LAW CLASS
How Courts Work

Steps in a Trial

Arrest Procedures

When an officer arrests someone, the accused is taken into custody. Sometimes, for less serious offenses, defendants are issued citations to appear rather than being arrested.

•When people are taken into custody, before they are questioned, they must be informed that anything they say may be held against them in a court of law, and that they have the right to remain silent,

•consult with a lawyer before and during questioning, and

•have a lawyer appointed to represent them if they cannot afford one.

They are also told that they can exercise these rights at any time.

These are often referred to as the Miranda rights because the U.S. Supreme Court ruled in 1966 in Miranda v. Arizona that when law enforcement officers question people taken into custody, the evidence garnered from their interview cannot be used against them unless they have been informed of their constitutional rights to counsel and to remain silent.

If a person has been arrested without a warrant, law enforcement officials may hold him or her for a period of time necessary to handle certain administrative tasks (fingerprinting, checking to see if the person is the subject of any outstanding warrants, etc.) This time may vary depending on the facts of the case, but it’s quite brief, usually no more than 48 hours. They may not hold the person beyond that time without an initial or first appearance or arraignment before a judge.