

20 December 2018

Our Reference: IR-01-18-18031

[REDACTED]

Dear [REDACTED]

I am writing to you in response to your email to Crown Law dated 5 December 2018. This email was answered by Crown Law and they also transferred the first three questions to New Zealand Police on 6 December 2018. You said:

I was reading the paper today only to find out that you let someone off shooting at three of your police officers and I find this to be discussing.

I would like to know the following information.

In the last 10 years how many officers were shot at with guns?  
How many of these actually converted into attempted murder charges?  
How many times were drug dealers involved?

In the case of Rollie Heke.... why did you drop attempted murder charges when he pulled out a AK47 and fired on police?

Can anyone now pull out an assault rifle and shoot at people without charges brought against them?

As you no doubt understand, using a gun and shooting a gun are not the same thing. Police record firearms-related offences (such as homicide with a firearm, robbery with a firearm) but this does not necessarily mean the firearm is discharged during each incident.

There have been 97 instances between 12 Dec 2008 and 11 Dec 2018 where one of the offences in the occurrence was Use firearm against law enforcement officer, Use firearm to resist arrest/detention, or Assault police with a firearm (there are two offences with this name – one in the Crimes Act and one in the Summary Offences Act).

Six of these instances had additional Murder or Attempted Murder offences recorded (this does not necessarily mean that the police officer who was the victim of Assault police with a firearm was also the victim of murder or attempted murder). New Zealand Police filed Murder or Attempted Murder charges for five of these six instances (this does not necessarily mean the charges resulted in conviction).

---

## Police National Headquarters

180 Molesworth Street. PO Box 3017, Wellington 6140, New Zealand.  
Telephone: 04 474 9499. Fax: 04 498 7400. [www.police.govt.nz](http://www.police.govt.nz)

Specifically for offences of using a firearm against police, 116 alleged offenders have been identified for the 92 out of the 97 instances. Of these 116 people, 18 have been linked as offenders in the past to offences of selling, producing, manufacturing, or distributing illicit drugs.

With regard to your question relating to the prosecution of Rollie Heke, you have already received a response from Crown Law which pointed out that the maximum penalties for attempted murder and using a firearm against an enforcement officer are the same (14 years). The decision as to which of these charges to use depends on the specifics of each case.

With regard to the last question, you have already received a response from Crown Law which pointed out that this is not a request for official information. The Ombudsman's guidelines state: "If a requester seeks information by asking a question, there is a distinction between: questions which can be answered by providing information already known to and held by the agency (official information); and questions which require the agency to form an opinion or provide an explanation and so create new information to answer the request (not official information)."

For your information, Police has developed a process for proactive release of information, so the response to your request may be publicly released on the New Zealand Police website.

Yours sincerely



**Superintendent Chris Scahill**  
National Manager: Response and Operations