



what to expect
when a
loved one
is **ARRESTED**



THE NEXT MOVEMENT

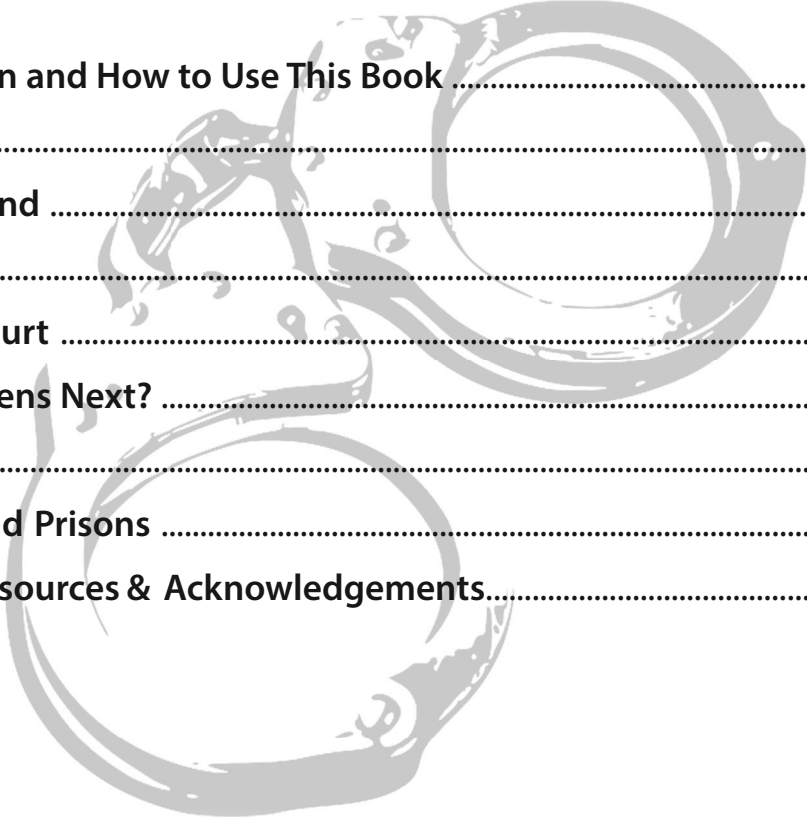
1. Vision: The U.S. justice system is inhumane and immoral, and can only be changed through the efforts of everyday people passionately working to educate and inform their communities. Core to our success is the conviction that America is committing an incredible injustice on entire populations of its own citizens and, that brought to light, average Americans will become allies in the fight for justice and human rights.

2. Mission Statement: The Next Movement exists to end the mass incarceration of African Americans, other men, women and youth of color, the poor and disadvantaged, and to remove the structural injustices inflicted upon the currently and formerly incarcerated, returning their full rights to them.

3. Core Activities:

- Partnering with like minded organizations, faith-based institutions and individuals around a common set of principles to further our vision and mission.
- Educating the public on the issues surrounding mass incarceration.
- Developing and implementing strategies and tactics internally, and providing linkages to share best practices among partner organizations externally.
- Engaging with and developing youth leadership in all aspects of our work.

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“A Loved One Is Arrested!”

What the Family Needs to Know, What the Family Can Do

Introduction

When someone you love is arrested, the whole family is affected. This book was written to help you through the “system” of the legal process and, if necessary, through the transition to prison visiting.

While this is undoubtedly an emotional and traumatic time, you are not alone. Other families have survived this trauma. Several of those families have taken the time to write portions of this book and many contributed their opinions to the entire manual. Other writers are lawyers, and people in prison and family ministry who gave their time to write because of their concern for you and their hope that this information will help and strengthen your family.

It was the kindness of those people that brought an initial version of this book to us, The Next Movement committee of the Trinity United Church of Christ Prison Ministry. The generosity of the originators, identified in detail in the acknowledgements, allowed us to use their initial document extensively, and add only those comments and details that we thought appropriate for our jurisdiction and audience. The result is the informational resource you hold in your hands.

You are not alone. “I will never leave you or forsake you.” Hebrews 13: 5 (NRSV)

How To Use This Book

As you read through this book, we certainly recognize that both men and women are subject to being arrested; but you will find that in the majority of the material we refer to “him, his, he” – this is purely for ease of reading and not to make the assumption that the arrested party is always a man.

After you have read this book, give it to a family who needs the information. The original writers, and the parties that made the current revisions for this edition, give their permission to print any portion or the entire book.

ARREST

First Police Contact

It is important to remember that when a citizen is confronted by police, the courts will determine the legitimacy of the investigative stop or arrest by information known to the police at the time and not what the citizen believes. Simply stated, it is unlawful for citizens to disobey or resist the arresting officer, even during an illegal arrest.

To arrest a citizen, the police must have probable cause to believe a crime has been committed, and the citizen is involved. Probable cause means facts that would cause reasonable people to believe a crime has been committed. The police, however, may briefly detain, question, and search a citizen if they believe facts exist that give rise to a reasonable suspicion to believe that the citizen has engaged in or is engaging in criminal activity.

For example, if the police observe a citizen as the only person running away from the direction of where gun shots were fired. Another example is where a citizen is just standing at a bus stop, but the police observe that he matches the description of an individual involved in a robbery which occurred in the past few minutes a couple of blocks away. These examples do not amount to probable cause to arrest, but may give the police a reasonable basis to stop the citizen for questioning. This stop is commonly known as a "Terry Stop."

Miranda Warnings

When one is confronted by police, he does have the right to remain silent. It is the first right enumerated in what is commonly called "Miranda Warnings" after *Miranda v. Arizona*, which formally established protection for citizens against custodial interrogation without the presence of legal counsel. **Not only is it a right, it should be exercised while in police custody.**

What's Left Behind?

If you're not present at the arrest, you might be given the responsibility of collecting anything the arrestee may have been required to leave behind because of his custody. Children in the care of the arrestee at the time of the arrest are usually sent to a family member or responsible adult of the arrestee's choice. If no such caretakers are available, the children will be placed in the temporary custody of the Department of Child and Family Services who will attempt to locate a family member to care for the children.

If the arrest followed a traffic stop, the arrestee's automobile will be impounded and taken to the arresting agency to be searched or sent to the county impoundment lot to be held until towing fees are paid. If the arrestee has the legal right to the return of his automobile, and you know either he will want it returned to his possession or to the possession of someone of his choosing, get the vehicle out of storage as soon as possible! The storage fee gets bigger each day it is impounded.

Booking

The booking process, or the registration of the arrestee at the police station, is very similar to what you have seen on television. The arrestee is fingerprinted, photographed, and his belongings are stored.

Routinely, either at the scene of the arrest or at the station during booking, the police will run a warrant check on the arrestee to determine if there are any un-served arrest warrants in their name. If a warrant or warrants are found, they will be held not only for the charges that arise from the arrest, but also for any charges previously filed in any other city, state, or county.

Non-Felonies and Recognizance Bonds

If the arrest was for a non-felony offense (a misdemeanor or petty offense) the police can either issue a notice to appear to the arrestee, or set bail based on a statutorily prescribed amount (the police look up the amount of bond required by reading a law book). Only a judge may issue a recognizance bond for a criminal offense. Recognizance, or I-bonds, involve a judge releasing the arrestee, upon his promise to return to court at a specific date and time, and his signature on a legal document in which he promises to pay a certain sum if he fails to appear. Such a bond requires no money to be paid for the defendant to get out of jail. Felony arrestees must appear before a judge to have bond set.

Phone Calls

A person who is arrested shall have the right to communicate with an attorney of his choice and a member of his family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.

Once jailed, the defendant can only make collect calls, usually only at times of the day determined by the jailers. You cannot call the jail to talk to the defendant. You'll have to wait for his call, so keep the line open, and expect a collect call. Be aware that anything you say on the phone to someone in jail is recorded. Leave sensitive matters to be discussed with the defendant's lawyer.

BAIL AND BOND

Bail

Bail is the process by which a defendant is released from custody upon the pledge of a security to guarantee his appearance in court.

Bond

A bond (or Bail Bond) is the amount of money required to be posted or the security signed by the defendant to secure his appearance. This will be done at the initial appearance, but the bond may be raised or lowered at anytime upon a showing of good cause. (Most bonds are ten times as great as the sum of cash necessary to bail out of jail. For example, bail necessary for a \$20,000 bond is \$2,000.)

Property Bond

A property bond is posted when a defendant signs over interest in real estate or personal property instead of posting bail. But, if the defendant skips town and fails to appear at a court date, the property held as bond becomes the property of the county. You probably shouldn't consider property bonds except in very unusual situations, and even then, only with the guidance of an attorney.

Practically speaking, anyone with \$20,000 of property could get a loan for \$2,000 using a proportion of the property as collateral, and post the loan as bail. With the \$2,000 loan, if the defendant fails to appear, the loss of the bail is only the \$2,000.

Credit Cards

In certain counties you can use your credit card to post bail. Check with the Sheriff's office or the Circuit Clerk for details.

Assignment of Bail

Should the defendant be unable to raise cash on his own, he may try to convince a friend, employer, or relative to provide the cash. That person may want a guarantee that once the case is over and the bond is released that the bail money will return to that provider. The local law enforcement officials will be happy to arrange for the provider of bail to sign a bond assignment form. **The form will lead that person to believe that he will get his cash back once this whole mess is over. . . WRONG!**

Think of it this way: When you sign a bond assignment agreement and post bail, you're not loaning someone money with a promise that it will be returned when the case is closed. What you are doing is depositing money into the defendant's credit account with the county for a specific case number. If the defendant owes the county money, it will come from the account in his name, no matter who actually put the money in HIS account; it's no longer YOUR account.

If you sign a bond assignment agreement form, don't expect to get your money. Even with a not guilty verdict, the County will keep ten percent of the posted bond as a processing fee. If after the payment of any fines, costs, restitution, and processing fees, there is any bail left after the closing of the case, if you have signed a bond assignment form, the remaining money does not go to the defendant; it is returned to the signer of the bond assignment agreement.

Felony Bail

If the arrestee was charged with a felony, bond will not be set at the police station on the night of the arrest. The arrestee will be required to spend the night in jail until sometime, usually the next day, when he will appear before a judge who will hear the facts and set bond.

At this appearance before the judge, the defendant will be appointed a Public Defender or will have private counsel. Anytime bail is considered, the defendant will have an attorney. The State's Attorney will tell the judge what crime is alleged, tell him about the defendant's record, and the judge will choose the appropriate bond amount. If the defendant's attorney speaks up and gives the judge a reason, he might set bond lower than the amount requested by the State's Attorney.

At the bond reduction hearing, private counsel can participate or a public defender, if appointed. The State's Attorney explains to the judge why this particular offense warrants a particular bail and recites the defendant's criminal and arrest record to the judge.

Bail Determination Factors

The judge considers the severity of the offense and the defendant's criminal record (if he has one) when deciding how high to set bail, but certain other factors are available to suggest lower bails. Among these are:

1. Defendant's period of residence in the area. If he has been a life-long resident of the County, his bond may be reduced based upon the expectation that the defendant is unlikely to move away during the criminal case.
2. Defendant's ties to the area. If he has many family members in the area, he may be considering the effect on his family should he flee the jurisdiction, and if he does, he'll probably return sometime, and be re-arrested.
3. Employment history. The guy with the same job all his life is unlikely to voluntarily leave that job because of the criminal charges.
4. Property in the area. Defendants with financial ties to the area can usually be depended upon to remain in the county to care for their property.
5. Financial obligations. Defendants, whose flight from the jurisdiction would result in foreclosure of a mortgage, or default on loans, have great incentive to comply with the terms of bail.
6. Family dependants. If others depend upon the defendant for their support, flight is less likely.
7. Special circumstances such as family members with extraordinary medical needs or hospitalized immediate family members.

Other Options

A few other options may be available in certain circumstances, but plan on pursuing these options with the help of legal counsel:

“Electronic monitoring” is similar to home confinement, except that the prisoner is required to rent an electronic bracelet worn on the wrist or ankle. The bracelet is not removed without the permission of the court because it transmits information to the prisoner’s telephone that verifies whether he is actually at home through random telephone transmissions. This plan can usually permit the prisoner to leave his home for work, school, or doctors’ appointments, if approved by the court. Electronic monitoring is very expensive, and must be paid for in advance. This fee can and usually is waived by the judge, though.

“Day release” is a plan by which inmates are released from jail, usually to continue pre-arrest employment, and is done by the Sheriff. The law permits such periodic inmates to care for family, to go to school, or to pursue other approved activities away from jail. When not involved in the approved activity, the inmate is required to be in jail. Transportation is not provided by the county for such activities, and if the inmate earns a salary, he may be required to reimburse the county for his incarceration expenses.

“Home Confinement,” not a bail option but rather part of a sentence, requires that the defendant serve his jail time at his home, instead of jail. Such defendants spend nearly 100% of their jail time in their homes, and are not permitted to leave except under extraordinary circumstances.

Bail Restrictions

If the inmate is fortunate enough to be released from jail before his trial, certain requirements must be complied with or he may be returned to jail immediately. Defendants out on bail are required to keep their address current with the local Circuit Clerk, and are not to leave the State of Illinois without previous permission from the court. Defendants are required to refrain from any further violations of the law, and to appear at any scheduled court dates. If the facts of the offense so warrant, defendants may be required to abstain from drinking alcoholic beverages, consuming drugs, have no contact with alleged victims of the charged offense, and anything else the judge orders.

COURTS

Family Involvement

Now that you have a loved one involved in the court process, there are certain rules, written and unwritten, that apply to you too. The number one thing to understand is that it is your obligation to do nothing that will harm the defendant's chances of success if you want him to win in court. It is usually good advice for you to remain a nameless spectator as you view the workings of justice, but your emotional involvement and your personal stake in the outcome will drive you to the verge of decisions that could ultimately hurt the one you most want to help.

Under no circumstances — EVER — should you talk to the judge or prosecutor without the full knowledge and permission of the defendant's attorney! Further, contacting State witnesses can result in felony charges against family members who have their intentions misinterpreted. At a minimum, even without further charges, such contacts might become an issue at trial if introduced into evidence. Don't risk providing the State with any more evidence that can be used against the one person you want to help most!

Public Defender or Private Counsel?

If the defendant is eligible for the appointment of a Public Defender, he and his family will have to make one of the most important decisions to be made in the course of the criminal proceedings: whether to spend maybe thousands of dollars on hiring an attorney, or to accept the appointment of a Public Defender. If the defendant clearly has the assets at his disposal to hire private counsel, the Public Defender's appointment will be denied.

Sometimes there is family that can provide the funds to hire private counsel if the family and defendant choose to do so. So how then do you decide whether to spend the money to hire an attorney or not? Make a dispassionate cost/benefit analysis. Coldly calculate all the variables in the decision: the appointed Public Defender's reputation, personality, experience, and views of the case; local private attorney's similar attributes; the probability of success with private counsel and with the Public Defender (is there any reason that throwing money at the case will give your loved one a better chance of an acquittal?); if the case will involve a negotiated plea that will in essence be dictated by the State's Attorney or judge; if the defendant is clearly guilty; if a high-priced counsel truly is better than the Public Defender.

As suggested, you should coldly calculate these factors like an accountant and, if necessary, be guided by your rationality and not your heart. If you invest your life savings to hire private counsel that loses the case, you might lose not only your family member to prison but also your home, retirement savings, or your children's college money.

Public Defender Eligibility

Public Defenders are only appointed in criminal matters that involve the defendant being in jeopardy of jail time. If the charge involves no possibility of jail time, no Public Defender will be appointed. In order to be appointed a Public Defender, the judge will ask the defendant if he wants to be represented by legal counsel in the case, and if he can afford to hire private counsel. If he can't afford to hire a lawyer, the judge may offer the services of the Public Defender. The judge will inquire about income, family size, and assets. If he's convinced that the defendant doesn't have enough money to pay a private lawyer or cannot get the cash to pay an attorney's retainer, the judge will probably appoint a Public Defender. In borderline cases when the judge believes the defendant can afford to pay something for the Public Defender's work, the judge may warn you that when the case is over he may assess the defendant a fee for the Public Defender's work.

Finding Private Counsel

It's seldom that a jailed defendant can contact an attorney and hire him over the phone. The defendant's support system outside the jail usually contacts an attorney, sets up a consultation with the defendant, and provides retainer payments.

There is no one perfect method to be used to choose an attorney. Depending on the facts and resources of each individual case, any one or combination of the following methods listed below can be useful to at least narrow the field down to a handful of attorneys who are right for your loved one's case:

1. **Resources:** Decide how much money from all available sources can be invested in the defense. This decision may narrow down the field of prospective attorneys significantly.
2. **Word of Mouth:** Ask people whose opinions you respect, and get several names of attorneys they would recommend, and perhaps more importantly, inquire as to why they recommend those attorneys.
3. **Enter the Legal Inner Circle:** Get someone connected with an attorney either by friendship or employment to drop your name to an attorney for a referral, or an appointment with the lawyer for a referral.
4. **Yellow Pages:** Usually an attorney qualified and experienced in criminal defense will declare his area of specialization in the phone book. This should be your last option since the quality of an attorney from the yellow pages is totally random.

Preliminary Hearing

The preliminary hearing (or prelim) is a hearing to determine if, based on the State's evidence, there was an offense committed, and if the defendant was sufficiently connected to the commission of that offense to be held over to trial (either in jail or on bond). Probably 95 out of 100 prelims are won by the State. It is a sort of a mini-trial before the judge.

Seldom are other witnesses called, and hearsay is permitted. Even if the prelim is won by the defense and the defendant is released, the State still has the option to take the evidence to a grand jury for indictment.

Arraignment

At the arraignment, the defendant will appear before the court with his attorney to enter his plea of either not guilty or guilty. Even if there will ultimately be a strategic plea of guilty or the acceptance of a negotiated plea, rarely will the defendant plead guilty at the arraignment stage. Guilty pleas can be entered at any later time in the course of the trial.

Rarely at arraignment will the defendant request a jury trial. That decision, too, can be changed later. (A jury is a group of twelve people from the community that decide whether a defendant is guilty or innocent.) If there is no jury trial, a bench trial is chosen. (A bench trial involves the judge only, without a jury deciding upon the question of guilt.)

After these two matters are determined at arraignment, the attorneys and the judge will set the case for its next hearing.

Pre-Trial Motions

Depending upon the complexity of the charges and defense, there may be several hearings set before the actual trial of the case. Many cases are won or lost at the hearings before the actual trial begins. The judge may have to decide certain issues before he can determine if the defendant is guilty, like: whether to admit certain evidence, whether to appoint a different judge, or whether to move the trial to another city.

Negotiated Pleas? Internal Consistency?

Negotiated pleas are attractive to State's Attorneys because they guarantee a conviction and usually a sentence to prison in serious cases. They are unattractive because such pleas usually involve the dismissal of charges, and never involve the defendant getting locked up as long as possible for the crimes alleged. Defense attorneys like the pleas for the same reason State's Attorneys don't like them.

Negotiated pleas are never implemented unless the defendant makes a reasoned decision to accept it. The judge makes sure, on the record, that the defendant is pleading without any threats or promises.

By law, a negotiated plea is only an agreement between the prosecution and defense to recommend to the judge a certain sentence. It is no guarantee of what the judge will accept, it is only a recommendation by all parties, a request to be approved or denied by the judge who always has the final word for any sentence. So half the battle is agreeing to a negotiated plea; the other half is convincing the judge to accept it.

Our court system acts based upon the court's finding of guilt or innocence, not a defendant's claims, and not necessarily the truth. One must analyze the case from the standpoint of the evidence against him. If a defendant and his attorney look at the strengths and weaknesses of both sides of the case and would conclude that he is guilty, the plea of guilty is a viable option.

If a person is not guilty, the only way to prove it is to go to trial. If a person is not guilty, and there's a good chance of winning, and he's not interested in the negotiated plea, he should continue with the not guilty plea.

Trial

You can find out when dates and times for trials are available by calling the Circuit Clerk's office. If you arrive for trial and the case isn't heard, contact the defense attorney to find out what is going on. Often cases are set at certain times but are not actually heard until hours later. It is wise to dress professionally. Similarly, it is wise to not draw attention to yourself by laughing, crying, or speaking during the hearing. You may not bring newspapers, books, drinks or food into the courtroom. Expect to be searched or to pass through a metal detector before entering the courtroom or courthouse, so have no contraband on your person. The Constitution guarantees a public trial, so you will be welcome to be present as long as you don't disturb the wheels of justice.

If you are watching a jury trial, several times you may see the attorneys walk up to the judge and talk so quietly that you may not hear them. They aren't hiding anything from you, just from the jury. If there are discussions about certain evidence that is inadmissible to the jury, simply discussing the issue within earshot of the jury will inform the jury of the evidence. So until the admissibility is ruled upon, the issue is kept quiet.

Sentencing

If the defendant is found guilty, the judge will set a sentencing hearing for sometime in the near future. A probation officer will talk to the defendant and his family to prepare a Pre-Sentence Report. That report is an unbiased collection of the information the court will use to determine the proper sentence. When defendants are sentenced to prison, they generally stay in the county jail for a day or two, as the Department of Corrections makes shipments about three times per week.

Felony sentences can be for a number of years, and may be reduced by good behavior allowances, good time awards, educational achievements, and completion of substance abuse counseling.

JUVENILE COURT

If your arrested loved one is a juvenile (usually under the age of 16) a different set of procedures, laws, and a separate court will mark his entry into the criminal justice system. There are other kinds of cases heard in the juvenile courts, but in this section we will be dealing with only those charges that involve children charged with criminal offenses.

Detention Hearing

Within 36 hours of arrest, excluding Saturdays and Sundays, and court holidays, the juvenile will be brought before a judge for what is similar to a preliminary hearing in the adult courts. The judge will decide if there was an offense committed and if there is enough evidence to hold the juvenile over for trial for his involvement in the crime. If probable cause is found, the judge then decides whether the child should be returned to the detention center to await trial or should be released.

If the crime committed was serious enough that the juvenile was locked in detention pending his hearing, it is unlikely that the judge will return the child to the same home where the juvenile got into trouble in the first place. The family should contact the child's attorney to fashion a plan to convince the judge that circumstances have changed and that the child is unlikely to disobey the law and his guardians again. Oftentimes a short relocation to the home of another relative or responsible concerned adult can provide the elimination of the bad influences that got the child into trouble in the first place.

Contact the juvenile court or the State's Attorney's office to determine who will be appointed as legal counsel for the juvenile if you have not hired an attorney. Find that attorney as soon as possible to discuss whether a change of address for the child is advisable and whom you have in mind to care for the child. The court will probably require any temporary guardian to appear in court before releasing the child to the person's custody, so you will need to call the temporary guardian immediately.

Unique Nature of Juvenile Courts

1. **Courts are closed** — Only necessary concerned parties and relatives are permitted in the courtroom during any part of the case. The court will keep the proceedings confidential, as will all the parties of the juvenile court.
2. **Records are sealed** — The charges, the juvenile's name, and the records of the trial from the beginning to end, are not public records. They are stored under lock and key in the Circuit Clerk's office and are not seen by anyone not authorized by the judge to view the file.
3. **There are no jury trials** — In all but the most unusual cases, juvenile trials are held before a judge, and not a jury, to protect the confidentiality of the juvenile offender.

4. **Special names** — The juvenile court calls a trial an “adjudicatory hearing,” and a sentencing hearing is called a “dispositional hearing.”

5. **Expungement** - One year after his twenty-first birthday, the juvenile record is expunged (eliminated, destroyed as if it never happened). After an adjudication of guilt, if the child is then, or many years later during adulthood, asked if he has ever been convicted of a crime, he can legally and honestly answer “no.” But the juvenile must be made aware that his juvenile record will be used against him if he commits a later juvenile offense or criminal offense during adulthood.

Legal Counsel

All juveniles are represented by legal counsel in court. The child can hire private counsel of his family’s choice at their expense or the court will appoint an attorney to represent him. In situations where the parents are accused of neglect, a lawyer who is appointed to represent a juvenile in court is called a Guardian ad Litem (G.A.L.). There is one special difference between a G.A.L. and any other defense attorney in that the G.A.L. is concerned only with the child’s best interest.

Every accused person in America is entitled to a competent, vigorous defense against any criminal charges he faces. G.A.L.s too are sworn to defend the child. But after a finding of guilt, the G.A.L. is obligated to recommend to the court the disposition that is in the best interest of the child. In very rare circumstances, if the G.A.L., based upon the evidence before the court, believes that counseling, detention, or incarceration is necessary to turn the child’s life around, he may suggest sending his own client to jail.

Juvenile Department of Corrections

If after the adjudicatory hearing the juvenile is sentenced to prison, the juvenile will spend his time in a separate section of the Department of Corrections that houses juvenile offenders only. Juveniles are protected from adult offenders by having a totally separate prison system. Sentences to juvenile D.O.C. are usually of indeterminate length. (The prison decides how soon to return the child home which depends on the child’s behavior.) No juvenile prisoner will be kept in prison longer than the sentence he would have received if he were an adult.

Occasionally juvenile offenders can be tried as adults outside of juvenile court. If convicted, they usually remain in juvenile D.O.C. until adulthood when they are transferred to the adult prisons.

Role of the Family

In most cases, juvenile charges are not filed unless the child has some history of breaking the law or problems at school. Minor offenses might be committed by the child several times before he is ever brought before a judge. If the criminal offense is too serious to ignore, a first offender may find himself in juvenile court.

In many cases, after years of failure at instilling discipline in a child, there may be no other solution to end illegal behavior than to totally change the child's environment for a period of time. Hopefully, a few days in detention may be enough time for the child to change his ways. If the court chooses, your family will be reunited. But if the court believes that the child cannot be trusted at a particular stage in his life to avoid returning to his old ways, you may consider offering the court alternatives to detention or incarceration as soon as possible!

If your child's attorney believes that your child will be required by the court to go to jail unless you can find somewhere else for him to live, start looking for somewhere else right away. If there's a friend or family member who can provide a secure, stable, temporary home for the child, impress upon someone that you believe in your child, explain why things aren't working out at your home and that a short-term change of address might be the point in his life that sets him off on a new direction. Detention is never a preferred alternative. Courts must be convinced that the child will not repeat inappropriate behavior. That job will be up to you, your child, and his attorney.

If you need the involvement of someone else to help discipline your child, find them quickly. If counseling will help you to better control your child, try to get it as soon as possible. If you can make changes in your home to better support your child, start on it right away.

The juvenile court system uses the services of attorneys, counselors, probation officers, psychologists, Department of Child and Family Services personnel, social service agencies, and social welfare resources. Work with your child's attorney for an adjudication of not guilty, and to rectify whatever circumstances brought your child into contact with the legal system. Your denial, or antagonism, or simply giving up can and will affect your child for the rest of his life. Take advantage of the resources available to your child at this most vulnerable time in his/her life.

WHAT HAPPENS NEXT?

Reception and Classification Centers

In Illinois, there are three reception and classification centers: one for men, one for women, and one for juveniles. The purpose of the reception and classification center is to evaluate your loved one to determine where he will be sent. A number of tests will be given. He will be separated from the general population of that institution during this time. This transition will last approximately 1-3 weeks.

Visiting at a Department of Corrections Facility

You will need to call the facility that your loved one has been sent to for specific times and days for visiting. Also ask about rules for visitors.

Family Concerns

Before you visit, talk with your family about what it might be like. Both children and adults will have many questions and concerns about going into a prison, so it helps to share these feelings with one another before and after your visit. Try to share your feelings about visitation and other situations in your daily life with your loved one during your visit. Protecting your loved one from your feelings and struggles separates you. Honest communication will strengthen your bond even if it hurts to hear it. You are a family. Give your loved one in prison the chance to support you, and for you to support him.

Sometimes visits are not wonderful. Your loved one may have had a bad week or you may have had one. Get to know each other and your concerns. Remember: most anger expressed is not toward you. He may vent his anger on you as the only one who will listen.

Visitation Check List

- ☐ Dress that is modest
- ☐ Proper identification (picture ID)
- ☐ Nothing that could be mistaken as a weapon in the car: nail file, scissors, screw drivers, knives, firearms, ammunition, etc.
- ☐ Nothing that could be confused as an illegal drug in your car
 - ☐ Pills in an unmarked bottle
 - ☐ Residue in the car ashtray
 - ☐ Pipes, clips or other items that might be mistaken as drug paraphernalia
 - ☐ No alcohol or any alcohol containers opened, unopened or empty.
- ☐ No contraband on you
- ☐ Nothing larger than coins; no “green” money
- ☐ Leave purses and wallets in the car trunk
- ☐ Call prior to confirm that the inmate has not been transferred or is not in segregation
- ☐ Call prior to confirm that your name is on the prisoner’s visitation list
- ☐ Arrive during visiting hours
- ☐ If it’s a special visit, make sure there is a memo at checkpoint and bring your memo (letter) with you.
- ☐ Remember to treat prison officials as well as other visitors with respect

Anyone under the influence of drugs or alcohol will not be allowed to visit. If upon arrival, there is a problem with visitation, it is wise to remain calm and speak politely to prison officials.

Searches of Persons and Cars

BEWARE — your car may be searched and you will be searched.

You will be “frisked” by an officer of the same sex. A frisk is a pat search of your body. If the officer feels there is a reason to search further, the officers will tell you that a more in-depth search is necessary. You can refuse. If you refuse you will probably be asked to leave.

You and everyone with you will be searched before going into prison. The search is to make sure you are not carrying any contraband. Contraband items are weapons (i.e. nail files, scissors, nail clippers, ink pens, screw drivers, knives, knitting needles, some hair ornaments), drugs, alcohol, green money, or anything not permitted by the Department of Corrections policy. Contraband can also be other items such as cigarettes, maps, postal stamps, any type of decal or stamps, make-up items, cologne, feminine sanitary needs, magazines, books, prescription or over-the-counter medication. (If you have prescribed medication, turn it over to staff to keep until you need it.) Further, persons under the influence of alcohol or drugs are not allowed to visit and may be asked to leave the facility.

Call or write the prison you are visiting to find out what is permitted into the visiting gallery and/or the picnic grounds. If you are caught with contraband, you may be arrested and prosecuted.

Your Attitude Will Make A Difference

Visitors’ attitudes often determine how they will be treated by the staff. Speak with respect to everyone, especially the staff, as this will help your visits go smoothly. Staff may form an opinion of you based on your conduct and appearance and that opinion might stay with them the entire time your loved one is in jail or prison.

Taking Care of Yourself

You are living in a prison too, as you wait on the outside and as you visit.

You need a support system. Your parents and/or your immediate family members may be helpful, but they may be having their own problems dealing with the incarceration. They may also put pressure on you to leave your loved one. You have to decide what is best for you (and your children if you have them). Look for support and help. Help may be found in unexpected places such as AA, Al-Anon, or church. You are not alone. Many people have had loved ones in prison and know what it is like for you. Some places have support groups for prison visitors.

For the first few weeks or even months you may feel pressure to make a decision about staying in a relationship with your incarcerated loved one. Remember, you do not have to make any major decision now about your relationship. This is an emotional and traumatic time with many changes. You may need time alone and time to communicate with your loved one to determine your future.

You may be feeling anger, shame, happiness, guilt, and/or relief. All of these feelings are normal. You now have time to think about yourself and care for yourself. This is good. Love yourself. A healthy “you” is the best gift you can give to your children (if you have any) and your loved one. Do not feel guilty about happy and good days. Your loved one may be jealous of your freedom, your activities, or maybe your happiness. But, do not allow yourself to be emotionally incarcerated during their physical incarceration. Visits, letters, phone calls, working at open communication and honesty will allow them to be a part of your life even though they are not with you in the free world. Your life and well being must be your priority so that when the prison time is over, you will have gained emotional strength to assist their re-entry. If you choose to continue the relationship, use this time to develop a healthy, positive one that can continue to grow as each of you change.

OTHER

Financial

If you have been able to come up with the money for bond, you may not get it back. It may be used for court costs, fines, etc.

You will have to make financial decisions quickly to keep your home or may have to find a new place to live. You should think about how you will pay bills without your loved one’s income in the immediate future. You may have to seek public assistance, as your loved one will not be able to send you money. The opposite will be true – they may ask you for money for commissary, clothes, toiletries, and cigarettes. While they will be provided with food, clothes and a bed, you do not automatically have these necessities. Make sure you and any children you may have are taken care of.

Phone Calls

Phone calls may be the only immediate communication for the first days or weeks in the Department of Corrections. And remember, all calls are recorded.

You will have to decide if you want to limit the collect calls if they become too expensive. Talk about what you can afford so that you can keep your telephone. Agree to a number of calls per month or week, and perhaps try to keep the calls short if money is an issue!

According to Illinois Campaign for Telephone Justice, a nonprofit group working to reduce the cost of prison calls, “Intrastate (calls within Illinois) rates vary according to how far the recipient of the collect call is from the prison initiating the call. They can be as high as 26 cents per minute plus a surcharge (commonly referred to as a connection fee) of up to \$2.50 per call. Out-of-state rates are 89 cents per minute with a \$3.95 surcharge (connection fee).”

Visiting Expenses

Consider the cost of the trip before visiting.

1. Cost of travel/gas and car maintenance
2. Food during travel
3. Food during visit
4. Overnight lodging (often necessary for long distance trips)
5. Incidentals

One way to keep to a budget is to limit the amount of money you bring to the visit.

Relationships and Prison

This section tells you how others in these situations have nurtured their relationships and what they suggest to keep yourself and your relationship healthy.

If you are dating someone in prison:

You may be one of the few outside connections your friend in prison has. You are often the only bright spot in your friend's life and they may become very dependent on your visits, letters, and other forms of communication. Your courtship can be much more intense and rushed than with couples in the "free world." Be thoughtful about what you are doing and feeling.

Spend your visits talking and getting to know each other. Talk about your past and your goals for the future. Communication is the key. As one prisoner said, "this is the first woman that I have ever sat down and got to know." In early courtship, avoid sending your friend money, gifts, and having sexual interactions. Do not be pressured into doing things you do not want to do. All of these things can be distractions from really getting to know each other.

If you are engaged to, or thinking about marrying someone in prison:

Besides what is suggested above, think about what your needs are. What will you be giving up? If the sentence is a long one, how will you cope with the separation? Can your love survive the years? How will you cope with society's judgments and rejection? Family members of prisoners sometimes lose jobs or housing, or cannot get insurance because they have a loved one in prison.

One woman talks about making this decision: "You enter a kind of limbo world where you're not locked up but you're not free either. The decision to marry a loved one in prison must be made thoughtfully. If you are not thoughtful or if you are just falling into a relationship for comfort, convenience or because you feel needed, you are in trouble; it will be disastrous."

Talk with those closest to you. What do your children, parents, relatives and friends think? What are the feelings and thoughts of your loved one? Talk about long-term prison marriages with men and women who are in them. Think about what it will be like to be married to this person when he is released from prison. In the end, you make the decision.

Here are some suggestions to get you thinking about ways to help your marriage continue to grow:

1. Read the same book or plan to watch the same TV show and talk about it during visits.
2. Write daily letters giving honest details about your lives (i.e. what it is like living in a prison; how you are managing on the outside). Share your daily schedules in detail.
3. Send tapes, talk on the phone, and visit weekly if possible.
4. Meet your spouse's friends in prison and bring your friends from the outside to meet him.
5. Make a budget together.
6. Talk about sexual feelings, fantasies, fear and needs honestly. Talk with other prison couples about creative ways of meeting sexual needs. Remember that intercourse is not the only form of sexual expression or intimacy. Keep in mind that sexual expressions are forbidden in most prisons.
7. Share in a common spirituality and grow together in your relationship with God through prayer, Bible study, and discussion.
8. Make decisions together about your children, finances, jobs, housing, etc.
9. Say "no" when you cannot do something for your spouse.

If you are thinking of divorcing someone in prison:

Prison will not solve your marriage problems. Your patterns of relating will remain pretty much the same in or out of prison. If you did not have a healthy marriage before your spouse was incarcerated, it probably will not get better because they are in prison. Divorce can sometimes be the most loving thing you can do for your family. Consider your own needs as well as those of your spouse and other family members. Talk with a counselor or minister that you trust.

If you do decide to divorce your spouse and you have children, remember that your children may have a legal right to visit and have contact with your spouse. It is important for your former spouse and your children to continue expressing their love and support of one another, even if your marriage is over. Help arrange visits, if possible. Otherwise, encourage your children to write letters and support their contact with their other parent if they want to.

If you are a parent of someone in prison:

If you are a mother or father with a child in prison, you are likely to feel a heavy burden. Some parents feel an overwhelming sense of guilt about having a child in prison. You may feel it is your fault that your child is in prison; that you did something wrong. Feelings of guilt are shared by many parents. You might need to remind yourself that every person is responsible for his own actions and that you are not responsible for your child's incarceration.

It is common for parents to become consumed or obsessed with their incarcerated child, thinking that they need to "make up for" what they think they did not do "right" in the past. It is important that you continue to live a full life of your own. If you feel guilt, begin to accept forgiveness from the Lord. If all you can think about is your incarcerated child, get involved in other activities or concentrate on your spouse, other children, or other family and friends. To become obsessed with your child in prison will only put you in prison, but it does not free your child.

If you are an older parent with physical limitations, call the prison and let the prison administration know that you need help with stairs or with long walks across the prison yard if you're going to visit your child.

CHILDREN AND PRISONS

Children's Concerns

Children are often very confused and feel left out when a parent goes to prison. You and your family in the "free world" may be busy trying to make ends meet and supporting your loved one in prison. Children may get shuffled around in the process.

Children might feel abandoned, lonely, scared, confused, angry, sad, and/or guilty. If your children do not talk about their feelings, they might act them out, sometimes in destructive ways. They might do poorly in school, wet the bed, get into fights, cry a lot, steal things, or have bad dreams, for example. You might notice some of these or other new behaviors in your child. These changes in behavior are cries for help and they need to be heard.

When a parent goes to prison or jail, it is important to tell your child the truth about what is happening. Telling them that Dad is away at school or in the army, for example, could be dangerous. They may wonder, "why doesn't Dad ever come home to visit?" Also, when you tell your child one story to protect him from the truth, you have to keep making up stories to answer any questions he may have. You are left worrying about what will happen when the truth does come out. What if someone lets the secret out in a cruel way?

Every child is different and they will react differently to the truth about his parent being in prison. Talk with him, answer his questions honestly, and help him draw his own conclusions about the situation.

One way to share what is happening with your child is to say something like: "Daddy did something wrong (or broke the law). He is not a bad person because he did a bad thing. He loves you and does not like to be away from you, but he had to go away for a little while." From there, you can talk about what life is like without Dad being home, visiting at the prison, what to say to children at school or those in your neighborhood or anything else your child is concerned about.

Your child may continue to have questions and feelings about his parent being locked up. This first talk will be one of many. You may also notice that your child is competing with his parent in prison for your time and attention. Often this will happen when your child is feeling insecure. He needs your attention, love, understanding, and honesty more than ever now. If you feel too much stress of your own to help your child deal with the situation, you may talk with a school guidance counselor, call a prison ministry group in your town to look into finding a big brother or sister for your child, or hook up with other families with loved ones in prison who can help support you and your child.

You may encourage your child to stay in touch with their dad in prison, suggest that they visit, write letters and send holiday/birthday cards, or send school work and report cards, photos, or pictures drawn of their dad who is locked up.

Also, you should encourage and support your child to do things that help them feel better. Help them explore outside interests and special talents, like sports, painting, dancing, and reading. Let your child know when they have done something well and help build their confidence. By helping to build your child's confidence, you will find you are building your own confidence at the same time. You can be a family even with a loved one in prison – your child needs to know that.

Children and Visiting

Q. How can children interact with the incarcerated one in a visit?

A. Encourage quiet play, such as counting games (i.e. objects, fingers, etc.). Play “I Spy” or word games (i.e. rhyming, association, spelling, etc.). Encourage children to share a song or poem they have learned, or allow them to talk about their week or a special event, such as a birthday.

Q. What if the children do not behave in the visiting room?

A. You must let them know what is expected of them before you arrive at the visit (that they must sit quietly, like at school or church). Their behavior is a reflection on the prisoner and could get him in trouble with the staff. You could even lose a visit. If children are noisy and disturb other visitors, this can cause problems between prisoners and even between the families visiting.

Q. How should the children be disciplined?

A. Be careful. Hitting and shouting are unacceptable. If possible, walk them to the bathroom and talk to them. Perhaps you can promise to take them, for example, to a park or McDonald’s Playland afterward, if they are good.

Q. How can I make visiting easier for the children?

A. The children will be more comfortable in everyday clothing and shoes. Dress them in layers in case it is cold in the visiting room. Even if you have to cut corners in some other area, try to have plenty of change for the vending machines (if available), so they can eat or drink; this will not only keep them happy but will also occupy them.

Most visiting arrangements are “child unfriendly.” Usually the child has to sit on someone’s lap and cannot take toys into the visit.

Children take cues from adults. If you are tense, they will respond to your tension. Try to think of ways to make visits more calm and comfortable, perhaps by visiting by yourself at first, as you will then know what to expect.

Most importantly, for your sake as well as the children’s, take care of yourself, physically, emotionally, spiritually, and financially. Seek the support you need; find someone to talk to. Remember that incarceration tends to bring out the negative feelings in people. A bad visit or letter may throw you back into grief. A typical fear of prisoners is that they are losing their loved ones who can exist without them. Suspicion builds. The prisoner may experience guilt and feel inferior and unworthy of love or respect. Prepare yourself for these and other problems.

SPIRITUAL

A Prayer

Lord, I come to you with a heavy heart. Lord, I need Your help in understanding why my loved one is in trouble. Am I at fault in this? Did I somehow fail? You say that You are the God of our lives, our moments, and all that matters. Make Your presence known at this time. I have a lot of guilt about this, Lord, but I turn it over to You. I know I didn't commit the crime, but I still have a lot of guilt and shame. You say that You know the words before I even say them. Give me the strength and guidance I need at this moment so that I can be there for my loved one in their time of trial. Help me to reach out and find others who will help me to go on when I feel it is just too hard to do so.

Lord, You know the hearts of Your children. You know my loved one; if he (she) knows You, let him know You more fully; if he doesn't know You, let him come to know You in this time of confinement.

In this time of deep pain and struggle, all I want to do is to hide away. Now is the time I need to find someone to help me. I need a pastor/priest/rabbi/imam. I need to reach outside myself. If I don't find someone right away, I will keep trying and be persistent until I do. I will remember that we all need each other.

Person I will contact:

NAME

ADDRESS
CITY/STATE
PHONE

Other Books and Booklet Resources:

Some books and booklets that can help strengthen your family ties while you have a loved one in prison:

1. *My Mother and I are Growing Strong; Mi Mama y Yo Nos Hacemos Fuertes*, by Inez Maury, (New Seed Press, P O Box 9488, Berkeley, CA. 94709)
2. *Joey's Visit*, by The Family Matters Prison Program, Cornell Cooperative Extension, telephone: 315-424-9485

3. *A Visit to the Big House*, by Oliver Butterworth — telephone 860-727-8666

**4. *When Andy's Father Went To Prison*, by Martha Whitmore Hickman,
Telephone 708-581-0033**

**5. *2 in 100* (A special workbook for children with a parent in prison) Contact:
Reconciliation, PO Box 90827, Nashville, TN. 37209**

To Those Distributing This Book

This book may be distributed by local religious institutions, the Sheriff's department, civic organizations, public defenders, or anyone else who may have contact with the family of an arrested person.

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