



# KNOW YOUR RIGHTS



**POLICE QUESTIONING:** Be calm and don't get smart to the police. You have the right to remain silent - including written statements - other than giving your name, address, and if in an age-sensitive situation, your date of birth.

You don't have to go anywhere with police unless arrested. not even a 'just come over here so I can talk to you.'

You have the right to speak to a free lawyer on the Bill of Rights list.

If you are under 17 you have the right to have a supportive adult with you at the station.

**SEARCHES:** Police can search you, your bag or car if (a) you let them, (b) they arrest you, (c) they have a search warrant, or (d) they have reasonable grounds to believe you have drugs on you (this could include smelling or seeing drugs or seeing you using drugs) and they invoke the Misuse of Drugs Act (MDA) section 18 subsection ii (person) or iii (property). They must tell you if they are using this search power.

Silence is taken to be consent. If you do not want to be searched, say **"NO, I DO NOT CONSENT TO A SEARCH. WHAT IS YOUR LAWFUL AUTHORITY?"**

Ask their reason for thinking you were using or have drugs. If they invoke the MDA they must file a report with the Police Commissioner within 72 hours, and you have the right to obtain a copy of this report.

You have the right to watch them search your property. You have the right to a witness.

The police can search your home if (a) you consent, (b) they have a valid search warrant, or (c) they have reasonable grounds to believe there are drugs there and invoke the MDA.

They can only search inside your mouth if you agree. You can only be searched internally (and only by a doctor) if the police have arrested you and they have reasonable grounds to believe you have drugs inside you. If you are female then only a female officer can search you.

Police must let you know their name & badge number if they arrest you.

**DRIVING:** An officer can stop any car at any time. You and your passengers have the right to remain silent, but must give your names, dates of birth, addresses and the registered owner of the car. The driver can be detained for up to 15 minutes to establish identity. An officer can search your car if (a) you agree, (b) they have reasonable grounds to believe there are drugs in the car and invoke the MDA, (c) they have a search warrant, (d) they arrest you and you're with your vehicle at the time, or (d) under the Crimes Act police can now search search any car and its occupants for stolen property.



**AT SCHOOL:** A teacher can search your bag only if you agree. Teachers can't search whole classes without the consent of each student. Teacher's can't use physical force to search students or their bags. Police can search students for drugs at school only if you agree to it, they have a search warrant, they arrest you, or they have reasonable grounds to believe you have drugs on you. If you are questioned about a serious discipline matter, you have the right to not say anything and can't be forced to make a statement. You also have the right to ask for someone to support you - this could be a parent or other family member, dean, teacher, guidance counsellor, youth advocate or any other person you trust. For more help and information, contact Youthlaw Project on 09 309-6967 [www.youthlaw.co.nz](http://www.youthlaw.co.nz)

**AT THE STATION:** If you are arrested, you must go with them. Ask for your lawyer or another from the Bill of Rights list. Don't be videoed, don't make deals, don't nark. You must give your name, address, date and place of birth, and occupation - nothing else. You have the right to not make a statement, and the police must inform you of this. You have the right to know the nature and cause of the charge, at the time of arrest. You have the right to consult a lawyer.

**IN COURT:** If you don't have a lawyer, you can represent yourself or use the free services of the Duty Solicitor. Never plead guilty! Enter 'no plea' on your first appearance so you have time to plan a defence, and 'not guilty' on your second. The police actually only have to prove a case against you if you plead not guilty. You have the right to see all evidence they have against you before your trial - write to the officer in charge at the police station where you were arrested, asking for 'full disclosure' of the evidence they have against you. Make them work for a conviction, don't hand it to them. Refuse to pay a fine or do PD. 'Roaring

Lions' are people who go to jail for a few days rather than cooperate. The more we clog up their system, the less it will be able to cope.

**COMPLAINTS:** Don't argue at the time, tell your lawyer and/or a senior officer at the station. It's a good idea to write down everything that happens, and get any witnesses to do the same. Take photos of any injuries, and see a doctor as soon as possible. You can make a formal complaint to the Police Complaints Authority, PO Box 5025 Wellington, Freephone 0800 503 728.



## MAXIMUM PENALTIES UNDER THE MISUSE OF DRUGS ACT

OFFENCE	CLASS B (hash & oil)	CLASS C (leaves, buds & seeds)
Use, smoke, consume, possess, buy	3 months jail and \$500 fine or both	3 months jail and \$500 fine or both
Possession of pipes etc	1 year jail and \$500 fine or both	1 year jail and \$500 fine or both
Cultivation	7 years jail	2 years jail
Supply	14 years jail	8 years jail
Helping someone supply	10 years jail	7 years jail
Cultivation for supply**	7 years jail	7 years jail

The penalty you get may depend on whether you've had any previous convictions, how recent they are, whether you've done any drug treatment, how the judge feels that day, what you look like, how good your lawyer is, witnesses, what you said or didn't say, any breaches of your rights, etc. The law presumes that possession of more than an ounce (or 5g of hash) is for supply, unless you can prove otherwise. Growing more than ten plants is presumed to be for supply. Hydroponically grown cannabis is now treated more harshly by the courts - 10 plants could land you in jail.



FOR MORE INFORMATION ON YOUR RIGHTS CONTACT  
NORML, YOUTHLAW, OR YOUR LOCAL COMMUNITY LAW CENTER.