



Police safety orders

Version : 5.0

Detailed table of contents

This chapter contains these topics:

Summary

- Purpose of this chapter
- Links with family violence policy and procedures
 - Domestic and close personal relationships defined
 - Other definitions relevant to Police safety orders
 - Further information about family violence

What are Police safety orders and who issues them?

- What are Police safety orders?
- Who is a qualified constable?
- The effects of a Police safety order
 - Immediate effects
 - Longer effects
 - Effect on parenting orders

Deciding whether to issue an order and for how long?

- When can a safety order be issued?
- When can a safety order not be issued?
- Factors to consider when deciding to issue a Police safety order
- Commencement and duration of the orders
- Deciding the duration of the order
- Issuing process flowchart

Authorising, issuing and serving safety orders

- Prescribed form for Police safety orders
- Authorising or obtaining authorisation to issue a Police safety order
- Police powers pending the authorisation and issue of an order
 - Unable to issue and serve the order during the period of detention
- Arranging support for the person at risk when the order is issued
- Procedures when orders are served
 - Serving orders when the person is on EM bail
- Serving orders issued by a court
- Breaches of Police safety orders and related powers
- Preventing and detecting breaches
- Actions for breach of Police safety order
 - If the bound person has absconded after the breach
 - Warrants to arrest
- Filing complaints for breaches
- Powers of the court
 - If a new order is instructed to be issued by the court
 - Notifying the person at risk
- Case standard for Police safety order breaches
- Failing to remain while a safety order is issued
- Breach process flowchart
- PSO Alerts

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Summary

This section contains these topics:

- Purpose of this chapter
- Links with family violence policy and procedures
 - Domestic and close personal relationships defined
 - Other definitions relevant to Police safety orders
 - Further information about family violence

Purpose of this chapter

This chapter describes Police safety orders (PSOs) and provides information about:

- who can issue them
- the immediate and longer effects of an order and how they impact on parenting orders
- when they can be issued and when they cannot
- factors to consider when determining whether to issue an order
- when orders commence and their duration.

The chapter also details procedures for:

- obtaining authorisation to issue a Police safety order
- serving orders, including what to do when the person is on EM bail
- entering alert details in NIA
- responding to breaches of Police safety orders.

Links with family violence policy and procedures

Police safety orders are just one possible response to a family violence case.

The Police Family violence policy and procedures (and the requirement to complete a Pol 1310) apply **only** when it is determined that the parties involved are in or have been in an intimate partner relationship (i.e. partners or spouses) or are family members. These "family violence" relationships are only two of four categories of relationships defined as "domestic relationships" in section 4 of the Domestic Violence Act 1995.

Normal Police responses apply to violence involving people in the other categories of domestic relationships, i.e. flatmates and those in a close personal relationship. However, Police safety orders can be considered and issued in **all** responses to violence complaints / occurrences, when the parties involved are in any domestic relationship and not just in situations where the Police Family violence policy and procedures applies.

Domestic and close personal relationships defined

Term	Meaning
Domestic relationship	<p>A person is in a domestic relationship (defined in s4 Domestic Violence Act 1995) with another person if the person:</p> <ul style="list-style-type: none"> • is a partner of the other person • is a family member of the other person • usually shares a household with the other person, or • has a close personal relationship with the other person.



Police safety orders, Continued...

Version : 5.0

Close personal relationship	<p>A person is not regarded as having a close personal relationship with another person by reason only of the fact that the person has with that other person:</p> <ul style="list-style-type: none"> • an employer-employee relationship, or • an employee-employee relationship. <p>When considering whether a person has a close personal relationship with another person, the court must have regard to the:</p> <ul style="list-style-type: none"> • nature and intensity of the relationship, and in particular: <ul style="list-style-type: none"> - amount of time the people spend together - place or places where that time is usually spent - manner in which that time is usually spent (it is not necessary for there to be a sexual relationship between the persons), and • duration of the relationship.
-----------------------------	--

Other definitions relevant to Police safety orders

Term	Meaning
Bound person	A person against whom a Police safety order has been issued.
Complaint	An application made to the court by Police when a bound person is to appear for a breach of a Police safety order.
Person at risk (PAR)	A person whom Police have issued a Police safety order to protect. Also includes children that usually reside with that person.

Further information about family violence

See the [Family violence policy and procedures](#) for detailed information about the Police response to family violence occurrences.

RELEASED INFORMATION OFFICIAL INFORMATION ACT



What are Police safety orders and who issues them?

This section contains these topics:

- What are Police safety orders?
- Who is a qualified constable?
- The effects of a Police safety order
 - Immediate effects
 - Longer effects
 - Effect on parenting orders

What are Police safety orders?

Police safety orders (PSOs) are immediate orders issued by a qualified constable (or a constable authorised by a qualified constable) under s124B Domestic Violence Act.

A constable can also issue an order on judicial direction (ss124B(1) and 124N).

Police safety orders provide an additional tool for police attending family violence occurrences where an investigation fails to establish full evidence of an offence.

The orders do not need to be issued by a court (although they can be in some circumstances). Nor do they require the victim's consent to be issued. The orders must be issued in the prescribed form.

Who is a qualified constable?

A qualified constable is a constable of or above the position level of sergeant. They must hold the substantive position level or otherwise be formally appointed or authorised under section 63 Policing Act 2008 to the appropriate position level.

The effects of a Police safety order

Immediate effects

Police safety orders:

- require a person to:
 - surrender any weapon in their control or any firearms licence held to a constable
 - vacate any land or building occupied by a person(s) at risk regardless of whether the person against whom the order is issued has a legal or equitable interest in it
- provide a cooling down period where the person at risk has time and space to seek support and assistance, including applying for a temporary protection order if desired.

Longer effects

In addition to the immediate effects of the order, the same standard conditions apply to Police safety orders as to protection orders issued under section 19 Domestic Violence Act 1995, which are that the bound person must not:

- physically or sexually abuse the person at risk
- threaten to physically or sexually abuse the person at risk
- damage, or threaten to damage, property of the person at risk
- engage, or threaten to engage, in other behaviour, including intimidation or harassment, which amounts to psychological abuse of the person at risk
- encourage any person to engage in behaviour against a person at risk, where the behaviour, if engaged in by the bound person, would be prohibited by the order.

The only modification to these standard conditions, apart from terminology (the safety order refers to "a person at risk" rather than a "protected person") is that contact with the person at risk (by telephone, electronic message, correspondence or otherwise) is restricted to that which is reasonably necessary in an emergency.
s124E(2)



Police safety orders, Continued...

Version : 5.0

See the Protection and property-related orders chapter for more information about the conditions applying to protection and Police safety orders.

Effect on parenting orders

If a Police safety order is issued against a person who is a party to a parenting order or agreement, that parenting order is suspended. Any day to day contact or care of a person provided for in the parenting order has no effect and the provisions of the safety order apply. (See also related information about parenting orders in Factors to consider when deciding to issue a Police safety order in this chapter.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Deciding whether to issue an order and for how long?

This section contains these topics:

- When can a safety order be issued?
- When can a safety order not be issued?
- Factors to consider when deciding to issue a Police safety order
- Commencement and duration of the orders
- Deciding the duration of the order
 - Checking for breaches
- Issuing process flowchart

When can a safety order be issued?

A qualified constable or a constable authorised by a qualified constable may issue a Police safety order against a person (who becomes a bound person) who is or has been in a domestic relationship with another person (the person at risk) if the constable:

- does not arrest the bound person for an offence involving the use of violence against the person at risk (a family violence offence), but
- has reasonable grounds to believe, taking specified matters into account, that the issuing of an order is necessary to ensure the immediate safety of the person at risk. (s124B(1))

Note if a person is arrested for a family violence related offence, but it is later determined that there is insufficient evidence to charge for that offence, a Police safety order cannot subsequently be issued. Once an arrest has been made, the window of opportunity to issue the PSO has closed.

Note also that while Police family violence procedures only apply to occurrences involving intimate partners and family members, Police safety orders can be considered in other types of domestic relationships, i.e. where the parties:

- usually share a household, or
- are in a close personal relationship.

When can a safety order not be issued?

Police safety orders cannot be issued if the alleged violent person is arrested for a family violence offence (this includes intimidation, threatening behaviour and other forms of psychological abuse). In these cases, bail conditions may be set which essentially serve the same purpose as a Police safety order.

A Police safety order cannot be issued if the person is under 17 years of age.

If the alleged violent person is the subject of a protection order issued by the Family Court and the applicant is the person at risk, it is likely that the behaviour complained of will constitute a breach of the order. Every effort should be made to obtain sufficient evidence so that an arrest can be made. On rare occasions only, an officer can issue a PSO if there is insufficient evidence to arrest the alleged violent person for breaching the protection order. (See the Protection and property-related orders chapter for information about conditions).

Factors to consider when deciding to issue a Police safety order

When deciding whether it is necessary to issue a Police safety order, consider the risk information collected in the Pol 1310 where applicable (CRF and IPVF) and ODARA, and also:

- whether it is likely that the alleged violent person:



Police safety orders, Continued...

Version : 5.0

- has used, or is using domestic violence against the person you perceive to be at potential risk, and /or any other person with whom the alleged violent person has a domestic relationship
 - will use or again use domestic violence against the person at risk
 - the welfare of any children residing with the person at risk
 - the hardship that may be caused if the order is issued, and
 - any other matter that may be considered relevant.
- (These factors are listed in s124B(2)).

You should also take account of:

- previous interactions with Police
- history of mental illness
- presence or history of abuse of alcohol and/or drugs
- propensity for violence
- family violence history
- parenting, protection and/or Police safety orders previously in force.

Hardship

For the purpose of a Police safety order, consider hardship caused to any person including the family.

When deciding if hardship may be caused, consider such things as:

- who will have the family car
- who is in charge of family finances and holds Eftpos cards/money
- the financial ability for the removed person to find alternative accommodation and transport.

Be mindful that the dynamics of family violence mean that in some cases the use and control of family money and other assets may be part of the power and control dynamics used by the offender to continue the family violence.

Parenting orders

You must take reasonable steps to establish whether **any** adult family member of the household holds, or is in the process of obtaining, a parenting order relating to children of the household. The person you intend to remove may have had a parenting order made against the person you intend to protect and a violence finding may have been made against that person by the Family Court. Be aware of dangers to the children for reasons not immediately apparent.

If a parenting order is in place, this information should be provided to the family violence coordinator for follow up.

See also the information on the effect of Police safety orders on parenting orders when the bound person is a party.

Commencement and duration of the orders

Police safety orders come into force immediately after they have been served and continue in force for the period specified in the order. This period cannot exceed 5 days.

The issuing officer decides on the duration of the order.

Deciding the duration of the order

When deciding on the duration of the order, the issuing officer must:

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Police safety orders, Continued...

Version : 5.0

- have regard to the factors set out in section 124B(2) (see Factors to consider when deciding to issue a Police safety order above)
- carefully consider the impact of the order on the family (e.g. hardship to any person, including the alleged violent person, and the welfare of the children).

As a starting point, you should begin with considering a 24 hour duration and then factor in other relevant considerations, for example:

- weekends, public holidays, and an individual's ability to access the courts, if necessary (e.g. the person at risk may wish to seek a protection order)
- how long it will take for the family to access appropriate support services and make ongoing arrangements for their safety. (See Arranging support for the person at risk when the order is issued in this chapter and the Family violence policy and procedures for more information about safety, support and interventions).

Do not limit safety considerations to those apparent at the time police were in attendance. Consider risk to safety over the next hours or days.

Note that the longer the duration of the order, the more complex the decision making is likely to be and the greater the likelihood that there will have been an offence.

See more information on arranging support for persons at risk and for contacting bound persons to prevent breaches.

Issuing process flowchart

Download the PSO Issuing Process flowchart [here](#) (word document, 493 KB).

RELEASED UNDER THE OFFICIAL INFORMATION ACT



Police safety orders, Continued...

Version : 5.0

Authorising, issuing and serving safety orders

This section contains these topics:

- Prescribed form for Police safety orders
- Authorising or obtaining authorisation to issue a Police safety order
- Police powers pending the authorisation and issue of an order
 - Unable to issue and serve the order during the period of detention
- Arranging support for the person at risk when the order is issued
- Procedures when orders are served
 - Serving orders when the person is on EM bail
- Serving orders issued by a court

Prescribed form for Police safety orders

Police safety orders must be in the prescribed form.

Authorising or obtaining authorisation to issue a Police safety order

Follow these steps to authorise or obtain authority to issue a Police safety order.

Step	Action
1	<p>Complete all enquiries to identify possible offences. (See "Family violence offences and relevant Police powers" in the <u>Family violence policy and procedures</u>). Where no offences are disclosed:</p> <ul style="list-style-type: none"> • ensure you have completed the POL 1310 (Family Violence Form Set) including the risk information forms and / or ODARA • consider whether it is necessary to issue a Police safety order. (Take into account all the <u>factors to consider when deciding to issue a Police safety order</u> and other information about <u>when they can be issued</u> in this chapter. These factors will also help you determine the appropriate duration for the order (up to 5 days).
2	<p>If you are not a <u>qualified constable</u> and consider that a Police safety order should be issued, seek authority to issue an order from a constable who is qualified. Note that without a formal appointment under section 63, a constable who is relieving as an acting sergeant is not "qualified" and cannot issue, or authorise the issue of, a Police safety order.</p> <p>Supervisors asked to issue a safety order but who are not a qualified constable, should direct the person to their Communications Centre or the O/C station if no other qualified constable is available.</p>
3	<p>To document discussion about authorisation to issue at the time it was given, the authorising constable should either:</p> <ul style="list-style-type: none"> • sign the completed Pol 1310 (if they are present with the issuing officer), or • make a <u>notebook entry</u> recording the circumstances of their authorisation (this also applies to authorising constables from Communications Centres). <p>These records could be important if the issuing of the safety order is later challenged on the basis it was not necessary, or that it would have been issued had a more accurate consideration of risk been completed.</p>

Police powers pending the authorisation and issue of an order

You may:

- detain the person against whom a Police safety order is to be issued for up to 2 hours to allow you to obtain the necessary authority and to issue and serve the order on that person. The 2 hour period commences when the constable decides that a Police safety order is necessary (and seeks authorisation from a qualified constable if required).

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Police safety orders, Continued...

Version : 5.0

- remove the person from the premises and to a Police station or place used as a Police station (e.g. a patrol car) during the period of the detention. In some situations and for short periods, detention within the home may be appropriate.

A person who refuses to remain at the place where they are detained:

- commits an offence and is liable on summary conviction to a fine not exceeding \$500
- may be arrested without warrant.

Unable to issue and serve the order during the period of detention

If you are unable to issue and serve the order within 2 hours, you must release the detained person. You then have a period of 48 hours to issue and serve the order on that person. The safety order will expire if it has not been served within that time period. The 48 hour period commences from the time a qualified constable authorises the issuing of the Police safety order.

Arranging support for the person at risk when the order is issued

Be aware that there is the potential for continued risk to a 'person at risk' despite a safety order being issued. You should take all practicable steps to ensure that:

- relevant and appropriate specialist support has been contacted for people assessed as being at risk and that their immediate safety is assured
- advocacy for the person at risk is arranged as soon as possible to enable contact to occur within the time the PSO remains in force
- support and a temporary place to reside is available to the bound person (see Preventing and detecting breaches for more information).

The officer issuing the Police safety order should, where possible, and ideally while still at the scene, ring a family violence support agency (i.e. Women's Refuge, Victim Support, Shine, AVIVA). While there is no expectation that the agency will attend the scene, a call allows the person at risk to speak with the support agency. This could be the best opportunity for the agency to arrange a meeting, minimising any loss of the referral or confusion of contact details.

Districts must ensure they have a process to get referrals of PSO' persons at risk to a support agency in a timely manner. If an immediate phone call is unable to be made, then police must make a referral at the earliest opportunity. Referring through FVIARS is usually too late, with the PSO often expired.

Procedures when orders are served

Take these steps when and after serving a Police safety order.

Step	Action
1	Follow as appropriate, the procedures for serving protection orders in the <u>Protection and property-related orders</u> chapter, including the seizure of any firearms held, when serving Police' or court issued Police safety orders. Then take the additional steps below.
2	Fully explain to the person at risk and the bound person the nature, duration and effect (conditions) of the order. This explanation can happen prior to, at the time of serving or, in the person at risk's case, as soon as possible after the safety order is served. Note: Consider using an Iwi Liaison Officer (ILO), Pacific Liaison Officer (PLO) or Ethnic Liaison Officer (ELO) to liase with families where language and cultural issues may be a factor.
3	Record the PSO in NIA immediately by contacting the CRL via 0800 NZP PSO. The PSO must not be manually entered into NIA. See <u>PSO alerts</u> .

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Police safety orders, Continued...

Version : 5.0

4	<p>Upon serving the safety order (and after explaining its effect and consequences for breach) you must ensure that the bound person:</p> <ul style="list-style-type: none"> • immediately surrenders all firearms or weapons (and a firearms licence if held) in their possession or control • vacates the land or building occupied by the person at risk. It is irrelevant whether this person has a financial interest in that place. (See <u>procedure below</u> if the person is on EM bail). <p>Take all practicable steps to obtain contact details for the bound person so that police can contact them and discuss prevention options. See <u>Preventing and detecting breaches</u> for more information.</p>
5	<p>If you have not already done so, contact the appropriate agency to ensure appropriate assistance and support services are in place for the protected person (including any children residing with them). See <u>Arranging support for the person at risk when the order is issued</u> and "Safety, support and intervention" in the <u>Family violence policy and procedures</u> chapter.</p>
6	<p>Before the end of your shift:</p> <ul style="list-style-type: none"> • complete the Pol 1310 and other documentation (see Recording and reporting requirements in the <u>Family violence policy and procedures</u> chapter) • ensure copies of the Police safety order are on file and are submitted with the Pol 1310 • notify the family violence co-ordinator.

Serving orders when the person is on EM bail

If a person is on EM bail and is served with a Police safety order relating to their EM address, they will be unable to remain at that address for the duration of the order and therefore unable to comply with the conditions of their bail bond.

Follow these procedures in addition to those in Procedures when orders are served above:

Step	Action
1	<p>If the person is able to propose a new temporary address which is approved by a Department of Corrections' EM bail assessor, (Police have no authority to approve EM bail addresses) Police may transport them to that address.</p> <p>Contact Corrections Helpdesk on 0800EMBAIL to enquire if the temporary address is approved.</p>
2	<p>If the person cannot propose a new temporary address or the temporary address is not approved by Corrections, the person must be:</p> <ul style="list-style-type: none"> • immediately taken into Police custody by way of voluntary surrender under s30N or arrested under s35 of the Bail Act, and • brought before the court as soon as possible for reconsideration of their bail status. Oppose continuation of EM bail to the EM bail address if there are continuing risks to the 'person at risk' under the PSO.
3	<p>Explain the effect of the order before taking the person into custody.</p>
4	<p>Ensure support for the protected person is in place.</p>
5	<p>Complete the requirements in step 6 of the table above.</p>

See 'EM bail - Breaches and unsuitable addresses' in the Bail chapter for more information about procedures when EM bail addresses become unsuitable and a PSO is served.

Serving orders issued by a court

Any constable can issue a Police safety order on judicial direction.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Police safety orders, Continued...

Version : 5.0

When an order is issued on judicial direction, the prosecutor will arrange to have the court directed PSO **served** by a role-holder in this order:

- officer of the court; but if not present, then
- a constable of a district within the vicinity of the court (it's likely that the nearest station will be called to send a constable to the court); but if this is not possible, then
- the prosecutor.

When serving the order, follow the procedures when orders are served.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Breaches of Police safety orders and related powers

This section contains these topics:

- Preventing and detecting breaches
- Actions for breach of Police safety order
 - If the bound person has absconded after the breach
 - Warrants to arrest
- Filing complaints for breaches
- Powers of the court
 - If a new order is instructed to be issued by the court
 - Notifying the person at risk
- Case standard for safety order breaches
- Failing to remain while a safety order is issued
- Breach process flowchart

Preventing and detecting breaches

Police should contact the person at risk while the PSO is in place – preferably within 24 – 48 hours of the order being served, to:

- check for any breaches that may have occurred, and
- ensure the person at risk understands what constitutes a breach.

Unless impractical to do so, police should also re-visit the bound person while the PSO is in place if:

- the incident leading to the order involved intimate partner violence, or
- the bound person is considered high risk.

This visit:

- provides a time to engage with the bound person and offer support services to address family violence at a time when Police are not responding to a call for service
- ensures the bound person understands the PSO, what constitutes a breach and consequences of any breach. This is particularly important if the bound person was intoxicated at the time and may not have understood the conditions and consequences of the order.

Actions for breach of Police safety order

Although breaching a Police safety order is not an offence, the bound person can still be arrested if they refuse or fail to comply with the order or a condition of the order. You may use reasonable force when arresting the person.

If a bound person is arrested for breaching a Police safety order, you must:

- bring them before the court within 24 hours
- make a complaint to the court requesting that it makes an order under section 124N of the Act (see Powers of the court below)
- if the person cannot be brought before a court within 24 hours, at or before the expiry of the period, you must release the person and summons them to appear. The person can be arrested and brought before the court if they fail to appear as summonsed.

Prosecution of breaches

A breach of a PSO is a criminal matter and criminal rules of evidence apply.

Factual matters must be proven beyond reasonable doubt. In most cases a signed notebook entry from the complainant and the attending staff will be sufficient to be given in evidence. (See the Notebooks and Job Sheets chapter).



Police safety orders, Continued...

Version : 5.0

If the bound person is expected to contest the breach or raise any associated issues, the arresting officer must be prepared to go to court and have the victim (PAR) attend also to give evidence.

See Mark v New Zealand Police (2013) NZHC 1041

If the bound person has absconded after the breach

Where the bound person has absconded after breaching the Police safety order, you must advise the CRL. You have one month from the time of the breach to locate the person and to bring them into custody. You then have 24 hours to bring them before the court.

A complaint is filed and an order sought under s124N.

Warrants to arrest

You may also apply to the court for a warrant to arrest to be issued under section 124O(1)(a) Domestic Violence Act 1995 and it must be recorded as an alert in NIA. This warrant provides for a power of entry using reasonable force if you have reasonable belief that the bound person is at a specific address. You must then:

- bring the person before the court as soon as possible - (**Note** criminal rules of evidence will apply - see above)
- make a complaint to the court in the prescribed form so that the court can exercise its jurisdiction under section 124N.

If a warrant to arrest has been issued for a breach of a Police safety order and the bound person has not been located and brought before the courts within one month, the matter must be brought back before the court to seek leave to withdraw the warrant. (Note that over time the significance of the breach and the sanctions available to the court become less relevant).

Locating the bound person

If the bound person is not at the specific address or has absconded and a warrant to arrest is sought, you should look for the bound person for one month (depending on the case) after the expiry of the Police safety order.

The "WTA" alert expires automatically after ten days in NIA but the warrant remains active in court. The warrant must be withdrawn. This can be done with some coordination at area level within ten days to one month after the issue of the warrant.

NIA alerts relating to breaches

See PSO alerts.

Filing complaints for breaches

A charging document is not filed for the breach of an order, as a breach is not an offence. Breaches of Police safety orders should be filed using the complaint form (POL 2142) in NIA, and must be sworn at court by the constable named on the complaint. Complaints cannot be filed electronically like charging documents. A copy of the POL2142 is electronically transmitted to court, however the original must still be sworn by the constable at the court.

Powers of the court

If the court is satisfied that a person has refused or failed to comply with a Police safety order, the court may:

- direct that another order be issued for a period not exceeding 5 days. This must be served as soon as practicable. (If the current order has not yet expired, the new order replaces it)

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Police safety orders, Continued...

Version : 5.0

- adjourn the proceedings so that a District Court judge can consider whether a temporary protection order should be issued.

s124N

If a new order is instructed to be issued by the court

If the judge or judicial officer determines that a new or substituted Police safety order is to be issued, the Police prosecutor will arrange to have the court directed PSO **issued** by a role-holder in the following order:

- an officer of the court; if not present, then...
- a constable of a district within the vicinity of the court (it's likely that the nearest station will be called to send a constable to the court); if this is not possible, then...
- the prosecutor.

The officer who issues the court directed order must follow the procedures when orders are served. Section 124N(6) provides for a two hour holding period in custody, for the new order to be completed and served.

The order should be recorded by contacting CRL on **0800 NZP PSO (0800 697 776)**.

Notifying the person at risk

Prosecutors must advise the person at risk of the court decision and any subsequent action. If the person at risk is not present at court, then the prosecutor, officer of the court or constable of a district must try to contact them to advise them of the court outcome.

If the prosecutor, officer of the court or constable cannot advise the person at risk of the court outcome, request the Crime Reporting Line (CRL) to contact the person by:

- making 3 attempts of telephone calls within 1 hour
- then send local unit and complete a 4Q follow up event
- update NIA record to reflect action taken.

Note: The onus is on the district to advise the person at risk and the CRL will only provide assistance. It is the district's accountability to maintain this function.

Case standard for Police safety order breaches

Court decisions following Police safety order breaches are based on the nature, quality and extent of the information provided by operational Police. To support the charges, Police must:

- conduct a competent investigation
- submit all available and relevant admissible evidence and information. Criminal rules of evidence apply at first appearance.

Police safety order breach case files should contain:

- Police copy of the Police safety order - officer notes on rear of Police safety order form
- summary of facts
- complaint (equivalent to an information)
- the POL 1310
- relevant NIA records
- officer notebook entries taken at time of attending the occurrence, including reference to authorisation from a qualified constable if required
- POL 258
- whether the victim is opposed to a temporary protection order being issued. (Note: this question is a 'required to complete' section of the Pol 1311)
- a brief of evidence for the victim
- a brief of evidence of the arresting officer

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Police safety orders, Continued...

Version : 5.0

- any other relevant evidence required to establish facts of the breach (e.g witness statements / briefs of evidence).

Failing to remain while a safety order is issued

This table details the only offence relating to Police safety orders.

Offence	You must prove the person...	Powers	Penalty
Failing to remain while a safety order is issued s124I(2)(a)	having been detained by a constable who is proposing to issue a Police safety order refused or failed to remain at the place where they were detained or any other place taken to during the detention.	You can arrest without warrant any person who has failed or refused to remain in Police custody for the two hour time period in which you can detain for the purpose of issuing a safety order.	a fine not exceeding \$500. (Category one offence)

Note it is not an offence to breach a safety order (see [Actions for breach of safety order](#) above). However, if other offending occurred at the time the Police safety order was breached, the bound person should be charged with the appropriate offence, if supported by the evidence.

Breach process flowchart

Download the [PSO Breach Process flowchart](#) here (word document, 193 KB).

RELEASED UNDER OFFICIAL INFORMATION ACT



Police safety orders, Continued...

Version : 5.0

PSO alerts

CRL must be contacted to record PSOs in NIA

A PSO can only be recorded in NIA by contacting the Crime Reporting Line (CRL). This applies to the issuing of a PSO and the breach of the PSO. When the occurrence is created by CRL, the PSO alerts will be created automatically by the system.

Category /Alert type

Alert type	Comment						
Wanted for service of PSO	<p>Created when CRL record that a PSO is issued but not served</p> <p>This will:</p> <ul style="list-style-type: none"> • automatically expire after 48 hours if no action is taken • be expired automatically if the person is found within 48 hours and a PSO "Served Alert" is created manually on the person bound. The issuing officer must then enter the alert expiry themselves within NIA. 						
PSO served	<p>Created when CRL record that a PSO is issued and served.</p> <p>This will be automatically expired after the <u>duration</u> of the order if it is not breached in the meantime.</p>						
PSO breached	<p>Created when CRL record that:</p> <ul style="list-style-type: none"> • the order has been served, and • is not yet expired, and • the person bound by the order breaches any of the order's conditions. <p>This will not expire automatically and you must manually record the action to be taken. The PSO served alert on the person bound is expired automatically when CRL record that a PSO has been breached. There are two breach alert types:</p> <table border="1"> <thead> <tr> <th>Breach alert</th> <th>Comment</th> </tr> </thead> <tbody> <tr> <td>Breached and bound person taken into custody</td> <td>You have 24 hours to make a complaint (on the prescribed form) for an order under s124N. If the bound person cannot be brought before the court within 24 hours, you must serve a summons to appear.</td> </tr> <tr> <td>Police safety order breached and bound person wanted</td> <td> <ul style="list-style-type: none"> • Police have 10 days from the time of any breach to bring the bound person into custody and before the court • will automatically expire either after the 10 days period or when a complaint is laid • if Police safety order is issued on direction of court - act in accordance with s 124N. </td> </tr> </tbody> </table>	Breach alert	Comment	Breached and bound person taken into custody	You have 24 hours to make a complaint (on the prescribed form) for an order under s124N. If the bound person cannot be brought before the court within 24 hours, you must serve a summons to appear.	Police safety order breached and bound person wanted	<ul style="list-style-type: none"> • Police have 10 days from the time of any breach to bring the bound person into custody and before the court • will automatically expire either after the 10 days period or when a complaint is laid • if Police safety order is issued on direction of court - act in accordance with s 124N.
Breach alert	Comment						
Breached and bound person taken into custody	You have 24 hours to make a complaint (on the prescribed form) for an order under s124N. If the bound person cannot be brought before the court within 24 hours, you must serve a summons to appear.						
Police safety order breached and bound person wanted	<ul style="list-style-type: none"> • Police have 10 days from the time of any breach to bring the bound person into custody and before the court • will automatically expire either after the 10 days period or when a complaint is laid • if Police safety order is issued on direction of court - act in accordance with s 124N. 						

Refer to the National Recording Standard (NRS) section 6.2 'Tasks and other requirements' for further information about Police Safety Order alerts.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.