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POLICE SAFETY ORDERS

From the 1st of July 2010 the New Zealand Police will be able to issue Police Safety Orders (PSO) when responding to domestic violence calls.

What is a PSO?

A PSO is a temporary protection order issued by the Police instead of the Courts. It is issued to the Offender at the scene of the incident. A PSO can be in effect for up to 5 days from the date it is issued. The Police have a discretion as to the length of time a PSO is to have effect and each Order issued will clearly state how long it is in effect for. The Police envisage that 5 day orders will be issued in special circumstances only.

When can a PSO be issued

A PSO can be issued by the Police when they attend an incident and are satisfied that:

- (a) There is a domestic relationship;
- (b) They have reasonable grounds to believe a PSO is necessary for a person's safety taking into consideration:
 - (i) whether domestic violence has been used;
 - (ii) the likelihood of domestic violence being used;
 - (iii) the welfare of any child who lives at the property;
 - (iv) previous Police involvement;
 - (v) the presence of drugs and alcohol;
 - (vi) any hardship the PSO may cause anyone.
- (c) There is no arrest made;
- (d) There is no other protection order in place.

What is the Effect of a PSO?

A PSO clearly names the person against whom the Order is issued ("the Offender") and identifies the person at risk and any children also protected by the Order ("the Protected Persons").

An Offender cannot while the PSO is in effect:

- (a) Threaten to or physically, sexually or psychologically abuse the Protected Person;
- (b) Threaten to or damage a Protected Person's property;
- (c) Watch, loiter or prevent access to a place of residence, business or employment of the Protected Person, nor attend any educational institute or other place frequently attended by a Protected Person;
- (d) Follow a Protected Person;
- (e) Enter any building where Protected Person is inside;
- (f) Make any contact with a Protected Person.

Any Offender must upon being issued with a PSO:

- (a) Surrender all weapons and firearm licences;
- (b) Vacate the premises occupied by the Protected Person.

If a Parenting Order/Agreement is in place in regards to day to day care or contact in regards to a Protected Person, then the day to day care and contact provisions are suspended during the period the PSO is in place.

Unlike a Court ordered Protection Order, the Offender cannot enter any premises which the Protected Person occupies even if that Protected Person consents.

What Should I Do if a PSO names Me as an Offender?

If a PSO is made naming you as the Offender, you should vacate any property the Protected Person occupies and surrender any weapons you have and any firearms licence to the Police.

Once a PSO is in place it cannot be revoked.

... Cont'd



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If you breach the terms of the PSO you may be arrested and appear in the District Court.

What Should I Do if a PSO Names Me as a Protected Person?

If you would like for the protection provided from the PSO to remain in place after the PSO expires you should contact a lawyer as soon as possible to discuss an application for a Court Order Protection Order.

- **Next Newsletter—"Do I need a Contracting Out Agreement?" by Paul Whitmarsh**