

Offensive weapons, knives and disabling substances

Table of Contents

Table of Contents	2
Policy statement and principles	3
What	3
Why	3
How	3
Overview	4
Introduction	4
Health and safety duties	4
Definitions	5
Offences	6
Offences reported and recorded	7
Offences reported to, or discovered by Police must be recorded	7
Code book - charge wording, penalties and more	7
Powers	8
To search and seize	8
Warrantless searches of people for knives, offensive weapons and disabling substances	8
Stopping and searching vehicles for knives, offensive weapons and disabling substances	8
Searching vehicles	8
Stopping vehicles	8
Duties and obligations	8
To arrest	9
Sentence for second conviction	9
Discretion	10
Introduction	10
Example when discretion may apply	10
'Kirpans' (knives carried for religious reasons): Definition and symbolism	10
Suspect interview, arrest or detention	10
Suspect interview	10
Arrest or detention	11
Aviation Security	11
Securing and storing Kirpans	11
Further information	11
Dealing with possession of offensive weapons etc in a public place	12
Initial action	12
Action at the scene for searching person	12
Action at the scene for stopping and searching vehicle	13
Evidence	15
Related chapters	15
Dealing with possession of offensive weapons etc in any place	16
Initial action	16
Action at the scene	16
Evidence	18
Related chapters	18

Policy statement and principles

What

Offences relating to offensive weapons, knives and disabling substances are contained under section [202A](#) of the Crimes Act 1961 and section [13A](#) of the Summary Offences Act 1981.

Police powers to stop vehicles, detain, search for and seize offensive weapons, knives and disabling substances are authorised under the [Search and Surveillance Act 2012](#).

Why

The unlawful possession and use of offensives weapons, knives and disabling substances in our communities challenges the Police purpose of keeping people safe and making them feel safe.

Police have a responsibility to prevent harm, investigate and apprehend offenders who unlawfully possess and use weapons etc. to assault and/or intimidate people.

How

Police will ensure:

- they continue to work pro-actively with partnerships, prevention first, victim and community focused strategies targeting offensive weapons, knives and disabling substances, and
- offences are investigated thoroughly, Police powers applied and resolution action taken as deemed appropriate.

Overview

Introduction

This explains:

- legislation relating to offensive weapons, knives and disabling substances
- your powers and procedures when dealing with offensive weapons and related items.

Health and safety duties

The expectation of the Commissioner and the [Health and Safety at Work Act 2015](#) is that employees investigating deception offences will take reasonable care to ensure that their acts or omissions do not adversely affect the health and safety of themselves or others, comply as far as they are reasonably able to with any reasonable instruction that is given to adhere with the Act and its regulations.

A key enabler is the application of the [TENR-Operational threat assessment](#) in the workplace. See also '[Health, safety and wellbeing](#)' for keeping our communities safe, and ensuring our people are safe and feel safe.

Definitions

This table details definitions of terms under section [202A](#) of the Crimes Act 1961 or as indicated.

Term	Definition
Disabling substance	'Disabling substance' means any substance produced for the purpose of disabling, or any anaesthetising or other substance intended by any person possessing it for disabling any person.
Intention to commit an offence	<p>A 'prima facie intention to commit an offence involving bodily injury' means that the circumstances indicated, "at first appearance" or "on the face of it", that the person had an intention to:</p> <ul style="list-style-type: none"> - use the weapon to cause bodily injury, or - threaten or cause the fear of violence. <p>Note: This definition of intention also applies when deciding whether or not an article is an offensive weapon for the purposes of section 202A(1) - Vereulen v Police, 1989, High Court - Auckland, AP180/89.</p>
Knives	The ordinary meaning applies: cutting tool or weapon consisting of a sharp-edged blade with a handle.
Offensive weapon	<p>'Offensive weapon' possessed in a public place means any article made or altered for use for causing bodily injury, or intended by the person having it with them for such use.</p> <p>'Offensive weapon' possessed in any place means any article capable of being used for causing bodily injury'.</p> <p>Note: The term 'offensive weapon' includes four overlapping classes of article as follows:</p> <ul style="list-style-type: none"> - an article that is made for use for causing bodily injury (e.g. knuckleduster, cosh; possession must be in public place) (s202A(1) and(4)(a)) - an article altered for use for causing bodily injury (e.g. broken bottle, fork that has been bent so that it can be used as a knuckleduster; possession must be in public place) (s202A(1) and(4)(a)) - an article that has another use, but is intended for use to cause bodily injury by the person possessing it (e.g. baseball bat; possession must be in public place) (s202A(1) and(4)(a)) - an article capable of being used for causing bodily injury (must be in circumstances that prima facie show an intention to use it to commit an offence involving bodily injury or the threat or fear of violence, e.g. knife, baseball bat, bottle, handbag; possession may be in any place) (s202A(2) and(4)(b)).
Public place	'Public place' means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place. Public place includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward. (section 2 of the Summary Offences Act 1981)
Made or altered	Refers to any object that has been especially created or changed, e.g. a branch that has been whittled down to form an arrow, a softball bat enhanced with nails.
Cause bodily injury	Means to be responsible for the physical injuring or maiming of someone.
Any article	In this context any tangible thing that is either made for, or used to cause bodily injury.

Offences

Offence	A person is liable to...	Category
<p>Possessing a knife in a public place. Section 13A(1) - Summary Offences Act 1981</p> <p>Notes:</p> <ul style="list-style-type: none"> - A charge under this Act may be more appropriate when dealing with young first offenders than under section 202A of the Crimes Act 1961. - The Court may order that the knife be forfeited to the Crown under section 13A(2). - No requirement to prove any criminal intent, simple possession of knife without reasonable excuse is sufficient. - No requirement to prove in any particular case that the knife is an offensive weapon. <p>See the commentary in Westlaw NZ for further explanation of the terms applied to section 13A of the Summary Offences Act 1981.</p>	<ul style="list-style-type: none"> - imprisonment for a term not exceeding 3 months, or - a fine not exceeding \$2,000. 	Category 2 offence
<p>Possession of a knife, an offensive weapon or a disabling substance in public place. Section 202A(4)(a) - Crimes Act 1961</p> <p>Note: You must prove that person had possession without lawful authority or reasonable excuse.</p> <p>See the commentary in Westlaw NZ for further explanation of the terms applied to section 13A of the Summary Offences Act 1981.</p>	<ul style="list-style-type: none"> - imprisonment for a term not exceeding 3 years. 	Category 3 offence
<p>Possession of an offensive weapon or a disabling substance in any place with prima facie intention to use it to commit an offence. Section 202A(4)(b) - Crimes Act 1961</p> <p>Notes:</p> <ul style="list-style-type: none"> - Offensive weapon for an offence under section 202A(4)(b) includes a knife. - It is a defence if the person charged proves that they did not intend to use the offensive weapon or disabling substance to commit an offence involving bodily injury or the threat or fear of violence. <p>See the commentary in Westlaw NZ for further explanation of the terms applied to section 13A of the Summary Offences Act 1981.</p>	<ul style="list-style-type: none"> - imprisonment for a term not exceeding 3 years. 	Category 3 offence

Offences reported and recorded

Offences reported to, or discovered by Police must be recorded

The National Recording Standard [section 1.3](#) contains rules and principles governing recording of offences and weapons and section 2.10 for weapons offences coding guide.

[Recording offences](#) intranet page provides an overview of these rules and contains links to training and resources.

Code book - charge wording, penalties and more

The [Legislative Reference Table \(LRT - Code Book\)](#) is a search tool that links to information about all offence, incident and task codes. The code book provides in-depth information for each offence code.

Powers

To search and seize

The [Search and Surveillance Act 2012](#) provides constables with powers to stop and search vehicles, search people and seize knives, offensive weapons and disabling substances.

Warrantless searches of people for knives, offensive weapons and disabling substances

You may search a person without a warrant if you have reasonable grounds to suspect the person is committing an offence against section [202A\(4\)\(a\)](#) of the Crimes Act 1961 (which relates to possession of knives, offensive weapons, and disabling substances in **public places**).

([s27](#) Search and Surveillance Act 2012)

Note: The warrantless search power under section [27](#) does not permit a search of a person on suspicion of an offence against section [202A\(4\)\(b\)](#) (possession of knives, offensive weapons and disabling substances in **any place**).

Stopping and searching vehicles for knives, offensive weapons and disabling substances

Searching vehicles

If you have reasonable grounds to...	you may...
<p>suspect that:</p> <ul style="list-style-type: none"> - a person travelling in a vehicle (or who has alighted from it) is committing an offence in public place against section 202A(4)(a) of the Crimes Act 1961, and - the vehicle contains a knife, offensive weapon, or disabling substance <p>(s28 Search and Surveillance Act 2012)</p>	<p>without a warrant:</p> <ul style="list-style-type: none"> - search the vehicle.

Note: The warrantless search power under section [28](#) does not permit a search of a vehicle on suspicion of an offence against section [202A\(4\)\(b\)](#) (possession of knives, offensive weapons and disabling substances in **any place**).

Stopping vehicles

Section [121\(1\)](#) of the Search and Surveillance Act 2012 authorises the stopping of a vehicle to conduct a search under section [28](#) of the Search and Surveillance Act 2012. You must also comply with the obligations set out in section [131](#) of the Search and Surveillance Act 2012

Note: You must be satisfied that you have the grounds to search the vehicle, i.e. reasonable grounds to suspect.

See '[Law Note: Inquiring as to a reasonable excuse for possessing an offensive weapon before conducting a search](#)' relating to *McRae v Police* [2017] NZHC 2255 for the facts, Court decision and legal comment.

Duties and obligations

When you exercise a power under sections [27](#) or [28](#) of the Search and Surveillance Act 2012, you must comply with the duties and obligations imposed by:

- [Part 4](#) of the Act, including:
 - section [125](#) obligations when searching a person - identify yourself by name, state the search is pursuant to the search and Surveillance Act 2012, state the reason for the search (reasonable grounds to suspect person in possession of offensive weapon, knife or disabling substance), show Police identification if not in uniform.
 - section [121\(3\)](#) (at request of any person affected by the stopping power identify yourself, state the Search and Surveillance Act 2012 and reason for the search, and produce identification if not in uniform)
 - section [131](#) obligations when searching a vehicle - identify yourself by name, state the reason for the search (reasonable grounds to suspect there is an offensive weapon, knife or disabling substance in the vehicle), state your intention to enter and search the vehicle pursuant to the Search and Surveillance Act 2012, show Police identification if not in uniform

- the reporting requirements of sections [169](#) and [170](#) (reporting of exercise of powers to the Commissioner and Commissioner's obligation to report search powers in annual report).

To arrest

You can arrest under:

- section [315\(2\)\(a\)](#) of the Crimes Act 1961, or
- section [39\(1\)](#) of the Summary Offences Act 1981.

Sentence for second conviction

If a person is convicted twice within two years of a crime against section [202A](#), (possession of a knife, offensive weapon or disabling substance) then section [202BA](#) of the Crimes Act 1961 requires the Court to impose a sentence of imprisonment, unless there are special circumstances relating to the offence or the offender satisfying the Court that a sentence of imprisonment should not be imposed on the offender.

The second conviction must be for an offence committed after the first conviction. An offender convicted for two offences under section [202A](#) at the same hearing would not qualify.

Discretion

Introduction

Use of discretion is a key tool in a Police Officer's toolkit. The law and rules do not always fit perfectly to every situation. The way an officer approaches those situations, using judgement to get the most appropriate outcome requires thinking about all the circumstances. Judgement is one of the key elements that Police must apply in order to keep the public safe and also to maintain trust and confidence.

Example when discretion may apply

'Kirpan' (knives carried for religious reasons): Definition and symbolism

A Kirpan is a Sikh ceremonial sheathed sword hung from a shoulder sling called 'gatra' and can be carried by both genders, but predominantly by men. Kirpans can vary in size and are often blunt - there are also smaller versions of the Kirpan worn as a necklace.



Kirpan symbolically signifies that a Sikh would fight against tyranny, injustice and cruelty to maintain a state of harmony and security. Physically, it is an instrument of non-violence. Symbolically, the Kirpan represents the power of truth to cut through untruth. Adherents of the Sikh religion believe it is the cutting edge of the enlightened mind.

The word Kirpan is an amalgamation of 'kirpa' which means kindness or grace and 'aan' which means honour or self-respect. Together it would signify honour with kindness or self-respect with grace.

Amritdhari Sikhs are not known to use the Kirpan to harm themselves or others.

As a general rule, a Kirpan carried or possessed in a public place for religious reasons is considered by Police to provide a reasonable excuse for the purposes of section [13A](#) of the Summary Offences Act 1981 and section [202A](#) of the Crimes Act 1961. This means that, in the ordinary course of events, it is unlikely that consideration would be given to warning or prosecuting a person who is merely carrying or possessing a Kirpan for religious purposes.

However, there may be circumstances where the size and nature of the Kirpan or how it is worn and displayed in a public place could erode the existence of a reasonable excuse. In such a circumstance, Police should apply discretion and consider all the factors on their merits and in accordance with the law.

Suspect interview, arrest or detention

Suspect interview

If a Sikh is to be interviewed as a suspect for an offence (prior to a decision to arrest or detain), it is likely the suspect will be in possession of a Kirpan. Apply [TENR](#) contemplating the safety of the suspect from self-harm and those present at the interview. Consider the following steps with the suspect before commencing the interview:

- Note that if a person has a reasonable excuse to be in possession of a knife, as would ordinarily be the case with a Sikh in possession of a Kirpan, that person may not be searched under section 27 or 28 of the Search and Surveillance Act (*McRae v Police* [2017] NZHC 2255).
- Depending on the circumstances certain powers of warrantless search may be available, for example:
 - person is in a public place and you believe on reasonable grounds that person is in possession of a Kirpan that is evidential material in relation to an offence punishable by 14 years or more (search under section 16, Search and Surveillance Act) or
 - person is in a public place and constable has reasonable grounds to suspect that a person is committing an offence against section 202A(4)(a) of the Crimes Act relating to possession of knives, offensive weapons and disabling substances (search under section 27, Search and Surveillance Act). Note, a search may not be conducted if the person has a reasonable excuse for possession of the knife.
- If no search power is available, obtain the suspect's consent to removing their Kirpan and leaving it in a safe place away from the interview location (should a defence lawyer or support person be present, then obtain their support to having the suspect's Kirpan removed from the interview).

Arrest or detention

You may search an arrested or detained person if there are reasonable grounds to believe that there is anything on or carried by that person that may be used to harm any person, facilitate escape or that is evidential material related to the offence that was the reason for the arrest/detention (s88 Search and Surveillance Act).

If the suspect is taken into lawful custody and is, or is to be, locked up, then you may conduct a search where section 11, Search and Surveillance Act applies. Any Kirpan in the suspect's possession may be taken from them.

See '[General guidelines and requirements for all mechanical restraints](#)' in the 'Mechanical restraints' chapter for when to use handcuffs depending on the circumstances, from a wide range of tactical options available.

Aviation Security

Given aviation security rules regarding carriage of knives or other sharp objects onto an aircraft, the Kirpan should be placed in checked luggage. If the Kirpan's [blade is less than 6cm](#), then it may be accepted by Aviation Security Service to be included in a carry-on bag, otherwise it will need to go in checked luggage. Most Sikh's are aware of this requirement. However, if this isn't possible, the Kirpan may have to be removed by consent and the reason for this politely explained.

Treat the Kirpan with respect when taking possession of the item. See '[Securing and storing Kirpans](#)'. Arrangements may then be made for its later collection. If the person refuses to surrender the Kirpan, they may be refused access by Aviation Security Service or by the aircraft operator, but that is their decision.

Securing and storing Kirpans

A Kirpan seized as an exhibit under the Search and Surveillance Act 2012 or removed by consent (e.g. for safety considerations with interviewing a person) is to be treated with religious sensitivity. If practicable in the circumstances endeavour to:

- wash hands in front of the person, or informing them that hands have been washed prior to handling the Kirpan
- securing the Kirpan in a clean bag, or covered by clean paper or cloth
- storing the Kirpan in a tidy place
- ensuring storage is not in close vicinity of other religious prohibited items (e.g. drugs, alcohol, eggs, meat or items that may have been exposed to these items) to prevent contamination.

Further information

See '[NZ Religious Diversity Book](#)' for more information about meeting the various needs of the ethnically and religiously diverse community Police serve.

Dealing with possession of offensive weapons etc in a public place

Initial action

When you are dispatched to respond to a person in a public place who is in possession of an offensive weapon, follow these steps.

Step	Action
1	<p>Obtain all the available information from the Communication Centre (Comms), including:</p> <ul style="list-style-type: none"> - the location and the time the person was seen - the informant's name - the informant's present location - a description of the knife, weapon or disabling substance - a description of the suspect(s) - whether the offender(s) is known to the informant and if so, their name and whether they are likely to be violent - where, on the person, the informant saw the weapon - how many suspects were involved, their current location or where they may be headed, and the mode and direction of travel - the details of any vehicle owned or used by the offender.
2	<p>On the way to the scene plan the action you will take based on the information received. See: Tactical Options Framework (PDF below).</p>
3	<p>Plan the action you will take and how to protect yourself. Consider:</p> <ul style="list-style-type: none"> - what kind of weapon the suspect might be carrying - where the suspect is likely to be carrying or concealing a weapon - what the suspect's body language indicates about state of mind and intentions - how the suspect might use the weapon - TENR-Operational threat assessment - what tactical options you have available to deploy - the Tactical Options Framework (PDF below).

Action at the scene for searching person

Follow these steps when dealing with a person at the scene.

Step	Action
1	Park safely.
2	<p>Locate the informant and obtain the facts. Record all available information. Give the Communications Centre a SITREP and maintain communication.</p>
3	<p>Assess the information and decide whether the ingredients for an offence against section 202A(4)(a) of the Crimes Act 1961 are present. Consider whether:</p> <ul style="list-style-type: none"> - the person suspected of committing the offence is in a public place - the item described meets the definition of an offensive weapon: <ul style="list-style-type: none"> - the weapon was made or altered for use to cause bodily injury - the person is carrying the weapon with the intent to cause bodily injury?
4	Apply TENR .

Step	Action						
5	Detain the suspect and explain section 125 of the Search and Surveillance Act 2012: <ul style="list-style-type: none"> - identify yourself by name - state the reason for the search - state the search is taking place under the Search and Surveillance Act 2012 - if not in uniform, produce identification. 						
6	As a result of the detention explain: <ul style="list-style-type: none"> - the suspect's rights under section 23 of the New Zealand Bill of Rights Act 1990 - that an opportunity to consult and instruct a lawyer will be given after the search is completed. 						
7	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%; text-align: left;">If . . .</th> <th style="width: 30%; text-align: left;">then . . .</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> the suspect refuses to be searched or refuses to remain for the search Use AWOCA ('Ask Why Options Confirm Action' is the five-step tactical communications process that underpins the Tactical Options Framework (TOF).- see 'Use of force' chapter) to gain compliance. </td> <td style="vertical-align: top;"> consider arresting them for obstruction. </td> </tr> <tr> <td style="vertical-align: top;"> there is more than one suspect </td> <td style="vertical-align: top;"> separate them from other witnesses and each other. </td> </tr> </tbody> </table>	If . . .	then . . .	the suspect refuses to be searched or refuses to remain for the search Use AWOCA ('Ask Why Options Confirm Action' is the five-step tactical communications process that underpins the Tactical Options Framework (TOF).- see ' Use of force ' chapter) to gain compliance.	consider arresting them for obstruction.	there is more than one suspect	separate them from other witnesses and each other.
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there is more than one suspect	separate them from other witnesses and each other.						
8	Search the suspect using section 27 of the Search and Surveillance Act 2012 and: <ul style="list-style-type: none"> - any item the suspect is wearing or carrying - any item in the suspects physical possession or immediate control. 						
9	If an offensive weapon is located, seek an explanation to negate any defences. Did they have: <ul style="list-style-type: none"> - lawful authority - reasonable excuse. 						
10	Seize: <ul style="list-style-type: none"> - any offensive weapon found - any other unlawful item located during the search. If you decide no offence has been committed or you issue the person with a warning, you can still seize the item under section 125(j) of the Search and Surveillance Act 2012.						
11	Remember, if arresting (under section 315(2) of the Crimes Act 1961), detaining or questioning the suspect where there is sufficient evidence to charge that person, then: <ul style="list-style-type: none"> - apply the rights caution - give the suspect an opportunity under the New Zealand Bill of Rights Act 1990 to contact a lawyer. 						

Action at the scene for stopping and searching vehicle

Follow these steps when dealing with the stop and search of a vehicle.

1	Record all available information. Give the Communications Centre a SITREP and maintain communication.
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2	<p>Assess the information and decide whether the ingredients for an offence against section 202A(4)(a) of the Crimes Act 1961 are present. Consider whether:</p> <ul style="list-style-type: none"> - the person suspected of committing the offence is in a public place - the item described meets the definition of an offensive weapon: - the weapon was made or altered for use to cause bodily injury - the person is carrying the weapon with the intent to cause bodily injury?
3	<p>Apply TENR</p>
4	<p>Stop the vehicle under section 121 of the Search and Surveillance Act 2012:</p> <ul style="list-style-type: none"> - use flashing lights and/or siren - advise/update comms of vehicle details and location of stop. <p>You must on request from any person affected by the use of section 121:</p> <ul style="list-style-type: none"> - identify yourself by name - state the search is taking place under the Search and Surveillance Act 2012 - state the reason for the search - produce identification if not in uniform. <p>Ensure you have sufficient staff to deal with the number of occupants in the vehicle.</p>
5	<ul style="list-style-type: none"> - Detain the occupants of the vehicle under section 118 of the Search and Surveillance Act 2012 for the purpose of determining any connection between the occupants and the reason for the search. - As they are detained they must be advised of their rights under the New Zealand Bill of Rights Act 1990 in accordance with the 'Chief Justice's Practice Note on Police Questioning' (See also the 'Rights caution' chapter in the Police Manual); and - that an opportunity to consult and instruct a lawyer will be given after the search is completed.
6	<p>Search the suspect following the procedure outlined for searching people in public places ensuring section 125 of the Search and Surveillance Act is complied with.</p> <p>Should you not locate the offensive weapon on the suspect, consider it could now be in the possession of another occupant or in the vehicle.</p> <p>To search another occupant of the vehicle you must satisfy section 119 of the Search and Surveillance act 2012 in that you must believe the offensive weapon is on that person.</p>
7	<p>Search any vehicle that:</p> <ul style="list-style-type: none"> - the suspect is in, or - has just alighted from, and - you have reasonable grounds to suspect the vehicle contains a knife, offensive weapon or disabling substance. <p>Prior to searching the vehicle you must comply with section 131 of the Search and Surveillance Act 2012.</p> <p>You must:</p> <ul style="list-style-type: none"> - identify yourself by name - state the search is taking place under the Search and Surveillance Act 2012 - state the reason for the search - state your intention to enter and search the vehicle.

8	<p>Conduct a thorough search of the vehicle.</p> <p>If an offensive weapon is located, seek an explanation to negate any defences. Did they have a:</p> <ul style="list-style-type: none"> - lawful authority - reasonable excuse.
9	<p>Seize:</p> <ul style="list-style-type: none"> - any offensive weapon found - any other unlawful item located during the search. <p>If you decide no offence has been committed or you issue the person with a warning, you can still seize the item under section 110 (d) of the Search and Surveillance Act 2012.</p>
10	Decide whether to arrest the person under section 315(2)(b) of the Crimes Act 1961.
11	If they are arrested they must be advised of their rights under the New Zealand Bill of Rights Act 1990 in accordance with the ' Chief Justice's Practice Note on Police Questioning ' (See also the ' Rights caution ' chapter in the Police Manual).

Evidence

Follow these steps.

Step	Action
1	Record everything about the suspect, including appearance, actions and statements.
2	Label and preserve the exhibit(s).

Related chapters

These chapters also support good investigation practice:

- [Crime scene examination](#)
- [Part 1 - Initial response to homicide or serious crime](#) of the 'Homicide and serious crime investigations' chapter
- [Search](#).

Dealing with possession of offensive weapons etc in any place

Initial action

When you are dispatched by the Communications Centre (Comms) to a person in any place who is in possession of a weapon, follow these steps.

Step	Action
1	Obtain all the available information from the Communication Centre (Comms), including: <ul style="list-style-type: none"> - the location and the time the person was seen - the informant's name - the informant's present location - a description of the knife, weapon or disabling substance - a description of the suspect(s) - whether the offender(s) is known to the informant and if so, their name and whether they are likely to be violent - where, on the person, the informant saw the weapon - how many suspects were involved, their current location or where they may be headed, and the mode and direction of travel - the details of any vehicle owned or used by the offender.
2	If the offence took place on private premises, the Communications Centre must telephone the premises in order to try to establish the situation.
3	Plan the action you will take and how to protect yourself. Consider: <ul style="list-style-type: none"> - what kind of weapon the suspect might be carrying - where the suspect is likely to be carrying or concealing a weapon - what the suspect's body language indicates about their state of mind and intentions - how the suspect might use the weapon - what tactical options you have available to deploy - the Tactical Options Framework (PDF below)
4	Apply TENR .

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[Tactical options framework \(PDF\)](#)

147.26 KB

Action at the scene

Follow these steps.

Step	Action
1	Park safely.
2	Locate the informant and obtain the facts. Record all available information. Give the Communications Centre a SITREP and maintain communication.

Step	Action
3	<p>Assess the information and decide whether the ingredients for an offence against section 202A(4)(b) are present. Consider whether either of these applies:</p> <ul style="list-style-type: none"> - was the article (weapon) capable of causing bodily injury? - the possession of the article (weapon) in circumstances that, prima facie, showed an intention to use it to commit an offence involving bodily injury or the threat or fear of violence? <p>Note: The power to search a person under section 27 or the power to search a vehicle under section 28 of the Search and Surveillance Act 2012 relates only to the offence of possession in a public place. For a suspected 202A(4)(b) offences, you cannot search the suspect unless you have arrested them.</p> <p>For your powers of search, see the 'Search' chapter of the Police Manual.</p>
4	Apply TENR .
5	<p>Consider power of entry onto private premises.</p> <p>Consider use of:</p> <ul style="list-style-type: none"> - section 14 Search and Surveillance Act 2012 - section 8 Search and Surveillance Act 2012 (must comply with identification and notification requirements under section 131 Search and Surveillance Act 2012).
6	<p>Where you are determining whether an offence against section 202A(4)(b) has occurred, you may interview the suspect and seek an admission or explanation. Decide what course of action is most appropriate; that is:</p> <ul style="list-style-type: none"> - arrest, or - summons, or - warning.

Step	Action						
7	<table border="1"> <thead> <tr> <th>If...</th> <th>then...</th> </tr> </thead> <tbody> <tr> <td>you arrest the suspect</td> <td> <ul style="list-style-type: none"> - explain the suspect's rights under the New Zealand Bill of Rights Act 1990 in accordance with the 'Chief Justice's Practice Note on Police Questioning' (See also the 'Rights caution' chapter in the Police Manual) - comply with obligations under section 125 of the Search and Surveillance Act 2012 <ul style="list-style-type: none"> - identify yourself by name - state the reason for the search - state the search is taking place under the Search and Surveillance act 2012 - if not in uniform produce identification - conduct a search <ul style="list-style-type: none"> - seize any weapon or disabling substance found pursuant to section 125(j) of the Search and Surveillance Act 2012 - ask the suspect to give an explanation - if you do not locate the offensive weapon on them, consider using section 83 of the Search and Surveillance Act 2012 to conduct a search of the place. (s 131 of the Search and Surveillance Act 2012 obligations must be advised). <p>If there are other occupants in the place they may be detained under section 118 of the Search and Surveillance Act 2012 for the purpose of determining any connection between the occupants and the reason for the search.</p> <p>If they are detained they must be advised of their rights under the New Zealand Bill of Rights Act 1990 in accordance with the 'Chief Justice's Practice Note on Police Questioning' (See also the 'Rights caution' chapter in the Police Manual).</p> <p>To search another occupant in the place you must satisfy section 119 of the Search and Surveillance act 2012 in that you must believe the offensive weapon is on that person.</p> </td> </tr> <tr> <td>you do not arrest the suspect</td> <td> <ul style="list-style-type: none"> - recover any knife, offensive weapon or disabling substance used if you can do so without conducting a search. You may ask person to surrender it to you: <ul style="list-style-type: none"> - to be lawful, ensure the surrender of the knife, offensive weapon or disabling substance is obtained by informed consent. </td> </tr> </tbody> </table>	If...	then...	you arrest the suspect	<ul style="list-style-type: none"> - explain the suspect's rights under the New Zealand Bill of Rights Act 1990 in accordance with the 'Chief Justice's Practice Note on Police Questioning' (See also the 'Rights caution' chapter in the Police Manual) - comply with obligations under section 125 of the Search and Surveillance Act 2012 <ul style="list-style-type: none"> - identify yourself by name - state the reason for the search - state the search is taking place under the Search and Surveillance act 2012 - if not in uniform produce identification - conduct a search <ul style="list-style-type: none"> - seize any weapon or disabling substance found pursuant to section 125(j) of the Search and Surveillance Act 2012 - ask the suspect to give an explanation - if you do not locate the offensive weapon on them, consider using section 83 of the Search and Surveillance Act 2012 to conduct a search of the place. (s 131 of the Search and Surveillance Act 2012 obligations must be advised). <p>If there are other occupants in the place they may be detained under section 118 of the Search and Surveillance Act 2012 for the purpose of determining any connection between the occupants and the reason for the search.</p> <p>If they are detained they must be advised of their rights under the New Zealand Bill of Rights Act 1990 in accordance with the 'Chief Justice's Practice Note on Police Questioning' (See also the 'Rights caution' chapter in the Police Manual).</p> <p>To search another occupant in the place you must satisfy section 119 of the Search and Surveillance act 2012 in that you must believe the offensive weapon is on that person.</p>	you do not arrest the suspect	<ul style="list-style-type: none"> - recover any knife, offensive weapon or disabling substance used if you can do so without conducting a search. You may ask person to surrender it to you: <ul style="list-style-type: none"> - to be lawful, ensure the surrender of the knife, offensive weapon or disabling substance is obtained by informed consent.
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Evidence

Follow these steps.

Step	Action
1	Record everything about the suspect, including appearance, actions and statements.
2	Label and preserve the exhibit(s).

Related chapters

These chapters also support good investigation practice:

- [Crime scene examination](#)
- [Part 1 - Initial response to homicide or serious crime](#) of the 'Homicide and serious crime investigations' chapter
- [Search](#).