

# 9. New Zealand Police

**Summary** The New Zealand Police are responsible for the maintenance of law and order during an emergency. They may exercise special powers during a state of emergency, and will liaise with other agencies to ensure the most effective use of Police resources.

**Contents** The section contents are:

- 9.1 Introduction .....2
- 9.2 Objective .....2
- 9.3 Principles.....2
- 9.4 Role of New Zealand Police during reduction and readiness .....3
- 9.5 Role of New Zealand Police during response and recovery .....4
  - 9.5.1 Police response arrangements .....5
- 9.6 References and links.....6
- Annex 9.A. Search warrant to enter premises and obtain information in urgent cases .....7

## 9.1 Introduction

---

**Part 5**  
**Roles and responsibilities**  
New Zealand Police

### 37 Introduction

- (1) *The functions of the New Zealand Police, as described in section 9 of the Policing Act 2008, include—*
  - (a) *keeping the peace;*
  - (b) *maintaining public safety;*
  - (c) *law enforcement;*
  - (d) *crime prevention;*
  - (e) *community support and reassurance;*
  - (f) *national security;*
  - (g) *participation in policing activities outside New Zealand;*
  - (h) *emergency management.*
- (2) *In addition to the functions of the New Zealand Police under the Policing Act 2008, during an emergency the New Zealand Police will support coroners as required under the Coroners Act 2006 (including developing, maintaining, and implementing the Mass Fatalities Plan).*
- (3) *By virtue of their day-to-day role as co-ordinators of incidents or emergencies and their 24-hour availability, the New Zealand Police will frequently be required to accept the initial responsibility for co-ordination of an emergency.*
- (4) *The emergency management plans of the New Zealand Police provide for the smooth transfer of this support role to the appropriate lead agency once that agency is ready.*

## 9.2 Objective

---

### 38 Objective

*The objective of the New Zealand Police is to minimise the consequences of an emergency on individuals and the community by carrying out the functions of New Zealand Police under the Policing Act 2008.*

## 9.3 Principles

---

### 39 Principles

- (1) *The principles underlying the role of the New Zealand Police are to—*
  - (a) *use, at the discretion of the constable in charge (subject to any direction given by a New Zealand Police operation or tactical commander),—*
    - (i) *the ordinary New Zealand Police powers; and*
    - (ii) *the special powers created by the declaration of a state of emergency; and*
  - (b) *co-ordinate inter-district movement of New Zealand Police personnel in consultation with the National Controller; and*
  - (c) *exercise, when needed, the powers of compulsion under the Act when a state of emergency is in force (including entry onto premises, closing of roads and public places, evacuation, and directing activities); and*
  - (d) *authorise a person, other than a constable, to exercise, when needed, any of the powers of compulsion under the Act when a state of emergency is in force.*
- (2) *The powers of the New Zealand Police, including those in the Act, are summarised in The Guide.*

#### Note – Plan clause 39

In addition to the principles outlined above, the New Zealand Police also have responsibilities under the emergency services principles in Section 36 of the *National CDEM Plan 2015*. The overarching emergency services principle is to “ensure that planning encompasses the 4Rs and enables an effective response to all emergencies”.

#### Note – Plan clause 39(2)

The powers of the New Zealand Police, including those in the *CDEM Act 2002*, are summarised in section 9.5.1 on page 5.

## 9.4 Role of New Zealand Police during reduction and readiness

### 40 Role of Police during reduction and readiness

- (1) *The New Zealand Police maintain business continuity plans to ensure that critical New Zealand Police functions can continue during an emergency.*
- (2) *Those plans identify key risks, prioritise business, plan for the continuance of critical business, and provide for the redeployment of staff in support of other districts.*
- (3) *New Zealand Police emergency and command planning forms the basis for New Zealand Police operations, including action in a state of emergency, and refers to and integrates with CDEM plans at national, CDEM Group, and local levels.*
- (4) *The New Zealand Police participate in multi-agency emergency management planning and exercises contributing to a co-ordinated response using the CIMS.*
- (5) *New Zealand Police emergency management plans also provide for—*
  - (a) *early control of the scene of an emergency, co-ordinating essential services, preserving life, and protecting property; and*
  - (b) *the establishment of a New Zealand Police operations headquarters; and*
  - (c) *the callout of sufficient personnel to meet New Zealand Police requirements; and*
  - (d) *basic procedures for dealing with an emergency, including alerting and liaising with other emergency services; and*
  - (e) *liaison at the appropriate level of the response with other elements.*
- (6) *The New Zealand Police regularly test and exercise response arrangements and participate in the National CDEM Exercise Programme.*

#### Note – Plan clause 40(3)

CDEM and New Zealand Police should ensure their plans are integrated as per clause 40(3) of the *National CDEM Plan 2015*.

#### Note – Plan clause 40(5)(e)

In this context ‘elements’ includes agencies.

**Readiness** New Zealand Police will work with CDEM Groups and local authorities to ensure community awareness of hazards and risks (for example, tsunami or flooding threats).

**CDEM Group Plans** CDEM Group Plans and local CDEM arrangements should cross-reference the appropriate sections of Police emergency plans. Each CDEM Group Plan is encouraged to include a sub-plan or section dealing with law and order and incorporate the following information:

- ◆ reference to Police emergency plans
- ◆ contact and liaison arrangements with the New Zealand Police:
  - prior to the declaration of a state of emergency (this may include Police liaison with CDEM Groups before an emergency), and
  - during a state of emergency (this may include arrangements for continuous police liaison at an Emergency Coordination Centre (ECC) or Emergency Operations Centre (EOC), and contact arrangements with the Police District Commander, or nominee).

## 9.5 Role of New Zealand Police during response and recovery

### Role in response and recovery

#### 41 Role of Police during response and recovery

- (1) *The role of the New Zealand Police during the response to and recovery from an emergency is to—*
- (a) *maintain the functions of the New Zealand Police as outlined in section 9 of the Policing Act 2008 and the Act; and*
  - (b) *assist with the dissemination of warning messages; and*
  - (c) *assist the movement of rescue, medical, fire, and other essential services; and*
  - (d) *co-ordinate movement control over land, including communications and traffic control; and*
  - (e) *conduct category I search and rescue operations; and*
  - (f) *support category II search and rescue operations; and*
  - (g) *carry out disaster victims identification; and*
  - (h) *control access to and within an affected area so as to assist rescue, medical, fire, and other essential services; and*
  - (i) *conduct any initial evacuations to ensure protection of life; and*
  - (j) *co-ordinate inquiries to assist family, whānau, and next of kin to make contact with each other; and*
  - (k) *trace missing persons and notify their next of kin; and*
  - (l) *assist coroners as required by the Coroners Act 2006, in close liaison with the Ministry of Justice and health services; and*
  - (m) *support Controllers at the national, CDEM Group, and local levels and, when requested, appoint New Zealand Police liaison officers to the NCMC, ECCs, and local EOCs.*

### Inter-agency coordination

- (2) *To provide for inter-agency co-ordination, the New Zealand Police ensure—*
- (a) *participation in the development of response and recovery action plans; and*
  - (b) *the national co-ordination of New Zealand Police resources in support of the emergency operations; and*
  - (c) *when requested, the appointment of a New Zealand Police liaison officer to the Controller at the relevant level (national, CDEM Group, local), on an ongoing basis; and*
  - (d) *the exchange of situation reports at respective levels (national, CDEM Group, local).*

### Support to coroners

- (3) *The New Zealand Police support coroners to enable them to carry out their functions under section 4 of the Coroners Act 2006, which include—*
- (a) *deciding whether to carry out a post-mortem; and*
  - (b) *authorising the release of a body; and*
  - (c) *deciding whether to open an inquest; and*
  - (d) *giving the immediate family and representatives of the immediate family of a person thought to be deceased notice of the processes required by law to be performed or followed in relation to the death.*
- (4) *The New Zealand Police has overall responsibility for the recovery and identification of human remains, will recover deceased persons, and may take them to a temporary holding area before transportation to a mortuary facility.*
- (5) *The New Zealand Police will liaise closely with the family of the deceased, coroners, iwi authorities, health authorities, funeral directors, and relevant local authorities to ensure that legal, cultural, spiritual, and health-related matters are addressed.*
- (6) *The New Zealand Police CDEM operations are summarised in The Guide.*

## 9.5.1 Police response arrangements

If a local or CDEM Group response to an emergency is established, then the New Zealand Police District Commander will notify the Commissioner of Police immediately. A declaration of a state of local emergency may be made by a person appointed by a CDEM Group under s.25 of the *CDEM Act 2002*. This process may include consultation with Police and emergency services, Local and CDEM Group Controllers, and the ECC/EOC.

Any request for a declaration of a state of local emergency, by the New Zealand Police or others, must go through the relevant CDEM Group processes. A declaration may only be made by the person(s) nominated in the CDEM Group Plan.

If a declaration of a state of local emergency is requested by New Zealand Police, but is refused by a CDEM Group, the matter may be referred to the Police National Headquarters (National Manager Response and Operations) for resolution in consultation with the CDEM Group and the National Controller.

See the MCDEM publication *Declarations 2012, Director's Guidelines for the CDEM Sector*, [DGL13/12] ([www.civildefence.govt.nz](http://www.civildefence.govt.nz) – search for 'declarations').

### Police powers conferred by warrant issued under the CDEM Act 2002

While a state of emergency is in force, or the Director, a Controller, or a person authorised by a CDEM Group considers that an imminent threat of an emergency exists, the Police may be issued with a warrant by a District Court Judge (see section 78(2) of the *CDEM Act 2002*). The prescribed form and content of the warrant are set out in section 79 of the *CDEM Act 2002*. The powers conferred by the warrant are set out in sections 80 and 81 of the *CDEM Act 2002*.

The powers are to obtain information required urgently to prevent or limit the extent of the emergency (see section 78(2) of the *CDEM Act 2002*).

See Annex 9A for warrant template.

### Police powers under the CDEM Act 2002

The *CDEM Act 2002* confers certain powers on the Police and other authorised persons during a state of emergency. These confer the authority to:

- (1) Evacuate any premises or place, or exclude persons or vehicles from any premises or place where such action is necessary for the preservation of human life (section 86 of the *CDEM Act 2002*).
- (2) Enter, and if necessary, break into any premises or place within the emergency area where it is believed on reasonable grounds that the action is necessary for saving life, or preventing injury, or rescuing and removing injured or endangered persons or permitting or facilitating the carrying out of any urgent measures in respect of the relief of suffering or distress (section 87 of the *CDEM Act 2002*).
- (3) Totally or partially restrict public access on any road or public place (section 88 of the *CDEM Act 2002*).
- (4) Remove any aircraft, hovercraft, ship or ferry or other vessel, or vehicle impeding civil defence operations and where reasonably necessary for that purpose the use of force or breaking into any such aircraft, hovercraft, ship or ferry or other vessel, or vehicle (section 89 of the *CDEM Act 2002*).
- (5) Requisition a wide range of resources, where such action is urgently necessary for the preservation of human life (section 90 of the *CDEM Act 2002*).
- (6) Direct any person to stop any activity that may cause or substantially contribute to an emergency, or request any person either verbally or in writing to take any action to prevent or limit the extent of the emergency (section 91 of the *CDEM Act 2002*).
- (7) Examine, mark, seize, sample, secure, disinfect, or destroy any property, animal, or other thing in order to prevent or limit the extent of the emergency (section 92 of the *CDEM Act 2002*).

Any member of the Police may authorise someone else to exercise any of these powers, provided that the Police member believes the action is necessary for the reasons given in the legislation.

## Inquiry about persons

Police are responsible for the Inquiry sub-function of welfare services, as outlined under clause 69 in the *National CDEM Plan 2015* (see Section 14, Welfare services).

## 9.6 References and links

---

### Other sections of the Guide

- ◆ Section 1, Introduction
- ◆ Section 3, Management of emergencies
- ◆ Section 4, General roles and responsibilities
- ◆ Section 5, Ministry of Civil Defence & Emergency Management (MCDEM)
- ◆ Section 6, Civil Defence Emergency Management Groups (CDEM Groups)
- ◆ Section 8, Emergency services
- ◆ Section 13, Lifeline utilities
- ◆ Section 14, Welfare services
- ◆ Section 17, Reduction
- ◆ Section 18, Readiness
- ◆ Section 24, Response
- ◆ Section 26, National Crisis Management Centre
- ◆ Section 28, Public information management
- ◆ Section 30, Mass evacuation
- ◆ Section 31, International assistance to New Zealand

### Other documents

- ◆ *New Zealand Police Manual*
  - Control and Command (revised 2015)
  - Civil Defence and Emergency Management
  - Exotic Disease and Pest Incursions
  - Disaster Victim Identification
- ◆ Ministry of Civil Defence & Emergency Management (2012) *Declarations 2012, Director's Guidelines for the CDEM Sector [DGL 13/12]*; ISBN: 978-0-478-35560-4 ([www.civildefence.govt.nz](http://www.civildefence.govt.nz) – search for 'declarations')
- ◆ Ministry of Civil Defence & Emergency Management (2015) *Welfare Services in an Emergency Director's Guideline for Civil Defence Emergency Management Groups [DGL 11/15]*; ISBN 978-0-478-43513-9 ([www.civildefence.govt.nz](http://www.civildefence.govt.nz) – search for 'welfare services in an emergency')

## Annex 9.A. Search warrant to enter premises and obtain information in urgent cases

---

Section 78, CDEM Act 2002

To

- \*[full name], a member of the police
- or
- \*any member of the police
- or
- \*any class of members of the police

I am satisfied on oath that-

- (a) \*a state of emergency is in force in [state "New Zealand" or the name of the area of New Zealand, CDEM Group area, district, or ward]
  - or
  - \*the Director under the *CDEM Act 2002* considers that an imminent threat of an emergency exists in [state "New Zealand" or the name of the area of New Zealand, CDEM Group area, district, or ward]
    - or
    - \*a Controller under the *CDEM Act 2002* considers that an imminent threat of an emergency exists in [state "New Zealand" or the name of the area of New Zealand, CDEM Group area, district, or ward]
      - or
      - \*a person authorised by a CDEM Group considers that an imminent threat of an emergency exists in [state "New Zealand" or the name of the area of New Zealand, CDEM Group area, district, or ward]; and
- (b) in or on [give particulars of the premises, not being a dwelling house] there is information and-
  - (i) the information is urgently required to prevent or limit the extent of the emergency; and
  - (ii) the person in possession of the information has refused to provide the information.

*\*Delete if inapplicable.*

This warrant authorises you, within 10 days from its date of issue,-

- (a) to enter and search the premises stated above at any time by day or night during the currency of the warrant; and
- (b) to use any assistance that may be reasonable in the circumstances for the purposes of the entry and search; and
- (c) to use any force that is reasonable in the circumstances for the purposes of effecting entry, and for breaking open anything in or on the premises searched; and
- (d) to search for and seize information and, for that purpose,-
  - (iii) to take copies or extracts of any document; and
  - (iv) to require any person who has a document in his or her possession, or under his or her control, to reproduce, or assist the person executing the warrant to reproduce, any information recorded or stored in the document in a usable form.

This warrant is issued subject to the following special conditions: [set out any special conditions specified by the person issuing the warrant, if none, state "None specified"].

Issued at [place], [date]. District Court Judge

