

Chapter One: The 2:00AM phone call

Nothing is more alarming than being awakened at 2:00 in the morning by a phone call from the police telling you that they are calling about a loved one. Once you get past the initial terror of thinking that someone you care about has just been involved in a fatal accident, you need to recognize there are several things you can do to help the situation.

There are four areas where you can be helpful at this stage:

1. Gathering Information
2. Reminding your loved one to ask for a lawyer
3. Deciding whether to go to the jail
4. Hiring an Attorney
5. Gathering Evidence

We will go into greater detail on each of these categories later in the book, but this chapter will serve as a quick reference if you need it in the future.

Gathering Information

At this initial stage, the exact nature of the criminal charge is unimportant. It's better to have a "just the facts" mentality. You will have plenty of time to find out all about the charges later on. The normal human reaction is to ask questions like: What did my loved one do? or What are you charging him or her with? Because of the limited amount of time you will have during this initial phone call, put those types of questions on hold.

Getting emotional at this point will not help. Instead, you should be concentrating on very practical questions like:

- Is my loved one ok?
- Where are they now and where are you taking them?
- Which law enforcement agency is processing this case?
- What is the case or incident number?
- What is the name of the officer involved and how can I contact him or her later?

Law Enforcement

Each state has several different types of law enforcement officers. For example, Washington State has Sheriffs, Deputy Sheriffs, City Police Officers, County Police Officers, and State Patrol Officers. If you want to find out more about a case, you will often have to contact the individual agency; which means you need to find out which agency is handling your loved one's case. If possible, get the officer's direct phone number – it will save lots of searching later.

Case Number

Each time a law enforcement officer is involved with a case, they use a unique number to identify the contact. By getting this number, you can track down more information about the case later.

Vehicles

If a vehicle was involved, find out if it will be left at the scene or towed. If it is left at the scene, where exactly is it? How long do you have to remove it before it is impounded? If it is towed, who towed it? The longer a vehicle stays in the impound lot, the more expensive it will be to get out.

Reminding your loved one to ask for a lawyer

If you are talking directly to your loved one, remind them to ask for a lawyer before answering any questions. Requesting a lawyer will stop all questioning by the police and cannot be used against your loved one later.

Deciding whether to go to the jail

If your loved one is being taken to jail, find out which one and get the address. While this may not be a problem in small towns, there can be several jails in larger communities. Be prepared that you may not be able to see your loved one until they are released or until visitation is set up. Depending on the jail involved, this can be several days.

It is possible that your loved one could be released immediately after being booked into jail. The main factors involved in the jail staff's decision to release are: the seriousness of the charge and how crowded the jail is. In less serious criminal cases, be available by phone so your loved one can call you when they are ready for a ride home.

Hiring an Attorney

If your loved one is in jail, get an attorney. Attorneys have much greater access to someone in jail than you will. This means that they may be able to see your loved one right away and possibly even interrupt any interrogations that are in progress. They may also be able to take pictures of any injuries while they are still fresh. Finally, they can relieve a huge amount of stress just by being there and reminding the Arrestee that they have someone on their side. You should be

able to find an attorney that will make jail visits, even in the middle of the night, simply by going through the phone book or looking on-line. Most phone books will list "Attorneys" by categories; you want the "Criminal Defense" section. Look for ads that indicated the attorney is available twenty-four hours a day. If all else fails, talk to an attorney the next morning.

Gathering Evidence

Some crimes, like alcohol related driving offenses, have evidence that will disappear soon after arrest. You can help your loved one by securing evidence of their sobriety level. Contacting them as soon as possible after arrest will let you determine for yourself how intoxicated they were. Are there witnesses still around? Having names, addresses, and contact numbers can be a lifesaver later on. Take pictures of any injuries as soon as possible.

Don't rush into any decisions at this point. Rather, find out as much information as you can. The Court System is incredibly slow, so you will have plenty of time to ask questions and find out what the options will be for resolving any troubles your loved one is having.

Example

Suppose your loved one is accused of Assault. He or she admits hitting the other person but says that it was in self-defense. The police will try to take statements from both people involved and may or may not take pictures. Since not all bruising is immediately visible, taking pictures a day or two later can show defensive wounds that the police missed. Some people don't like speaking with law enforcement officers but may be perfectly willing to talk about what they saw to someone less threatening. Having your loved one write down who was present during the event and how to get a hold of them might make all the difference when it comes time to defend the case in court.

Chapter Summary

- Getting emotional will not help. Especially at the beginning of a criminal case, use your time to gather as much information as you can. See Worksheet number 1.
- If you are able to talk with your loved one, remind them to either remain silent or to ask for an attorney.
- Find out if your loved one will be taken to jail and whether they will be released right away. Will they need a ride back home?

- If your loved one will be held at the jail, make arrangements for a lawyer to talk with your loved one right away. Also, decide whether or not you will try to go to the jail yourself.