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DEALING WITH THE POLICE -

From time to time many of us will come into contact with the Police at a time and in circumstances which are not of our choosing, and this is doubly true if you are regularly driving a motor vehicle.

It must be recognised that dealing with the Police can be a stressful experience because there are certain unknowns. The Police officer does not know who, or what, he or she is dealing with initially; and you are often initially unaware of the reason you have been pulled over, or why the Police want to talk to you.

This means that both participants approach the meeting with some nervousness, especially where the officer is a junior constable. Misinterpretations often occur and disputes between the participants arise quite quickly.

You can help the situation by remaining calm while enforcing your rights politely.

What Can You Do?

When a Police Officer approaches you, wants to stop you, or question you, you should first make sure that person is a Police Officer. Obviously, a Police uniform is a dead giveaway, however if the officer is in plain clothes, you should ask for identification and that officer must provide it to you.

The New Zealand Police do not identify themselves using badges or shields, as you may have seen on American T.V. programs; but have official identification cards with their photograph etched into the face.

You should make the request for identification in a relaxed and polite manner.

The Police officer will tell you why he or she has stopped you, or why he or she wants to talk to you. People who immediately come out with comments such as “why aren’t you out arresting real criminals”, are only likely to inflame the situation. There is no point to getting into an argument with the officer at that

stage.

Unless you are arrested, you do not need to accompany an officer to the Police Station except if you are the driver of a motor vehicle and are undergoing breath or blood tests procedures. In those cases if you do refuse you may be arrested.

What Should you Do?

If the Police request an interview or a statement from you, you should be very careful that what you say or write, is exactly what you mean to say or write. Obviously, you should never lie as lies have a habit of coming back at you later. If you don’t want to tell the truth—say nothing at all, apart from giving your name, address and date of birth.

If the Police are interviewing you as a suspect, you have the right to say nothing until you have spoken to a lawyer and you should exercise that right.

Remember, that you are in a stressful situation and it is always helpful to have advice from a person who is not under stress, who knows the system and to whom your best interests are their priority.

If you do not know a lawyer, the Police will provide a list of lawyers, and their telephone numbers, who you can call free of charge for that initial advice. The call is made in private and cannot be listened into.

It cannot be stressed how important it is that you make that call and take some independent advice.

If you have any questions at all about your rights and obligations when dealing with the Police, don’t hesitate to call Eugene or Michael.

- **The next newsletter is on the topic of Testators Moral Duties in Wills—by Amy Haste**