
ARREST, JAIL, COURT: MAKING CHOICES

THE WARNING: Police may or may not order you to leave before they begin making arrests. This may be the last opportunity to choose to be arrested or not. In a situation of mass arrests it is sometimes difficult to exercise this option.

THE ARREST: When police take or attempt to take a person into custody, there are options which are up to the individual, but affinity group members should know who plans to do what.

- ▶ **walking with the officer (may continue singing or chanting)**
- ▶ **going "limp" or non-cooperating in another manner; police sometimes consider going limp as "resisting arrest" and may add this offense to the charges.**

Police are not required to read you the Miranda rights unless they are questioning you. Try to remember (and write down) the details of your arrest, including names of any witnesses and the names and badge numbers of your arresting officers. You are a witness. What you remember may be valuable to you or someone else in court later. You are entitled to confer with a lawyer at any time before you say anything or agree to anything.

PROCESSING & BOOKING: Police transport arrested people to the nearest station for processing. At the station, police pat people down and take personal belongings including belts and shoe laces. Usually men and women are separated at this point as are youth and adults. The police then begin to fill out arrest reports seeking information from those arrested such as name, address, date of birth, and possibly social security number or place of employment. You can decide:

- ▶ **whether to give the police any information**
- ▶ **how much information to give them**
- ▶ **how to give them information (will you give an ID?)**
- ▶ **whether to give them accurate information**

Refusing to give your name or using an obviously false name (e.g. Martin Luther King, Gandhi, etc.) slows down the process considerably, possibly for the whole group. Noncooperation in this way makes police more likely to fingerprint people. You can also refuse to be fingerprinted. Police are supposed to hold such people until court and seek a court order requiring a person to submit to fingerprinting, though sometimes they take fingerprints by force. Police generally detain people until some identification is obtained or until fingerprints clear, which, even with your cooperation, usually takes from 1 - 5 hours. Be sure to write a contact phone number on your hand and take enough change for a phone call. Someone should use their call to contact local media.

BOND, BAIL SOLIDARITY: While you are detained, police will decide what to charge you with. For state misdemeanors, bail is usually set between \$25 and \$100. Similar bonds or "recognizance" bonds (which require no cash) are set for city ordinance violations. No bond is required for misdemeanor federal citations. If police file felony charges, bond will be set by a judge either at night court or on the day following the arrest. If you decide to post bond, it must always be paid in cash. It can be posted at the police station, at the jail, or in court. People can choose:

- ▶ **whether to post bond**
- ▶ **whether to sign a recognizance bond (you will be released without bail but agree to show up for scheduled trial; if you don't show up, a warrant will be issued for your arrest in that state)**
- ▶ **whether to exercise jail or bail solidarity**

The goal of jail and bail solidarity is for everyone committing the same act to be treated equally and fairly in jail and sentencing. Persons offered low bonds or recognizance bonds can refuse to leave jail or to take food until everyone is given the same low or recognizance bond. Different treatment for certain individuals or groups is one divisive tactic used by the prison/legal system. Those people at risk for harsher treatment usually include non-cooperators, repeat offenders, known organizers, people of color, lesbians, and gay men.

Discussions of solidarity should always address the issue of how to give these people the extra protection they need.

For numerous reasons, **jail solidarity may not always be an acceptable option for everyone in the group.** Therefore, jail solidarity must never become coercive. Those who must leave jail are not betraying the group. There are many ways they can continue supporting those inside.

COURT: Jails and courts are intimidating places. The authorities expect that, out of fear, people will obey the rules and accept the conditions and injustices that exist there. To some extent, you have the power to choose what form your sentence will take. You have the right to refuse fines and probation; however, the only alternative may be jail. Decisions you will face as your court date approaches include:

- ▶ **how to plead (guilty, not guilty, no contest)**
- ▶ **bench trial (before a judge or magistrate) or jury trial**
- ▶ **non-cooperation in court (remain silent, refuse to stand when judge enters, approach the bench willingly or refuse to walk...)**
- ▶ **defend yourself pro se or use services of a lawyer**
- ▶ **refuse to pay fines or accept probation, etc.**

Adapted From: "Organizing for Resistance: Historical and Theological Reflections and Organizing" by the Chicago Religious Task Force on Central America, 1985.

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