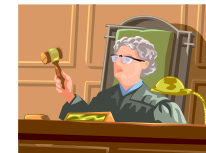

THE CRIMINAL JUSTICE SYSTEM

PRE-ARREST TO FIRST APPEARANCE



FIRST APPEARANCE

First Appearance is the first time a Judge sees you after Arrest. It is the time when the Judge decides if you should stay in jail or get out. Judges will also talk to your friends or family about what you need in jail.

What will First Appearance look like?

- You will be at the jail.
- An Attorney called a "Public Defender" will be at the jail.
- A Judge will be on a T.V. You can hear what the Judge says. The Judge can hear what you say.

What do I do at First Appearance?

- There will be a Public Defender in the jail. Don't talk to the Judge unless the Public Defender says it's OK.
- If the Judge says it's OK, your care provider can go to the courthouse to talk about why you shouldn't stay in jail. They can talk about what you need in jail.
- When the Judge asks you if you want an Attorney or Lawyer, say "yes."

What does the Judge do at First Appearance?

- The Judge decides if you should stay in jail or get out of jail.
- If the Judge says you can get out of jail, the Judge will:

(1) "Release you on your own Recognizance:" means you don't have to pay money to get out of jail. If you've never been in trouble with the law and lived in your community a long time, you may get this, or

(2) "Release you on Bond:" means you have to pay money to get out of jail.

What if the Judge doesn't let me out of jail?

- When your Defense Attorney visits you at jail, ask for a "Bond Hearing."
- A Bond Hearing is a Court Date where a Judge decides if you can get out of jail.
- The Judge looks at the same information she looked at during First Appearance.

What if the Judge tells me I can't do something when I get out of jail?

- When a Judge lets you out of jail, they might tell you that you can't do something. This is called "Pretrial Release Conditions."
- If you do something the Judge told you not to, you'll be Arrested.
- You'll have a new crime.
- If the Judge says you can get out of jail, ask your Defense Attorney if the Judge says you can't do something.

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This brochure contains general information that is current through the date of publication (10-5-09). It should not be used as a substitute for legal advice. If you have questions about this information, then you should talk to a lawyer.

PRE-ARREST: AN OFFICER WANTS TO ASK YOU QUESTIONS.

A police officer's job is to ask questions about crimes. Sometimes they come to a person's house to ask questions. Sometimes they stop a person on the street to ask questions. When they talk to a person, police officers have to follow rules.

What happens if an officer asks for my name and identification



("ID")?

- Tell the officer your name.
- If you have ID, show it to the officer. (ID can be a state issued ID card or even a student ID card.)
- If you don't have ID, tell the officer. You can't get into trouble for not having ID.

What if the officer took my name and ID, but still asks me questions?

- If the police still ask questions, you don't have to answer.
- Ask if you are "Under Arrest."
- If they say "no," you can leave.
- If they say "yes," ask for a lawyer. Don't fight the officer. Don't try to stop the Arrest.

ARREST: WHAT HAPPENS IF I AM UNDER ARREST?

If a police officer Arrests you, they can take you to jail. They can also write you a ticket called a "Notice to Appear."



What happens if an officer puts me in a police car?

- The officer might put handcuffs on you. Don't fight the officer.
- The only thing you should say is "I want an Attorney."
- Don't talk to the officers. If they ask questions about whether you did something, don't answer. Don't answer even when they act nice, give you something to eat or drink, or say they're your friend. Say "I want an Attorney."

What if an officer writes me a



ticket called a Notice to Appear?

- A Notice to Appear looks like a traffic ticket.
- It has a date and time. At that date and time, you must go to the courthouse.
- If you don't go to the courthouse at the date and time on the ticket, you can be Arrested.

- If the officer asks you questions about what you were doing while she writes the ticket, don't tell them.
- If they keep asking questions, say "I want an Attorney."

JAIL: WHAT DO I DO IF I AM PUT IN JAIL?

If you are Arrested, the police officer can take you to jail.



What happens when I go to jail?

- At the jail, they will take your picture, fingerprint you, and ask you questions.
- Don't talk to anyone at the jail about why you were Arrested.

What is "Pretrial Services?"

- In some jails, people from Pretrial Services will interview you when you first get there.
- People from Pretrial Services don't have to keep what you tell them a secret.
- Don't talk to them about why you were Arrested.
- Do tell them:
 - (1) where you live,
 - (2) where you work,
 - (3) phone numbers of people who care about you.
 - (4) if you have a disability, and
 - (5) what kind of special care you need, like if you need medication.