

## **Arrest Procedures**

### **Police investigations - should you talk to the police?**

If the police are investigating you, you may or may not be aware of it. At some point, they may ask you to come into the station and give a statement. You may believe this is your chance to tell your side of the story. Understand that this is a very dangerous time for anyone charged or under investigation for a serious offense.

Instead of talking to the police, consult with a criminal defense attorney. Your lawyer can intercede on your behalf and talk to the detectives. This is a great way to get valuable information and may result in charges not being filed. Most importantly, doing so will keep you from giving a statement that might ultimately be used against you. Any statement you make will undoubtedly be used by the District Attorney at trial. Even statements made by you that you believe to be innocent can be damaging. For example, the police may not know whether you were even in the area of an alleged crime. If you make a statement to the police saying that you were there but had nothing to do with it, the District Attorney no longer needs to prove your presence at the scene of the crime. You have now done that for them.

### **Can you be arrested without any evidence?**

The police can arrest you only if they have probable cause to believe you have committed the crime.

Once they have probable cause, they can arrest you in a number of ways:

- They can simply arrest you;
- If they believe you are not a flight risk, they may submit your case to the prosecutor's office who in turn will send you a letter in the mail asking you to appear for an arraignment; or
- They may ask you to voluntarily surrender yourself at the police station. Under the second and third scenario, your best plan is to hire a criminal defense attorney immediately.

A criminal defense attorney can help you arrange the voluntary surrender and even make arrangements to have a bail bondsman present so that you may not have to go into custody at all. In addition, they may be able to get you extra time before the surrender. If you receive a notice from the prosecutor's office, you will need a criminal defense attorney because your next appearance will be your arraignment date.

### **What are your Constitutional Rights?**

- 1) You have the right against self-incrimination, known as the right to remain silent.
- 2) You have the right to subpoena witnesses and evidence in your own behalf, as well as cross-examine witnesses.
- 3) You have the right to an attorney.
- 4) You have the right to a jury trial.