

5 April 2023

Hannah Baxter  
[Fyi-request-22045-8b7ba4ee@requests.fyi.org.nz](mailto:Fyi-request-22045-8b7ba4ee@requests.fyi.org.nz)

Dear Hannah

Thank you for your Official Information Act 1982 request of 8 March 2023, in which you asked:

*Can an off-duty officer, who is also the complainant in an alleged offence, access NIA to confirm the vehicle registration number and identity of the person they allege they saw committing said alleged offence?*

*It is my understanding that according to the CoC this is serious misconduct and is unlawfully accessing NIA.*

Without knowing the specifics of what may have occurred, it is difficult to provide you with a precise response. I can advise you that off-duty constables frequently come across offending and situations where it may be necessary to intervene. The powers and responsibilities of constables apply 24 hours a day, and nothing prevents an off-duty constable from taking lawful, appropriate, and justified action in situations where they believe intervention or assistance is necessary in the circumstances.

That said, it is preferable, if a constable does need to intervene when off-duty, that they seek the assistance of on-duty staff as soon as possible, thus minimising the potential of any conflict of interest.

Police encourages its employees to be alert to potential conflicts of interest and to avoid conflicts if possible. In some situations, it may be necessary to act immediately, for example to protect life or property. In those situations, Police employees must discharge their duties first, and declare any conflict of interest as soon as possible afterwards. In most situations, a potential conflict of interest can be easily managed. In some situations, such as working in smaller or isolated communities, this may be more challenging.

I can confirm that the Police Code of Conduct records “using any Police databases for any unauthorised or personal purpose” as an example of misconduct.

With that said, in the absence of any specifics of what may have occurred, it is difficult to judge if an off-duty officer accessing NIA to confirm the vehicle registration number and identity of the suspect was an appropriate use of NIA or not. If this did occur, an examination of the circumstances would be required to determine if such a use of NIA was justified or not.

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### **Police National Headquarters**

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If there is a situation that you would like to advise Police about, you may do so by calling 105, or by visiting the complaints portal of the NZ Police website at <https://www.police.govt.nz/contact-us/give-feedback-about-police>. Alternatively, you can contact the Independent Police Conduct Authority (IPCA) at <https://www.ipca.govt.nz/>

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J. Guthrie', with a long horizontal flourish extending to the right.

Superintendent Jason Guthrie  
Director: Integrity and Conduct  
Police National Headquarters