

CIVIL RIGHTS & DRUG LAWS



HOW TO MINIMISE HARM FROM HARSH UNJUST CANNABIS LAWS

Police searches and questioning

→ **Don't incriminate yourself.** You have the right to remain silent, other than giving your name, address and date of birth. You don't have to go anywhere with police unless arrested.

→ **Police can search** you, your car or home if you let them; or they have a search warrant; or they have reasonable grounds to believe you have drugs *and* they invoke the Misuse of Drugs Act section 18. They must tell you if they are using this search power.

Statement for Police

"Officer, if I am under arrest or being detained, please tell me so. If I am free to go, please tell me so. If I am not free to go, please tell me why. I wish to exercise all my legal rights including my right to silence and my right to speak to a lawyer before I say anything to you. I do not consent to be searched. I wish to be released without delay. Please do not ask me questions, because I will not willingly talk to you until I speak to a lawyer. Thank you for respecting my rights."

→ **Silence is consent.** If you don't want to be searched, say "No, I do not consent to a search. What is your lawful authority?"

→ **If you are arrested:** You have the right to know the nature and cause of the charge, at the time of arrest. You may be searched. You have the right to NOT make a statement, and the police must inform you of this. You have the right to consult a lawyer, including a free one from the Bill of Rights list.

Appearing in Court

OPTIONS FOR FIRST APPEARANCE:

- Don't plead guilty.
- You may be eligible for **Police Diversion**.
- If not, enter **No Plea** and get the police disclosure of all the evidence before deciding what to do.
- **To prove drugs charges** police need to prove: it *is* an illicit drug; you *knew* it was an illicit drug; you were *in control* of it; and you *intended* it for illicit purposes.

→ **Review their evidence.** Have they proven the conditions above? Did they breach your rights? Did you admit anything? Was their suspicion "reasonable"? Did you consent? Was any warrant correctly signed, dated and served? Were you read your rights? Were you unlawfully detained? Were you given access to a free lawyer at the station? Are their estimates of crop yield and value accurate? Are you a medical user?

→ Lots of people plead guilty "to make it easier", but you'll often be better off not cooperating. For most people, any punishment would outweigh the crime. That means you can ask the judge for a '**discharge without conviction**'. Alternatively, **Roaring Lions** resist at every step, clogging the courts to highlight injustice and force change.

More info:

Civil Rights:
youthlaw.co.nz

Legal Aid:
justice.govt.nz

Forums:
bushlawyer.co.nz

→ Anyone facing criminal charges should **consult a lawyer**. If you cannot afford one, see the Duty Solicitor at court, or ask about Legal Aid.

*This leaflet is not legal advice.
Always consult a lawyer.*



Tough legal penalties

Possess/Use/Consume pot:

→ Up to 3 months jail/\$500 fine

Possess a Pipe or Bong:

→ Up to 1 year jail/\$500 fine

Growing your own weed:

→ Up to 2 years jail

Selling cannabis:

→ Up to 8 years jail

World's highest cannabis arrest rate

In 2012 police reported 16,500 cannabis offences. That's one every 32 minutes, with 60% for personal use, pipes or home growing. More than 200 people are jailed every year for smoking pot (average sentence 49 days).



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Working to reform NZ's cannabis laws, since 1980

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