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**The Arrest Process in New York**

**By Susan Chana Lask, Esq.**

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When you're arrested, your first contact will be with the local police precinct. The person who arrests you is the "arresting officer."

The arrest process can legally take up to three days (72 hours) before you see a judge for arraignment. Throughout this process, you must remain silent about everything, except you can give basic information such as your name, residence, and other identifying information. But do not speak about anything else to anyone, even the person who might be in the cell with you. Always remain silent until your attorney speaks with you because anything you say to anyone at this point can and will be used against you.

At the precinct, a detective will interview you to get basic information (like your full name, present address and family member contact information) and possibly try to get information from you to use as evidence against you. Do not say anything except give your basic identification. The detective may ask you for contact information of your family or friends who can verify who you are and where you live. If you provide your home number or other numbers then the arresting officer may call your family or friends to verify your information. He may even ask further information about you that may incriminate you later. You should be careful what numbers you give out and at least call the person who you may refer to the police first and let them know just to verify who you are and nothing else.

While you are at the precinct, the police will definitely run a check on you to discover if you committed other crimes or if outstanding warrants exist for your arrest. This information is also needed for the arresting officer to fill out the paperwork to get you through the arrest process and to the arraignment court.

The police will fingerprint you and take arrest photos. Then the arresting officer will make a file for you from the information he obtains from you, prints, photos and his notes. He will then fax the file to the District Attorney's office so they can draft a criminal complaint against you and assign your case file a docket number.

You'll sit in the precinct jail cell an average of six hours until they can arrange transportation for you to another place called "Central Booking." Whenever they transport you they will handcuff you, so be prepared to cooperate and go through the motions.

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### At Central Booking

The Central Booking process can take about four hours. You'll wait in line with hundreds of other arrested persons to get to an interview table. At the interview table an intake person will ask you about any health problems you may have and more identifying information, including:

- Persons to contact
- With whom you live
- Where you work
- Your salary
- Your citizenship status
- Where you were born

This information will later be used by your arraignment judge to determine if bail is required and the amount of bail you will pay. If you do not have any contacts in the state or locally or you travel alot or

are not a citizen of this country then you most likely will have to pay bail because you will be considered a "flight risk".

The best thing you can do is get an attorney to meet you at your arraignment. You can do this at Central Booking, where there are pay phones. Call an attorney, or call your family, friends or anyone else who can get you an attorney that day. That call will be short because there are hundreds of other people waiting to use the phone. Just tell whomever you call:

- The precinct you came from
- Where you are now
- The charges against you or what you believe you were arrested for
- To get as much cash as possible
- To bring proof of home ownershi, like a deed
- To contact at least three bail bondsmen from the phone book in the area you were arrested in (in order to arrange for bail quickly)

With your arrest location, precinct information and last name, a good attorney will be able to track you down using special contact numbers to the District Attorney's office and Central Booking (where your arrest number and docket number can be obtained).

At some point you and a group of about 10 others from your cell will be brought upstairs. This means the District Attorney finished the paperwork and assigned a "docket number" to your file so you can be arraigned. If your attorney has been tracking you through the system then he or she will know when to start traveling to the arraignment court to appear for you so you do not have to wait longer.

This article is certainly not all inclusive and is intended only as a brief explanation of the legal issue presented. Not all cases are alike and it is strongly recommended that you consult an attorney if you have any questions with respect to any legal matters.

Any questions and/or comments with respect to this topic or any other topic, please call or write:  
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## **What Should I Do If I Am Arrested?**

**By Jody Ehrhardt**

While no one ever plans on being arrested, it is a good idea to know what you should and shouldn't do in case it ever happens. By understanding what is expected of you and what circumstance can make your situation worse, you will be better able to handle the distress and fear that comes with being arrested.

First of all, there are certain things that you should do if you ever find yourself in this scary situation. Do attempt to stay calm and try to only speak to the police officer in a respectful, polite manner and tone of voice. By staying calm you will be better able to assess the situation for what it really is and better able to recall all of the details of your arrest later for your attorney. By being polite and respectful you will cut down on the chances that the arresting officers will become angry or aggressive, which could lead to your being injured or harmed.

Do give the basic information that the officers are asking for without being surly or rude. This information includes your name, address, and telephone number, the name of an immediate family member and their phone number and the name of the place of your employment. Not only do the police officers need this information to file the forms of your arrest, they will also need it when setting your bail.

Do exercise your right to remain silent. You are not required by law to answer any questions that could incriminate you and you do not have to speak to the police, district attorney or anyone unless you are in the presence of your lawyer. If the police continue to ask you questions or harass you for answers, you should simply keep repeating the phrase, "I wish to speak to my attorney".

Do exercise your right to make one phone call. This call should probably go to your lawyer but in a case where you do not have a lawyer, you should call a close family member and instruct them to obtain legal counsel for you as soon as possible.

Do attempt to get the names and badge numbers of the police officers that arrest you. You have a right to this information but for various reasons, some officers may attempt not to disclose this information to you.

There are also a number of things that you should not do if you ever find yourself under arrest.

Do not resist arrest. Even if you believe that the charges held against you are false, insisting on your innocence at this point will not help you or stop the arrest. Wait until you are taken to the police station and allowed to call an attorney. Once your attorney arrives, speak through him or her to defend your innocence.

Do not act in an aggressive manner or yell out threats about filing harassment complaints. Aggressive

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behavior will only cause the police officers to try to restrain you and your bad behavior could be held against you later when you are trying to fight the charges in court.

Do not complain when the police officers handcuff, search, fingerprint or photograph you. All of these processes are a normal result of being arrested. Go through the process with as much cooperation

with possible.

While being arrested will never be a pleasant experience, the way you act and the things you choose to do and not do while going through the process can go a long way toward easing the pain, inconvenience and humiliation of the experience.

Jody Ehrhardt write for

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