

12 October 2022

Tangata Whenua
fyi-request-20374-45df4068@requests.fyi.org.nz

Tēnā koe Tangata Whenua

Request for information

Thank you for your Official Information Act 1982 (OIA) request dated 29 August 2022.
You wrote:

(1) What are the lawful exemptions for an officer who refuses to identify himself/herself?

(2) When a member of the public instructs an officer to identify themselves before answering the officer's questions and the officer identifies a NUMBER instead, is that FRAUD or NEGLIGENCE?

A member of New Zealand Police is identifiable by their unique identifier, known as QID. A QID contains a mixture of letters and numbers that is associated with that individual. For uniformed members, this is displayed on their epaulettes.

The New Zealand Police Manual comprises all instructions and guidance in chapters for administrative and operational aspects of policing, including nationally consistent standard operating principles, practices, policies, and procedures (referred to broadly as 'policy').

The chapter that is relevant to your request is Uniform, Dress Standards, and Appearance¹. This chapter is published on the Police website and footnoted in this letter. Page 46 of the chapter is specifically about identification.

Some Acts set out when and how Police need to identify themselves context-specific situations. I recommend that you contact your local Citizens Advice Bureau or Community Law Centre (most offer free legal advice sessions) to discuss the particular circumstances

¹ <https://www.police.govt.nz/about-us/publication/uniform-dress-standards-and-appearance-police-manual-chapter>

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

that you are concerned with and to get advice about the applicable law. Two examples are:

- Section 113(1) and (2) of the Land Transport Act 1998 provide that an enforcement officer in uniform or in possession of a warrant or other evidence of their authority as an enforcement officer may enforce the provisions of the Land Transport Act and in doing so, may at any time direct a person on a road (whether or not in charge of a vehicle) to give the person's full name, full address, date of birth, occupation, and telephone number, or such particulars as the enforcement officer may specify, and give any other particulars required as to the person's identity.
- Section 121 of the Search and Surveillance Act 2012 (which contains a power to stop vehicles with or without a warrant for the purposes of search), provides that a person who exercises a power under that section must, on the request of a person affected by the exercise of the power (among other things):
 - a. Identify themselves either by name or by unique identifier; and
 - b. If not in Police uniform, produce evidence of his or her identity.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Superintendent Dave Greig
Director Capability