


CIVIL RIGHTS & DRUG 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.
 - **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 provided for you.
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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."

APPEARING IN COURT

- 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.

- Don't plead guilty, unless you can strike a deal. **To find guilt** 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.

- You may be better off contesting the charge. Get a copy of the “disclosure” file and **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? Did you find the drugs and were about to hand them in? Are you a medical user?

- If the punishment outweighs the crime, you can ask the judge for a ‘**discharge without conviction**’. Alternatively, **Roaring Lions** resist and clog the courts to highlight injustice and force change.

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

Note: this leaflet is not legal advice. Always consult a lawyer.

Maximum legal penalties

Possess/Use/Consume cannabis:

- 3 months jail/\$500 fine

Possess a Pipe or Bong:

- 1 year jail/\$500 fine

Growing your own:

- 2 years jail

Supply/Growing for sale:

- 8 years jail

NZ's cannabis arrest rate

In 2012 police reported 16,500 cannabis offences. 60% were for personal use, pipes or home growing. More than 200 people were jailed just for smoking pot (average sentence 49 days). In more recent years the arrest rate has dropped.



For more information see these websites:

Civil Rights:
youthlaw.co.nz

Legal Aid:
justice.govt.nz

Legal help:
communitylaw.org.nz



NORML NZ Inc. PO Box 3307 Auckland. 09 302 5255 info@norml.org.nz
Working to reform NZ's cannabis laws, since 1980

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