



New Zealand Retailers Association (Inc) - Letter of Agreement

2 September 2009

The Chief Executive
New Zealand Retailers Association
Level 8
Willbank House
57 Willis Street
P O Box 12 086
Wellington

Dear Sir

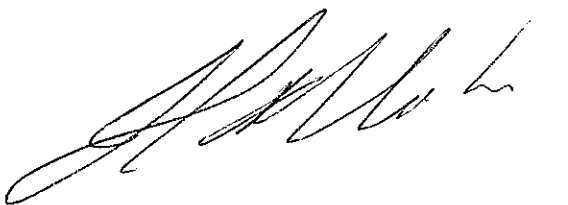
Letter of Agreement between the New Zealand Police and the New Zealand Retailers Association

1. This letter of agreement (LOA) confirms the relationship between the New Zealand Police and the New Zealand Retailers Association. Both organisations share a common goal of working together to reduce crime and increase community safety, particularly within the retail environment, and both wish to formalise that relationship.
2. The Chief Executive of the New Zealand Retailers Association and the Commissioner of Police (or their representatives) will meet formally at least once a year to:
 - discuss the strategic direction, priorities and plans of each agency
 - develop joint initiatives and evaluate progress towards crime reduction and community safety in those areas of common interest agreed upon
 - discuss any appropriate communication and media strategies regarding the partnership between the two parties, and matters of member and public interest arising from it
 - deal with any other areas or issues relating to the common goal specified in paragraph 1 above
3. The New Zealand Police and the New Zealand Retailers Association agree to inform each other, at an early stage, of any relevant policy development that either party is undertaking, and to take all reasonable steps to ensure that there is adequate time for comment.
4. The New Zealand Police and the New Zealand Retailers Association agree to consult each other beforehand if either is considering providing information or comment to the

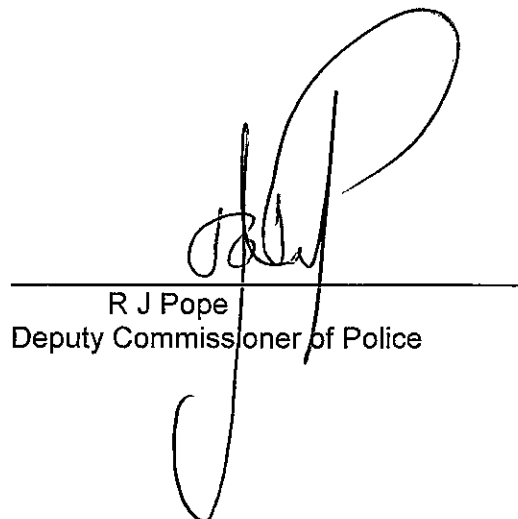
media on a matter which comes within the other agency's responsibility or in which that other agency has an interest.

5. Concerns about any matters, including operational or policy matters, will be raised through appropriate internal channels, rather than through the media.
6. All issues, disputes and differences between New Zealand Police and the New Zealand Retailers Association will, firstly, be resolved at the earliest opportunity at a local level.
7. Matters that remain unresolved or need further adjudication will be referred to the Police National Manager: Criminal Investigations (or his or her representative) or the Chief Executive of the New Zealand Retailers Association (or his or her representative). If agreement cannot be reached within 28 days from this referral, the matter will be referred, in writing, to the Chief Executive of the New Zealand Retailers Association and the Police Assistant Commissioner: Investigations & Intelligence for final resolution.
8. The parties agree that from time to time they may develop agreements or protocols relating to specific procedures and activities between them. These will be attached to this LOA as schedules, and will be signed by the relevant operational managers.
9. Nothing in this LOA is intended to create legal relations between the parties and neither party will be liable for actions of the other.
10. This LOA is subject to Cabinet directives and any enactment.
11. Either party may terminate this LOA without cause by providing 14 days written notice to the other party.
12. This LOA commences on the date it is signed below and will be reviewed no later than 2 years from the date of signature below.

Signed on this 2nd day of September 2009



John Albertson
Chief Executive of the
New Zealand Retailers Association



R J Pope
Deputy Commissioner of Police

SCHEDULE 1

Calls for Service - Police Communications

The Parties agree that:

- The final decision in respect to the appropriate response to a request for Service rests with Police Communications.
- The timeliness of any response is dependant on the severity of the incident.
- Any complaints about unsatisfactory Police Communication Service may be made to the Police Communications Group or to the Independent Police Complaints Authority.

Role of Retailer

Remain calm and provide as much detail as possible. Police Communicators will ask you three questions to start with:

- Where are you (where are Police needed)?
- How long ago did it happen?
- What's happening?

They'll also confirm your name, address and contact details.

You may be asked more questions, such as:

- Where is the person causing concern now?
- Do they have weapons?
- If that person has left, which way did they go and how did they leave?
- Who are they? What do they look like and how are they dressed?
- What's the number plate or description of their vehicle?
- What else is happening?

Police Communications Response

Police Communications will dispatch a unit to attend with an appropriate response in relation to the severity of the incident. All calls for service will be prioritised **One** or **Two** unless the suspect has left the scene.

Priority **One** and **Two** responses are based on the following factors:

- Somebody is badly injured or in danger
- There is a serious risk to life or property
- A crime is being committed and the offender(s) are still there or have just left, or
- Any of these things are happening **Now** or have **Just** happened

If you can't decide whether it's an emergency and you are worried, call 111 and we will guide you through the situation and advise you what to do next

Priority **One** and **Two** events will be responded to within thirty minutes.

Where an event is assessed as not being an emergency Police will make every effort to attend as soon as practical dependant on any other more urgent requests for help.

If Police attendance is delayed the Police Communications will:

- Contact the original Informant to advise them of the delay
- Provide the expected new arrival time

If Police attendance is not immediately required due to a low or no risk; then Police Communications will:

- Provide appropriate advice; such as reporting to a station
- Provide the informant with a reference number; such as the CARD Event number
- Contact an appropriate agency; such as Victim Support (if required)

Escalation


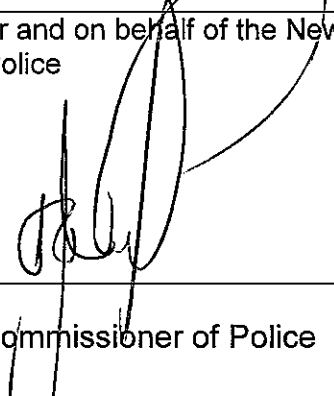
If the original reason for the call to Police worsens or deteriorates the Retailer is to call 111 immediately. Their call will be reassessed again using the process described at '*Police Communications Response*'.

Complaints

If the Retailer is dissatisfied with the service provided; they should contact the Team Leader or Shift Manager at the Police Communications Centre as soon as practicable to:

- Discuss any concerns they may have with the service provided by the Police Communication Centre
- Highlight what their expectations were

Approaching Police Communications to complain does not prevent the informant's right to approach the Independent Police Complaints Authority.

Signed for and behalf of the New Zealand Retailers Association 	Signed for and on behalf of the New Zealand Police 
John Albertson Chief Executive of the New Zealand Retailers Association	R J Pope Deputy Commissioner of Police

SCHEDULE 2

Investigation response to offences brought to Police attention by Retailers

The Parties agree that:

- The final decision in respect of the disposition of investigations referred to the Police by a member of the Retailers Association (member) rests with the Police; and
- That any investigation undertaken by a member must comply with the rules of fairness and professional standards expected by any court in the criminal jurisdiction.

Role of Retailer Member

The member will provide the Police (where possible or applicable) with the following detail or documentation with every criminal complaint referral:

- member generated complaint form
- Name of contact at member business, including the investigators contact details
- Brief complaint details
- Original file documentation, including any witness statements and offender statements. If the matter is minor and the member is not expecting an investigation, then witness and offender statements are not required
- Indication of appropriate charges
- Draft summary of facts & Draft Victim Impact Statement.

Role of Police

The Police will:

- Complete a complaint acknowledgement form including the file number, Police office/squad dealing with the complaint, officer in charge of the file (where one is assigned) and return the form to the member or nominated contact within 14 days;
- Undertake to investigate the complaint whenever practicable and convey the final decision of warning, diversion, prosecution or other disposition to the member or nominated contact within one month of the disposition of the enquiry;
- Where an offence is disclosed to the necessary standard of proof, consider along with the 'Crown Law Office - Prosecution Guidelines', the desirability of deterring offending when deciding on the final disposition of the enquiry;
- Advise the member or nominated contact of the reasons for any delay beyond three months in finalising the enquiry;
- Where appropriate, enter the details of the suspect in the 'persons of interest' subsystem when the suspect cannot be located.

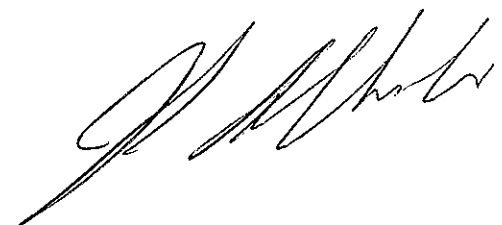
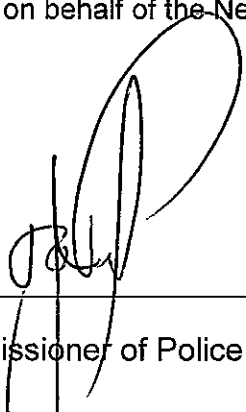
Understanding

Should the Police fail to acknowledge a complaint or respond to correspondence in a timely manner from the member or nominated contact, the member should:

- Request an explanation in writing from the officer in charge of the appropriate Police station; and
- If no response is received within 21 days, a further request for an explanation may be referred to the District Crime Manager for that Police Area.
- Should any member still remain unsatisfied regarding the response they have the right to lodge a complaint with the Independent Police Conduct Authority.

The Police may return any referral to the member or nominated contact if it is considered that:

- The required standard of proof has not been met; and/or
- The member or nominated contact has failed to comply with the guiding principles of this LOA or schedule.

Signed for and behalf of the New Zealand Retailers Association 	Signed for and on behalf of the New Zealand Police 
John Albertson Chief Executive of the New Zealand Retailers Association	R J Pope Deputy Commissioner of Police

SCHEDULE 3

Protocol regarding the disclosure of information held by the New Zealand Retailers Association or its members to the Police

1. Sharing Information

- 1.1. When requesting or disclosing information the parties will balance the need to achieve the desired outcomes as set out in the Letter of Agreement (LOA) with the need to protect the rights of individuals and their rights to privacy.
- 1.2. The parties to this LOA agree that only sufficient information to achieve the respective agency's purpose will be requested or disclosed by one party to the other party.
- 1.3. The parties are primarily responsible for ensuring that the intent of this LOA is followed by their employees.
- 1.4. The Police will make a request for personal information only if it is not possible to obtain the information directly from the individual concerned, either because it is not reasonably practicable to do so; or collection from the individual concerned would prejudice the purpose of the collection of such information; or collection of the information from the individual concerned would prejudice the maintenance of the law.


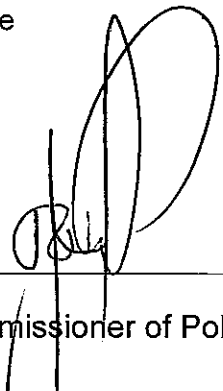
2. Process

- 2.1. Where the Police seek information that is not in the public domain while conducting an investigation into a crime, however serious, or are gathering intelligence about the activity of any known or suspected criminal(s), the member will release that information upon mutual agreement, that it is lawful and reasonable to do so and is compliant with the privacy and confidentiality obligations of the member to their customers, to the Police (except as provided in paragraph 2.3 of this protocol) only upon receipt of a request from the Police that:
 - ❖ Certifies that the request is made in terms of one of the exceptions to Principle 10 or Principle 11 of the Privacy Act 1993 and specifies the exception relied on
 - ❖ Provides clear details of the information requested
 - ❖ Is in writing unless agreed otherwise
 - ❖ May be made verbally under urgency where the time taken in managing a written request would cause a delay that would prejudice the maintenance of the law
 - ❖ Any verbal requests may be required to be committed into a written request as soon as practicable after the verbal request has been made.
- 2.2. If the member considers there may be grounds for withholding the requested information those grounds will be advised to the Police and the views of the Police will be requested and considered prior to any final decision on disclosure. In any event the member has the right to request that the Police obtain a search warrant for the information requested.
- 2.3. Where a search warrant is necessary to facilitate the disclosure of requested information the information request form shall be accompanied by a properly issued and signed search warrant

2.4. The member will accept that a good facsimile copy of a search warrant addressed to the member will be sufficient to consider the warrant executed.

2.5. The member may refuse to process a request if it is not made in the format described in paragraph 2.1.

2.6. Parties agree to respond to requests for information as soon as is practicable.

Signed for and behalf of the New Zealand Retailers Association 	Signed for and on behalf of the New Zealand Police 
John Albertson Chief Executive of the New Zealand Retailers Association	R J Pope Deputy Commissioner of Police

Schedule 4

Protocol regarding the release and use of CCTV images held by the New Zealand Retailers Association and members to the Police

1. Purpose

- 1.1. CCTV images (single or a sequence of images) are made available to the Police from time to time by members of the Association, at the request of the Police to investigate and/or prosecute any unlawful or criminal activity.
- 1.2. These images are captured by the members to ensure the security of their premises and equipment, the safety of customers and employees and to deter and provide evidence of unlawful or criminal activities.
- 1.3. This schedule is intended to recognise the legal and privacy obligations of both parties in sharing the personal information contained in these images and the associated operational issues.

2. Acknowledgement of Copyright

- 2.1. The Police acknowledge that the copyright in these images vests with the member capturing the images and should not be infringed. The members acknowledge that the Police are able to use these images for lawful purposes.

3. Request for release of Images

- 3.1. The members will in most instances release images to the Police voluntarily on the basis that they are supplied for limited lawful use and not intended to be supplied to third parties without the prior consent of the copyright owner.
- 3.2. The members recognise that the voluntary supply of the images negates the need to obtain such information by compulsion and facilitates the investigation and prosecution of offences.
- 3.3. In addition the process for seeking information outlined in schedule 3 (Protocol regarding disclosure of information to the Police) is applicable in respect of request for CCTV images.
- 3.4. The Police acknowledge that the images are provided in confidence.
- 3.5. The members agree to provide images for simple requests from the Police free of charge.

4. Release of information to third parties

- 4.1. The members acknowledge that in the pursuit of law and order the Police may need to release images provided by the members to third parties including the media.

4.2. The Police acknowledge that they will be cognisant of the privacy implications to the members of the Association when releasing information to third parties and where possible obtain the prior written consent of the copyright owner, which will not be withheld unreasonably.

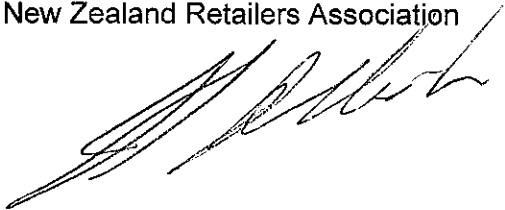
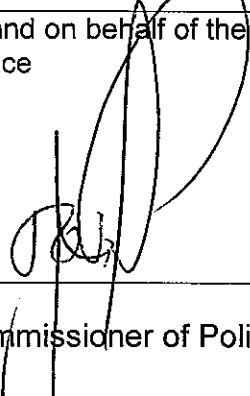
4.3. In particular the Police should take reasonable measures to obscure the personal details of member staff and customers unrelated to the investigation or prosecution captured on the images.

4.4. Police should also obscure any information that compromises internal security measures.

5. Use of images for investigation and prosecution

5.1. Police should take reasonable measures to keep the identity of staff members and customers confidential from any suspect or offender during investigation and prosecution.

5.2. Police should take reasonable measures to keep internal security measures confidential during investigation and prosecution.

Signed for and behalf of the New Zealand Retailers Association 	Signed for and on behalf of the New Zealand Police 
John Albertson Chief Executive of the New Zealand Retailers Association	R J Pope Deputy Commissioner of Police