

What Happens If You Are Arrested

Ernesto Miranda was arrested for kidnapping and rape. The police questioned him for hours. He signed a confession. Later, the confession was used to convict him. Miranda appealed, saying that he had not known his rights. No one had told him he had the right to stay silent. In 1965, the Supreme Court ruled in Miranda's favor.



Now, it is the law that the police must tell an arrested person his or her rights. Because of Ernesto Miranda's case, this is called the *Miranda* rule. The rule says that every suspect who is about to be arrested must be read his or her rights as stated in the *Miranda* warning. How do you know if you are under arrest? What are your rights? What happens after you are arrested? In this chapter, you will learn what happens during an arrest and what a person's due-process rights are. You will learn what happens after an arrest. You will learn correct ways to behave when dealing with the police.

On TV, the police always say, "Don't move. You're under arrest. You have the right to remain silent, and anything you say may be used against you." In real life, the police start by simply questioning you first.

When are you under arrest? You are under **arrest** if and when you cannot leave or are in police **custody**. For example, imagine the police are asking you questions on the street. When you want to leave and they tell you that you cannot go home, this means you are under arrest.

The police will have an **arrest warrant** to take you into custody. The reason for the arrest will be a misdemeanor or a felony they actually saw you commit. They can also arrest you because they have good reason to believe you committed a felony. Finally, the police can arrest a suspect if they have good reason to think a citizen's arrest was lawful. It is proper for law enforcement officers to use their best judgment on the spot.

CHECK vocabulary words in bold.
LOOK UP word meanings in the glossary beginning on page 92.



CRITICAL THINKING

Some people think that it is not a good idea for many suspects to be out in the community on bail. They are afraid that these people will commit other crimes. Do you think it is a good idea to have bail? Do you think that everyone accused of a crime should stay in jail until the trial? Explain.



Officer Goodman says: "Do not argue with the police or make their job hard. Police are just people doing a job. Occasionally, they might make a mistake, but no matter what, two wrongs do not make a right. You should always do the right thing!"



CRITICAL THINKING

On rare occasions, police officers may request that you waive or temporarily suspend your rights in order to solve a special case. Why is it necessary for law enforcement officers to have this kind of authority?

DID YOU KNOW?

It is important to make sure you know the exact date you are suppose to be in court. Do not miss it. If you do, the court will issue you a warrant for your arrest.

Keeping Calm

How do you keep the questioning calm? Many arrests of young people start with a misdemeanor. Sometimes, however, the police might simply see you in a **suspicious** situation that they need explained for safety's sake, for example, the police might see you with a group of friends, late at night, looking in a store window. The police might approach your group and warn you that this is a high drug area. Because of this, they might ask what you are doing there and for your identification. It is their job. They must follow rules about what questions they ask people who might be suspects.

Cooperation

The job of the police is to maintain safety. Your job is to cooperate with them. People who are guilty of something often refuse to respect the police by answering questions or showing identification. This is not a good idea: to do this might make the police think that you have something illegal to hide. As a result, they might frisk you.

If you are innocent and they do not find anything illegal, you still might overreact or become too emotional. This can make the police overreact in turn. Both sides can be afraid and nervous. If things continue to get worse, the police may arrest you for keeping them from doing their job. This does not happen often, but you can make sure that it does not happen to you. Do not stop the police from doing their job. Be polite. Answer all questions. Then leave the area.

Make a choice to do the right thing. Being stopped by the police does not have to be a problem.

Can someone who is not a police officer arrest a private citizen? The answer is yes. Anyone can make a citizen's arrest. For example, a store manager saw a student putting cans of soda into her bag without having paid for them. As she walked toward the door to leave, the manager stopped her to check her book bag. The student refused.

The manager grabbed the bag and found the stolen cans. The student said she wanted to leave, but the manager would not let her. Instead, he called the police. As a private citizen, he did not have to give the *Miranda* warning or follow due process in searching her.

The *Miranda* Warning

What is the *Miranda* Warning? The *Miranda* warning means two things:

1. You have the right to remain silent. You only have to give your name and address. Anything you say may be used against you; that is why you must not say more.

2. You have a right a lawyer. Do not answer any questions until a lawyer is with you. If you cannot afford a lawyer, the state will get one for you. You can tell the police, and they will get one for you.

What if someone you know is arrested? If a friend or relative

EYE OPENER

According to the Statistical Abstract from 1992 of the U.S. District Court, more than 50 percent of people arrested for a sex offense pleaded guilty.

Chapter 9

1. For what was Ernesto Miranda arrested? _____
2. Why did he appeal? _____
3. What is Ernesto's case called? _____
4. What will you learn when dealing with the police? _____

5. In real life how do the police start? _____
6. When are you considered under arrest? _____

7. What does it mean when police tell you that you cannot go home? _____
8. What will police have when they take you into custody? _____
9. Police can arrest you if they have good reason to believe you have done what? _____
10. It is proper for law officers to use what? _____
11. Many arrests with young people start as what? _____
12. What kind of situation might the police ask you to explain? _____
13. Police must follow what when asking questions? _____
14. What is the job of the police? _____
15. What is your job concerned with the police? _____
16. What can make police overreact? _____

17. When does being stopped by the police not have to be a problem? _____

18. Who can make a citizens arrest? _____
19. What does a store manager not have to give or follow? _____

20. What two things does the Miranda warning mean: _____

Critical Thinking

(pages: 43 &44)

1. Some people think it is a bad idea to let suspects out on bail. What do you think? Why?

2. Do you think it is a good idea to argue with police? Why or why not?

3. Why is it important not to miss a court date?

4. Is it every necessary for the police to ask someone to temporarily suspend their rights? Why?

5. Describe a situation when you would know you are under arrest.

6. How can someone being questioned by the police keep the event calm?

7. Give an example of a citizens arrest.