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Parliamentary Annual Police Review

As part of the annual Police Review held in November, the select committee discussed firearms at length.

Key points of note:

- The panel accepted that there was rising gang violence, especially their use of firearms against each other and Police staff. Mark Mitchell criticised the Police's 'monitoring' approach to gangs as 'lacking', and as a result people had less confidence in Police and felt less safe.
- Safety of Police Staff. Mark Mitchell cited the Police Association's survey that 75% of frontline Police support general arming. Commissioner Coster said he acknowledges the reasoning behind the call for general arming, but that if he believed it would make his people safer, he would be advocating for it.
 - In response to all questions on staff safety, Coster pointed to increased firearms training for frontline staff (from 3.5 to 7 days each year) and the Tactical Response Model. The model will be rolled out nationwide mid 2022.
- McKee called Police-led firearms licensing an 'abject failure'. She noted that the wait for license approval is now 12 months, nowhere near the 30-60 days originally deemed acceptable. Coster said Police had owned that failure, which he blamed in part on a fall in funding, and more in-depth risk assessment processes. He said staff in administering firearms licenses had increased from 200 to 340 and suggested a 4-month wait was the acceptable wait time Police were working towards. McKee suggested this be given to an independent organisation to allow Police to focus on enforcement. Police are now working to establish a revamped licensing process, which Coster said would be a 'branded business unit' with ringfenced funding.
- A recurring point was the 'success' of Operation Tauwhiro, which has now seized 1287 firearms and arrested 1151 people. Pressed by Nicole McKee, Police Commissioner Coster said that this included a very small number of licensed firearm owners, if any.
 - McKee argued that contradicts Police claims that gang members are accessing guns from LFOs. She said the 'finger pointing' was unfounded. Coster responded that a 'few bad apple' firearm owners were supplying to gang members – some more than 50 firearms. Police may also consider charging LFOs who have had firearms burgled if Police decide the firearms were not adequately secured.
 - Coster acknowledged that Police were working with firearm dealers more as they focus on how firearms were getting to gangs. He also championed the firearms register as another tool for reducing gang access to firearms, though did not elaborate how it would do so.

2021 Firearm Statistics Show NZ Not Safer - COLFO

Gun crime over 2021 was comparable to the previous two years, showing that the Government's much vaunted \$150 million dollar gun buyback in 2019 has not made New Zealand a safer place, says COLFO.

Police firearm data shows that there were over 900 firearm-related offences up until the last quarter of 2021^[1]. This was on track to be slightly worse than the 1,142 firearms offences over the whole of 2020, which was the same as 2019, before the ban and buyback.

COLFO spokesperson Hugh Devereux-Mack says the high levels of firearm violence experienced in the latter part of 2021 is undeniable evidence that New Zealanders were not made safer by the buyback.

"The data proves that the firearm buyback was not the solution it claimed - because the problem of firearm violence has very little to do with licensed firearm owners.

The former Police Minister Stuart Nash claimed the 2019 buyback was a 'success' and said the 'community is safer for it'. Current Police Minister Poto Williams said in August 2021 that "[semi-automatic weapons] can no longer be used to cause harm in our communities." But just a month later, Police were still finding semi-automatic weapons in criminal hands. (36 so far seized in Operation Tauwhiro).

Devereux-Mack says there are obviously many illegal guns still on New Zealand's streets, and in the hands of the wrong people.

"It is beyond belief that Police ever thought criminals were going to hand in their firearms. The buyback only attracted firearms which were stored securely by compliant firearms owners, and not a threat to society," he said.

At the time of the buyback, COLFO said the scheme was not working due to lack of clarity on the kind of guns which were illegal, and that Police had no way of knowing how successful it was due to not knowing the number of illegal guns in New Zealand.

"Now we're down \$150 million that could have gone towards initiatives that make an impact, such as an independent firearms authority, which the Government also reneged on in November last year. With the firearms registered also said to make New Zealand safer, the Minister and police must answer the question; How?" says Devereux-Mack.

Search and Seize Tell us about it

In past months there have been a number of apparently heavy handed Police raids on LFOs including warrantless searches, carried out under Section 18 of the Search & Surveillance Act.

If you have suffered as a result of such a raid we would like to hear about it. Contact our Secretary: secretary@colfo.org.nz

As our spokesperson Hugh Devereux-Mack said on Facebook

https://www.facebook.com/colfonz/posts/3124759501089149?comment_id=3124763457755420

“The use of Section 18 warrantless searches undermines the foundation of trust between licensed firearms owners who obey the law, and the police who enforce it. These searches give people who obey the law, fewer rights than criminals who break it.

The case of Robert Keenan, a LFO who had his antique firearms collection seized while being mocked by officers for being an amputee is despicable. Keenan later died before New Zealand Police correctly cleared his reputation, identifying 81-year-old Keenan as 'not a threat'.

This case and many like it, further emphasises the need for an independent authority to oversee the administration of firearms and a clear justification for, and oversight of any and all Section 18 searches.”

New Law Changes - FPOs -Firearms Prohibition Orders Legislation Bill

This new government Bill, introduced to parliament on 15 December, reduces the range of eligible offences to serious Arms Act offences and serious violent offences, when compared to the previous members FPO Bill introduced by National.

The Bill sets out a series of standard conditions of a FPO (which the court would have wide scope to vary). Previous Bills focus on association with someone with firearms, whereas as this focuses on the access to firearms. This is an improvement as it acknowledges the role of secure storage.

Under the Bill, Police will have the power to use trespass surveillance to investigate any possible breaches of FPOs. This means that Police may trespass the property of a LFO if they believe a FPO may be breached. This is a power reserved under the Search and Surveillance Act for serious arms offences and offences with possible imprisonment of over 7 years.

It is expected that the Bill will go to Select Committee in February when parliament resumes sitting.