

Your Rights with the Police and Courts

How do I contact the Police?

There are lots of ways to contact the Police:

- In an emergency, call 111.
- If it's not an emergency, call 105 or use the [form on the Police website](#).
- Visit a Police station.
- People who are Deaf, hard of hearing or have a speech impairment can [register to text 111](#) via the Police website. You must text 111 from the phone you registered on the Police website – otherwise, the text won't go through. This means if you change your phone number you will need to register your new number through the website. There can be network delays with text messages, so if you text 111 and do not receive a response within 2 minutes, try contacting the Police another way.
- In an emergency, people with a TTY capable phone can call 0800 16 16 16.

What rights do I have when I am interacting with the Police?

When you are interacting with the police, you have the right to:

- Be treated with humanity and respect.
- Ask for a lawyer and speak with them in private. The Police cannot stop you from talking to a lawyer or make you wait a long time to talk to a lawyer.
- Ask for an interpreter and have one provided for free.
- Have your rights explained in a way that you understand.
- Remain silent.
- Have an adult with you while you are being questioned by the Police (if you are under 18) – this could be a parent/guardian, or another adult you want to be there. If you are under 18 the Police must also tell your parents/guardian that they have arrested you.
- See an arrest warrant as soon as practical after your arrest, if the police have a warrant and if you ask to see it. (An arrest warrant is a document from a Court that says the Police need to arrest you. Most of the time the Police do not need a warrant to arrest you – they just need to suspect you have committed a crime.)
- Be told why you are being arrested, if the Police arrest you.
- Be told that you can talk to a lawyer for free under the Police Detention Legal Assistance scheme, if you have been arrested.

- Be charged promptly, or released. Charging you means the Police think you have done a crime and they want the Court to decide if you did the crime and how you should be punished. Releasing you means that you are free to go and you do not have to keep talking to the Police if you don't want to.
- Be brought before a court as soon as possible, if you are charged. The Court will decide what happens next.

How do I know if the people talking to me really are the Police?

Normally, you can tell someone is the Police because they are wearing a uniform. Sometimes Police do not wear a uniform. You can check they really are Police by asking to see their Police ID card. You do not have to talk to them if they cannot prove they really are the Police.

The Police are questioning me. What information do I have to tell them?

- You must tell the Police your correct name, address and date of birth, if asked.
- If the Police pull you over while you are driving, you also have to show them your driver's license if they ask to see it. It is illegal to drive without your driver's license, or to drive with an invalid driver's license (for example, if your license has expired) – so make sure you take your license with you every time you drive.
- You do not have to answer any other questions the Police ask you (this is called 'the right to remain silent'). It is a good idea to wait until you have a lawyer present before answering any other questions.
- If you need an interpreter, ask for one. Wait until the interpreter is present before answering any other questions. Sometimes the Police might ask you if you can lipread, or they might ask if you can read English. Don't try to lipread or read English if you don't understand well. Ask for an interpreter, and don't say anything else until the interpreter is available. Make sure you don't nod if the Police ask questions like 'do you understand?' (if you don't understand), or the Police will think you do understand.
- It can be a good idea to carry around a card that explains your disability or that you are Deaf. Police do not always know a lot about disability, and being stopped by the Police can be stressful – handing over a card that explains what you need is often easier than trying to tell the Police about your disability directly. For example, if you are Deaf your card might say that you are Deaf and have the right to an interpreter, and include the contact details for an interpreting service. If you have had a traumatic brain injury, your card might explain some of your symptoms (e.g., if your speech is slurred it is a good idea to explain this, otherwise the Police might think you are drunk) and anything the Police can do to support you (e.g., speaking slowly). You can also include the contact details of a support person that the Police can call.

How do I know if I can speak to a lawyer for free?

If you have been arrested, you have the right to speak to a lawyer for free. The Police must tell you that you can speak to a lawyer for free through the Police Detention Legal Assistance scheme. Normally the lawyer from the Police Detention Legal Assistance scheme will talk to you on the phone, but they can come and see you in person if they need to.

You will know you have been arrested because the Police must tell you that they are arresting you when they arrest you, as well as the reason why. If you are not sure whether you have been arrested, you can ask 'Am I free to leave?' If the Police say you are free to leave, this means you are not under arrest and you can leave if you want to – you do not have to keep talking to the Police. If the Police say you are not free to leave, this means you are under arrest and you must be allowed to talk to a lawyer for free.

The Police stopped me while I was driving and asked me to do a breath test. Do I have to do it?

If the Police pull you over while you are driving, they might want to do a breath test to see if you are under the influence of alcohol. This is called a breath screening test. You are allowed to refuse to do the breath screening test, but if you do the breath screening test, you must wait to find out the results – you can be arrested if you do a breath screening test and then drive off before you know the results.

If you refuse to take a breath screening test, or if you take the breath screening test and it shows that you are over the legal alcohol limit, the Police can ask you to go with them to do an evidential breath test. An evidential breath test is accurate enough that it can be used as evidence that you were drink-driving in Court. If the Police ask you to go with them to do an evidential breath test, this means you have been detained by the Police. Although you are not under arrest, you are also not free to go. This means you have the right to speak to a lawyer and the right to remain silent, and the Police must tell you about these rights.

I'm unhappy with the way Police treated me. How do I complain?

If you feel you have been treated unfairly by the Police, you can complain to the Independent Police Conduct Authority by:

- Filling out their online complaint form
- Emailing info@ipca.govt.nz
- Writing to IPCA, PO Box 25221, Wellington 6140

Give as much detail as possible, for example:

- Your name and contact details
- Relevant dates, times and places
- Details of any police staff involved, including their name, badge number or other details such as their rank or a description
- A detailed description of the incident
- Any other evidence you want to include

What happens when I go to Court?

If you have been charged with an offence, you can get free legal help from the Duty Lawyer on your first day in Court if you do not already have a lawyer. Everyone can use the Duty Lawyer service – you do not have to prove that you cannot afford a lawyer. Duty Lawyers can do things like explaining what offence you have been charged with and helping you decide whether to plead guilty or not guilty. In some cases, they can also help you apply for bail – in more complicated cases, they will probably advise that you should wait until you have your own lawyer before applying for bail.

The Duty Lawyer usually cannot keep helping you after your first appearance in Court. If you can afford it, you will need to pay for a lawyer to represent you for the rest of your case. If you cannot afford to pay for a lawyer, you can apply for Legal Aid – the Duty Lawyer can help you with this application. Usually, you will get a Legal Aid lawyer if the maximum sentence for the offence you have been charged with is imprisonment for six months or more, as long as you cannot afford to pay for a lawyer yourself. If you have been charged with a less serious offence (i.e., one where the maximum sentence is less than six months' imprisonment) you usually cannot get a Legal Aid lawyer, although you might be able to in some cases.

What happens if I need support to communicate in Court?

You have the right to use New Zealand Sign Language in Court, and the Court will [arrange an interpreter](#) for you for free if you need one. You will need to tell the Court 10 working days before your Court appearance that you need an interpreter, so they have time to find one. You can arrange an interpreter by emailing the Court, phoning them or going to the front desk at the Court. If you have a lawyer, they can arrange an interpreter for you

[Communication assistance](#) is a free service that supports people to participate in Court proceedings. Communication assistance might be helpful if you are neurodivergent, have a learning disability, have had a traumatic brain injury, are experiencing mental distress or struggle with language and communication. Communication assistants are trained specialists who will assess your communication skills and write a report that tells the Court how they can support you to participate. If the Judge says they can, the communication assistant can also do things like helping you to talk to your lawyer, making

documents easy to read and creating visual aids that support you to understand what is happening. The Judge can decide that you need communication assistance, or you can ask your lawyer to apply for communication assistance.

Are the Courts accessible?

There are lots of things the Courts can do to support you if you have [accessibility needs](#). You can:

- Use the [New Zealand Relay Service](#) to call the Court if you are Deaf, hard of hearing or have a speech impairment
- Ask for documents in alternate formats (like Braille or large print) if you are blind or have low vision
- Ask for an accessible Court room if you have a mobility problem
- Sit in the place that works best for you (like near the Judge or in a quiet place) if you are hard of hearing
- Ask to go through information slowly and in plain language if you have a learning disability or struggle with attention, memory or decision-making

You need to tell the Court what you need at least five working days before your Court appearance so they have time to prepare.

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