

IF I GET ARRESTED WHAT MIGHT I EXPECT?
The National Lawyers Guild of Chicago

PREPARATION FOR THE POSSIBILITY OF ARREST

If you can, come to demonstrations with friends and form affinity groups, (people who will watch out for each other).

If arrested, try to make sure people see your arrest, if you are separated from your friends shout your name to other demonstrators.

Let us note that we strongly suggest people bring identification, because it will expedite the release process once arrested. This is discussed below.

Don't expect the police to be nice or fair because the reputation of Chicago cops of being rough and brutal (though mainly against Blacks and Latinos) is deserved. Thus, when the police arrest you, whether the arrest is based on your intentional actions or is a false arrest, the more you resist the rougher they get. If you resist, you will probably have the charge of resisting arrest added on. If they are rough with you, you will probably be charged with battery on a cop, which can be a felony.

BOOKING

This is a needlessly long and frustrating experience. This may be due to laziness, incompetence or intentionally punishing you for getting arrested but the end result is boredom and frustration. They may not provide you with accurate information about what to expect. The longer they keep you in, the longer they deprive you of food and sleep, the less likely they think you will be to participate in future demonstrations.

The cops will ask you background information (name, address, age etc). This is part of the booking process. They will generally, and always in demonstration cases, FINGERPRINT you so they can have a record of your prints. You can refuse to be printed, in fact you can refuse to participate in the entire booking process, but don't expect to get released until you give them the background information and get printed. And, police have been known to get physically abusive if you refuse to give your identification information. The police can waive the time for your prints to clear, which means they can release you while they run your prints through a computer to see if there are any warrants out for your arrest. This cannot happen if you are charged with a felony or if you do not have your identification with you.

So if you want to get out as soon as possible, have your I.D. The cops demand the I.D. is an Illinois drivers license or a state of Illinois I.D. If out of state, they may wait until your prints clear to release you. Generally, but it is in their discretion, the cops give people 'I BONDS' which means you don't have to put up any money to be released. For misdemeanor cases, if there is a bond, it

will generally be either \$50.00 or \$100.00. If you have a bond, at the completion of your court case you will get it back if you go to court, unless it's taken as a fine. For felony cases, there is generally a bond of \$100.00 and up. 10% of the bond is always kept for court processing fees.

JUVENILES

If you are under 17, the cops will treat you as a juvenile, which means that you will be released from the station only to your parent or guardian. You may be sent to the Juvenile Detention center at 1100 S. Hamilton. So, if you get arrested, count on parents or guardian finding out.

RIGHTS

People have said, "They didn't read me my rights." The police have to inform you of your right to be silent, that anything you say can and will be used against you, that you have a right to an attorney and that if you can't afford an attorney, you will be appointed one free of charge (MIRANDA RIGHTS) only if they ask you questions that could incriminate you. For example, if they ask you any questions about the incident or what other people were doing, or anything that could lead to criminal charges against you or others; refuse to answer until your attorney is present. **YOU DON'T HAVE TO TALK TO THE POLICE.** Tell them you will only answer questions if your attorney is present. Don't let them intimidate you. They try to scare you, but the cops have no right to ask you questions-don't let them force you or fool you by promises to answer. Remain calm and repeat that you want a lawyer to be present for any questioning. It never is a good idea to talk to the cops. They will not release you without charges as they would then be admitting they made a mistake by arresting you. They will not reduce your sentence if you make a confession. Also, don't bother arguing with the cops about false arrest, they won't release you. Save it for your defense in court.

AFTER BOOKING

That is, after they get the background information and take your prints, you are booked. At that point, you have the right to make a phone call, and the right to see an attorney. Have phone numbers for friends or attorneys written on your hand. The cops will try to limit the call to 2 minutes, so be prepared for busy numbers and people not being home. This is another area in which they might try to intimidate you. Just because it's your right doesn't mean the cops will let you do it. If they don't, make a note of the time and who denied the phone call.

If your lawyer doesn't come in to see you, it is very likely that it's because the cops won't let her/him up to see you. Don't think we're not concerned about you. Sometimes, the cops threaten to hold people longer if lawyers come in, but if someone is not getting necessary medical treatment or is basically freaked out, insist that lawyers be allowed in. Try to figure out how many people you were arrested with, get their names and numbers if possible, so we can try and keep track of who is still inside. If isolated, try to make sure other arrested people know your name; keep calm, keep cool - you will be released eventually. It's frustrating, you might feel scared or alone, but there are people outside who support you. And, you are having an impact. Often, you will not be given FOOD, and if you are you may not want to eat it anyway. Try to bring snacks and literature in with you. There is no guarantee, but sometimes you can get food or literature in.

HOW LONG INSIDE?

You could be kept in anywhere from 4-12 hours for a misdemeanor until the booking is done and you are released. On a misdemeanor, you can be released from the police station. If a felony you can be held up to 48 hours without being charged. You will be taken to bond court at 26th and California and have a bond hearing. For felony bond courts you will be in jail at 26th and California and you will have the hearing via a video hook up with the judge. You do not get to be physically present for bond court.

RELEASE

Try to write down ASAP what happened to you as well as names, badge numbers and descriptions of cops if possible, particularly if you were harassed or saw anyone harassed. You won't be asked to plead guilty/not guilty when you are in the jail. Wait until you get out and talk to an attorney about all your options. Do not discuss your case with anyone. Please consider that if you put your version of events out on the web or by other means of publication, the State will have access to this and a statement you consider to be innocuous may be legally damaging to you or others. We suggest you talk to an attorney before you disseminate statements concerning actions that have led to or could lead to arrests.

PROPERTY

It they keep your property as evidence, upon your release, they are required to give you an inventory slip (your copy is green), and after the case is resolved in court, the property should be returned to you. You may be able to get the property released prior to the termination of the case, depending on the property. For example, we got bicycles released before the termination of a case in which Critical Mass riders were arrested, since the bikes were not really needed evidence.

Chicago Chapter of the National Lawyers Guild

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