



Post Arrest & Release Notes

Intro: This doc was adapted from the *J20 We're Glad You're Free Outtake Packet*. It is designed to provide info that may be relevant for folks who have been released from police custody within the District of Columbia (either directly by the police or by a judge). The info in the following pages is intended to let you know what comes next (depending on the arrest & release scenario), how and where you get your stuff back, what to do if you're having a bad time emotionally (and who is around to help), and what choices you may have, if you are interested.

Note: This packet may or may not contain info that is relevant to your specific scenario. Please understand that none of this is legal advice. You should only seek legal advice from a lawyer you trust. The DC Justice and Solidarity Collective will not provide legal advice but might be able to direct you to lawyers who will if you contact us. We can be reached at info@justiceandsolidarity.org OR phone # 202-544-8611. Be aware that this phone number runs to a monitored voicemail EXCEPT when hotline support has been pre-arranged. We will do our best to return messages promptly.

In addition, much of the material is related to what happens if you are arrested and charged under District of Columbia (local) law, and really doesn't apply in the event that you are arrested on "federal" charges. Generally speaking, at demos in D.C., arrests are locally charged, so we did not include info about "federal" charges.

The First Thing for you to **KNOW** is that **WE LOVE YOU AND WE'RE SO GLAD THAT YOU'RE FREE!** **The first things** for you to **DO** are to **Eat Something Yummy; Relax;** and **Hug** &/or **Call** the **People You Love**. After you've done enough of that, and all the people who have been worrying about you know that you're out, take a few minutes to read this material carefully.

April 2005

DISCLAIMER: The material in this packet is for general informational purposes only and should not be relied upon as legal advice. If you have a legal question, you should consult an attorney in your jurisdiction regarding your own particular facts and circumstances.

Section One: What to expect (depending on what has happened so far)

The most likely scenarios of what happens to activists arrested in DC for protest related activity are listed here with a brief description of what comes next under each scenario.

1) I just got of jail with a citation to return to court (cite-out) from a district police station, Blue Plains, or elsewhere.

The court date that you just received will be for your arraignment. You must show up personally for this arraignment. At your arraignment, the judge will require that you enter a plea to your charge. That judge will expect you to choose between a plea of Guilty or Not Guilty. You should feel free to approach this question more creatively if you want to. Judges usually end up interpreting these creative pleas as Not Guilty. Please be aware that you maintain greater rights with regard to fighting the charge(s) against you by entering a plea of Not Guilty. Failing to return to court at the date you have been assigned will likely result in a warrant being issue for your arrest.

You should make arrangements to consult a lawyer about representing you at your arraignment (and beyond at your trial) well in advance of the arraignment date on your cite-out. If you are interested in representing yourself, you should consult a lawyer who is willing to act as your attorney-advisor (called going pro se → See Section 3 & give the Collective a call to ask about setting up a pro se training.)

If you are facing misdemeanor charges at your arraignment, and are “poor,” unemployed, or area a full-time student you may be entitled to a Criminal Justice Act (CJA) lawyer free of charge. If you are facing a felony charge, you may be entitled to a Public Defenders Service (PDS) lawyer. You should make arrangements to consult a lawyer about representing you at you arraignment (and beyond at your trial) well in advance of the arraignment date on your cite out. In order to find out if you are eligible for either a CJA lawyer or a PDS lawyer, you should fill out any necessary paperwork after contacting or visiting the Pre-trial Services Office in the District of Columbia Superior Court. (500 Indiana Avenue, NW; Phone: 202-585-7030).

2) I just took a Post and Forfeit.

If you’ve taken a Post and Forfeit, that is, within a certain amount of time you “posted” collateral (paid a fine) and forfeited your right to go to court to contest the charge, you will not have a criminal conviction on your record for that charge and you do not need to return to court. If you want to challenge the illegality of your arrest or the treatment you received from police, please see the civil suit section (question 1 under Section 5: Choices). If you happen to be reading this

before you have accepted a Post and Forfeit that the police are offering, please consult a lawyer, if you can, about the pros and cons of accepting it, and do not rely on the police to give you proper information regarding the procedure.

If you post and forfeited (i.e. paid money to be released and waived your right to a trial) **and have decided that you want a trial** you'll need to fill out a form at Superior Court. It's called filing a Motion to Set Aside Forfeiture, but don't let the legalese scare you.

1. Go down to Superior Court, 500 Indiana Avenue, NW, Room 4000 (Judiciary Sq Metro Stop).
2. Ask for the form (to set aside the forfeiture) & fill it out
3. Walk it over to the Office of the Corporation Counsel, 441 Fourth St, NW, Ste 450 North
4. Ask that a lawyer in the Counsel's office sign the form
5. Take the signed form back to the Superior Court, Room 4021. A hearing date should be assigned.

3) I just got of jail with nothing (“no paper” release).

You have an arrest record that will stick, but have nothing pending in the system. If you want to challenge the probable illegality of your arrest or of the treatment you received from police, please see the civil suit section (question 1 under Section 5: Choices) and if you want to try to have your record sealed or expunged, please see question 2 under Choices.

4) I was just released from Superior Courtroom C10 (juvenile or traffic court) after being held and the judge gave me a court date.

The hearing you just had is called an arraignment or presentment before the judge to determine the possibility of release. Either way, you just had your release hearing. The judge decided that you could be released on your personal recognizance. The court date that you received will be for your Status Hearing (also known as your arraignment/entering your plea if you just left your presentment hearing) or maybe even your trial. While it is less likely that this subsequent court appearance will be your trial, it is, however, possible so you MUST make sure that you understand what the next date is for before you leave the area. The Criminal Justice Act (CJA) or Public Defenders Service (PDS) lawyer that was at your arraignment/release hearing will represent you at your Status Hearing (when you enter your plea). You should make arrangements to talk to them before that date. If you have major problems with your lawyer, the DC J&S Collective may be able to put you in touch with another lawyer. Feel free to give us a call, but DO NOT rely on us to participate in getting you a lawyer. We'll always try to help when we can, but we promise nothing because our recourses

are limited. Also, if you think you might be interested in representing yourself, you should consult a lawyer who is willing to act as your attorney-advisor. This is called going pro se. (Please see Section 3 and & give the Collective a call to ask about setting up a pro se training.)

At your Status Hearing, the judge will require that you enter a plea to your charge. That judge will expect you to choose between a plea of Guilty or Not Guilty. You should feel free to approach this question more creatively if you want to. Judges usually end up interpreting these creative pleas as Not Guilty. Please be aware that you maintain greater rights with regard to fighting the charge by entering a plea of Not Guilty. Failing to return to court at the date you have been assigned will likely result in a warrant being issue for your arrest.

5) I was just released from Superior Courtroom C10 (juvenile or traffic) after being held and the judge “no papered” me.

You have an arrest record that will stick, but have nothing pending in the system. If you want to challenge the probable illegality of your arrest, please see the civil suit section (question 1 under Section 5: Choices) and if you want to try to have your record sealed or expunged, please see question 2 under Section 5: Choices.)

Section Two: Where & how do I get my property back?

If you were released directly by police from a holding facility (without seeing a judge), your property should have been returned to you before they let you out. If it was not, go directly back to the location where you were released and ask them to give you your property back. Your Property Slip will likely be needed so hold on to it until you get your stuff back.

If you just went before a judge and were released directly from the courthouse, you need to use your property slip to track down your stuff. You will need to go back to the location where you were held and give them your property slip. They will use that slip to track your stuff and give it back. Please be aware that if you have charges pending, your property may be held as "evidence" by police if they think it may be useful to them during your criminal trial.

Property is initially kept at the station where you are first taken. Each station has a property office. If you were moved to multiple location while held, your property may or may not have been moved with you. It may have been transferred or it may have been kept at the original station. The best thing to do is to call the district police station where you were initially held and/or processed, and ask for evidence control/the central property office. If you give your name to the property control officer, they will track your stuff. Be aware that they will ask for identification before releasing your property. The phone numbers and addresses

for all D.C. district police stations and for Blue Plains are located at the back of this doc & most others, which are available at www.justiceandsolidarity.org.

If you need to leave Washington, D.C., you must leave your property slip with an affidavit authorizing someone else to pick up your stuff. You should ask your lawyer or attorney advisor about this. You can also try calling the Collective with questions about how to do this, but remember the note about our availability mentioned above.

Note: The police often change their procedures without warning, so there is no guarantee that this information is correct for your individual situation. It is always best to call first. Also, this information only applies if you were arrested by the Metropolitan Police Department (MPD, the Washington, D.C. city police). If you were arrested by other law enforcement officials, for example, Park Police, you will need to contact them for information. Please know that there are a large number of law enforcement agencies in the Washington, D.C. area that may be participating in the arrest and/or holding of folks arrested on January 20. The numbers for all of these agencies are also at the back of this doc & most others, which are available at www.justiceandsolidarity.org.

Section Three: Who is my lawyer & what if I want to represent myself?

If you were charged with a misdemeanor, you were (or will) likely be appointed a **Criminal Justice Act lawyer (CJA)**. These are private practice lawyers that are paid by the city to represent folks. Some of these lawyers are friendly, sympathetic, progressive and wonderful; others are not.

If you were charged with a felony (a more serious charge than a misdemeanor) you were (or will) likely be appointed a **Public Defender Service (PDS) attorney**. Unlike CJA attorneys, PDS lawyers are employed by the District of Columbia to defend folks who cannot afford a lawyer. PDS lawyers are not in private practice and they tend to be politically progressive types who choose to work for the Public Defender Service because they want to represent people who otherwise could not afford a lawyer. In D.C., PDS lawyers are considered some of the best criminal defense attorneys.

Going Pro Se means representing yourself. You can do this with the help of an attorney-adviser or on your own. There is a manual available at our website that can be used as a legal resource to help you in this process. While this can be an empowering experience, and has been done effectively by activists in the past, this choice is not for everyone. You need to consider your individual circumstances. We recommend that you talk to an attorney or to your potential attorney-adviser before finalizing a decision to go this route. One member of the J20 Legal Support

Team has extensive experience in defending herself pro se and would love to share what she knows by training you!

DC also has fabulous **NLG lawyers** who work with Collective members (who are also NLG members) doing legal support during DC demos when those arrangements are made in conjunction with organizers in advance of local actions. Depending on the scenario that led to you reviewing this doc, these folks may or may not be available, but they're great. Again you can try giving the Collective a call to put you in touch. The **National Lawyers Guild (NLG)** is an association dedicated to affecting necessary change in the structure of our political, legal and economic system. The NLG seeks to unite lawyers, law students, legal workers, activists, and jailhouse lawyers in a shared struggle to bring about a world where "human rights shall be regarded as more sacred than property interests."

Section Four: I'm having a hard time emotionally. What can I do for myself and for my friends? Who is around to help?

Instances of brutality, even when not directly experienced, tend to have varying effects on different people. Whether you are injured physically or not, one can sustain "psychological trauma" as a result of bearing witness to situations of violence. It is thus imperative that activists take care of one another emotionally, as well as medically.

The condition most commonly affecting activists as a result of traumatic events, experienced or observed, is known as "acute stress response," or critical incident stress." Symptoms include re-experiencing the events (dreams/nightmares, obsessions, intrusive memories, flashbacks, etc); avoidance (amnesia, substance abuse, self-isolation, etc); increased arousal (insomnia, irritability/outbursts, difficulty concentrating, etc). These effects are not signs of insanity. You are not alone in experiencing them.

The best known means for dealing with acute stress include: (1) getting to a place that feels safe, and surround yourself with people with whom you are comfortable; (2) "processing" the experience, especially by telling the story or otherwise expressing the emotions surrounding the events which led up to your stress reaction. "Processing" should take place before the next time you go to sleep, and can take the form of writing, creating art, crying, dancing, or even taking action against oppression.

Affinity groups should make a "critical incident stress debriefing" part of their standard routine following each and every day of action in the streets. Strength is a product of cohesion and unity – so exercise it. safely. If you have been trained in first aid or herbalism, and you are confident in your knowledge, skills and

judgment, don't hesitate to be prepared for medical emergencies, even if you are not a designated medic.

NOTE: The info above is from our dear friend, respected activist and healer, Rodney. For further resources, check www.starhawk.org/activism/activism-writings/genoatrauma.html & www.walterzeichner.com/aftercare.html.

Before writing having a look at the civil suit section, if you think you might be interested in suing for what happen to you. (question 1 under Section 5: Choices)

Folks needing aftercare referrals can call the NYC medic collective at 1-888-744-7856. If no one answers, leave a message in the aftercare mailbox. Another (non-activist) PTSD Resource: The PTSD Alliance describes itself as a “group of professional and advocacy organizations that have joined forces to provide educational resources to individuals diagnosed with PTSD and their loved ones; those at risk for developing PTSD; and medical, healthcare and other frontline professionals.”

(PTSD Alliance contact info: website: www.ptsdalliance.org, phone: (877) 507-PTSD (not a support hotline), e-mail: info@ptsdalliance.org)

Section Five: Choices

1) Civil Suit: What if I want to sue the cops for violating my rights?

a) Civil Notice Requirement

If you think you might want to sue (even if you're not sure yet), you **must** write a letter to the mayor to preserve your right to sue the city. **This should be done immediately!** The letter need only contain the approximate time, place, cause, and circumstances of the injury or damage. Injury includes arrest without probable cause, unlawful detention, physical harm, intentional infliction of emotional distress, harassment, or any other violation of your rights. Don't worry about pinpointing the particular violations while writing the letter; it is enough to say that the District of Columbia and the police violated your constitutional and common law rights. It can be simple and short and should say that you are “writing the letter pursuant to D.C. Code Section 12-309.” If you are concerned about getting the letter exactly right, consult an attorney.

If you can, send the letter certified and return receipt or hand-deliver it. Send the letter to Mayor Williams. It is also a good idea to send a copy to Police Chief Charles Ramsey.

Mayor's Address:
Anthony Williams
Mayor, District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Chief Charles Ramsey's Address:
Charles Ramsey, Chief of Police
Metropolitan Police Department
300 Indiana Avenue, NW
Washington, DC 20001

b) Police misconduct forms:

If you want to file a Police Misconduct Report, you can use the one located at our website: www.justiceandsolidarity.org. **Do not submit the form to DC J & S. The completed form should ONLY be submitted to a lawyer** you trust who is willing and interested in using the info you provide to help with a civil or criminal case. You can call the Collective with questions about filling out the form. We will not provide legal advice, but we might be able to direct you to lawyers who can provide legal advice OR who might be willing to intake your Police Misconduct Report.

c) Draft a Narrative of your experience:

Writing down a detailed account of exactly what happened to you can help you to work through any trauma you might have as a result of your experience. It is important to do for that reason alone. However, if you are interested in suing the city or have criminal charges pending, it can also be used as evidence. It is important to think about the specifics of your situation and about your potential interest in a civil suit before you write out your experiences. This is because in a civil suit the judge (or rules of civil procedure) may require that your attorney turn over certain kinds of written material to the other side. If you are interested in a civil suit, you would not want this to happen. The best thing to do if you think you might want to file a civil suit against the city is to talk with a lawyer who is interested in representing you BEFORE you write anything. Talk with this lawyer about the methods that they have to protect what you write as “privileged” material. This means that what you write remains a secret between you and your lawyer. The methods you use to protect your narrative that you write could impact pending criminal charges and should be discussed with your criminal defense lawyer.

2) I'd like to seal or expunge my arrest record, how can I do that? (This choice **only applies if you were **no-papered** or your charges were **dismissed**.)**

If your charges were dismissed or you were “no papered,” it may be possible to have your arrest record sealed (also called expunged in some places). It is a more complicated process than the letter to Mayor Williams discussed above. **You (or your attorney) must file the motion to seal your record within 120 days of the dismissal and you have to pay a \$20.00 court fee.** Consult your CJA or

PDS lawyer about the details of filing this motion – **known as the Hudson Motion (DC Code Rule 118)** – based on the specifics of your arrest. If the lawyer you talk to is not interested in helping you with this, you can try contacting the Collective and depending on the circumstances and our recourses, we might be able to put you in touch with a lawyer who can advise you. Please note that filing the motion does not guarantee that your record will be sealed.

This info provided by the D.C. Justice and Solidarity Collective.
We do not operate as lawyers. We do not give out legal advice. We do want to change the world.

Love and Solidarity, DC J&S, (202) 544-8611
info@justiceandsolidarity.org, www.justiceandsolidarity.org

IMPORTANT NUMBERS and CONTACT INFO

Note: This list was last updated for 2005 INAUGURATION ACTIONS

DC Justice & Solidarity Collective:

202-544-8611

We love you!! We drafted this doc so that folks could do this work with or without us. If you're reviewing this while planning: give us a call with questions, for support, for encouragement, or to suggest better ways to do this work if you have any.

If the day of an action and you're in the midst of doing street support: We love you & know you are doing a kick ass job!!! Call the number that was designated for your action!!!!

If you're in a crunch and want to reach us: Know that our number usually runs to a voice mail (which is checked regularly) EXCEPT when use of the number as a activist support hotline has been pre-arranged!!!

Police:

Police Information (non-emergency):		311
Public Information:		727-4383
Mayor:		727-2980
Chief of Staff:		727-2643
First District:	415 4 th Street, SW	727-4644
Substation:	500 E Street, SE	727-4660
Second District:	3320 Idaho Ave., NW	282-0070
Note:	off Wisconsin Avenue above Massachusetts, NW	
Third District:	1624 V Street, NW	673-6815 673-6930
Fourth District:	6001 Georgia Ave., NW	576-6745
Fifth District:	1805 Bladensburg Rd., NE	727-4510
Sixth District:	100 42 nd Street, NE	727-4520 727-4958
Substation:	2701 Pennsylvania Ave., SE	727-3622
Seventh District:	2455 Alabama Ave., SE	698-1500

DC Police / Courts (Other):

Blue Plains	4665 Blue Plains Dr., SE	645-0055
Note: Training Academy sometimes used for mass arrest processing. Located off Pennsylvania Ave. SE		
Police Headquarters:	300 Indiana Ave, NW	727-2713
Central Cellblock:	300 Indiana Ave., NW	727-4222
(located at Police Headquarters)		
US Marshal:		616-8581
Central ROC	501 New York Ave., NW	727-2894
Special Operations Division		727-4641
Note: in-charge of permitted demos		
US Capitol Police		
Headquarters:	119 D Street, NE	228-2800
US Park Police	1100 Ohio Dr., SW	619-7105
Note: No holding facility		
DC Superior Court		879-1010
5 th & Indiana Avenue, NW		
Judiciary Square Metro Stop – red line.		
Note: Arraignments held in C-10		
Pre-Trial Services		585-7030