

## **Fake or fraudulently-presented evidence of age documents**

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## Policy statement and principles

### What

People under the purchase age of 18 use of fake and fraudulently evidence of age documents to gain entry to licensed premises. You are likely to be in situations where a licensee, duty managers or crowd controller has seized evidence of age documentation that is either fake or fraudulently presented, and will pass them to you for enforcement action.

Section [257](#) of the Sale and Supply of Alcohol Act 2012 makes it an offence to present a fake or otherwise false ID. Section 260 allows for these offences to be dealt with by way of an infringement.

This chapter applies to all constables, hereafter referred to as 'Police', who may need to seize evidence of age documents, and should be read in conjunction with the '[Licensed premises' compliance checks](#)' Police Manual chapter.

### Why

Preventing persons under the purchase age from entering licensed premises.

### How

Police will:

- ensure, where possible, that minors do not gain access to licensed premises
- provide licensees and their staff with clear and precise instructions about when they can seize documents and the process for disposal
- know the legislative authority they need to seize the various evidence of documents.

## Overview

### Introduction

Alcohol misuse is a key social issue facing New Zealand and minors can be more at risk of harm from the misuse of alcohol. Every effort must be made to prevent and counter their use of fake or fraudulently-presented [evidence of age documents](#) (IDs) to gain illegal entry to licensed premises and access to alcohol. This section is focused on:

- engaging [licensees](#), duty [managers](#) and premises staff with checking evidence of age documents at their licensed premises
- good practice for [licensees](#), duty [managers](#) and premises staff around retention of fake or fraudulently-presented evidence of age documents
- good practice for Police when responding to fake or fraudulently-presented evidence of age documents.

### Purpose

The purpose of these guidelines is to provide frontline staff with a nationally standardised way of dealing with fake or fraudulently-presented evidence of age documents that have come into their possession:

- directly from the patron, or
- from licensees, duty managers, premises' staff and Police.

### Definitions

This table provides definitions for key terms used throughout this document.

Term	Definition
Evidence of age document	<p>The term 'evidence of age documents' means a document that is:</p> <ul style="list-style-type: none"><li>- a New Zealand passport; or</li><li>- an overseas passport; or</li><li>- a driver licence issued under the <a href="#">Land Transport Act 1998</a>; or</li><li>- a Kiwi access card issued by the Hospitality New Zealand (HNZ)</li></ul> <p><b>Note:</b> An overseas driver's licence is not an evidence of age document.</p> <p>The Kiwi access card is a document in the prescribed form and issued by a specified organisation (<a href="#">HNZ</a>) - (i.e. prescribed and specified by the Minister by notice in the Gazette).</p> <p>Only the documents listed in the definition above are legal evidence of age (section - <a href="#">5</a> Sale and Supply of Alcohol Act 2012).</p>
Licensed premises' staff	<p>'Licensed premises' staff' means all employees of the licensee and includes:</p> <ul style="list-style-type: none"><li>- door staff ('crowd controller')</li><li>- bar staff</li><li>- servers.</li></ul>
Licensee	<p>'Licensee' means a person who holds a licence for the time being in force under the Sale and Supply of Alcohol Act 2012</p>
Manager	<p>'Manager' means a manager of licensed premises appointed under and for the purposes of the Sale and Supply of Alcohol Act 2012.</p>

## Stopping the misuse of evidence of age documents

There are two means by which evidence of age documents are commonly misused. Firstly, documents are tampered with or created so as to provide fake evidence of age. Secondly, valid documents are either stolen or borrowed and presented by a non-owner as evidence of age.

The removal of such documents from circulation has been established as an effective method of eliminating misuse. In addition, issuing an Alcohol Infringement Offence Notice (AION) for misuse should be pursued where appropriate.

## Justification for removing evidence of age documents from circulation

These are two potential justifications for removing evidence of age documents from circulation.

Justification	Notes
Where there is a power to seize the document(s)	<ul style="list-style-type: none"><li>- The power to seize the document(s) will normally only arise on arrest (these guidelines set out where arrest and seizure by Police may be justified)</li><li>- Licensees, managers and licensed premises' staff have no power to seize documents.</li></ul>
Retention (where documents have been volunteered to a person for inspection and retention can be lawfully justified)	<ul style="list-style-type: none"><li>- As an alternative to seizure, both Police and licensees, managers and licensed premises' staff can retain documents handed to them, where retention is lawfully justified.</li><li>- The ability to retain does <b>not</b> allow for forced confiscation, in any circumstances.</li></ul>

## Seizure of property (evidence of age documents)

### Seizure of property (evidence of age documents) by Police

The general position is that only Police (and any member of the public acting under a Police request for assistance), can legally seize property where:

- **there is an express statutory provision providing for such**

There is **no** general statutory power in the Sale and Supply of Alcohol Act 2012 or elsewhere for Police to seize fake or fraudulently-presented evidence of age documents from persons.

- **the seizure is effected under search warrant**

Although it would rarely happen, Police could consider seeking a search warrant to obtain the evidence of age document from the user in appropriate circumstances under the Search and Surveillance Act 2012, where the document is evidence of an imprisonable offence.

**Note:** Police have powers of entry and inspection of licensed premises under section 267 of the Sale and Supply of Alcohol Act 2012 and many aspects of enforcement under this Act do not require a search warrant. The powers under section 267 do not extend to seizing evidence of age documents in possession of minors.

- **the seizure arises from the exercise of the power of arrest**

Search and seizure can occur pursuant to the power of arrest. There is a specific power of arrest without warrant under section 269 Sale and Supply of Alcohol Act 2012 for making false representations to Police concerning identity or age, but only if that person persists in refusal or failure after being cautioned to supply particulars/evidence.

### Summary for Police seizure

Since there is no express statutory provision in the Sale and Supply of Alcohol Act 2012 allowing Police to seize fake or fraudulently presented evidence of age documents from persons; it follows that (in the absence of a search warrant) the only grounds for seizure of evidence of age documents is pursuant to arrest.

The power to seize an [evidence of age document](#) is dependent on whether the underlying offence is 'arrestable' (which turns on the type of document and the circumstances of how it is being misused).

[Appendix A](#) sets out the types of offences that are most likely associated with misuse of evidence of age documents and whether they carry a power of arrest. [Appendix B](#) sets out good practice for Police handling fake and fraudulently presented evidence of age documents.

### Police coming into possession of superseded or suspended New Zealand driver licences

Under section 30 of the Land Transport Act 1998 a person must surrender their driver licence if the licence is suspended, revoked, they are disqualified from driving, or the licence is superseded by another licence.

A person is not entitled to have more than one driver's licence. Only the most recent version is valid. If, as outlined in the above paragraph, you come into possession of a driver's licence containing any version number other than the current one as it is listed in the National Intelligence Application (NIA), then the licence should be retained and forwarded to the New Zealand Transport Agency (NZTA). The version number is alongside the licence number on the driver's licence (field 5b). You should also retain and forward a licence that is suspended, revoked or if the holder is disqualified from driving.

Note: It is an offence for a person not to surrender their licence to the Director of Land Transport pursuant to section 31 of the Land Transport Act 1998.

### Seizure of property by licensees, managers and licensed premises' staff

There is no general statutory power in the Sale and supply of Alcohol Act 2012 or elsewhere for [licensees](#), [managers](#) and [licensed premises' staff](#) to seize evidence of age documents from persons.

## **Retention of property (evidence of age documents) without seizure**

### **Licensee, manager or licensed premises' staff**

Where a licensee, manager or licensed premises' staff (referred to below as 'staff member' for convenience) believes that the evidence of age document has been tampered with or fraudulently presented, they should consider asking the person to voluntarily surrender the document or invite the person presenting the document to wait for Police to arrive. The options are covered in [Appendix C](#).

A staff member can lawfully retain and deliver to Police any document where a person decides to abandon or voluntarily leave the document with the staff member, rather than wait for Police.

The staff member must not, in any circumstances use force to obtain or retain an evidence of age document. If a patron demands the return of the document, then it should be returned to them. The staff member should be aware that if they wrongly withhold or interfere with authentic documents, they may be legally responsible.

Case law suggests that a person's possessory right to any property can be tainted by its illegal origin. Where the patron has no proper purpose in holding the document, they will have difficulty in establishing an interference with it.

Doubt has been expressed in the case of *Tamworth Industries Limited v A-G* [1991] 3 NZLR 616 as to whether a person with a possessory interest in goods can claim for interference with goods where the goods in question are tainted by an illegal origin in which the claimant has an involvement. Further, case law has established that the taking of possession for safekeeping or custody of found goods until the owner is found is not conversion. *Helson v McKenzies (Cuba Street) Ltd* [1950] NZLR 878.

# Appendix A: Offences committed with fake or fraudulently-presented evidence of age documents

Determining what offences have been committed with fake or fraudulently presented [evidence of age documents](#) depends on the type of document and how it was misused.

## Offences committed with making fake evidence of age documents

This table will help you identify from the circumstances of making or tampering with evidence of age documents and the type of fake documents, whether or not:

- any offence has been committed
- there is a power of arrest
- there is power to seize evidence of age document.



Circumstances	Statutory offence	Evidence of age document	Power to arrest	Power to seize document
<p>Making a false document, knowing it to be false, with intent that it be used or acted upon (forgery)</p> <p><b>Note:</b> Interpreting what a 'false document' means under section <a href="#">255</a> of the Crimes Act 1961 is complex and a legal opinion should be obtained.</p>	Section <a href="#">256(2)</a> , Crimes Act 1961	<ul style="list-style-type: none"> <li>- NZ Passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>Yes</b> (3 years imprisonment)	<b>Yes</b> (incidental to arrest)
<p>Tampering with a NZ driver's licence</p> <p><b>Note:</b> Tampering with a driver's licence may constitute an offence of forgery (see above)</p>	Rule <a href="#">105</a> , Land Transport (Driver Licensing) Rules 1999	NZ driver's licence	<b>No</b> (\$500 fine)	<b>No</b>
Forging a passport	Section <a href="#">29A</a> , Passports Act 1992	NZ Passport	<b>Yes</b> (10 years imprisonment)	<b>Yes</b> (incidental to arrest)
Aids, abets, incites, counsels or procures any person in the commission of making a false document (party to forgery)	Sections <a href="#">66</a> and <a href="#">256(2)</a> , Crimes Act 1961	<ul style="list-style-type: none"> <li>- NZ Passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>Yes</b> (3 years imprisonment)	<b>Yes</b> (incidental to arrest)

## Offences committed with fraudulently-presented fake or authentic evidence of age documents

This table will help you identify from the circumstances and the type of evidence of age document used to establish whether or not:

- any offence has been committed
- there is a power of arrest
- there is power to seize evidence of age document.

Circumstances	Statutory offence	Evidence of age document	Power to arrest	Power to seize document
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Presenting a document wrongly purporting it to be evidence of age document to a <a href="#">licensee</a> , <a href="#">manager</a> or employee of the <a href="#">licensee</a>	Section <a href="#">257</a> (1) (a) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>No</b> (AION \$250)	<b>No</b>
Making false representation to police about name, address and date of birth and refuses or fails to supply those particulars or evidence	Section <a href="#">269</a> (4) (b) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ Passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	Only if person persists in refusal or failure after being cautioned to supply particulars / evidence	Only if person arrested
Person named in the driver's licence fails to return their licence to NZ Transport Agency or Police when required to do so after: <ul style="list-style-type: none"> <li>- licence is suspended, revoked or superseded; or</li> <li>- holder is disqualified</li> </ul>	Section <a href="#">31</a> (1)(d) Land Transport Act 1998	NZ driver's licence	<b>No</b> (\$1,000 fine)	<b>No</b> (Alternative: suggest to the named person in the driver's licence that police could return the licence to the NZ Transport Agency on their behalf)

Fake or fraudulently-presented evidence of age documents  
Proactively released by New Zealand Police

<p>Obtaining by deception possession of any service or benefit.</p> <p>Note: To obtain a drink is probably obtaining a service, to gain entry to licensed premises may be viewed as obtaining a benefit. Consider seeking a legal opinion to verify the circumstances match the offence.</p>	<p>Section <a href="#">240</a> Crimes Act 1961</p>	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<p><b>Yes</b></p> <p>(3 months imprisonment, when value does not exceed \$500)</p>	<p><b>Yes</b></p> <p>(incidental to arrest)</p>
<p>Knowing the evidence of age document to be forged uses the document as if it were genuine (using forged document)</p> <p>Note: Consider seeking a legal opinion to verify the circumstances match the offence.</p>	<p>Section <a href="#">257</a>(1) (b) Crimes Act 1961</p>	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access ID card</li> </ul>	<p><b>Yes</b></p> <p>(10 years imprisonment)</p>	<p><b>Yes</b></p> <p>(incidental to arrest)</p>
<p>Aids, abets, incites, counsels or procures another person to use their overseas passport, NZ driver's licence or Kiwi Access card to make false representation about name, address and date of birth to:</p> <ul style="list-style-type: none"> <li>- <a href="#">licensee</a></li> <li>- <a href="#">manager</a></li> <li>- employee of the licensee</li> </ul>	<p>Sections <a href="#">66</a> Crimes Act</p>	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<p><b>No</b></p>	<p><b>No</b></p>

Fake or fraudulently-presented evidence of age documents  
Proactively released by New Zealand Police

Aids, abets, incites, counsels or procures another person to use their overseas passport, NZ driver's licence or Kiwi Access card to make false representation about name, address and date of birth to Police and refuses or fails to supply those particulars or evidence	Sections <a href="#">66</a> Crimes Act and <a href="#">269</a> (4)(b) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	Only if person persists in refusal or failure after being cautioned to supply particulars / evidence	Only if person arrested
Presents evidence of age document containing false information to a <a href="#">licensee</a> , <a href="#">manager</a> or employee of the <a href="#">licensee</a>	<a href="#">257</a> (1)(b) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>NO</b> ( <a href="#">AION</a> \$250)	<b>NO</b>
Presents evidence of age document relating to another person to a <a href="#">licensee</a> , <a href="#">manager</a> or employee of the <a href="#">licensee</a>	<a href="#">257</a> (1)(c) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>NO</b> ( <a href="#">AION</a> \$250)	<b>NO</b>

Supplied another person with false evidence of age document	<a href="#">257</a> (2)(a) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>NO</b> (AION \$250)	<b>NO</b>
Falsified information on a genuine evidence of age document	<a href="#">257</a> (2)(b) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>NO</b> (AION \$250)	<b>NO</b>
Supplied a person with another person's genuine evidence of age document	<a href="#">257</a> (3)(b) Sale and Supply of Alcohol Act 2012	<ul style="list-style-type: none"> <li>- NZ passport</li> <li>- Overseas passport</li> <li>- NZ driver's licence</li> <li>- Kiwi Access card</li> </ul>	<b>NO</b> (AION \$250)	<b>NO</b>

## Applicability of section 31 Passports Act 1992 (passport offences)

Using another person's New Zealand or overseas passport for identification to gain entry, remain or be served alcohol on licensed premises is more appropriately covered by section [257](#) and are dealt with by way of [AION](#). Passport offences under the Passports Act 1992 should be used to address border breaches rather than offences against the Sale and Supplying of Alcohol Act 2012.

## General principles for selecting appropriate offence(s)

Selecting the appropriate offence(s) for fake or fraudulently-presented evidence of age documents will depend on the type of document used and circumstances arising from the individual case. Here are some general principles to assist you with making your

decision.

Where	and	then
<p>the fake or fraudulently-presented evidence of age document is:</p> <ul style="list-style-type: none"> <li>- <b>a NZ driver's licence, or</b></li> <li>- <b>a Kiwi Access card, or</b></li> <li>- <b>a NZ passport, or</b></li> <li>- <b>an overseas passport</b></li> </ul>	<p>if the intention behind the offending is solely for the purposes of:</p> <ul style="list-style-type: none"> <li>- gaining entry to licensed premises</li> <li>- remaining on licensed premises</li> <li>- purchasing alcohol from licensed premises</li> </ul>	<p>consider issuing an <u>AION</u></p>
<p>the fake or fraudulently-presented evidence of age document is:</p> <ul style="list-style-type: none"> <li>- <b>a NZ driver's licence, or</b></li> <li>- <b>a Kiwi Access card, or</b></li> <li>- <b>a NZ passport, or</b></li> <li>- <b>an overseas passport</b></li> </ul>	<p>if the intention behind the offending is to commit a crime as defined by the Crimes Act 1961; for example purchasing alcohol from licensed premises and then using the fake evidence of age document for identification to deceive a licensed premises employee</p>	<p>pursue the matter as a criminal investigation covering offences under both the Sale and Supply of Alcohol Act 2012 and the Crimes Act 1961</p>
<p>the manufacture or making of fake evidence of age documents is involved</p>		<p>This may be pursued as a criminal investigation matter for offences under the Crimes Act 1961 or an <u>AION</u> can be issued. It will depend on the scale of the manufacture.</p>

## Appendix B: Police good practice for handling fake or fraudulently presented evidence of age documents

### Police procedure

Follow these steps to check and handle [evidence of age documents](#).

1	Upon entering licensed premises make contact with any patron you have reasonable cause to suspect of being under 18 years, and (under section <a href="#">269(1)</a> Sale and Supply of Alcohol Act 2012 ) require that person's: <ul style="list-style-type: none"><li>- name</li><li>- address</li><li>- date of birth.</li></ul>
2	<p>If you have reasonable grounds to suspect that any particulars (name, address, date of birth) are false you may require satisfactory evidence of those particulars (<a href="#">evidence of age document</a>) from that patron. Section <a href="#">269(1)</a> Sale and Supply of Alcohol Act 2012 refers.</p> <p><b>Note:</b> Approved evidence of age documents (IDs) must be:</p> <ul style="list-style-type: none"><li>- NZ passport</li><li>- Overseas passport</li><li>- NZ driver's licence</li><li>- Kiwi Access card.</li></ul>
3	<p><b>Do not</b> accept the person's ID in any form of cover or wallet etc; ask them:</p> <ul style="list-style-type: none"><li>- to remove the ID from the cover/wallet</li><li>- hand the ID over for physical handling and inspection</li><li>- to retain their cover/wallet.</li></ul>
4	<p>Handle the ID by:</p> <ul style="list-style-type: none"><li>- bending it (without causing damage)</li><li>- running thumb/finger over it feeling for any blemishes, cracks or raised areas</li><li>- pick at the corner to ascertain if it has an extra laminated cover.</li></ul>
5	<p>Check ID in a well lit area using:</p> <ul style="list-style-type: none"><li>- a shining torch underneath the ID to reveal alterations</li><li>- a UV light on a Kiwi Access card to reveal a hologram of the HNZ logo which is part of the security feature of this form of ID.</li></ul>
6	<p>With laminated cards and passports, check that the edges of the lamina (plastic film) are smooth and even.</p> <p><b>Note:</b> For expert assistance with suspected counterfeit or altered documents please contact the New Zealand Police Document Examination Section, ext. 49312 or 04 381 2112. If a criminal investigation or prosecution is pursued the NZPDES can also provide forensic examination and expert court testimony.</p>
7	<p>Verify:</p> <ul style="list-style-type: none"><li>- date of birth and run thumb/finger over digits to verify they have not been interfered with (raised or rough)</li><li>- driver licence number at field 5a matches the number on the reverse side of the licence below the bar code to ensure authenticity</li><li>- if time permits, the licence version number at field 5b matches the recorded version number in <a href="#">NIA</a>.</li></ul>



8	<p>Query old IDs (e.g. passport photos of '11 year olds') by</p> <ul style="list-style-type: none"><li>- seeking alternative ID, or</li><li>- clarifying that old ID (photo) pertains to the person</li></ul> <p>Note:</p> <ul style="list-style-type: none"><li>- If you believe on reasonable grounds that any such particulars are false, then you may require the person to supply satisfactory evidence of those particulars.</li><li>- If the person, without reasonable excuse, refuses or fails to supply any particulars or evidence when required to do so by you, and persists in that refusal or failure after you cautioned them that they may be arrested, without warrant - then you may arrest that person without warrant.</li></ul> <p>Section <a href="#">269</a>(1) and (2) of the Sale and Supply of Alcohol Act 2012.</p>
9	<p>If the person refuses or fails to supply their particulars then caution the person that if they persist in that refusal or failure, they may be arrested without warrant (section <a href="#">269</a> Sale and Supply of Alcohol Act 2012).</p> <p><b>Note:</b> A person commits an offence of refusing or failing to supply particulars (section <a href="#">269</a>(4)(a) Sale and Supply of Alcohol Act 2012) if they persist in that refusal or failure - <b>power of arrest</b> (as above)</p>
10	<p>If the person refuses or fails to supply <a href="#">evidence of age document</a> (this includes evidence that is false in a material respect such as the ID being tampered with or fraudulently presented by using another person's ID), then caution the person that if they persist in that refusal or failure, they may be arrested without warrant (section <a href="#">269</a>(3) Sale and Supply of Alcohol Act 2012</p> <p><b>Note:</b> Offences with the power of arrest include:</p> <p>all evidence of age documents:</p> <ul style="list-style-type: none"><li>- refusing or failing to supply evidence (section <a href="#">269</a>(4)(a) Sale and Supply of Alcohol Act 2012</li><li>- supplying particulars or evidence knowing that the particulars or evidence are false (section <a href="#">269</a>(4)(b) Sale and Supply of Alcohol Act 2012) - <b>power of arrest</b> as above</li></ul> <p>NZ passport:</p> <ul style="list-style-type: none"><li>- forging a passport (section <a href="#">29A</a> Passports Act 1992) - <b>power of arrest</b> (section <a href="#">315</a> Crimes Act)</li><li>- using another person's passport for identification (section <a href="#">31</a>(1)(b) Passports Act 1992) - <b>power of arrest</b> (section <a href="#">315</a> Crimes Act)</li></ul> <p>Overseas passport:</p> <ul style="list-style-type: none"><li>- possession/control of overseas passport and knows or has reason to believe passport is a fake (section <a href="#">31</a>(1)(f)(i) Passports Act 1992) - <b>power of arrest</b> (section <a href="#">315</a> Crimes Act)</li><li>- possession/control of document purporting to be an overseas passport and knows or has reason to believe the document is not a passport (section <a href="#">31</a>(1)(f)(ii) Passports Act 1992) - <b>power of arrest</b> (section <a href="#">315</a> Crimes Act)</li></ul> <p>New Zealand driver's licence and Kiwi Access card:</p> <ul style="list-style-type: none"><li>- using forged document (section <a href="#">257</a>(1)(b) Crimes Act 1961) - <b>power of arrest</b> (section <a href="#">315</a> Crimes Act)</li></ul>
11	<p>If you arrest the person you must:</p> <ul style="list-style-type: none"><li>- give <a href="#">Bill of Rights and caution</a></li><li>- seize and retain fake or fraudulently presented evidence of age document</li><li>- record any explanation given in your notebook</li><li>- comply with the requirements of the <a href="#">Children, Young Persons, and their Families Act 1989</a> should the minor be of an age, which is within the definition of a 'child' or 'young person' under the Act</li></ul>



12 If the circumstances are such that you cannot determine whether or not an offence has been committed and you:

- are in possession of the evidence of age document, and
- have doubts about the presenter's entitlement to having possession of the document,

then you should retain the document until either:

- your inquiries are completed to determine the rightful owner, and/or
- an [application](#) is made to a district court Judge to determine title of the document

**Note:** The power to retain an ID in the above circumstances is contained in section [40](#) of the Policing Act 2008. Refer to '[Legal ownership of evidence of age documents](#)'.

13 Treat the suspected fake or fraudulently presented [evidence of age document](#) as an exhibit and:

- enter it into the PROP system
- record all exhibit movements
- deliver exhibit for examination or analysis (if required)
- ensure continuity of evidence with exhibit is maintained
- produce relevant exhibit in court
- seek court order for:
  - destruction if fake document
  - return to owner if authentic, but fraudulently presented document.

14 Dispose of the exhibit ([evidence of age document](#)) at the conclusion of the investigation/prosecution.

Disposal requirements vary depending on the type of document. For instance for a:

- fake evidence of age document, seek forfeiture from the court for prosecuted cases and whether prosecuted or not send the fake document to:

The Chief Document Examiner  
New Zealand Police Document Examination Section  
Wellington Central Police Station  
P O Box 693  
Wellington  
(Phone 04 381-2112)

- NZ drivers licence that is suspended, revoked, superseded or licence holder is disqualified, return the licence to:

New Zealand Transport Agency,  
Transport Registry Centre,  
P O Box 1947,  
Palmerston North 4440

- an authentic, but fraudulently-presented, evidence of age document, you have these options.

If the identity of the owner. . .	then. . .
is known, readily locatable and it is practicable,	return document to that person under receipt
<div>- is known and either</div> <div>- not readily locatable, or</div> <div>- it is impracticable</div> or <div>- cannot be ascertained,</div>	<div>forward:</div> <div><div>- NZ passports to: Department of Internal Affairs, Passports (NZ), P O Box 10 526, Wellington</div><div>- overseas passport to embassy, consulate or high commission representing the country of origin</div><div>- NZ driver's licence to: New Zealand Transport Agency, Transport Registry Centre, P O Box 1947, Palmerston North 4440</div><div>- Kiwi Access cards to: Hospitality New Zealand, Orbit House Level 2, 96 Dixon Street P O Box 503 Wellington.</div></div>

## Retained, abandoned and surrendered evidence of age documents

There will be instances when [licensees](#), [managers](#) and [licensed premises' staff](#) will come into possession of [evidence of age documents](#) arising from these actions:

- retained (for some reason)
- abandoned (person presenting document then decamps from licensed premises leaving the document in the possession of the employee)
- voluntarily surrendered

When receiving evidence of age documents (IDs) from licensees, managers and licensed premises staff, Police should deal with documents handed to you by bar staff as you would any other item of property or exhibit, as directed by whether it is treated as found property or evidence of an offence.

## Appendix C: Licensees, managers and licensed premises' staff good practice for handling fake or fraudulently-presented evidence of age documents

Everyone working in licensed premises must ensure that minors are not illegally permitted entry to licensed premises or served alcohol on licensed premises. At every opportunity Police should encourage and promote those checking [evidence of age documents](#) guideline steps to [licensees](#), [managers](#) and [licensed premises' staff](#).

Step	Action for licensees, managers and licensed premises' staff
1	<p>Familiarise themselves with the Sale and Supply of Alcohol Act 2012 and in particular:</p> <ul style="list-style-type: none"> <li>- offences relating to minors (sections <a href="#">239</a>, <a href="#">241</a>, <a href="#">245</a> and <a href="#">257</a> refer)</li> <li>- their role and responsibilities for: <ul style="list-style-type: none"> <li>- dealing with minors</li> <li>- requesting evidence of age documents</li> <li>- handling fake or fraudulently-presented evidence of age documents.</li> </ul> </li> </ul>
2	<p>Note there are these three acceptable forms of evidence of age documents:</p> <ul style="list-style-type: none"> <li>- A passport, whether NZ or overseas</li> <li>- NZ driver's licence.</li> <li>- Kiwi Access card.</li> </ul>
3	<p>Before commencing duty and challenging people who appear to be 18 years of age or younger, calculate the maths and know precisely the cut off date when a persons date of birth makes them a minor.</p> <p><b>Note:</b> Some licensed premises may have the cut off dates of birth written and displayed near the manager's name for easy reference by staff.</p>
4	<p>Identify any persons appearing to be under the age of 25 years and then follow these steps to check their identification (ID):</p>

4a	Request person's ID as they approach.
4b	Do not be distracted by conversation.
4c	Take a careful look at the person and note any distinguishing facial features before checking their ID
4d	Check their IDs in a well lit area - have a UV light and a torch available.
4e	<p><b>Do not</b> accept the person's ID in any form of cover or wallet etc. Ask them to:</p> <p>remove the ID from the cover/wallet</p> <p><b>Note:</b> With people removing their own ID from cover/wallet avoids allegations of staff removing money from the wallet/cover</p> <ul style="list-style-type: none"><li>- hand the ID over for physical handling and inspection</li><li>- retain their cover/wallet.</li></ul>
4f	<p>Handle the ID and:</p> <ul style="list-style-type: none"><li>- bend it (without causing damage)</li><li>- run thumb / finger over it feeling for any blemishes, cracks or raised areas.</li></ul>
4g	<p>Use:</p> <ul style="list-style-type: none"><li>- a shining torch underneath the ID to reveal alterations</li><li>- a UV light on a Kiwi Access card will reveal a hologram of the HNZ logo which is part of the security feature of this form of ID.</li></ul>
4h	With laminated cards and passports, check that the edges of the lamina (plastic film) are smooth and even.
4i	<p>Clarify the date of birth, making sure:</p> <ul style="list-style-type: none"><li>- the person is 18 or older</li><li>- run thumb / finger over digits to verify they have not been interfered with (raised or rough).</li></ul>
4j	<p>Check:</p> <ul style="list-style-type: none"><li>- the date the ID was issued; and</li><li>- the expiration date (if expired then the ID is not valid - however, use discretion with accepting evidence of age for recently expired IDs that are otherwise genuine and honestly presented - advise the person to obtain a current ID).</li></ul>
4k	<p>Look very closely at the photo on ID and the person in good light to:</p> <ul style="list-style-type: none"><li>- ascertain the person in the photo is the same person presenting the ID</li><li>- eliminate the identity of an older sister/brother/friend</li><li>- ensure photo is current</li></ul> <p><b>Note:</b> Hair is a feature that is easily changed.</p>
4l	<p><b>Do not</b> accept old IDs (e.g. passport photos of '11 year olds'). In these circumstances:</p> <ul style="list-style-type: none"><li>- refuse entry and service</li><li>- advise the person to obtain a more recent photo ID.</li></ul>
4m	Consider options for stamping patrons or using security cameras as evidence that their ID has been checked.

5	<p>If the person has no ID, then:</p> <ul style="list-style-type: none"><li>- politely refuse entry</li><li>- politely refuse service</li><li>- make no exceptions.</li></ul>
6	<p>If there are <b>any</b> doubts about the ID being tampered with or fraudulently-presented (by using another person's ID) then: ask the person if they have any other ID</p> <p><b>Note:</b> In many instances they will only have one fake ID and should they produce another ID, it may help to verify the person's real identity</p> <p>if the ID presented has a signature:</p> <ul style="list-style-type: none"><li>- invite the presenter of the ID to sign a blank piece of paper; and</li><li>- compare the signature with that on the ID</li><li>- record details of the suspected fake ID and any other ID that may be produced</li><li>- record particulars from the person presenting the ID and their next-of-kin (home addresses and phone numbers)</li><li>- tell the person presenting the ID, the ID appears to be a fake or fraudulently-presented (by using another person's ID), then:<ul style="list-style-type: none"><li>- note their explanation</li><li>- ask them if they would wait until Police are called and arrive to inspect ID</li><li>- refuse entry and service</li><li>- hold onto the ID and wait with person until Police arrive.</li></ul></li></ul>
7	<p>If person will not wait for Police but agrees to abandoning the suspected fake or fraudulently-presented ID to the licensed premises employee:</p> <ul style="list-style-type: none"><li>- complete receipt for the ID</li><li>- insist the person obtains authentic ID before future entry and service will be considered.</li></ul>
8	<p>If the person demands the return of the ID, then:</p> <ul style="list-style-type: none"><li>- consider your safety first and return the ID to the person</li><li>- make contact with other licensed premises to alert their staff of suspected fake or fraudulently presented ID and description of person.</li></ul> <p><b>Note:</b> Do not use force to retain the ID.</p>
9	<p>If the person presenting the ID decamps from licensed premises and leaves the document in the possession of the employee, then the employee must:</p> <ul style="list-style-type: none"><li>- secure the ID</li><li>- note and record the time, date and circumstances surrounding the abandonment of the ID for the information of Police. Deliver ID to Police (Alcohol Harm Reduction Officer) for return to the legitimate owner.</li></ul>

10	<p>Remember:</p> <p>it is the person's responsibility to:</p> <ul style="list-style-type: none"><li>- provide correct and current ID</li><li>- satisfy bar staff they are 18 years or over</li></ul> <p>if a person cannot satisfy the <a href="#">licensee</a>, <a href="#">manager</a>, bar staff, door security or servers that they are 18 years or over then management and staff are not obligated to allow that person entry or service (sections <a href="#">24</a> of the Sale and Supply of Alcohol Act 2012 refers).</p>
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