



ILEC 2006 AGENDA

SESSION 5 – 2ND TIER POLICING

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2ND Tier Policing

In October 2004 the New Zealand Police Association (The Association) held our annual conference with the theme "Who will make the Arrest?" The purpose of this theme was to draw attention to the growing number of government and private agencies with increasing powers that resemble police powers.

New Zealand Police (NZ Police) differ from many international forces because we do not have the obvious secondary police such as reserves, auxiliaries and Community Safety Officers. However, as explained below, New Zealand has seen an increase in the amount of police powers being afforded to other agencies. This is also occurring within police as recruitment and resourcing becomes an escalating problem. NZ Police is concentrating in an increasingly narrower range of duties being essentially road policing and volume crime such as burglaries, car offending and the serious violent crimes including sexual offences.

Temporary Constables

NZ Police has started to employ the services of non-sworn staff in roles as Temporary Constables. In May 2006, there was 330 temporary sworn staff across the country. They are employed mainly as jailers, prison escorts or crime scene security. They are given temporary sworn status because they often engage with prisoners and require this in their roles. The Temporary designation refers to their temporary sworn status and not their employment.

A Temporary Sworn Employment Policy has been implemented and all temporary constables are required to have an induction/training package covering custodial management, first aid and self defence.

In April 2006, there were concerns with the temporary constables wearing sworn police uniform and abusing their powers. There were also issues raised that temporary constables needed to be distinguishable from sworn police officers. A uniform for temporary constables was developed. It comprises of a navy blue polo shirt, zip up jacket with police logo. These are worn with standard issue police trousers. The Association can cover temporary constables if they are employed as full time employees of the NZ Police. NZ Police employs many of the temporary jailers on a casual basis, which they call upon when required. This means the Association will not cover them.

NZ Police believes "temporary sworn staff play a vital role in the organisation by freeing up fully-sworn staff to concentrate on frontline policing duties."

Serious Fraud Squad

We have seen a growing trend in New Zealand that police are tasked with community policing while specialist policing that requires coercive and statutory powers is being allocated to outside agencies. An example of this is the Serious Fraud Office (SFO). The SFO is a government department, which under the Serious Fraud Act of 1990 is able to detect, investigate and prosecute cases of serious and complex fraud.

The NZPA has been advocating for more seizure legislation. The civil forfeiture legislation being drafted by the government would allow assets to be seized from people suspected of being criminals, but who haven't been convicted. It has been proposed that this new legislation go to the SFO. There appears to be a reluctance to confer these powers on police.

Customs, Immigration and Fisheries

With legislation granting specialised government agencies more specific powers, government ministries are also requiring more powers to be available to them. New Zealand has around 160 Fisheries Officers who operate throughout both the North and South Islands. The Fisheries Act 1996 covers Fisheries Officers. They have the power to detain, arrest and use reasonable force. Fisheries Officers have uniforms that are to be worn in all fieldwork.

In August 2006, New Zealand had 956 Customs Officers who are at the entry places around New Zealand. They are covered by the Customs and Excise Act 1996. This act enables them to detain a person for up to 12 hours, arrest a person up to seven days after the date the person has come to the Customs Officers attention. They are able to use reasonable force to detain a person. Customs Officers also wear uniform while on duty.

Immigration Officers control the entry of people from other countries into New Zealand, and administer visas and residency applications, according to laws and policies. As part of the temporary stays (students, visitors, temporary workers) section, Immigration Officers meet with applicants to establish whether they fit within pre-determined criteria.

A recent rewrite of the Immigration Act has seen immigration officials propose that Immigration Officers be granted new powers. These include, powers to detain for up to four hours, search and entry for immigration reasons all in the absence of a police officer.

Since September 11, Aviation Security Service have been given more power to enable them to do their job effectively. Their role is covered by the Civil Aviation Act 1990 and involves the screening of departing international passengers and domestic passengers on 90+seat aircraft (and their baggage) for dangerous items, access Controls, patrolling of security designated areas, and the searching of aircraft. Aviation Officers employed in this role are able to seize and detain dangerous goods, use reasonable force to detain people and arrest people and deliver them to Police. Fisheries, Customs, Immigration and Aviation Officers are all public service employees, which means they are able to be part of unions for public servants.

Security Guards and Private Investigators

Considerable changes are taking place in the law and order environment as demands grow from the public for greater security and more protection from the actions of criminals. The fear of crime industry is becoming more and more lucrative. As at September 2006, there are 7,779 registered security guards in New Zealand and 904 security guard companies. Private Investigators are now being used to investigate serious fraud cases. There are 297 registered Private Investigators and 179 Private Investigations Companies.

There has been a notable increase in New Zealand of voluntary community patrol with varying levels of interaction with their local police. Just this year a New York based group called the Guardian Angels began patrolling Auckland streets.

Community patrols are also being provided by City Councils to patrol the city. Wellington City has City Safety Officers who patrol Wellington's inner city 24 hours a day, seven days a week. Their role is to prevent crime in public places by being an approachable visible presence.

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