

What happens to personal property you may have with you?

If you are booked into a jail, the police may take money and property from you for safekeeping. They will carefully inventory your money and property and give you a copy of the inventory.

At the time of your release or at the conclusion of your case, your property that was not seized as evidence in the case will be returned to you. You will be given an opportunity to sign the property list. Make certain the list includes all the items taken from you.

How may you be released?

You may be released on bail. This involves the posting of either cash money or a bail bond as security for your court appearance.

In some cases you may be released upon a personal recognizance (your promise to appear in court when directed).

When you are brought before the magistrate, you may request that the magistrate lower your bail in consideration of your ties in the community, financial resources, employment record, or other factors.

How do you arrange for a lawyer?

If you are not acquainted with a lawyer and have no lawyer whom you would call, you may contact the State Bar of Texas Lawyer Referral and Information Service by calling toll-free, 1-877-9TEXBAR.

If you cannot afford a private lawyer, you should advise the judge of this fact at your first appearance or as soon as possible. The judge will ask you some questions to see if you are eligible for the services of an attorney at public expense.

For additional copies, please contact:
State Bar of Texas
Public Information Department
P.O. Box 12487
Austin, TX 78701

800-204-2222, ext. 2610

www.texasbar.com

If You Are Arrested



When are you under arrest?

You are arrested when law enforcement officers take you into custody or otherwise deprive you of your freedom of movement in any significant way in order to hold you to answer for a criminal offense.

You may, in fact, be under arrest even though no one has actually used the word “arrest.”

What rights do you have when you are questioned by the police?

1. You have the right to remain silent.
2. If you choose to speak, anything you say can be used against you in court.
3. If you decide to answer any questions, you may stop at any time and the law requires all questioning to cease.
4. You have a right to consult with your attorney before answering any questions. You have the right to have your attorney present if you decide to answer any questions, and if you cannot afford an attorney, one will be provided for you or appointed for you by the court without cost to you before any further questions may be asked.

What are your rights after you have been arrested?

You have a right to know what crime or crimes with which you have been charged.

You have the right to communicate by telephone with your attorney or family or friend or bondsman as soon after you are brought to the police station as practical. The police have a right to complete their booking procedures before you are allowed to use the telephone.

May a law enforcement officer detain you without arresting you?

If there is a reasonable suspicion that you may be involved in criminal activity, a police officer may require you to identify yourself and explain your presence at a particular time.

If the officer has reasonable grounds to believe that you are armed and/or that you may be dangerous, he or she may conduct a limited pat down of your outer garments for the purpose of detecting weapons.

The officer may ask you questions pursuant to an investigation. You have a constitutional right to not answer them, but if you refuse to identify yourself, the officer may have grounds to make an arrest.

At the conclusion of this temporary detention, the officer must either arrest you or let you go.

When may you be arrested with a warrant?

A police officer may arrest you at any time if there is a warrant for your arrest or if they have knowledge that a warrant for your arrest has been issued.

A police officer must show the warrant to you as soon as possible and inform you of the offense charged.

When may you be arrested without a warrant?

A police officer may make an arrest without a warrant only under certain limited circumstances in Texas. An officer may arrest anyone who commits an offense in the officer's presence or within the officer's view. An officer may arrest a person if informed by a credible person that a felony has been committed and that the offender is about to escape and there is no time to get a warrant. Examples of felonies include the more serious crimes such as murder, rape, robbery, burglary, and sale of narcotics.

What force may the officer use in making an arrest?

The officer may employ all reasonable and necessary force to overcome resistance in making a lawful arrest.

Resisting arrest or obstructing or interfering with an officer in the performance of the officer's duty may be a criminal offense.

You could be convicted of either of these crimes, even if you were found not guilty of the crime for which you were arrested.

When may you be searched?

If you are arrested in your home, officers may conduct a limited search of the immediate area where you are arrested without a search warrant. They may also check the rest of the house for any accomplices. They may seize any contraband, stolen property, and/or evidence of a crime discovered in plain view in any portion of the house where the officers have a right to be.

When you are arrested while driving your automobile, the officers may make a limited search of your car at that time for the purpose of discovering weapons which might be used against them. They may not make a general search of your automobile unless there is independent probable cause that the vehicle is carrying evidence of crime or contraband. If a search is requested by an officer, you are not required to give consent.

You may object to a search or police procedures, but always do so respectfully and do not physically resist the officer's actions.

What procedures are usually followed when you are arrested?

1. The officer will take you to a police station, jail, or other detention facility.
2. Upon arrival at the jail or shortly thereafter, you will be afforded the opportunity to contact an attorney.
3. You will be advised generally as to the charges against you.
4. You may be required to:
 - participate in a lineup,
 - prepare a sample of your handwriting,
 - speak phrases associated with the crime with which you are charged,
 - wear certain clothes, and/or
 - give a sample of your hair, blood, etc.

YOU SHOULD REQUEST TO HAVE YOUR ATTORNEY PRESENT DURING ANY OF THE PROCEDURES BELOW.

5. You may also be required to be fingerprinted and photographed.
6. You must be taken before a magistrate (a court official that may exercise some functions of a judge) within a short time of your arrest. The magistrate will inform you of the charge filed against you and your rights.