

calls you from the police station because they have just been arrested and need help, remember these three things:

1. Do not ask the person to tell you what happened. Someone might overhear the suspect talking to you. What they say can be used against them. You might even have to testify later about what the person said to you.
2. Call a lawyer. If the suspect cannot afford a lawyer, call Legal Services or Legal Aid in your community. They cost nothing.
3. Go to the police station. If the police question you or the person they arrested, wait until the suspect has a lawyer before you answer. Talking after an arrest can change the case or make things worse.

The Police Station

What happens at the police station? If you are arrested, the police will take you to the police station. They will fill out papers about the arrest. This is called **booking** you. They will also take your fingerprints and may take your picture.

You will be allowed one or two phone calls. If you have a lawyer, this is the time to call. If you do not have a lawyer, call a friend or family member right away to get one for you. If you cannot afford a lawyer, tell the police.

The police will take your belongings into custody. They will take your clothes, wallet, purse, and whatever else you have. They will give you a receipt that lists everything they found on your person. Your property will be returned to you later.

The police may ask you to be in a **lineup**. They will put you with other people who will be about the same size or appearance as you. They will then ask a witness to pick out from all of the people in the lineup the person who committed the crime. If the police tell you to be in a lineup, ask for a lawyer. The lawyer can make sure the lineup is done in the fairest way possible.


Will there be a record of your arrest? The answer is yes. Even if the charges are dropped the next day, this record can harm your life. Many job applications ask whether you have ever been arrested. Your fingerprints will be on file even if you are never convicted.

The police check your fingerprints to see if you already have an arrest or conviction record. An employer can also choose to check your fingerprints, too.

Some states have laws that let you clear the record if you are not convicted. If the arrest was unlawful, the record can be erased or cleared. Find out your state's laws. Of course, the best thing is not to be arrested in the first place.

Going to Court

You have the right to go before a judge as soon as possible. This can be the same day as your arrest, or, if you are arrested on a weekend,

 **CRITICAL THINKING**
The average prisoner is younger and less well educated than the general public. Why do you think this is so?

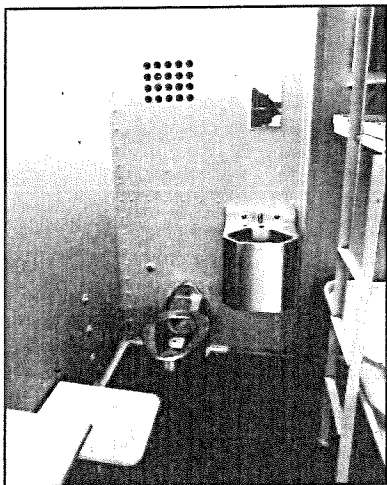
DID YOU KNOW? Crime statistics, like many other kinds of statistics, take much research and survey work. That is why the information for a current year is not available for the general public for at least two years.

EYE OPENER According to the Statistical Abstract from 1992 of the U.S. District Courts, of the people arrested for burglary, less than 2 percent were acquitted.



CRITICAL THINKING
How can your right to stay silent protect you during the first few minutes after your arrest?

DID YOU KNOW? The concept of bail is not a modern one: In the earlier system of criminal justice, there were various forms of release for people awaiting trial.



EYE OPENER Persons under sentence of death must wait on "death row" in prison for their sentences to be carried out. This is according to the Statistical Abstract from 1992 of the U.S. District Courts. This wait, which has been from one to six years, occurs because the legal process allows cases to be appealed.

Monday morning. Your first appearance in court is often called an **arraignment**. The reason for an arraignment is:

- to make sure you are the person charged with the crime. There must be no mistake.

- to let you hear the charges against you so that you can say whether you are guilty or not guilty. This is called a **plea**. If you have committed a felony, you will make a plea at a second hearing.

- to set bail. Bail is money or property that you will need to give the court in trust that you will show up for the trial. Bail equals how much you are trusted to keep your word.

- to give you a lawyer to defend your case.

If you do not have a lawyer yet, do not make a plea without a lawyer! The judge will ask questions about how much money you have. She will decide whether you should have a court-appointed lawyer. The judge will delay the case until you have a lawyer.

The judge should also set bail. It is not supposed to be too much money. However, if you are charged with a serious or violent crime, the judge may want to be sure that you will show up for the trial. She might decide to not set bail, and you will have to stay in jail.

Bail

How does bail work? Do you have to give all of the bail money? Most of the time you have to give 10 percent. You have to show that you or your family would be able to pay all of it if you did not come to the trial. For example, if bail is set at \$500, you will have to give, or put up, \$50. If you show up for the trial and can prove you be trusted, you will get most of it back. If you do not, your family has to pay the \$500.

What if you do not have the money? You may have to go to a person called a bail-bonds agent. A *bail-bonds agent* is someone who puts up the bail money for you for a fee. There are bail-bond places near every courthouse.

If your offense is not very serious, your lawyer will try to have the judge release you without paying bail. This means that the judge trusts you enough to let you go. Sometimes, judges will do this if you have a job and a family and have lots of reasons to be responsible.

Once you get out on bail, you can work to find evidence and witnesses. People who are out on bail have a better chance of winning their case. If you have a job, you can keep earning money. If you are in school, you can keep going to school. The judge will look at all these facts later when it is time for sentencing. These facts may help you get a lighter sentence.

What is the next step for you? If you have not committed a felony, there should be a **preliminary hearing**. *Preliminary* refers to something that happens before something else, like "first." This hearing happens before the trial. The police or a court official may ask whether you want to waive, or give up, your right to a preliminary hearing. Do

1. If someone called you from a police station, why not ask them what happened? _____

2. What might you have to do about what the person said? _____
3. If a suspect cannot afford a lawyer who should they call? _____
4. How can talking after an arrest change the case? _____
5. What is filling out papers about the arrest called? _____
6. What should you do if you cannot afford a lawyer? _____
7. What will police do with everything on you? _____
8. What is a lineup? _____
9. What happens to your finger prints even if you are never convicted? _____
10. What happens if the arrest was unlawful concerning the records? _____
11. What is an arraignment? _____
12. What is it called when you say you are guilty or not guilty? _____
13. What can you give the court in trust to ensure you will show up for trial? _____
14. Why would a judge delay your case? _____
15. Why would a judge decide not to set bail? _____

16. Usually if bail is set at \$2000 how much would you have to put up? _____
17. What does a bail-bonds agent do? _____

18. When will judges sometimes release you without paying bail? _____

19. What do people out on bail have a better chance of doing? _____
20. What does preliminary refer to? _____

Critical Thinking

(pages: 45 &46)

1. The average prisoner is younger and less well educated than the general public. Why do you think this is so?

2. If a person has a job, are they more or less likely to commit a crime? Why?

3. How can the right to remain silent protect a person during the first few minutes after an arrest?

4. Why does it take so long for prisoners on death row to have

their sentences carried out?

5. How can talking after an arrest and before a lawyer is present make things worse?

6. If a person is arrested will there be a record of that arrest? How can this affect there life?

7. How does bail work?