



February 2015

### Sign up to our newsletter

#### Dear rural landowner

Marlborough Police are always seeking to provide better communication to rural communities in our area about crime prevention and other topical issues. Many of you live in remote areas and it is a challenge for our staff to retain regular contact. We have developed a newsletter specifically for rural people which is transmitted via email direct to subscribers.

The Police news has contributions from our Crime Prevention staff and we will use it to inform you of coming events, policing campaigns, rural crime trends, firearms licensing issues and persons of interest.

For those of you who are seeing this for the first time and would like to join the network please email us with your name and contact details. You can also choose to join our text alerts for serious incidents by including your cell phone number with the .

In order to ensure we produce something that is relevant, topical and meets your needs as well as ours, we are seeking your input. Please make any suggestions and email your response to [marlb.rural@police.govt.nz](mailto:marlb.rural@police.govt.nz).

We value your input and hope we can work together to ensure we minimise rural crime and victimisation in our area.

If you have any further queries, please feel free to contact me, Ph 03 578 5279.

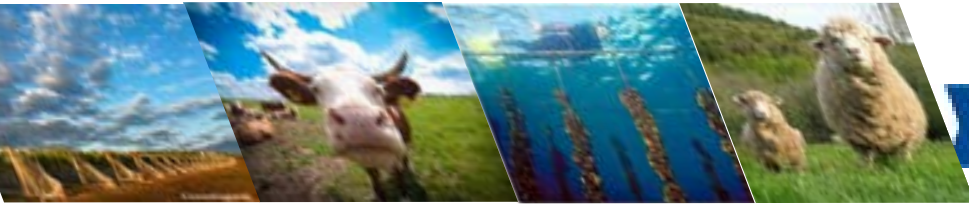
Thank you.

#### **Sergeant Mike Porter, Crime Prevention Group Marlborough Police**

Yes, New Zealand Police has a tractor - complete with lights and siren!

We haven't seen it in Marlborough yet, but I'm sure we'll be able to put it to good use.





## Poaching

### Reported over the weekend 14th - 15th February 2015:

Five deer carcasses without ear tags were found on the roadside in the scrub near the intersection of Waihopai Valley Road and Summerlands Road. The carcasses had been cleaned up with some of the choice meat cuts having been taken ie. back steaks and hind legs.

It is not known yet which property they came off. This looks like a case of senseless greed. All anyone needs to do, unless its pest control, is kill enough for a feed and no more. If anybody has information about this slaughter, please let us know.

Police received information recently about three poachers seen leaving an area down the East Coast south of Ward.

***The community there has done a fantastic job and placed a good camera in a place that captures movement in their area.***

Within minutes of the phone call to Police we had also received a copy of CCTV footage of the ute in that area suspected of poaching.

This is a great example of a community being able to enhance its safety. The word will get out that if you do something in that valley that you shouldn't the likelihood of getting caught is great.

Immediately we knew who the vehicle

belonged to as the registration plate could be seen clearly and one of the people sitting on the rear was able to be identified.

Beau Webster was deployed to the suspect's address. He located one of the suspects and deer carcasses. They had killed two fawns - which they claimed had run over by accident. Beau seized both carcasses.

They were taken to a farm property and skinned and bullet holes were located in both. The questions we now need to answer is where did they do this and who of the three people involved shot them. We are still working through all their claims and stories and considering our options for charging. These may include permitting a person to ride on a motor vehicle in a dangerous position and riding on a motor vehicle in a dangerous position along with firearms charges.

We are committed to prosecuting all poachers when we get the evidence.



"It's from 7-Eleven. They want to know if I want to purchase a video of my botched robbery."

***Most of this wouldn't have been possible without the actions of the Rural group who installed a camera in a good position, a camera that took quality images.***

***We can't be every where, so anything***

***done to enhance your own areas safety and assist us with the Prosecutions is win for all concerned - except those that want to try and offend in your community.***

# Shutting the gate on rural crime!



## Bystander intervention

From time to time, members of the public see crimes being committed. Some may relate to property crime ie. burglary, theft, willful damage or tagging to name a few. Others crimes maybe assaults on others or themselves.

Many people will turn a blind eye, some will see an opportunity to join in and steal something themselves, others will stand up and not accept the crime against others.

You may even see a Police Officer alone struggling to overpower or subdue an offender. If you want to help, the questions that come to mind are:

- What can I do?
- How far can I go in intervening?
- Am I responsible if it goes wrong?
- Am I going to be arrested or charged for my actions?

Hopefully the information below will help answer some of those questions.

### Citizen's Arrest

The power to make a citizen's arrest under the Crimes Act 1961 is not as wide as people assume. In fact there is no power at all, but there may be justification or protection from criminal responsibility. Justification means people making the arrest are not guilty of an offence and not liable to any civil proceeding. Protected from criminal responsibility means people making the arrest are not liable to any proceedings except a civil proceeding.

**Crimes Act Section 35.** Arrest of persons found committing certain crimes - Everyone is justified in arresting without warrant - (a) Any person whom he finds committing any offence against this Act that is punishable by death or for which the maximum punishment is not less than 3 years' imprisonment:

(b) Any person whom he finds by night committing any offence against this Act.

Under subsection (a) of section 35 a person making an arrest for theft is only protected from criminal or civil liability if the value of the property stolen exceeds \$1,000. The penalty for theft of property valued over \$1,000 is imprisonment for a term not exceeding 7 years. The penalty for theft of property valued over \$500 and under \$1,000 is imprisonment for a term not exceeding 1 year, and for property valued \$500 or less

the penalty is a term of imprisonment not exceeding 3 months.

**Crimes Act Section 36.** Arrest of person believed to be committing crime by night - Every one is protected from criminal responsibility for arresting without warrant any person whom he finds by night in circumstances affording reasonable and probable grounds for believing that person is committing an offence against this Act. In the Crimes Act night means the interval between 9pm and 6am the following morning. Note that under Section 36 or subsection (b) of section 35, the crime or offence must be against the Crimes Act 1961. The Crimes Act covers most serious crimes such as burglary, robbery and home invasion but it does not cover minor offences such as disorderly behaviour or trespassing. It covers arson but not lighting fires as described in the Summary Offences Act. These examples serve to show the difficulty for the lay person in determining the situations in which he or she is justified in making a citizen's arrest. If he or she gets it wrong there is the potential to face criminal charges for assault and civil liability for false imprisonment (false arrest or detention). Where an offence against the Crimes Act has actually been committed,



then a person who arrests someone he or she believes on reasonable and probable grounds did it, is protected from criminal but not civil liability (section 37 Crimes Act).

## Assisting Police

People are protected from criminal responsibility if they have been **asked by a constable** (any police officer) to help arrest any person believed or suspected to have committed any offence unless they know that there is no reasonable ground for the belief or suspicion. The same protection and conditions apply to being called to assist any other officer or person exercising a statutory power of arrest such as a Fishery Officer enforcing the Fisheries Act 1996 or a Officer of Customs enforcing the Misuse of Drugs Act 1975.

## Shoplifting

People suspected of shoplifting are often asked to go to the manager's office. Shop staff have no authority to detain people, but the reality is that very few people are going to go to the effort to take legal action against shop staff for detaining them. The Police are likely to have been called. The Police can arrest and the summary of facts they put before the court will include comment on whether or not the offender was co-operative or attempted to evade detection.

Shops also have the right to recover their goods and can ask to see inside people's bags. People do not have to reveal the contents of their bags but if they have nothing to hide they should probably co-operate to alleviate suspicion. Shops may display signage saying that entry is conditional upon management having the right to search your bag, however this is still not legal and binding but can lead to the shopper being trespassed from the shop for not complying. The police will search an offender's bag upon arrest.

Apart from criminal conviction, possible job loss, difficulty obtaining entry to some countries and public humiliation, shoplifters can be issued with a trespass notice and the shop can take civil action to recover goods and seek damages.

## Self-defence

Section 48 of the Crimes Act 1961 provides justification, which means a person is not guilty of an offence and not liable to any civil proceeding, for using self-defence in some circumstances to protect themselves or others.

**Section 48.** Self-defence and defence of another - Every one is justified in using, in the defence of himself or another, such force as, in the circumstances as he/she believes them to be, it is reasonable to use.

Section 48 does not provide immunity from prosecution for using self-defence. Unless the circumstances clearly show the force used was appropriate and in self-defence, the person who has used the force may have to explain their justification to a criminal court. There are also circumstances in which a person, and anyone acting lawfully to assist the person and under his authority, is justified in using reasonable force to protect his property. This includes resisting having something taken by a trespasser, defending his dwelling house from someone breaking in, and preventing trespassing and removing trespassers, but does not permit a person to strike or do bodily harm to the trespasser in the process.

## Safety first

Your first concern should always be your own safety and that of others with you. Never take unnecessary risks. If there are intruders on your property, call the Police. They are trained to deal with trespassers and other criminals.



## Rural precautions

If you're living on a farm and leaving the house to investigate something untoward, first ensure that someone knows where you are going, as much as possible about what you are checking, and how long you expect it will take. This could involve phoning the Police or your neighbour, waiting for a neighbour to join you, and taking a mobile phone or hand-held radio with you. Ensure the phone or radio is charged and working.

## Giving a good description

Unless it is absolutely necessary to take self-defence action to avoid harm, the best thing anyone can do is to provide a good description for the Police of anyone they see acting suspiciously or committing a crime.

If you do see a crime being committed, dial 111 immediately and ask for Police. Keep calm, give your name, address and telephone number. Report where and what is happening. Stay on the phone and, if you can safely, keep watching and write down any further description.

It's important if offenders or suspects leave a crime or an incident that you relay to Police - when they leave, what direction they are going, how they are traveling (vehicle description, registration vehicle colour), where you think they maybe going who's with them and clothing description.

I hope that answers the questions you may have.

If in doubt just call Police as soon as possible.

## In finishing

I hope you are all coping with the dry conditions. It has been a very tough time for some of you. We are all willing the rain to come.

Two staff in the office here will be selected later in the week to do a rain dance for you!

If you do a rain dance in your area - please send a photo that can be published in the next newsletter!

On a serious note, please support those that struggling and seek help if you are getting to the end of your tether. I know your Federated Farmers group will have a wealth of knowledge and links to those that can assist.

Have a great week.

**Sergeant Michael PORTER**  
**Crime Prevention Team**  
**Marlborough Police**

## Emergency contacts

24 hr Police Emergency Ph 111

Blenheim Station Ph 578 5279

24 hr Women's Refuge (03) 577 9939

24 hr Victim Support 0800 842 846

24 hr Youth Line 0800 376 6333

24 hr Crisis Team (Mental Health) 0800 800 717

Family Violence (9am-11pm) 0800 456 450

Or visit: [www.areyouok.org.nz](http://www.areyouok.org.nz)