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February 16, 2011

What You Need To Know About Getting Arrested

If you are looking at the website or Facebook page of a criminal defense attorney, the odds are that something has gone wrong. Either you, or a loved one, have probably been arrested or are about to be arrested. There are a few things you should know that will help to make things go as well as can possibly be expected under the circumstances.

What Does Arrested Mean?

Being arrested means that a law enforcement officer, or even a citizen under certain circumstances, has taken you into custody. That means you will not be going anywhere until you are told otherwise. It is true that a police officer can detain you without actually arresting you. If you try to leave the scene without permission, however, you can go from “detained” to “arrested” in a matter of seconds.

What Are My Rights If I Am Arrested Or Detained?

As most people know who have ever seen a cops-and-robbers show on television, you have certain rights in the United States when you are arrested. Those rights are spelled out in the U.S. Supreme Court case *Miranda v. Arizona*. The famous *Miranda* warnings are fairly straightforward.

1. You have the right to remain silent. Anything you say will be used against you.
2. You have the right to have an attorney present during questioning. If you cannot afford one, you will have one appointed to you.

Now, the police are supposed to read these rights to you before they begin questioning you. Keep in mind, however, there is quite a bit of leeway on that point. Any questions about this issue will usually come down to your word versus theirs. I will give you one guess which side the Court is likely to believe?

Some people think that their arrest will be invalidated if they are not read *Miranda* warnings immediately. That is simply not true, and you should not count on that outcome. Other people think that if they blurt out certain incriminating statements before they are read *Miranda*, then those statements cannot be used. Again, this is not true. For every rule in law there is an exception, and for every exception there is another exception. There are a whole lot of folks in prison who got there by trying to be a bit too clever.

So What Should I Do If I Am Arrested?

You must provide a police officer that asks your correct name and address. You must also produce identification if asked for it. Lying to a police officer that asks you for your name is a tremendously stupid thing to do. After identifying yourself, if you are detained or arrested, you should answer NO QUESTIONS whatsoever.

All that you should say is, "My name is (your name here), and I would like to invoke my right to counsel." That is the polite version of "get me my lawyer, bitches." Use whichever version you feel is appropriate to the situation. You might have to ask a few times. The police are allowed to lie to you. They DO NOT want you talking to a lawyer before they question you. Just hang in there and say nothing other than what I have just told you to say. If you actually have been arrested, things are bad. Try not to make it any worse.

What Else Do I Need To Know?

The other important thing to remember if you are arrested is this: DON'T PANIC! Being arrested is no fun. There is no doubt about that. If you committed a crime, and you got caught, then you will probably have to pay for that mistake. That being said, try not to make it too easy on the other guys. You are not a criminal mastermind. If you were, you would not have been caught.

Do not try to lie your way out of a situation. The police have seen it all and heard it all before. Just keep your mouth shut and things will take the course they are going to take. Also, get a good criminal defense lawyer into the interrogation room with you as soon as humanly possible. No good will ever come from talking to the police without a lawyer present. We know all their tricks, and they know that we know. Remember, watching a *Law and Order* marathon on basic cable does not make you a criminal defense attorney. We do this for a living. Don't play games with your life.

For the record, I am not your lawyer unless we have a written agreement between us. This is not legal advice. Consult a local attorney if you have any specific legal questions.