

17 October 2023

Ali-jo
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Dear Ali-jo

Request for information

Thank you for your Official Information Act 1982 (OIA) request of 27 September 2023, in which you asked for information regarding enforcement officers and International Mobile Equipment Identity (IMEI) numbers.

My response to each part of your request can be found below.

1. *Can you please confirm that pursuant to the Policing Act 2008 that police have a warrant of operation authorised by the Commissioner of Police?*

There is no requirement in the Policing Act 2008 that constables have a “warrant of operation”. A Police employee becomes a constable by taking the constable’s oath as set out in section 22. This section also requires that, before administering the oath, the Commissioner or person authorised by the Commissioner to administer the oath must be satisfied that the Police employee is:

- (a) adequately trained to exercise the powers of a constable; and
- (b) capable of exercising the powers of a constable.

In addition, the Commissioner may authorise non-constabulary employees by warrant to exercise particular powers of a constable under section 24 of the Policing Act 2008.

2. *Can you please confirm that Police have a warrant of operation to act as a policy enforcer on behalf on the Land Transport Agency?*

As set out in section 2 of the Land Transport Act 1998 (the Act), all constables are enforcement officers. The Act also enables the Commissioner to authorise Police employees who are not constables to be enforcement officers, or to appoint a person to that office by warrant under [section 208](#).

If you require further information you can refer to the Act itself, which is publicly available : <https://www.legislation.govt.nz/act/public/1998/0110/latest/whole.html#DLM433619>.

3. *Do police carry these warrant of operations on them whilst acting as a police officer, to be shown on request for authenticity?*

As noted above, the Policing Act 2008 does not require that constables have a “warrant of operation”. However, section 96 requires that the Commissioner provide every Police employee with evidence of the employee’s identity and authority. For further information on this requirement you may refer to the Policing Act 2008 via link above, and the *Police identity cards* Police instruction, which is available here: <https://www.police.govt.nz/about-us/publication/police-identity-cards-police-manual-chapter>

4. *Can police stop an automobile with private license plates and confiscate the plates? If yes, please provide the legislation to support this claim.*

Please refer to sections 114 and 265(3) and (4) of the Land Transport Act 1998.

5. *Can Police identify an IMEI number of a phone who sent a message remotely without having to inspect that phone?*

Yes, subject to lawful authority conferred by warrant, Production Order, or emergency situation.

6. *Can this be done by inspecting the recipients phone only?*

Police cannot identify an IMEI from inspecting any recipient handset only.

7. *Is this done by requesting an audit?*

Please refer to my response to part 5 above.

Please note that as part of its commitment to openness and transparency, Police proactively releases some information and documents that may be of interest to the public. An anonymised version of this response may be publicly released on the New Zealand Police website.

Yours sincerely



Megan Winch
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New Zealand Police