

2 September 2010

Chester Borrows, MP
Chair of the Justice and Electoral Committee
Parliament Buildings
WELLINGTON 6011

Search and Surveillance Bill

Supplementary submission of the New Zealand Police Association responding to Interim Report

Thank you for the opportunity to respond to the Committee's Interim Report on the Search and Surveillance Bill.

We have restricted our comments below to focus on those main changes proposed by the Interim Report which are relevant to the key issues identified in our original submission.

Reporting requirements and burden of compliance

The Police Association remains concerned at the considerable burden of compliance that will be imposed on police staff from the reporting requirements introduced by this bill. Paragraphs 26 to 29 of our original submission refer.

While there is some simplification of the statistical information required to be reported in the Annual Report, the amendments proposed in the Interim Report do not appear to us to alleviate the considerable burden that will be imposed on frontline response and investigative staff, and supervisors.

Limiting reporting (for Police) to warrantless powers contained in Parts 2 and 3 still covers a wide range of common police activity. The additional time that will need to be spent complying with reporting requirements will, in aggregate, significantly reduce the effective available policing resource to the community. This means response staff spending more time in the station doing paperwork, instead of being out in the community on patrol or responding to calls for service; and fewer investigation files able to be progressed. This will inevitably result in more complaints being de-prioritised for action and eventually filed unresolved for lack of resource.

While the eventual reporting will undoubtedly enable greater Parliamentary and public scrutiny of statistical trends, there is a real cost to policing through imposition of such requirements.

Restriction of surveillance device powers of non-Police agencies

The Police Association welcomes the changes to limit use of surveillance devices to approved agencies certified as having the technical capability of exercising the powers. This requirement should mitigate the risks of an agency which lacks sufficient capability from making serious errors which could undermine the regime, and also reduce the likelihood of agencies placing further demands on finite Police resources to provide technical support for the exercise of another agency's statutory powers.

Alignment of definition of organised crime

The Police Association welcomes the alignment of the definition of organised criminal group with that contained in section 98A of the Crimes Act 1961. It is rational to operate one statutory definition, given various powers and offence provisions across a number of acts are likely to overlap in the course of an investigation into a given group. Whilst the provisions of early iterations of section 98A have in the past proved extremely problematic, we are informed the revised provisions of that section, enacted last year, appear now to be working well. As such, the section ought to provide a satisfactory standard statutory definition for organised crime for offence and investigative power provisions.

Greg O'Connor
PRESIDENT