

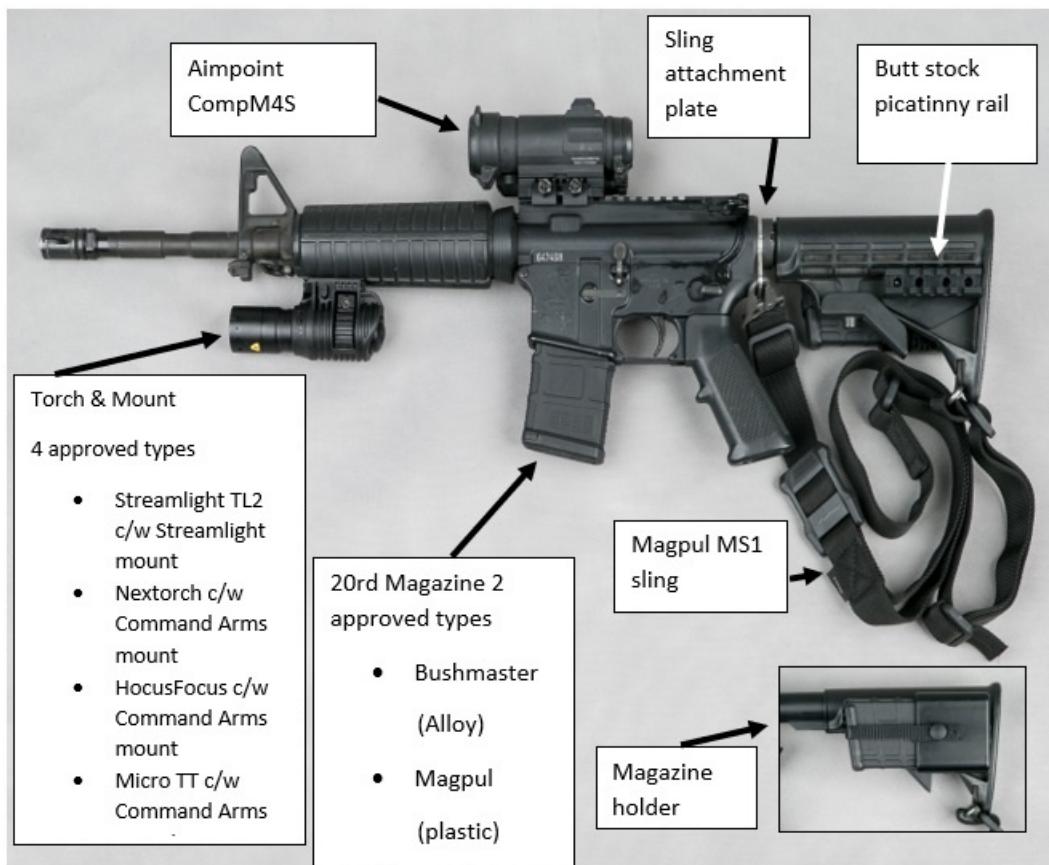
TASER X2 with TASERCam



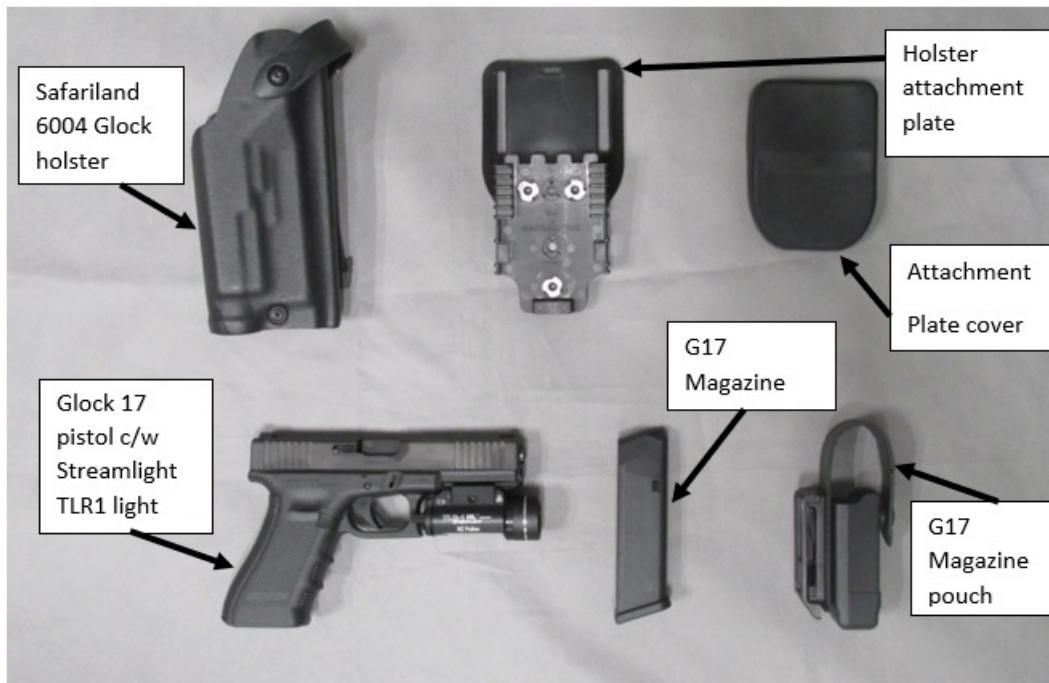
Firearms

The two approved firearms, and associated equipment for use by constables are the Glock 17 pistol and the Bushmaster M4 rifle. For further information on Police firearms see the '[Police firearms](#)' part of the 'Use of Force' chapter of the Police Manual.

Bushmaster M4 rifle



Glock 17 pistol

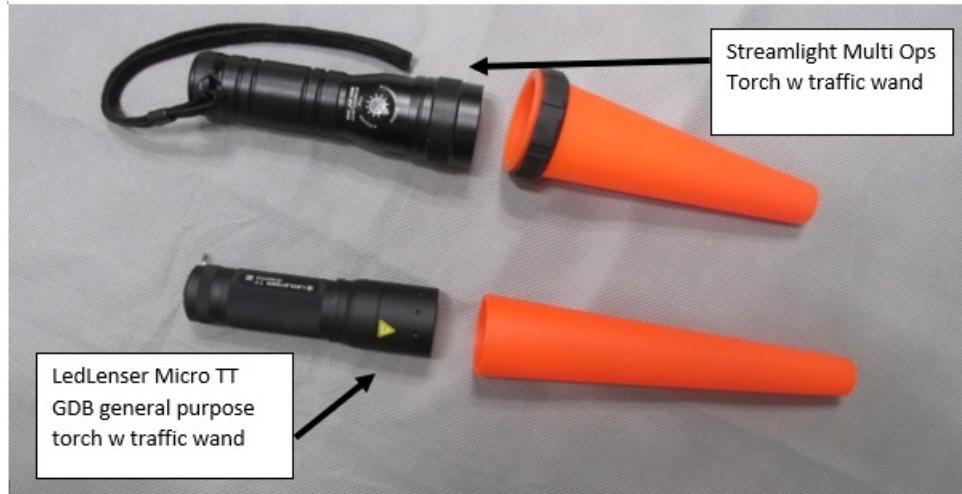


Torches

The two approved torches for use by constables and Authorised Officers are:

- Streamlight MultiOps torch, and
- LedLenser Micro TT.

Streamlight MultiOps torch and LedLenser Micro TT with traffic wand



Ammunition

The approved ammunition types for use in General Duties Police operational firearms are:

- M4 Rifle - .223 Federal Fusion MSR 62 grn
- Glock - 9mm Federal Hydra-shok 147 grn



Movement of firearms, TASER and ammunition

Procedures for receipt and dispatch of tactical equipment

The procedure for the dispatch and receipt of firearms, TASERs, small quantities of ammunition, and Lithium batteries has two parts:

1. **Section 6(c) Official Information Act 1982**
2. the use of the Tactical Equipment Record of Movement (TERM) system to record the dispatch and receipt of items.

Districts should appoint suitable people to a portfolio for these tasks. **Section 6(c) Official Information Act 1982**
[REDACTED] person may also be trained in the use of the TERM system. (It is not critical that they are the same person so long as they work in concert for the dispatch of firearms, etc.).

Movement requirements

All firearms, TASER, or ammunition that are being relocated or permanently moved to another station will be subject to tracking.

Firearms and ammunition should be transported separately.

How movements will be managed

All firearms, TASER, and ammunition movements will be managed through the initiation of a task within TERM. Tasks, tracking, and results will be monitored and supported by Frontline Capability Group. All movements will be updated daily by the national database administrator on the national data register.

Any employee can initiate a movement task to facilitate the movement of firearms, TASER, or ammunition between stations, from stations to the Police Armoury, or any other situation where a relocation or permanent movement is required.

The process will be:

Step	Action
1	Individual initiating dispatch of the weapon or ammunition will create a TERM tasking with the details of the dispatch (what? from whom? to whom?), and the reason for the despatch.
2	The individual receiving the dispatch will complete the Tasking in TERM.
3	The National Administrator will update the database on receipt of the notification of the completion of the tasking.

Personal delivery of firearms is preferred

Firearms, Taser, or ammunition being transported to another location **must**, wherever possible, be delivered in person by Police employees.

Where a personal delivery is not practicable, the approved process for dispatching firearms, TASER, and ammunition must be used.

Section 6(c) Official Information Act 1982 [REDACTED]

Never send firearms, TASER or ammunition through any postal service.

Preventing complete firearms or TASERs from being lost or stolen

The working parts of Police firearms and the power source from TASERs should be separated when sending through the courier system.

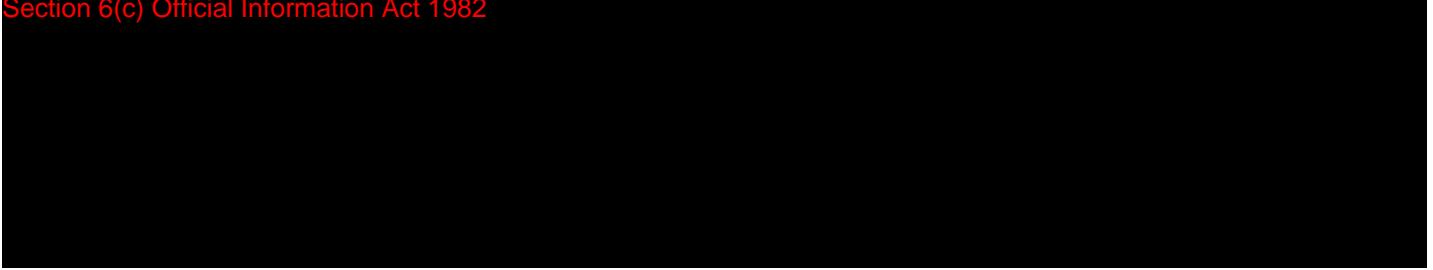
Take these steps:

- the **M4 rifle**: remove the bolt carrier group from the rest of the rifle
- the **Glock pistol**: remove the slide and barrel from the receiver
- the **TASER**: remove the TASER Cam (power source) from the TASER

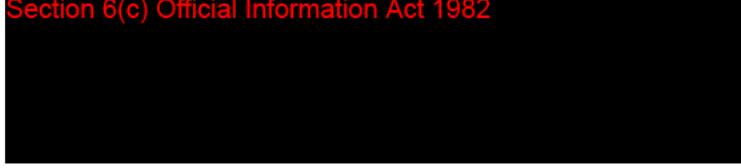
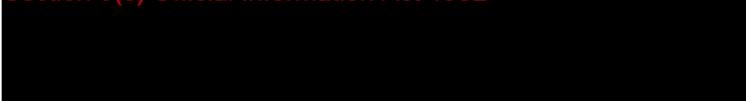
Send them separately in individual parcels on different days.

The approved courier system

Section 6(c) Official Information Act 1982



he process will be:

Equipment type	Do this
Rifle	<p>Section 6(c) Official Information Act 1982</p>  <ul style="list-style-type: none"> - Use a hard plastic and lockable rifle case. Place security seals at both the ends as well as in the middle to prevent the case being opened.
Pistol	<p>Section 6(c) Official Information Act 1982</p>  <ul style="list-style-type: none"> - Use a hard plastic 'Pelican' type case secured with security seals
TASER	<p>Section 6(c) Official Information Act 1982</p>  <ul style="list-style-type: none"> - Use a hard plastic 'Pelican' type case secured with security seals
TASER (c/w Camera)	<p>Section 6(c) Official Information Act 1982</p>  <ul style="list-style-type: none"> - Use a hard plastic 'Pelican' type case secured with security seals
TASER Cartridges	<p>Section 6(c) Official Information Act 1982</p>  <ul style="list-style-type: none"> - Use a hard plastic 'Pelican' type case secured with security seals
Ammunition (not crossing Cook Strait / under 5kg's)	<p>Section 6(c) Official Information Act 1982</p>  <ul style="list-style-type: none"> - Use a hard plastic 'Pelican' type case secured with security seals
Ammunition (crossing Cook Strait / under 5kg's)	<p>Section 6(c) Official Information Act 1982</p>  <ul style="list-style-type: none"> - Use a hard plastic 'Pelican' type case secured with security seals
	<p>Section 6(c) Official Information Act 1982</p> 

Guide to packaging

Firearms and weapons require a degree of security that includes the use of lockable cases. Similarly, sending small packages of Dangerous Goods requires both security and practicality to allow for the dispatch



The following are some guide points for the packaging of various items:

Security seals

Use only approved security seals for locking cases transporting firearms, Tasers and any associated equipment or ammunition.

Order security seals on SAP as a free description item - Security Seals (vendor number: 18053)

Each seal:

- has a unique identifying serial number
- are secure once the wire has passed through the one-way locking mechanism
- must be adjusted to fit tightly to the application to maximise effectiveness and prevent tampering
- are a disposable, single use item that is cut off.



Rifles

The use of a hard plastic rifle case with the ability to place security seals on it must be considered the minimum. Place the security seals at both the ends as well as the middle to prevent the case being prised open.



Pistols and TASERs

Use a hard plastic 'Pelican' type case locked with security seals.



Labels required for Ammunition, TASERs, and TASERs with batteries (Taser cam), and TASER cartridges alone

Ammunition

1.4s

UN0012
Cartridges: Small Arms
Class 1



TASER c/w camera (battery)

Lithium ion battery

Class 9 Miscellaneous Dangerous Goods



TASER cartridge



Class 2 Compressed Gas



Some examples of cases with stickers on

1. TASER c/w Camera (battery) - Lithium Ion battery sticker
2. TASER c/w Camera (battery) - Class 9 Dangerous Goods sticker
3. Class 9 and Lithium Battery stickers together

1



2



3



Section 6(c)
Official
Information Act
1982

Section 6(c)
Official
Information Act
1982

Section 6(c)
Official
Information Act
1982

4

4. UN Ammunition Description and 1.4S Haz sticker together

5. UN Ammunition description

6. 1.4S Haz Sticker

5



6



Positional asphyxia

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Part of the '[Use of Force](#)' chapter

Policy statement and principles

What

This part of the 'Use of force' chapter ensures that Police employees are aware, and can identify the dangers of restraining a person in a position that could cause positional asphyxia, and how to prevent it.

Why

A failure to identifying the dangers associated with positional asphyxia can lead to serious health outcomes for the subject being restrained.

How

The key, critical points for staff to note are:

- Positional asphyxia arises when any person, due to their body position, is unable to breathe sufficiently to meet their body's requirements.
- [TENR](#) must always be used when considering control techniques and restraints to be used on a subject.
- Risk factors include physical exhaustion, excited delirium, pressure on the stomach or chest, restriction of the airway, alcohol or drug intake, head injury, obesity.
- Nobody should be restrained face down for longer than is absolutely necessary to gain control.

Overview

Introduction

Positional asphyxia arises when any person, due to the position of their body, is unable to breath sufficiently to meet their body's requirements.

Extreme physical energy expenditure generates excessive production of adrenalin and noradrenalin ('catecholamines'). A progressively increasing amount of these body chemicals in the subject's system create a 'hypercatabolic' state" which weakens all the body's muscles - especially the respiratory muscles. This is sometimes referred to as a state of 'excited delerium' (see also 'Use of force overview' for more detail about 'excited delerium').

This state also stresses the heart by increasing its workload. The heart needs more than normal amounts of oxygen in order to keep functioning. Therefore, if an individual with severe respiratory muscle fatigue, an increased heart workload, and an increased need for oxygen, is restrained in a body position that impairs or prevents breathing. It is easy to understand why asphyxia occurs so quickly.

Purpose

This part of the 'Use of force' chapter ensures that Police employees are aware, and can identify the dangers, of restraining a person in a position that could cause positional asphyxia and how to prevent it. See also: '[Mechanical restraints](#)'.

TENR

Assessment of the subject, the operating environment and the intended control techniques and restraints require the use of [TENR](#).

TENR should be used to consider the subjects physical state and behaviours (THREAT), the intended course of action to overcome those behaviours and the exposure that could occur as a result of that action (EXPOSURE) and the necessity to act given the risk assessment of threat and exposure (NECESSITY). The response (the control technique or restraint) should reflect the risk of the threat, exposure and necessity to act.

For further guidance see the '[TENR](#)' chapter.

Risk factors

The risk of positional asphyxia

When applying any restraint technique or mechanical restraint, you must be:

- extremely careful and should avoid creating breathing restrictions, especially over a long period
- particularly aware of the risk factors and potential adverse effects and symptoms including:
 - being unable to breathe
 - feeling sick or vomiting
 - developing swelling to the face and neck
 - the developments of petechiae (small blood-spots associated with asphyxiation) to the head, neck and chest
 - the person saying they cannot breathe.

If you restrain a person in a position that compromises the airway or expansion of the lungs (i.e. in the prone position) you may seriously impair a person's ability to breathe and this can lead to asphyxiation. This includes pressure to the neck region, restriction of the chest wall and impairments of the diaphragm. If you force the head below the level of the heart, drainage of the blood from the head is reduced. Look for swelling and bloodspots to the head and neck as warning signs of increased pressure to the head and neck which are often seen in asphyxiation.

This effect is even more likely to occur in persons:

- with angina (chest pain caused by poor blood supply to heart)
- who have had a heart attack (myocardial Infarction or previous cardiac arrest)
- with high blood pressure
- with diabetes
- who are older, especially those with hardening of the arteries.

A degree of positional asphyxia can result from any restraint position in which there is restriction of the neck, chest wall or diaphragm, particularly in those where the head is forced downwards towards the knees. Restraints where the subject is seated require caution, since the angle between the chest wall and the lower limbs is already decreased. Compression of the torso against or towards the thighs restricts the diaphragm and further compromises lung inflation. This also applies to prone restraints, where the body weight of the individual acts to restrict the chest wall and the abdomen, restricting diaphragm movement.

In a situation of risk, the subject must be monitored closely to ensure adequate breathing is maintained. See also: '[Mechanical restraints](#)'.

Summary of risk factors and warning signs

A person may be predisposed to positional asphyxia and sudden death while under restraint as the result of interplay of several of

these risk factors:

- Physical exhaustion (or any factors that increase the body's oxygen requirements, for example anxiety in a highly stressed or struggling individual).
- Excited delirium.
- Pressure on stomach and chest areas restricting breathing.
- Restriction of the airway (including covering the face).
- Alcohol or drug effects reducing the subject's ability to breathe sufficiently even if they are not obviously drugged (because sedative drugs and alcohol act to depress breathing so reducing oxygen taken into the body).
- Position of the body interfering with breathing. This position may be the result of a mechanical (handcuffs) or physical restraint (being held), especially in a prone, face-down position.
- Concussive head injury or physical disability. One or more of these contributory factors may also help explain the subject's inability to change the position of their body, which can have fatal consequences.
- Obesity (a large stomach will interfere with breathing when the person is lying in a face-down position).
- An object pushing on the stomach area will reduce the body's ability to breathe.
- Wild, threatening or bizarre behaviour with possible mental disturbances.
- Violent behaviour and/or resistance.
- Being male.
- Physically ill persons (for example, hay fever, sinusitis, asthma).
- Mentally impaired persons.

Warning signs related to positional asphyxia:

- An individual struggling to breathe
- Complaining of being unable to breathe
- Evidence or report of an individual feeling sick or vomiting
- Swelling, redness or bloodspots to the face or neck
- Marked expansion of the veins in the neck
- Individual becoming limp or unresponsive
- Changes in behaviour (both escalative and de-escalative)
- Loss of, or reduced levels of, consciousness
- Respiratory or cardiac arrest.

Actions

If after restraint a subject exhibits signs of positional asphyxia then immediate action is required:

- release or modify the restraint as far as practicable to effect the reduction in body wall restriction and improve breathing;
- summon medical attention as soon as possible;
- remove any restrictive items of clothing;
- administer first aid.

People at risk

If time allows, ensure the risk factors and warning signs have been identified and considered and appropriate restraint options considered prior to restraining a person.

Pregnant females

Females believed to be pregnant should never be restrained in the prone position, unless restraint cannot be achieved otherwise. When this occurs the restraint must be for no longer than is absolutely necessary to gain control. There must be continuous observation until such time as the person is no longer lying face down or on their side.

Prone position

Nobody should be restrained face down for longer than is absolutely necessary to gain control. There must be continuous observation of a person in the prone position until such time as the person is no longer lying face down.

Mechanical Restraint

A person whose legs and wrists are restrained has an increased risk of asphyxiation. See also: '[Mechanical restraints](#)'.

Note: There is a common misconception that if a person can talk then they are able to breathe, this is **not** the case. **Remember:** Never assume you know better - if an offender is complaining of difficulty breathing or feeling sick, seek medical attention immediately!

Tactical considerations

Monitoring

If there is a requirement to use force to restrain a subject mechanically (by a mechanical restraint) or physically (being held) you must:

- be aware that a person who has been violent or in a physical confrontation is likely to have tired breathing control muscles
- closely monitor and supervise any person considered to be a potential risk while in Police custody
- when it is necessary to use the weight of several people to subdue someone for cuffing, free that person from the weight at the first opportunity to allow them to breathe freely
- monitor the person's breathing closely and abandon a restraint at any sign of breathing difficulties or lack of pulse
- position the person on their side or into a sitting position as soon as possible but note that positional asphyxia can also occur in the sitting position, so you should monitor closely while in this position
- proceed to CPR in the event of respiratory or cardiac arrest and seek medical help immediately.

Transporting

When transporting persons considered at risk from positional asphyxia you must:

- take the utmost care to ensure the safety of all persons involved
- give particular consideration to the most appropriate vehicle to use
- **not** leave a restrained person unattended in a Police vehicle
- under no circumstances, allow such a person to lie prone, face down, in a vehicle
- in all other cases, whether an individual is cuffed hand or foot (or both), ensure that the person's breathing is not impeded in any way.

Positions that can cause positional asphyxia

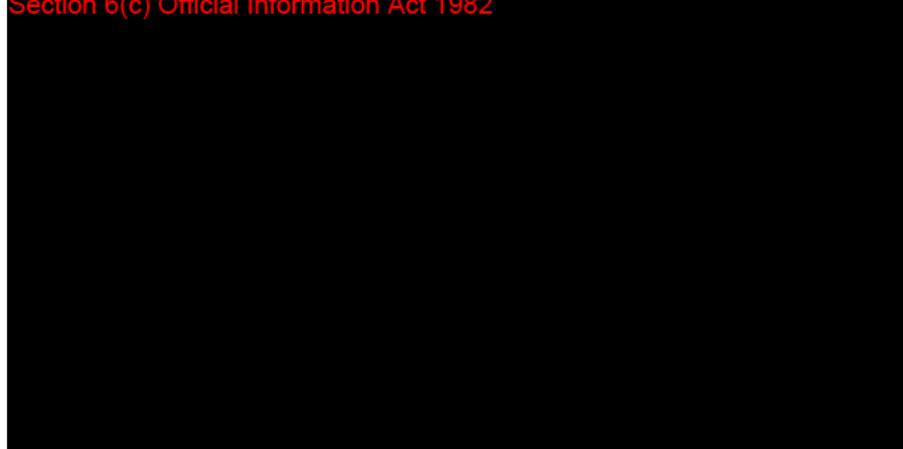
Example diagrams

You must be aware that the positions shown in the diagrams below can cause positional asphyxia. You must closely monitor and supervise subjects when in restraint positions.

Example 1

An example where the constable's weight over a subject's chest can exert pressure on the subject's chest.

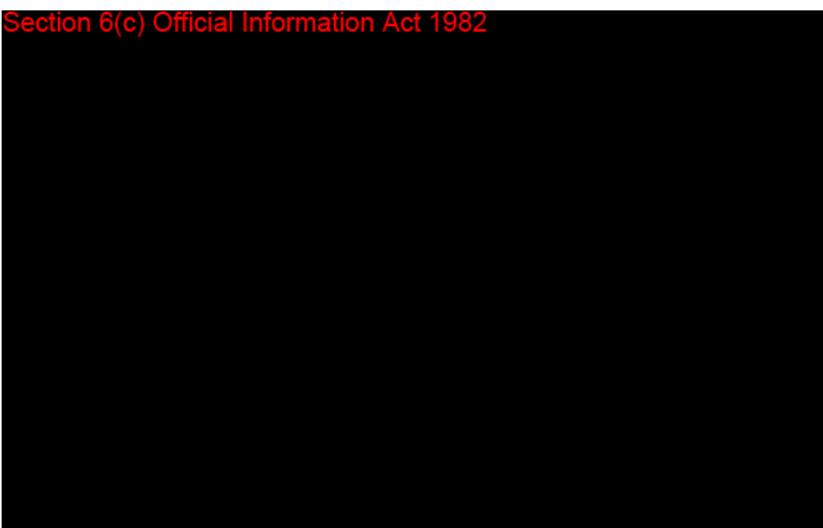
Section 6(c) Official Information Act 1982



Example 2

An example where the constable's weight over the subject's back can exert pressure on the subject's stomach.

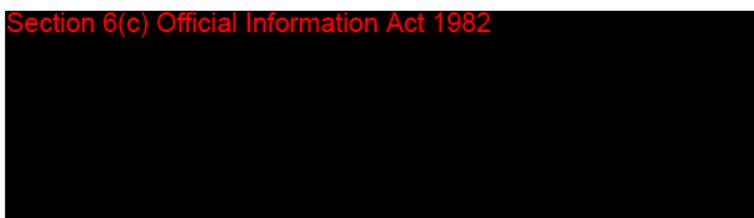
Section 6(c) Official Information Act 1982



Example 3

An example of a subject in a prone, face-down position which may interfere with their breathing.

Section 6(c) Official Information Act 1982



Identification of offenders

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Policy statement and principles

What

The functions of the Police include maintaining public safety, law enforcement, and national security.

Key to the success of Police investigations and subsequent prosecutions is the correct and lawful identification of offenders. The Evidence Act 2006 details the requirements to be met for establishing evidence of identity.

The law and procedures relating to the identification of offenders are covered in this chapter.

Why

If the evidence of the defendant's involvement in a crime is based principally on evidence of the defendant's identity and the defendant disputes that evidence, the court must be cautious about convicting them solely on the basis of that evidence.

The procedures for identification are designed to minimise the possibility of miss-identification.

Evidence of identity will be deemed by a court to be inadmissible if not lawfully obtained.

How

Police:

- may use a variety of procedures to identify offenders including formal visual identification (eg. identity parades and photo lineups), voice identification, a witness's description of the offender and related statement, fingerprints and DNA.
- exercise caution when relying on identification evidence to establish the defendant's involvement in a crime
- ensure formal visual identification procedures meet the requirements detailed in the Evidence Act 2006, and occur as soon as practicable after the offence is reported
- follow formal procedures for identifying offenders unless there is a good reason not to
- use employees trained in using the Photo Manager application to create photo line ups
- use appropriate written records detailing the identification procedure used and have these certified in accordance with the requirements of the Evidence Act.

Introduction

Caution required when relying on identification evidence

Where evidence of the defendant's involvement in a crime is based principally on evidence of the defendant's identity, and the defendant disputes that evidence, the court must be cautious about convicting them solely on the basis of that evidence. (s [126](#)(3) Evidence Act 2006).

In a criminal proceeding tried with a jury in which the case against the defendant depends wholly or substantially on the correctness of one or more visual or voice identifications of the defendant or any other person, the judge must warn the jury of the special need for caution before finding the defendant guilty in reliance on the correctness of any such identification.(s [126](#) Evidence Act 2006)

Health and safety duties

The expectation of the Commissioner and the [Health and Safety at Work Act 2015](#) is that employees working in the identification of offenders will take reasonable care to ensure that their acts or omissions do not adversely affect the health and safety of themselves or others, comply as far as they are reasonably able to with any reasonable instruction that is given to adhere with the Act and its regulations.

A key enabler is the application of the [TENR-Operational threat assessment](#) in the workplace. See also '[Health, safety and wellbeing](#)' for keeping our communities safe, and ensuring our people are safe and feel safe.

Formal visual identification

Definition of visual identification evidence

'Visual identification evidence' means evidence that is:

- an assertion by a person, based wholly or partly on what that person saw, to the effect that a defendant was present at or near a place where an act constituting direct or circumstantial evidence of the commission of an offence was done at, or about, the time the act was done, or
 - an account (whether oral or in writing) of an assertion of the kind described above.
- (s⁴ Evidence Act 2006)

Admissibility of visual identification evidence

If a [formal procedure](#) is followed to obtain visual identification evidence of the defendant's involvement in an offence, or there is [good reason](#) for not following a formal procedure, that evidence is **admissible** in the court proceedings unless it is proven on the balance of probabilities that the evidence is unreliable.

If a formal procedure is not followed and there was no good reason for not following it, that evidence is **inadmissible** in court proceedings unless it is proven beyond reasonable doubt that the circumstances of the identification have produced a reliable identification.

A formal identification procedure should therefore be used to obtain visual identification evidence unless there is a good reason not to. The reason must be presented to the court or the evidence may be excluded on grounds of fairness.

(s⁴⁵ Evidence Act 2006)

Caselaw related to admissibility of visual identification evidence

Caselaw assists with determining how the Courts may rule as admissible or inadmissible identification evidence of offenders. See these cases for guidance:

- In *Keil v New Zealand Police* [2017] NZCA 430 the Court of Appeal held that a constable's evidence of identifying the defendant from viewing CCTV stills on a Police bulletin notice with previous encounters the constable had with the defendant as irrelevant and unfairly prejudicial to the defendant. If an offender is identified from CCTV footage, it is unlikely that identification by an officer will be admissible unless there are particular characteristics of the case that place the officer in a superior position to identify the defendant than the fact-finder. Characteristics that make the officer's evidence admissible may be if the officer is an expert on the defendant's identity or if the defendant's appearance has significantly altered making identification difficult or impossible for the fact-finder.
- The Judge in *Stanley-Hunt v R* [2019] NZHC 2274 ruled on the reliability of identification evidence under section [45](#) of the Evidence Act 2006 where a formal identification process was not followed. The Judge ruled the identification evidence of three of the witnesses inadmissible under section [45\(2\)](#).
- The case of *Dey v The Queen* [2021] NZCA 342 involved anticipating whether visual identification under section [45](#) of the Evidence Act 2006 may be an issue at trial. The Court of Appeal was satisfied there was good reasons why Police did not to follow a formal identification procedure and upheld the trial Judge's decision. The appeal was dismissed.
- *A v The Queen* [2021] NZCA considered the admissibility of visual identification evidence under section [45](#) of the Evidence Act 2006, obtained through a flawed photo board identification procedure. The appeal was allowed, and the visual identification evidence was ruled inadmissible at trial. This case indicates that when conducting a photo board identification procedure, officers should ensure that all the photos are sufficiently similar in appearance with the suspect's photo, including the person's physical features and ethnicity. They should also ensure that there are no other discrepancies that would draw greater attention to the suspect, such as the photo's background colour.
- The *Iraia v The Queen* [2021] NZCA 698 case involves admissibility of visual identification evidence from Corrections officers who viewed stills taken from CCTV footage. The Court of Appeal agreed with the District Court that the evidence was relevant under section [7](#) of the evidence Act 2006. Section 8 of the Act related to whether the probative value of evidence is outweighed by the risk that the evidence will have an unfairly prejudicial effect on a criminal proceeding was also considered. The appeal was dismissed. For another case related to CCTV footage evidence, refer to *Keil v New Zealand Police* [2017] NZCA 430 above.

What are formal visual identification procedures

Formal visual identification procedures include [ID parades](#) and [photo lineups](#).

Requirements for formal procedures

A formal procedure is a procedure for obtaining visual identification evidence that meets these seven requirements:

- it occurs **as soon as practicable** after the offence is reported
 - the suspect is compared to no fewer than seven others, who are similar in appearance to the person to be identified
 - no indication is made to the person making the identification about who among the people in the procedure is the suspect
 - the person making the identification is informed that the suspect may or may not be among the people in the procedure
 - a written record of the procedure followed is sworn to be true and complete by the officer who conducted the procedure, and is provided in court to the judge and defendant
 - a pictorial record of what the person making the identification looked at is prepared and certified to be true and complete by the officer who conducted the procedure, and is provided in court to the judge and defendant
 - the procedure complies with any relevant regulations.
- (s45(3) Evidence Act 2006)

Reasons for not following a formal procedure

The six good reasons for not following a formal procedure are:

- the suspect refuses to take part in a formal procedure and Police do not already hold a photograph or video that shows a true likeness of the suspect
 - the suspect has a singular appearance (it cannot be disguised to make it similar to those the suspect would be compared to)
 - the suspect has substantially changed their appearance after the offence occurred and before it was practical to hold a formal procedure
 - no officer involved in the investigation or the prosecution of the offence could have reasonably anticipated that identification would be an issue at the trial
 - an identification of the suspect was made to an officer soon after the offence was reported and in the course of the initial investigation
 - an identification of the suspect was made to an officer after a chance meeting between the person who made the identification and the suspect.
- (s45(4) Evidence Act 2006)

Explanation required if a formal procedure is not followed

If you do not follow a formal procedure, you must explain on the prosecution file why it was not possible.

Set-ups are inadmissible

Identification evidence from engineering a suspect into a certain place at a certain time is inadmissible.

Example when evidence was admissible

A victim identified the offender for one offence while he sat in court charged with another offence. This evidence was admissible, because the situation was not engineered by police to circumvent the accused's refusal to undergo an ID parade.

R v Tuboe (1988) 3 CRNZ 581 (HC)

Note: Such an informal ID in court is likely to be considered a good reason under s45(4) for not following a formal ID procedure only if it happens by chance.

Photo lineups

Creating the photo lineup

Most lineups should be created by district staff. The National Biometrics Information Office (N-BIO), Photo Manager Office does offer a back-up service on a case by case basis to districts on request if you need assistance:

- as an emergency response involving serious/serial offences
- with large scale operations involving multiple suspects
- improving poor quality images
- to locate 'similar' images because the candidate has unusual features
- enhancing filler images by digitally adding unique features such as scars, marks, or tattoos (SMT) that are present in the candidate's image but which cannot be located in the subset of potential filler images. This assists the witness to identify the face rather than the unique feature. This is labour-intensive work restricted to high level offences only
- the station is small and it is impractical to have the lineup created locally.

Lineup content

The photo lineup should contain, in addition to the suspect, photographs of no fewer than seven people who are of similar appearance to the suspect. For example, if the suspect is a bearded Caucasian male, the people in the photographs must be bearded Caucasian males.

Maintaining good quality

A poor quality lineup will be challenged in court and could potentially result in failure to obtain a conviction.

This table outlines issues that may impact on the quality of your photo lineup and their solutions.

Possible issue	Solution
The desired objectivity by the witness when viewing a lineup is compromised	Before saving any lineup: <ul style="list-style-type: none"> - crop the images so that the faces are the same size - adjust the brightness/contrast/saturation so that the images are within the same tonal range (they do not have to be identical) - avoid replacing backgrounds by selecting filler images from stations that share a similar background shade to that of the candidate - check that there is only one candidate in the lineup and that the image has been <marked as candidate>.
There are two or more offenders or suspects	If there is: <ul style="list-style-type: none"> - more than one offender, put each one into a separate lineup - one offender but two or more nominated suspects, they may appear in the same lineup provided their demographic data matches.
Use this format as the lineup description	Use this format to save the lineup: <ul style="list-style-type: none"> - NIA ID number for the candidate [space] your station code [space] your QID. The creator of any lineup may be required to give evidence if the lineup is subject to a challenge. Photo Manager provides the ability to search for lineups created by a specific QID but not to locate a saved lineup to identify its creator. This format will assist any user to readily identify who created a specific lineup. There are many hundreds of users throughout the country and many saved lineups can be re-used.

If you have any issues creating the photo lineup, call the Photo Manager Office or email the Photo Manager mailbox for advice. See the [Photo Manager User's Guide](#).

Conducting the photo lineup

There are two options for conducting a photo lineup:

- as printed copy showing all eight images on the one page, or
- via 1:1 sequential viewing using the 'Witness View' option in Photo Manager.

Follow these steps when conducting a photo lineup and ensure adequate records of the lineup are kept.

Step	Action				
1	Refer to the instruction sheet that accompanies lineups created within the Photo Manager application.				
2	Ensure all names of people in the photos and other indications of identity are kept out of sight.				
3	Do not help or consult with the witness.				
4	<p>After the witness has completed the identification procedure:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">If the photo lineup was generated using Photo Manager:</td><td style="width: 50%; padding: 5px;">If the photo lineup was NOT printed from Photo Manager:</td></tr> <tr> <td style="padding: 5px;"> <ul style="list-style-type: none"> - the witness completes the Witness Record of Procedure that is automatically generated by Photo Manager (page 3) - the officer conducting the photo lineup - certifies the court copy of the formal photo lineup, along with the blank court copy of the Witness Record of Procedure - has the Sworn Record of Formal Identification Procedure (POL 2025 - in Police Forms>Prosecutions>Evidence Act) sworn in front of a court registrar or solicitor (not a Police employee). </td><td style="padding: 5px;"> <ul style="list-style-type: none"> - take a statement from the witness about the process, including in the statement this declaration: "I was told by the Constable before I viewed the photographs that the suspect may or may not be featured. I was also told that I was under no pressure to indicate anyone and that my best recall of the person I saw was what I was using to guide me in my decision." - complete the Sworn Record of Formal Identification Procedure (POL 2025) and Pictorial Record of Formal ID Procedure (POL 2026) (in Police Forms>Prosecutions>Evidence Act) following the instructions for After the parade. </td></tr> </table>	If the photo lineup was generated using Photo Manager:	If the photo lineup was NOT printed from Photo Manager:	<ul style="list-style-type: none"> - the witness completes the Witness Record of Procedure that is automatically generated by Photo Manager (page 3) - the officer conducting the photo lineup - certifies the court copy of the formal photo lineup, along with the blank court copy of the Witness Record of Procedure - has the Sworn Record of Formal Identification Procedure (POL 2025 - in Police Forms>Prosecutions>Evidence Act) sworn in front of a court registrar or solicitor (not a Police employee). 	<ul style="list-style-type: none"> - take a statement from the witness about the process, including in the statement this declaration: "I was told by the Constable before I viewed the photographs that the suspect may or may not be featured. I was also told that I was under no pressure to indicate anyone and that my best recall of the person I saw was what I was using to guide me in my decision." - complete the Sworn Record of Formal Identification Procedure (POL 2025) and Pictorial Record of Formal ID Procedure (POL 2026) (in Police Forms>Prosecutions>Evidence Act) following the instructions for After the parade.
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5	<p>Place the Record of Formal Identification Procedure (POL 2025) and the certified Witness Record of Procedure (from Photo Manager) or certified Pictorial Record of Formal ID Procedure (POL 2026), whichever is applicable, on the prosecution file (this will be supplied to the judge and the defence).</p> <p>If 'Witness View' has been selected, create an Enhanced Witness Report and attach to the prosecution file.</p>				
6	Record on the file or in your notebook the identities of the people in the photographs and the details of the photograph from which the witness made a positive identification (if any).				

ID parades

Attendance at identification parade

No person [charged with an offence](#) can be compelled to attend an identification parade. If they refuse to attend, no comment adverse to the person charged can be made.

Any person charged with an offence who attends an identification parade is entitled to have their solicitor present.
(s[344B](#) Crimes Act 1961).

An accused person must be advised of their rights in relation to the identification parade.
R v Mei (1990) 3 NZLR 16, 24-25 (CA)

'Charged with an offence'

'Charged with an offence' is restricted to the offence for which evidence of identification is required.

For example, a suspect who refused to take part in an identification parade was placed among a group of people at a periodic detention centre, where he was informally identified by a witness. The court refused to admit the evidence because he had been charged with an offence and had not been free to object to an identification taking place for that offence.

R v Curran (1988) 3 CRNZ 631, 633 (HC)

Refusal to participate in a formal procedure

Photo lineups and ID parades are equally valid formal identification procedures. If a suspect refuses one, they may be asked to participate in the other. Refusal of both methods may, in the absence of a reasonable photograph, be a [good reason](#) not to carry out a formal procedure.

If you do not have a photograph of the suspect, you should ask the suspect to allow you to take one. If the suspect refuses, document the refusal and make a note on the file of the reason no formal identification procedure was followed.

Preparing for and conducting an ID parade

The identification parade should, if possible, be conducted by an employee with the position level of sergeant or senior sergeant. The O/C case can be present, but must not take part in the proceedings.

Procedure

Follow these steps when preparing for and conducting an ID parade.

Step	Actions (O/C parade)
1	<p>Before the parade, choose seven or more other participants who are:</p> <ul style="list-style-type: none"> - of the same race as the suspect (in these procedures, the term 'suspect' includes people who have been charged) - of similar age, height, general appearance and social grouping as the suspect - not Police employees. <p>If the same witness is to view more than one parade, different participants must be used in each.</p>
2	<p>Advise the suspect that:</p> <ul style="list-style-type: none"> - they are entitled to: - refuse to take part in the parade - have a solicitor present - the parade will, where practicable, be photographed.
3	<p>The witnesses must not be:</p> <ul style="list-style-type: none"> - allowed to see the suspect before they are placed in the parade - influenced by any opinion, or written or verbal description, from the Police - asked any leading questions that would draw their attention to any distinctive physical characteristic of the suspect.
4	<p>If a witness does not feel able to face the participants directly, use a one-way glass viewing facility where available, and adapt the following procedures accordingly.</p>
5	<p>Ask the participants to stand about one metre apart and, if it will assist the witness, to:</p> <ul style="list-style-type: none"> - wear or remove their hats - speak - walk individually.
6	<p>Ensure a pictorial record (photo or video) is taken of the parade and that the venue has good light.</p> <p>Tell the participants the reason for being photographed and assure them that the prints will be appropriately secured and destroyed when no longer required.</p>
7	<p>The suspect must be:</p> <ul style="list-style-type: none"> - asked if they object to any of the participants or the way they are arranged - invited to stand where they wish and change position after each witness has viewed the parade.
8	<p>The witnesses must be:</p> <ul style="list-style-type: none"> - told the person they are to identify may or may not be in the parade - told not to hurry - accompanied along the parade by the O/C parade - brought in one by one and asked to stand in front of, and point, to the person they identify - prevented from communicating with waiting witnesses when they leave.
9	<p>If a witness indicates a person but cannot make a positive identification, or picks out someone other than the suspect, ensure that this is recorded.</p>

After the parade

The O/C parade takes these steps after the ID parade.

Step	Action
1	<p>Make a written record detailing the procedure used and:</p> <ul style="list-style-type: none"> - the time, date and place of the parade - the name of the witness. <p>This must be completed using the Sworn Record of Formal Identification form (POL 2025) (available in Police Forms>Prosecutions>Evidence Act). It must be sworn in front of a court registrar or solicitor (not a Police employee) and placed on the prosecution file.</p>
2	Record details of the witness and the participants (i.e. names, ages, occupations and addresses) on the file or in your notebook.
3	<p>Put a certified pictorial record of what the witness looked at on file.</p> <p>Certify the pictorial record by writing or stamping the words <u>below</u> on it, e.g. on the back of a photograph:</p> <p>The certified pictorial record will be supplied to the judge and the defence, but not the jury (if any). When the case is over, it will be retained on the file.</p>

Wording for certifying a pictorial record

I, (Here insert name of police officer who conducted the formal ID procedure), of (Here insert address and occupation, e.g. Wanganui, Police Constable), do certify that this is a true and complete pictorial record of what the witness (Here insert name of witness) looked at when I conducted the formal visual identification on (Here insert day, month and year), at (Here insert time) am/pm.

Note: this text is provided in the Pictorial Record of Formal ID Procedure form (POL 2026 in Police Forms>Prosecutions>Evidence Act) and also appears in all printed lineups that are created within the Photo Manager application.

Identification witnesses to provide particulars

If the defendant or person acting on their behalf so requests, the prosecutor must supply:

- the name and address of each identification witness (a person who claims to have seen the offender in the circumstances of the offence), whether or not that witness will be called
- each witness' written description of the offender
- a copy of any identikit picture or other drawing made by any such witness.

The judge may make an order excusing the prosecutor from supplying the name and address of an identification witness if they are satisfied that the order is necessary to protect the witness or any other person.

(s [14A](#) Criminal Disclosure Act 2008)

Voice identification

Voice identification evidence defined

'Voice identification evidence' means evidence that is an assertion by a person to the effect that a voice, whether heard first-hand or through mechanical or electronic transmission or recording, is the voice of a defendant or any other person who was connected with an act constituting direct or circumstantial evidence of the commission of an offence.

(s⁴[Evidence Act 2006](#))

Admissibility of voice evidence

Voice identification is inadmissible unless the prosecution can prove on the balance of probabilities that the circumstances giving rise to the identification were reliable.

(s⁴⁶[Evidence Act 2006](#)).

Example of admissible voice identification evidence

R v Waipouri (1992) 3 NZLR 450, 454 (HC) provides an example of what may be required to prove reliability. The judge admitted voice identification evidence because:

- the victim had ample opportunity at the scene to become familiar with the suspect's voice, and
- the identification occurred only two days after the incident, and
- the victim recognised the voice immediately, and was quite sure it was that of the offender.

Statements describing offenders

Admissibility of statements describing offenders

It is important to obtain from a witness, as soon as possible after the offence is committed, a written statement describing the offender. (See the [Investigative interviewing witness guide](#) for information about taking statements).

Such a statement is crucial in these circumstances:

If a witness...	Actions / Comment
varies evidence because their memory fails	If a witness's evidence varies from that recorded on the statement because they genuinely cannot recall some detail that was included, the statement can be admitted in evidence to prove the truth of the contents. (s 35 (3)(b) Evidence Act 2006)
refuses to give evidence, or deliberately gives inconsistent evidence	In this situation, the prosecutor should apply to have the witness declared hostile under s 94 Evidence Act 2006 (note the wide definition of 'hostile' in s 4 of the Act). The prosecutor then needs to prove the previous inconsistent statement was made by the witness and produce the previous inconsistent statement into evidence. The proven previous inconsistent statement becomes admissible as to the truth of its contents due to s 7 of the Act.
dies	If a witness dies before the court proceedings, the statement is admissible as a hearsay statement. (ss 16 & 18 Evidence Act 2006)

Fingerprint and DNA identification

Fingerprints

If a fingerprint is to be relied on for evidence, the suspect must be fingerprinted at the time that they were arrested for the offence. If the suspect is already in prison for another offence, the fingerprinting must be arranged when they are interviewed.

For further information, see the [Fingerprints](#) Police Manual chapter.

DNA

Under certain circumstances, Police have the authority under the Criminal Investigations (Bodily Samples) Act 1995 to take buccal or blood samples for use in criminal investigations and prosecution, and in a DNA profile databank.

For detailed information about this Act and related procedures, refer to the [DNA Sampling](#) Police Manual chapter.

Selection of operation names

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Policy statement and principles

Police employ operation names for a variety of tasks ranging from community service and logistical work such as Christmas parades to serious crime such as sexual assault and homicide investigations.

Selection of an inappropriate operation name has the potential to adversely reflect upon the prosecution during trials and can undermine the professionalism of Police and the Crown.

To ensure that operation names and associated processes can withstand all levels of scrutiny and cross examination, the [Operation Name Manager application \(ONM\)](#) (login required) has been developed which:

- facilitates the selection of operation names from a pre-approved pool of names
- is accessible to all staff via the Police Intranet (this includes detailed user instructions).

Purpose

The purpose of this chapter is to provide you with direction on the selection of operation names.

Names for major operations

When selecting operation names, you must use the ONM:

- for inter-district, regional or national operations
- when the activity or investigation is likely to end up in the public domain, for example a district or high court trial
- when the operation is of a nature that is likely to attract public and media interest and scrutiny
- where the operation requires a project code.

Considering the known circumstances of the operation, carefully scrutinise the operation name allocated by the ONM to ensure that the name allocated is not inappropriate.

Names for lower level operations

You may select names for lower level operations run at station, area or district level that do not otherwise meet the criteria above on an ad hoc basis.

However, when you generate names for lower level operations you must ensure the name selected can withstand scrutiny and does not reflect adversely on the professionalism of Police.

How to use the ONM

See the Operation Name Manager [User Guide](#).

CS gas

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Part of the '[Use of Force](#)' chapter

Using CS (chlorobenzalmalononitrile) gas

CS gas and allied equipment must only be used in these situations by Armed Offenders Squad members or other employees who have had specific training in its use.

Situation...	Must be authorised by...
<p>Against person(s) believed to be armed or otherwise potentially dangerous, when the situation and perceived risk (TENR) is serious enough to warrant its use. Examples are:</p> <ul style="list-style-type: none"> - Where an offender fails to comply with lawful instructions to leave an address, and they pose an unacceptable risk to staff (and others) by entering that address to arrest them. - Where there are reasonable grounds to believe an offender is in an address, but there is an unacceptable risk to staff (and others) in entering or approaching that address to search for that offender. - To facilitate either immediate or deliberate action against an offender(s) in a building/vehicle when necessary to prevent death or serious injury. <p>Note: When deploying CS gas into an address, and if the situation allows, consideration should be given to arranging attendance of the Fire Service and Ambulance or medical assistance prior to deployment.</p>	<ul style="list-style-type: none"> - The Incident Controller, and - O/C Armed Offenders Squad, or O/C STG.

Reporting the use of CS gas

Step	Action
1	Include details of the use of CS gas in: <ul style="list-style-type: none"> - the AOS operation report, or - if use was not part of an AOS operation, in a detailed report from the O/C Incident to the relevant District Commander.
2	Send a copy of the report to the Director: Capability, Police National Headquarters, as soon as practicable.

Issue, storage and security of CS gas

CS gas and equipment, including weaponry used for the discharge of CS gas, must only be issued to Armed Offenders Squads and sections, except for respirators which may be issued to stations on the approval of District Commanders.

District Commanders must arrange for the nearest O/C Armed Offenders Squad or Section to be delegated responsibility for the safe and secure storage of CS gas and allied equipment within districts where stocks are held.