

## Rights to lawyer

If you have been arrested, detained or charged you have the right to talk to a lawyer. If you have been arrested or detained and you don't have a lawyer you can call one who will give you free advice. Tell the police you want to speak to a free lawyer on **the 'Bill of Rights list'**. If you have been charged you have the right to free legal assistance to get a lawyer if you need it and the "interests of justice" required it. This is called "legal aid". You probably won't get legal aid unless you are likely to go to prison.

## Right not to be arbitrarily arrested or detained

You have the right not to be arrested without good reason. If you have been arrested or detained the police must tell you of your right to a lawyer and your rights to silence.

## At the Police Station

You should ask to make a phone call as soon as you arrive and keep asking until you are allowed to make the call. Phone someone you trust and tell them to come to the police station as soon as possible. They can get a lawyer for you. Otherwise tell the police you want to speak to a free lawyer on the Bill of Rights list before you talk to them. Make sure you tell your lawyer if you need medical attention or medication of any kind.

If you are arrested the Police can photograph and fingerprint you. They can also search you, your clothing and any bags you were carrying. They will check your property out item by item and give you a receipt. The police will hold all your property until you are

released from the Police Station. If it is unlawful (for example drugs) or if it is needed as evidence, it will not be returned to you when you are released.

## Ask for bail

That is the right to go free until your case comes up in court. You have the right to get bail unless there is a good reason for holding you in custody.

You do not have to put up any money for bail. The police can get you to sign a bail bond saying that if you breach the terms of bail you will be charged and arrested without a warrant.

It is helpful to write down everything that happens as soon as possible after any incident with the police, because you don't know how long it will before the matter goes to court.

## Get any witnesses to do the same.

If you want to make a formal complaint you can make a complaint to the Police Complaints Authority.

The Police Complaints Authority will investigate your complaint and let you know of the outcome (Free phone 0800 503 728)

<http://www.pca.govt.nz/site/makea-complaint.aspx>

### **Baywide Community Law Service** Free Legal Assistance

Level 1, Phoenix House, Pyne Street  
07 3086817

# Dealing with Police

## Know your rights



Supporting our whanau and community

## Police

If Police are hassling you and they haven't arrested you and aren't asking your **name, date of birth and address**, just walk away and say nothing.

Get the officer's name and identification number if you can. Their identification numbers are usually displayed on the black discs on their shoulders. Then, if your friends or whanau are arrested or taken away by the Police, call a lawyer

## Questioning

The Police can come up to you and ask you questions. **The only thing that you have to tell them is your correct name, address and date of birth.**

## Right not to go with Police

You don't have to go anywhere with the police unless you have been arrested, always ask if you've been arrested.

## Right to consult in private

You can see and talk to your lawyer. You should never make a statement to the police unless your lawyer is present.

If the Police fail to tell you your rights before they question you in connection with an offence and are just asking you general questions, you still have the same rights. The Police must tell you your rights if you ask. Always ask the police officer **"What are all my rights?"** if you are questioned by them. They must tell you.



## Searches

Right not to be unreasonably searched or have property unreasonably seized.

The Police can only search you, your bag or car if;

- you let them; or
- they arrest you; or
- they have a search warrant; or
- they have reasonable grounds to think you have drugs, a firearm, a knife or offensive weapon, explosives, or disabling substance.

When you are being searched ask the officer what law and what section of the law, you are being searched under.

Make sure you write down exactly what the officer answers, or get another witness if possible to listen in as the officer searches you.

**Ask them "Am I under arrest?" If "yes" do not run away or resist.**

### The Police can search your home if:

- you are the lawful occupant and you let them; or
- they have a search warrant; or

They can search your car if they have reasonable grounds to think it contains stolen goods.

If they ask to search you, your vehicle, bag or home and you don't agree, say 'I don't consent the search. Silence is taken as agreeing to the search. If they insist on searching you, ask for their reason for doing so. If you are female usually only a Policewoman can search you. If they continue to insist on searching you, do not resist but take note of their reasons and Police identification numbers.

## Witnesses

If you have seen someone committing a crime you can report it to the Police and you can make a statement. You may later be

called as a witness to give evidence in court. You do not have to report a crime just because you think you have information about one.

## Arrests, Detainment and Charges

If the Police tell you that you are 'under arrest' or if they grab you or handcuff you then you have been arrested and you must go quietly even if you haven't done anything wrong.

If you struggle, you can be charged with "obstructing a constable" or 'resist arrest'.

If you run away after you have been arrested you can be charged with escaping from 'lawful custody'. If you haven't done anything you will have a chance to prove it in court.

Running away or escaping after being arrested is a very serious offence and is probably going to get you a very big fine and into heaps more trouble. Don't run away. If you are arrested contact a lawyer as soon as you can so they can sort it out.

## Right to be told reasons for police action

If you have been arrested, detained or charged the police must tell you why – if they don't, ask.

## Rights to silences

You do not have to answer any questions or make any statement. It is best to talk to a lawyer before you talk to the police. Remember making a false statement is a serious offence.

