

A background image showing a person's hands being cuffed by a police officer. The person is wearing a grey sweater and a dark beanie. The officer is wearing a blue uniform. The scene is outdoors, with a brick wall visible in the background.

ACTION LIST

WHEN YOUR LOVED ONE IS ARRESTED

Your loved one has been arrested, and you want to help, but you don't know how. What should you do? Who should you call? What should you say (or not say)? In the urgency of the moment, it is hard not to panic. We can help. This list outlines steps you can take to assist and comfort your loved one in the immediate aftermath of an arrest.

IF YOU ARE PRESENT AT THE TIME OF THE ARREST

Be respectful.

Always be respectful to the police. They are public employees, and it is not illegal to ask them questions as long as you are not impeding their ability to do their jobs. Most officers are willing to provide basic information when questioned politely.

Confirm the arrest.

First ask the officers if your loved one is free to go. If your friend or family member is not free to leave, ask if he has been arrested or is simply being detained. If your loved one has been arrested, ask why. If the arrest was made pursuant to a warrant, inquire as to what jurisdiction issued the warrant and what the bond amount is. Ask the officers where your loved one will be booked, and where you can bond him out. If the charge is a misdemeanor, the arresting officer may be able to tell you exactly how much the bond will be, and where it can be posted. In some cases your loved one may qualify for a recognizance or signature bond, meaning he will be released from jail after he goes through booking procedures, without having to post any money bond.

Gather information.

Try to obtain the name of the arresting agency, and the name of the arresting officer or officers. Note the time, date, and location of the arrest. Write it all down, so you won't forget. This information can be very useful in locating your loved one in the local jail system, and these facts could be relevant to future court motions challenging the validity of the arrest.

Reassure your loved one.

If you are able to communicate with your loved one before he is taken to the stationhouse, advise him not to answer any questions that go beyond routine booking questions like name and date of birth. Reassure him that you will make attempts to bond him out of custody as soon as possible, and that you will help him obtain a qualified criminal defense attorney.

Be available.

Make sure that your phone is charged and turned on and that you have it with you. Once at the jail, your loved one should be allowed to make a phone call; if he is moved to a new facility, he again should be allowed to make one phone call.

WHEN YOUR LOVED ONE CALLS FROM JAIL

Do not ask for details about what happened.

This is critical because virtually all police stations record these phone calls, and the prosecution surely will obtain a copy of the recording. Do not ask about the circumstances leading up to and surrounding your loved one's arrest. This is not the time for scolding or making excuses.

Get his location.

Ask where your loved one is being held. Get the name (and address, if possible) of the facility, and write this information down.

Remain calm.

In all likelihood, your loved one will be scared and desperate to get out of custody. Remain calm. Reassure him that he is not alone and will not be abandoned. You will work to get him out of custody as soon as possible and to find a lawyer to help him.

Urge him to remain silent.

Tell your loved one not to discuss his case with anyone while in custody until he meets with a lawyer. Understand, though, that this will be very difficult for your loved one to do, especially if he is interrogated while in custody. Help him by telling him exactly what to say: "I don't want to answer questions. I want to talk to a lawyer."

Contact a criminal defense lawyer.

Don't delay. With so much at stake, you need a criminal defense lawyer on your loved one's side as soon as possible. It is extremely important that you inform your loved one's attorney exactly where he is being held. Depending on the situation, the defense attorney may rush down to the facility to demand to speak with his client. Police officers are required by law to inform detained suspects that their lawyer has arrived and wants to speak with them. This may be crucial in disrupting a custodial interrogation.

IF YOU HEAR ABOUT THE ARREST FROM A THIRD PARTY

Find your loved one.

You may be able to locate your loved one using your local government's website. Commercial inmate locators are a waste of money. Note that it will take some time for the computer system to be updated. You may call your local law enforcement's non-emergency line to help in locating your friend or family member. Have as much information as possible, including his full name with correct spelling and AKAs, and date of birth. You can also look up the number for your county jail and call there directly; ask to speak with the booking department. If your loved one is being housed at a local precinct, it is helpful if you know where the arrest took place, when the arrest occurred, and your loved one's current address.

DEAL WITH BOND ISSUES

Determine the specific charge.

Find out what the criminal charge is with as much specificity as possible. Your loved one may have a written document called a charging instrument with the exact name of the alleged crime and specific code section. If you speak with officers at the scene or the jail, they may also be willing to provide you with the exact criminal statute.

Think twice before contacting a bondsman.

If your loved one is being held on a high money bond, you may consider contacting a bail bondsman. These are individuals and businesses who lend money to people for the purposes of posting bond. However, there are real financial and physical risks associated with bail bond agencies. If at all possible, talk to a criminal defense attorney about your other options first, before you make the call to a bondsman.

Post bond.

When posting bond be aware that you may be required to pay an additional fee, usually around \$50. Most county jails have a bond out window located somewhere in the administrative section of the building. Note that you should think of bond as a gift to your friend or loved one. Do not plan on getting that money back. Bond may be forfeited for failure to appear at future court dates; it may be assigned your loved one's attorney; or it may be used to pay your loved one's fines and court costs. If there is any bond left over after the resolution of the case, it will be refunded to the person who posted the bond, less an administrative fee, usually around 10%.

Arrange a ride.

Don't forget to arrange a ride for your friend upon their release on bond. Many police stations and county jails are not located in the safest neighborhoods, and your loved one may be released in the middle of the night.

Take care of day-to-day needs.

If your loved one is unable to post bond, he may need your help making necessary arrangements. For example, you will want to provide the jail (or your defense attorney) with all of your loved one's prescriptions and medications. Also, you may want to contact your loved one's school, work, or community organizations to inform them of future absences. Make certain that things like rent or utilities do not go unpaid while your loved one is incarcerated.