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## Arrested? What Happens Next

A big mistake can happen in the blink of an eye, and unfortunately one wrong decision is all it takes to land yourself in the grasp of the justice system. Believe it or not, even the most law-abiding citizens may find themselves under arrest under the right set of unfortunate circumstances. That's why every citizen needs to have a solid understanding of what happens when you get arrested, so that you'll know how to handle it if it ever happens to you.

### **Police officers do not always need a warrant to arrest you.**

This depends on the situation. In some ongoing types of cases, a judge must issue a warrant in order for an officer to be able to arrest you. For example, if you have been a suspect for a prolonged period of time and the police decide to move forward with your case, they will likely need a warrant for your arrest because the judge will want to see that they have enough evidence to prosecute you. On the other hand, if an officer witnesses you committing a crime or has obvious probable cause, they would not need to wait for a judge to issue a warrant for your arrest. It can happen then and there, on the spot.

## **Contrary to popular belief, the arresting officer is NOT required to read you your Miranda Rights.**

In movies and on tv, you often hear the line, “You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?” This warning is called your Miranda Warning, the reading of your Miranda Rights, or being “mirandized.” Contrary to popular belief, however, the police officer is not required to say this to you when arresting you. You’ll only hear these words if an officer intends to question you.

That being said, if they do question you and they haven’t read you your rights, any evidence they take away from what you say could later be thrown out at trial. There is, however, no reason to take that chance. If the police question you, then you say you want a lawyer. Those are the “magic words”, and police hate to hear it because that means all questioning must cease. That is the law. Keep in mind that the police are trained to lie to you and trick you. We are serious. That is the law. The police are allowed to lie to you and have fake evidence to get you to confess. That is hard to believe but, incredibly, it is the law. If you want to legally protect yourself, ask for a lawyer even if it is 2 am. It doesn’t matter that no lawyer is available at that exact time. It just means the police must stop questioning you. You can always talk to the police later with a lawyer no matter how mad they become.

## **After being arrested, you are “booked.”**

Have you ever wondered what happens after the police car drives away with the arrested person in handcuffs in the backseat? They’re headed to one of two places, depending on where you are: the police station or

the county jail. Upon arrival the arrested person will face the booking process.

The booking process creates the official record of your arrest. Officers gather information about you to keep on file for your case. The information can also be used in other cases -- for example, your fingerprints or DNA might be added to a database for comparison with fingerprints or DNA at other crime scenes.

During booking, you will be searched and you will need to hand over your clothes and any personal items you have in your possession. They could be entered into evidence or given back to you when you are released. They will record your name and the crime you are under arrest for, then search your name for any warrants. They will also take a mugshot. Mugshots of arrested people are part of public record, so unfortunately anyone curious can see this photo of you and find out what you were arrested for. The booking process also includes taking your fingerprints and a health screening.

You will be required to answer questions about your basic info (name, date of birth, address, etc.) during booking. Beyond this, you should refuse to engage in any sort of chatting without an attorney present. You may say something that incriminates you without even realizing it. An attorney can protect your rights and help you avoid saying the wrong thing.

**Depending on the severity of the crime you have been arrested for, you may be able to be released on bond.**

Within a day or two of your arrest, you will have a bond hearing. In this hearing, the judge will set a bail amount, which you can pay in order to be released until your trial. If your charges are very serious, your bail amount could be extremely high, or the judge could refuse to set it at all and make you stay in jail until your trial.

You should absolutely have an attorney to represent you in your bond hearing. Again, an attorney can protect your rights and speak to the court on your behalf.

## **Does hiring an attorney make me look guilty?**

No! Hiring an attorney to protect your rights and represent you doesn't make you look guilty; it makes you look smart. An attorney has a number of critically important ways they help you when you've been arrested:

- Negotiating with prosecutors on your behalf
- Helping you make sure you don't say anything that could be interpreted as incriminating
- Investigating your case and gathering evidence to build your defense
- Ensuring that the bail amount set for you is reasonable
- Representing your interests in court
- Helping you understand where you stand and what your options are.

## **Who should I call if I have been arrested?**

If you have been arrested in the Myrtle Beach, South Carolina area, call Attorney Greg McCollum and The Complete Legal Defense Team. We understand that mistakes happen. Sometimes good people get into bad situations. Most of our clients have never been arrested. Contact us to see if we can help you. We don't accept every case and will only accept your case if we believe we can help. Make sure you do not get taken advantage of by the police and the legal system. If we cannot help you we may be able to send you to someone who can help. If you've been arrested or believe you may be under investigation, please give us a call at (843) 321-4968.