



MY LOVED ONE WAS ARRESTED: WHAT HAPPENS NOW?

Here are some things
you should know if your
loved one was just arrested.

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[www.aclusandiego.org/
what-happens-now/](http://www.aclusandiego.org/what-happens-now/)

WHAT HAPPENS DURING THE BOOKING PROCESS?

This booklet was made in collaboration with people who have been impacted by the criminal justice system. It provides an overview of what to expect after your loved one is arrested and what you need to know if you plan to get involved.

This can be an emotional and confusing process, so it is helpful to become familiar with what occurs before making any key decisions.

QUICK GLANCE: WHAT HAPPENS AFTER ARREST?

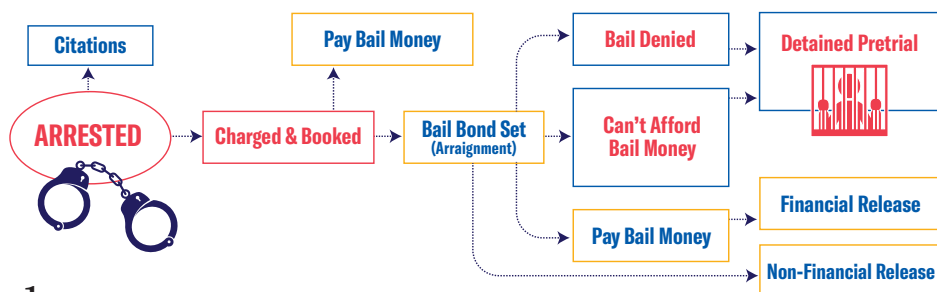
1. If your loved one is **arrested**, they will be taken to jail.
2. When they get to jail, they will go through booking. They will have an opportunity to contact you within three hours of booking.
3. In some cases, you may post bail and have them released immediately.
4. If bail isn't posted, they will be detained for about 48 hours (sometimes up to five days) until arraignment.
5. At **arraignment** the process follows this order:

Step 1: the district attorney will decide if charges will be filed; if so...

Step 2: your loved one will give their plea;

Step 3: bail will be decided; and

Step 4: a court date will be set.



ARREST AND BOOKING

The first thing that will happen is **booking**. Officers will collect your loved one's personal information, fingerprint them, search them, and confiscate their personal items.

HOW DO I FIND MY LOVED ONE?

The most common way to locate your loved one is through the website operated by the sheriff in whose county your loved one was arrested. There may be a section called "**inmate locator**" or "**who's in jail**" or "**who's in custody**" depending on the site.

You should search all names and aliases your loved one has used.

If you cannot find this search tool, you can also call the sheriff's office. **See the last page for the phone number to contact the appropriate office.** For additional information on locating your loved one, visit: www.aclusandiego.org/what-happens-now/

HOW DO I CONTACT MY LOVED ONE?

Your loved one will get three free local phone calls within three hours of being arrested. The call will be at your expense (a collect call) if your phone number is not local to the jail from which your loved one is calling. Keep your phone available and be prepared to answer their call. Your loved one may also use their calls to contact a lawyer or anyone else they need to reach.

*Phone calls **ARE** recorded, so **DO NOT** discuss the case over the phone. For example, **DO NOT** ask your loved one if they are guilty or innocent.*

JAIL HOUSE RELEASE

SHOULD I BAIL MY LOVED ONE OUT RIGHT AWAY?

Your loved one may have the option to post bail right after booking. The bail amount will be based on the charges for **which they were originally arrested**, even if the charges are later dropped or lowered.

Here are some things you need to know:

- If you choose to bail your loved one out right away, they will not need to wait in jail until arraignment.
- At arraignment, the district attorney will decide whether to charge your loved one. The judge may lower, raise, or keep the bail the same.
- The judge may also release your loved one without financial conditions.
- **If you purchased a bail bond, it is nonrefundable, even if the judge releases your loved one at arraignment or the charges are dropped.**

You may want to think about:

- Does my loved one need to be out right away (work, childcare, etc.)?
- Can they get released without having to pay anything if they wait in jail until arraignment? (see next page)
- How will spending as much as five days in jail affect my loved one?
- Will I be able to make all bail bond payments (even if charges are dropped or my loved one is released)?

CAN MY LOVED ONE GET RELEASED WITHOUT HAVING TO PAY FOR MONEY BAIL?

Own Recognizance Release

The judge will determine if your loved one is eligible for **Own Recognizance Release (OR)** at the arraignment.

OR release means you do not have to pay bail.

Instead, your loved one will sign a promise to return to court.

When deciding whether to grant OR release, judges consider:

- How likely is your loved one to return to court;
- Your loved one's ties to the community; and
- Whether your loved one is a threat to public safety.

Your loved one may **not** be eligible for OR if they are accused of a violent or serious felony, have a prior criminal record, or have failed to appear in court in the past.

How you can help:

The best thing you can do to support your loved one is have as many family/community members as possible attend the arraignment. This can show the judge that your loved one has strong ties to the community.

You can write a one-page document for the public defender that includes: your loved one's contact information, a list of family members, your contact information, and where your loved one lives and for how long they've lived there.

HOW DO BAIL BONDS WORK?



WHAT DO I NEED TO KNOW BEFORE BUYING A BAIL BOND?

How do bail bonds work?

A bail bond company will help you post bail in exchange for a nonrefundable fee (usually 10% of the bail amount).

For example, if bail is set at \$50,000, the bail agent will charge a nonrefundable fee of \$5,000. They might not make you pay the full 10% to have your loved one released. Instead, they might offer you a payment plan.

What are you getting into?

Using a bail bond company's services requires entering a legally binding contract. They may require you to:

- Sign over legal rights to property, like homes or cars;
- Have additional people sign the contract (called co-signers or indemnitors); and/or
- Enter into a payment plan that can last for several years.

What happens if your loved one doesn't show up to court?

- *Anyone who signed the contract will be responsible for the full bail amount (e.g. the full \$50,000).*
- The bail bond company can take possession of your home or car and collect debt from anyone who signed the contract.

TIPS FOR DEALING WITH BAIL BOND COMPANIES

Keep a copy of everything you get from the bail bond company!

Look at every part of your contract, ESPECIALLY:

- How much will you owe?
- What dates will you need to make payments?
- How can you make payments? Cash? Checks?
- What other conditions are part of the agreement?
- What happens if you don't meet all of the conditions?
Can the bail bond company take your property?
- Can the bail bond company have your loved one taken into custody and, if so, under what conditions?

MAKE SURE YOUR LOVED ONE MAKES ALL COURT DATES!

If for any reason your loved one can't keep a court date, make sure they get in touch with their attorney right away.

Can you pay the full bail amount without a bail bond?

Yes, you can also pay the full bail amount (e.g. \$50,000) directly to the court or jail. If you post the full amount of bail, it is refunded (minus some court fees) if your loved one shows up to court. If they do not show up to court, you owe the full amount (just as you would owe a bail bond company).

SHERIFF OFFICES

BY COUNTY

Alameda (510) 272-6878
Alpine (530) 694-2231
Amador (209) 223-6521
Butte (530) 538-7321
Calaveras (209) 754-6499
Colusa (530) 458-0205
Contra Costa (925) 335-1500
Del Norte (707) 464-4191
El Dorado (530) 573-3000
Fresno (888) 373-7011
Glenn (530) 934-6441
Humboldt (707) 445-7251
Imperial (442) 265-2220
Inyo (760) 878-0370
Kern (800) 844-6591
Kings (206) 296-4155
Lake (707) 262-4240
Lassen (530) 251-5245
Los Angeles (213) 473-6100
Madera (559) 675-7770
Marin (415) 473-7250
Mariposa (209) 966-3615
Mendocino (707) 463-4423
Merced (209) 385-7410
Modoc (530) 233-4416
Mono (760) 932-7549
Monterey (831) 755-3700
Napa (707) 253-4401
Nevada (530) 265-1218

Orange (714) 647-4666
Placer (530) 889-4000
Plumas (530) 283-6267
Riverside (951) 955-2400
Sacramento (916) 874-6752
San Benito (831) 636-4060
San Bernardino (909) 386-0969
San Diego (858) 974-2222
San Francisco (415) 554-7225
San Joaquin (209) 468-4310
San Luis Obispo (805) 781-4600
San Mateo (650) 216-7676
Santa Barbara (805) 681-4100
Santa Clara (800) 211-2220
Santa Cruz (831) 454-7800
Shasta (530) 245-6100
Sierra (530) 289-3700
Siskiyou (530) 841-2900
Solano (707) 784-7100
Sonoma (707) 565-2650
Stanislaus (209) 525-7114
Sutter (530) 822-7307
Tehama (530) 529-7910
Trinity (530) 623-2611
Tulare (559) 802-9400
Tuolumne (888) 243-9939
Ventura (805) 654-3335
Yolo (530) 668-5245
Yuba (530) 749-7777