

Stages of Incarceration: Leader's Guide

ILLEGAL ACTIVITY

ARREST

Arrest: Police may obtain an arrest or search warrant; but this is not necessary in all cases. The arrestee will be handcuffed, placed in the back of a squad car, and transported to jail. The arrestee will be read their Miranda Rights either at the arrest or at some point in the proceedings. Children are usually left in the custody of another adult or placed in the temporary custody of the Dept. of Social Services until they locate a family member to care for the kids or other placement.

Booking: The arrestee is fingerprinted, photographed, belongings are stored, and s/he is given prison clothing to wear. Police will usually run a warrant check to determine if there are any current arrest warrants in his/her name.

Non-felonies and Personal Recognizance Bonds: If the offense was not a felony (a misdemeanor/petty offense) the police can either issue a notice to appear in court or set bail. Arrestees must promise to return to court at a specific date and time. Felony arrestees must appear before a judge to have bond set.

Phone Calls: The defendant can make a phone call to a lawyer or to a family member or friend. Once in jail, the defendant can only make collect calls. Family members will not be able to call the jail to talk to the defendant. You may have to call the phone company in order to accept collect calls.

COURTS

First Appearance: The defendant will go before a judge and tell the judge if s/he intends to hire an attorney, represent him/herself, or have an attorney appointed (Public Defender). Public Defenders are not free. You will be billed for their services.

Preliminary Hearing: The defendant goes before a judge, with no jury, who determines if there is enough evidence to proceed.

Arraignment: The defendant enters a plea of not guilty or guilty. A trial date is set.

Pre-Trial Motions: These are matters that are decided between the judge and attorneys – like whether to admit certain evidence, whether to appoint a different judge, or whether to move the trial to another city.

Negotiated Pleas: Pleas are the usual end to this process. A negotiated plea is an agreement between the prosecution and the defense to recommend to the judge a certain sentence. The defendant may plead guilty to a lesser offense to shorten jail time. The judge will still have to approve the plea.

Trial: This is when a jury hears the evidence and makes a decision about guilt or innocence. If family members attend the trial, they should dress nicely, avoid drawing attention by laughing, crying or speaking during the trial. They should expect to be searched before entering the courtroom.

Sentencing: The judge determines the sentence, based on a Pre-Sentence Report, which a probation officer will complete by talking to the defendant and his/her family. When defendants are sentenced to prison, they stay in the county jail for days or weeks before being sent to the Department of Corrections. Sentences may be reduced by good behavior, educational incentives, and substance abuse counseling.

INCARCERATION

Admissions and Orientation: The purpose of the Admissions and Orientation is to evaluate your loved one to determine where s/he will be sent. A number of tests will be given. This is a temporary situation. S/he may not be able to call you. You cannot call him/her. This lasts about 3 – 4 weeks.

Incarceration: Your loved one will be assigned to a prison unit. S/he may not be confined to his/her cell as long as in county jail. S/he may have educational opportunities. There is a daily routine that includes three meals, work, and recreation.. Visiting can be more frequent if you live close by.

Visitation: Call the facility where your loved one is to find out days and times for visiting. You must be on a visitation list (supplied by your loved one) in order to visit. There are specific rules about what you can wear, what you can bring with you, how you must behave during the visit. Check with the prison ahead of time so you know what to expect. Visits can be comforting for you and your loved one; but they can also be stressful. Plan ahead about what you might do and talk about. Talk about your feelings with someone before and after the visit. Speak with respect to everyone, especially the staff.

Parole: Once your loved one has served their time, they will usually be released on parole. This means they are checked on by a parole officer. They have to obey all the laws as well as the rules that the parole officer sets up with them. If they don't, they could be returned to prison. Once your loved one is out, you would think this would be the happiest time, but it is often very stressful. You may worry about whether your loved one is going to stay out of trouble; there might be strong emotions and even fighting in your family as you try to make room for your loved one back into your lives.