

FOR WHAT IT'S WORTH

by: Chester Chuck Brost

As a follow up to last month's article, I thought it only appropriate that I explain a few of the things that you should remember should you find yourself under arrest and on your way to your local police station.

Following an arrest, you will usually be taken to the police station or headquarters for the division or precinct where the arrest took place. Your arrival will usually be logged in, however, police generally feel no obligation to make an immediate log entry when investigative reasons exist not to do so, for example, when an interrogation is in progress or when there is fear that your relatives or lawyer are looking for you, eager to obtain your release on bail or habeas corpus.

Whatever the logging in practice, you may be subjected to some interrogation by the investigating officers, before the full, official recording of your arrest. If the arrest charge is at all serious, a rank officer, detective, special deputy, criminal investigator, or other specialized investigative agent assumes responsibility for the case from the beginning and conducts the investigation and interrogation.

An interrogation is designed to secure several things (none of which can help YOU). First is the confession or admission of the offense for which you were arrested (and in some instances for crimes that you weren't arrested for); next they want you to implicate any other person's involved in the offense; and in particular cases, such as those involving the arrest of persons known or believed to be Club/gang members, the police will also seek to learn any information about recent developments within the organization or about its other members.

In addition to interrogation you may be subjected to other investigative procedures such as a line up or show up, you may be taken to the scene of the crime to "reenact" what happened; taken home or elsewhere to help the police find secreted weapons, loot, or evidence and; Asked to give consent to warrantless searches that, without this consent, would require a search warrant (for more on consent to searches see PROBABLE CAUSE AND THE CONSENT TO SEARCH... Free Riders Press July, 2004). You may also be subject to body specimens being taken from your person (hair, saliva, blood, swabs, washes or body scrapings) for laboratory analysis.

Each of these other investigative procedures may yield incriminating evidence.

You have to remember that you may have rights not to be subjected to some of these procedures and not to be subjected to others without the presence of counsel. But these rights can be waived and sadly they often will be waived because most people feel that they have to do what the police tell them to do and this just is not the case.

Should you find yourself being subjected to ANY of the above, the Constitution requires that you be permitted to make a call to obtain counsel at any point after arrest. The now-famous case Miranda v. Arizona, expressly requires that any in-custody interrogation be preceded by warnings to the suspect that: You have the right to remain silent; Anything you say may be used against you in court; you have the right to the presence of an attorney during interrogation; and if you cannot afford an attorney you have the right to appointment of counsel before any interrogation without cost to you.

If you call someone to get you a lawyer there are two things that you MUST

remember. The first and foremost is DO NOT speak about any details of the offense that you may know about over the phone and make sure that the person who is contacting a lawyer for you knows EXACTLY where you are.

The first and most emphatic advice any lawyer will give a client is NOT to talk to the police until you have had a chance to meet with the lawyer privately and discuss the case. You should say nothing at all except that your lawyer told you to say nothing. If the police ask you any questions or try to talk to you about anything tell them your lawyer told you not to talk. If they say anything about having evidence against you, or if they tell you what the evidence is, or if they bring someone in who says something against you, don't fall for it, they are just trying to get you to talk.

Ordinarily, a lawyer will advise his client to respond to all police questioning and accusations by saying explicitly: "My lawyer told me not to say anything until s/he gets here." This is preferable to just being silent for several reasons. It gives you something affirmative to say rather than having to suffer the discomfort of remaining silent in the face of interrogation. And, it avoids the risk that your complete silence may later be used against you as a "tacit admission" or as evidence to try and hurt your alibi or your explanation of things as a "recent fabrication."

Also, never talk to anybody-cellmates, codefendants, reporters evenvisitors that you know. Jailhouse snitches, turncoat rappies, and reporters who are police cronies have been responsible for countless criminal convictions, not to mention how disheartening it is to hear your own voice incriminating yourself during a tape recorded conversation you had with your wife or brother while you were in custody.

If you find yourself in police custody, you are not only in danger of interrogation, but also of being exhibited to possible eye witnesses for the purpose of identification as the perpetrator of the crime for which you were arrested, or of other crimes. Accordingly, if the police say anything about a lineup or such you must tell the police that you want your lawyer present during any identification procedure. If, however, you are placed in a lineup without counsel do not speak or answer any questions including your name, during the procedure. And, do not physically resist being exhibited. If the police insist on the exhibition even after your objection follow their orders with regard to stepping forward etc. You should never attempt to hide your

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American Biker Party
A political party for the true American
You do not have to be a biker to belong.
You just want what everyone wants....to be counted!!!
Our Mission is what every true American wants!!!
We, the members of the American Biker Party are in favor of returning
government to the original intent of our Founding Fathers.

Our tentative platform from what we have heard from the people that originally attended the first meeting is as follows:

- Health Care, Make it affordable to everyone. Return the health benefits to the Veterans that were promised to them.
- End the Patriot Act and the restoration of our civil liberties.
- Return American Employment to what it was before NAFTA and outsourcing.
- Strong support and funding to the military so they can do the job that is asked of them.
- Support of the Bill of Rights as written, not the interpretations given out by the court systems and other branches of the government.

If you have any of the same concerns as our platform, it is time to take action instead of complaining that things are not the way they used to be. The section that needs to be taken is to make our concerns count. This is how we do it. Since most of us cannot afford to pay a high priced lobbyist, we need to make our vote count. The only way to effect national and state elected officials is to have a large block of voters that vote as a group on the issues that affect them. That is why the American Biker Party was started. At this time we are signing up that large group of voters in all states to effect future elections. Become part of that group before we lose more rights. To become part of this change follow instructions below.

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