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POLICE INTERVIEWS - WHEN IS IT EVER GOOD TO SAY ANYTHING?

We have all heard it on *The Bill* ... "You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be used in evidence."

Many people say that the same should hold true here. If you don't mention something when interviewed you shouldn't be allowed to bring it up (or is that "think" it up?) later.

Others say that the right to silence is an absolute right preserved in the Bill of Rights Act and that you should never speak to the Police when asked for an interview as a suspect.

So when is it a good idea to talk to the Police as a suspect? Certainly not until you have spoken to a lawyer first. Remember the interviewing officer is in a place that he or she is comfortable with - you are not. The interviewing officer knows the case intricately - you do not. The interviewing officer knows what he or she wants out of the interview to enable a charge to be laid - you do not.

Everything is in the interviewing officer's favour and nothing in yours sometimes not even the truth ... and that is where good early legal advice is essential.

A lawyer knows what the Police need to prove in Court for a particular charge or series of charges that might arise from a series of events.

A lawyer should be able to advise you of any defenses you might have which need raising with the Police, and a lawyer will know when you need to keep quiet.

Of course there are times when it is advisable that you give the Police your side of the story, but that needs to be done with the object of either making your position better or at least maintaining the status quo. You do not want to be in a worse position after you have spoken to the Police than you might have been if you had said nothing. Remember it is for the Police to prove all the essential elements of a charge, the defendant is presumed innocent until proven guilty, and the defendant is not obliged to help the Police obtain evidence against him or her.

If the Police request an interview from you or a member of your family it is prudent to take the opportunity of speaking with a lawyer before consenting to the interview. The Bill of Rights Act provides that you have the right to consult and instruct a lawyer without delay and in private. If you do not have a lawyer or you cannot afford a lawyer the Police are obliged to provide you with a list of lawyers that you can speak to at no charge. It is certainly our recommendation that you take that opportunity.

NEXT ISSUE: The five things you must know before signing a Real Estate Contract