

IF YOU GET ARRESTED

By Attorney Michael H. Wald

You never think it's going to happen.

But one night, you're taking a late walk around the block when you notice a car following you, very slowly. At the corner, you turn to look at it when a spotlight on the passenger side blinds you and you stop.

Two police officers get out of the car and approach. Startled and confused, you stutter the answers to their questions while sweat from your brisk pace drips off your face.

You think you heard them right -- they said they were bringing you in for questioning.

"You are under arrest."

There were 112,000 arrests made in Dallas County last year, and from the rate this year, this number will be passed in October. It only makes sense that to capture more criminals, more arrests must be made. And crime is up all over.

But what if you are the one being arrested -- especially if you're completely innocent?

"Arrest" means being significantly deprived of your free movement -- there is really no need for the term "arrest" to be used. When an officer confronts you, he'll be asking several questions about your identity and reasons for being where you are, and what you are doing.

Constitutionally, you do not have to answer these, or any other questions, but failure to do so may speed the officer's decision to "arrest" you, in the common meaning -- to take you to the station. It is always a good idea to at least identify yourself when being questioned.

You may be legally arrested if a) there has been a warrant issued for your arrest, b) a police

officer has seen you commit an offense, or c) if a private citizen has seen you commit a felony.

Just because you know you are innocent does not mean you can't be arrested. You must obey the arresting officer, objecting by voice, not by force. The police can use as much force themselves as they deem necessary to complete the arrest. Don't give them a hard time, and keep mental notes about what they are doing and saying. Your attorney, if one is required, will need to know everything you can recall about the incident.

Once you are "arrested" and taken to the station, you will be told what the charges are against you, even though these charges may change. You might have to stand in a lineup and offer examples of handwriting and other characteristics. You may be fingerprinted and mug shots might be required of you.

Ask to contact your lawyer as soon as possible. Ask that he or she be allowed to be present during any of these activities. Until he or she arrives, remember these points, which you've heard before:

- o Remain silent
- o Your comments can be used against you in court
- o If you agree to answer questions, you can stop at any point, and the questioning will end
- o You can have your attorney present for any questioning, and if you cannot afford an attorney, the court can appoint one for no cost, if you are eligible.

Each arrest is different, so there's no use in planning what to do after being arrested, apart from the points above. Let your attorney advise you of your best steps. It's worth waiting for this advice.

Copyright (c) 1986 by M. Wald & Co.