

3 February 2020

REF NUMBER: IR-01-20-928

Ms Mel

fyi-request-12010-ce52d295@requests.fyi.org.nz

Dear Ms Mel

I refer to your Official Information Act request of 12 December 2019 for information relating to Police authority to immobilise a vehicle.

You requested:

- 1. I would like to know where I can find information on circumstances where a highway patrol officer can reach into a car to remove and take keys from the ignition.*

Please see sections [121](#) and [121A](#) of the Land Transport Act 1998.

The New Zealand Police Instructions also provide additional guidance on immobilising a vehicle. While this document is not publicly available, Police can report that the instructions listed in regards to immobilising a vehicle are as follows:

Immobilising a vehicle and confiscating keys

[A Police officer] can take steps to immobilise or move a vehicle, or take possession of a vehicle's ignition or other keys if [the officer] believes on reasonable grounds that:

- a driver is, because of their physical or mental condition incapable of having proper control of the vehicle; or
- the driver is not complying with any enactment concerning work time or rest time; or
- does not complete a Compulsory Impairment Test (CIT) in a manner satisfactory to an enforcement officer, or fails or refuses to undergo a CIT; and
- in the circumstances immobilisation or confiscating keys is necessary in the interests of the driver, anyone else or the public.

Confiscating keys

The driver must hand [the officer] the vehicle's keys when ask[ed]. Only remove the keys if the driver refuses [the] request.

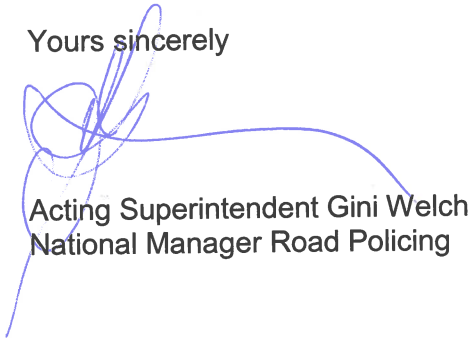
Note: Reaching into a vehicle that still has its engine running is not a safe or recommended practice.

You have the right, under section 28(3) of the Official Information Act 1982, to ask the Ombudsman to review my decision if you are not satisfied with the way I have responded to your request.

Police National Headquarters

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Yours sincerely

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke that extends to the right.

Acting Superintendent Gini Welch
National Manager Road Policing