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## Protecting Free Expression in Police Training – Follow-up on *Te Raranga*

Good afternoon,

1. We write to express our sincere thanks to you and your team for meeting with us yesterday to discuss our ongoing concerns regarding the Police training material *Te Raranga*. We appreciated the constructive nature of the discussion, and the presence of the staff directly involved in developing the training programme, who were able to speak to the issues in detail.
2. As you are aware, our principal concern with *Te Raranga* has been the use of a perception-based threshold for recording non-crime incidents as "*perceived hate*." We were pleased to receive confirmation that this threshold has now been replaced with an objective test, and that revised training material is expected to be released publicly by the end of next month. We view this change as a positive step that better aligns with legal standards and the protection of civil liberties, including freedom of expression.
3. That said, we note your position that it would be operationally difficult to remove historical records created under the previous perception-based threshold. We remain seriously concerned that these records continue to exist and could potentially be disclosed during police vetting processes. Accordingly, we respectfully request clarification on the following points:
  - a. Will historical data collected under the previous perception-based threshold be deleted? If so, by what date?
  - b. If deletion is not possible, will affected individuals be informed of any existing perceived hate flags against them, and assured that such information will not be disclosed through vetting or in any other context without their explicit consent?
4. Regarding non-crime hate incidents recorded under the new objective threshold, we also seek clarification on:
  - a. The parameters under which information relating to these incidents may be shared by Police with other agencies.

- b. Whether a statute of limitations will be applied so that such data is automatically deleted after a reasonable period unless the individual is convicted of an offence directly related to the recorded incident.
5. As discussed in the meeting, public trust in our institutions, particularly the Police, is increasingly fragile. The recording and retention of non-crime hate incidents risks further eroding this trust. We believe this approach could unintentionally undermine public confidence in law enforcement and deepen societal divisions.
6. The intent of the Royal Commission of Inquiry into the Christchurch terror attack was to prevent future tragedies through proportionate, evidence-based responses to hate-motivated criminal offending, not by monitoring or recording non-criminal expression. Recommendation 42 specifically calls for the Police to improve the recording of hate-motivation in criminal conduct, to better inform sentencing outcomes under section 9(1)(h) of the Sentencing Act 2002. It does not support the creation of records for incidents that fall outside the scope of criminal law. Expanding this framework to include non-criminal expression risks erodes public trust, particularly where individuals are unaware that such records exist or how they may be used.
7. Further, the absence of an objective threshold for criminal instances believed to be motivated by 'hate' further compounds the potential for the weaponisation of this recording. While it is notoriously difficult to define 'hate', we believe Police must work to establish a criteria or threshold that is more robust than simply the impression of an officer, victim, witness, or third party.
8. We urge New Zealand Police to critically evaluate the example set by jurisdictions such as the United Kingdom and Canada, where public trust in policing has declined in part due to the implementation of broad hate speech and hate crime measures. While we acknowledge that legislative efforts in this area have been paused or referred to the Law Commission, we encourage Police to adopt a rights-based approach in all operational responses to these issues. Protecting the freedoms of New Zealanders is fundamental to maintaining our democratic values.
9. We look forward to receiving your response to the matters raised above and thank you once again for the opportunity to engage with you and your team. We appreciate your ongoing willingness to meet with us as we work constructively toward a principled approach to these important issues.

Yours faithfully,

**Free Speech Union (New Zealand) Inc.**



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