

Knowledge is Power Table of Contents

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 - What family/caregivers need to know to feel empowered
- Glossary of commonly used system terms (e.g. "disposition," "HOP")
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- What should my family know if they want to visit me while I am incarcerated?
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 - Resources for this

Below are some examples of the expanded content for each of the sections above. To be clear, this is just the substantive content. What we do not want is all of this written in text on a website. What we do want is interactive, engaging modules for each area of content that help youth and their families really absorb the material.

I. Players in the Courtroom

District Attorney (“D.A.”) or Prosecutor

The D.A. is a lawyer working for the government who has the job of charging juveniles for crimes. The D.A. decides whether to file charges, what charges to file and whether or not to dismiss charges or plea bargain with the defense attorney. The D.A. can also petition to transfer youth to adult court where the youth will be tried as an adult.

Judge

The judge makes the final decision about the case after he or she hears arguments from both the D.A. and the defense lawyer. Judges often decide things like:

- Whether the youth is guilty of the crime;
- What the appropriate disposition (sentence) should be;
- Whether and for how long to keep a youth in Juvenile Hall; and
- Sometimes, whether to transfer the case to adult court.

Defense Lawyer (usually a Public Defender)

The defense lawyer’s job is to work with the young person to fight for what they want. Everything the youth tells his/her lawyer is confidential, meaning it is kept a secret. If a youth decides to fight her case, her lawyer will work with her to fight her case to prove that the charges are not true. If you cannot afford a lawyer, you will be given a public defender. A public defender is also a lawyer and they are on the young person’s side.

Courtroom Deputy Clerk

This person helps the judge. The clerk is in charge of keeping track of court dates for when you will return to court. The clerk is in charge of all forms, documents, and evidence that might be needed during the course of each court hearing. Each Judge has one Clerk and the Judge usually talks to the Clerk frequently during your time in the courtroom.

Court Reporter

The court report’s job is to write down every word that is said in the courtroom every time you go to court. The court reporter will look like they are typing. They are documenting everything that is said correctly for the court record. This is very important because it ensures fairness for all parties. A party who has a question about what was said, or not said, can request a “transcript” from the **court reporter**. For a future part of your case, your lawyer or the DA may ask for a copy. And if your case continues, and one party files an “appeal” – where they disagree with the Judge’s decision, the higher court must have access to the court record so it can be reviewed for errors. Some courts use electronic sound recording instead of a court reporter, but even in those courts a written transcript will be prepared for any appeal.

Court Interpreter

A court interpreter will translate what happens in the courtroom from English to the language that is needed. Usually the interpreter sits right next to the person who needs to hear the translation. The person who needs an interpreter could be a witness, a youth's family member, or the youth himself. The person who does not speak in English will also have their words translated into English for the judge by the interpreter. Because what takes place in the courtroom may affect the parties for years to come, everyone involved must be able to hear and understand everything that is said. The court interpreter must swear to accurately interpret everything that is said.

[PO is sometimes in the courtroom]

Probation Officer ("P.O."): A P.O.'s job is to learn about the youth's personal situation in order to make recommendations to the juvenile court on what should happen in the youth's case. There are different P.O.s, depending on what stage the case is at. Certain P.O.s talk to the youth immediately after arrest and decide if the youth should be locked up in juvenile hall or not. If a youth is placed on probation, the youth will have to check in with a probation officer. Nothing a youth or their family tells the probation officer is kept secret.

Bailiff

The bailiff generally works for the sheriff's department. There is one bailiff in every courtroom. The bailiff is there to make sure people follow the rules of the courtroom. The bailiff protects the judge. If there are youth in custody the bailiff will escort them in and out of the courtroom and if the judge says it's ok the bailiff will take the handcuffs off of the youth.

II. Contact With Law Enforcement

Why Police Can Stop You:

- There are only a few reasons for which police are allowed to stop you, here they are:
 - If they think you are skipping school
 - If you're out past city curfew
 - If they think you're in the middle of breaking the law

If the police stop you:

- You only have to provide your name and address
- You DO NOT need to even provide your ID.

If the police ask you MORE than the this (above):

- It is very important you tell your lawyer because the police likely did something wrong.
 - Also, tell your lawyer if you're in a car (whether you're driving or not)

There are only a FEW reasons police are allowed to TOUCH or SEARCH you,

- So if you were searched please tell your lawyer—the police might have done something wrong.
- If the police ever ask to search you, you DO NOT need to say yes.
 - You can say no, it is your right!

Reasons why police could search you:

- If they ask, and you say yes
- If they think you are in the middle of breaking the law, but they can only “pat” outside your clothing to see if you have a weapon.
 - If they feel more than this or take anything from you that is not a weapon, tell your lawyer.

- If you are at school, the police can pat outside your clothing or look inside your backpack or bag if they have a hunch that you are breaking a school rule or a law (this is called reasonable suspicion).

Cars are special

- If you are in your car, police are allowed to stop you, but can only search the car if they get your permission[1]
- If you are in your friend's car, and the police stop you
 - The police can only search the car with your friend's permission.
 - **BUT**, if the police find evidence of breaking the law, this can be used against you, so make sure to tell your lawyer if a car was searched.

If NOT in custody:

- Ask, "Am I being detained (not allowed to leave)?" If you didn't ask, the cop still might have done something wrong.
- Tell your friend not to consent to a car search

III. Arrest and Temporary Custody

If you have been stopped by a police officer and are in custody (a place you cannot leave), and the police start to ask you questions → DO NOT answer them. Ask for a lawyer.

- Remember the only thing you need to provide is your name and address.
- If the police made you respond or asked you other questions, even after you asked for a lawyer, this is against the law and the cop could get in trouble → tell your lawyer, this could be very helpful for your case!

DRUG or ALCOHOL TEST:

- The police might ask you to take a drug or alcohol test, they are allowed to ask, but you are allowed to say no, and you should say no.
- If the police ask for a drug or alcohol test, you can also ask for your parents.
- If the police make (force) you take a drug test, tell your lawyer, they **cannot** do this.

If you are in custody there are four options:

- The police can give you a warning and release you, this means you do not need to go to court
- The police can bring you to a diversion program, shelter, or counseling program, this means you do not need to go to court and if you complete the program your charges will be dropped
- The police can give you a notice to appear, this is a ticket telling you when to go to court
- The police can also take you to a probation officer and juvenile hall, which is kid jail

Ask your lawyer these questions:

- Whether your case would be better in drug court, mental health court, or teen court?
 - Some of these courts might be better for you.
- Whether it would be helpful if you or your family could get recommendations from teachers, friends, faith leaders about the type of person you are.
 - Sometimes this information can help your case.
- If you have an IEP (individualized education program) let your lawyer know, this could also be important for your case.

IV. The Probation Intake Process and Detention in Juvenile Hall

The Intake Process

- The probation Intake Unit will either settle the matter at intake, undertake a program informal supervision, or file a petition or request a petition to commence proceedings with either the juvenile court directly or with the prosecuting attorney.
 - The Probation Intake Unit will either bring charges or place the youth under supervision.
 - The youth will undergo screening to decide where they will be in-house, what medical services they need and what education level is most appropriate.

Probation Investigation and Interview

- LARRC Report, a 60 question survey, will determine what form of detention the youth will be subject to.
- Exceptions to the default of being released on your own recognizance (list all 8).
- Rights During Detention
- Rights While in Custody

Custodial Placement by Offense:

- Youth cannot be held with adults if the crime is a status offense (only illegal because of the youth's age) and must be released within 12 hours unless parents cannot be located.

Juvenile Hall

- The names of the LA juvenile halls
- What it is like to spend a night/many nights there
- What are your rights?

V. Disposition Options

Definition of Dispositions

- The disposition of your case is where the court decides what services and/or punishment should be given for the youth's infraction. Different dispositions come with different consequences and different degrees of supervision.

When deciding the appropriate disposition, the juvenile court judge will consider the following factors in addition to other relevant and material evidence:

- The youth's age
- The youth's previous history of delinquency; and
- Circumstances and gravity of the offense committed by the youth

Potential Dispositions

Listed in order from less supervised to more supervised.

No Wardship

- If you are given a disposition without the designation of wardship, then the judge has decided that your case does not need to be supervised by the juvenile court.
 - *Dismissal*: This is your ideal disposition. If your case is dismissed, either because the prosecutor decided not to press charges, or because the judge believes that you are not in need of treatment or rehabilitation, then you are done with the court system and don't have any record.
 - *Deferred Entry of Judgment*: Occasionally, the judge may decide to wait to make a final decision on your punishment until after you've completed some kind of treatment or rehabilitation program, which is often informal probation.
 - *Informal Probation*: For some less serious offenses, the judge can place you on 6 months of probation before deciding formally if you're guilty or not guilty. If you complete this successfully, your case may be dismissed.
 - *Probation*: Probation can have a lot of different requirements. The judge may order you to do community service, participate in a treatment program, or even improve your grades. The supervision of your progress is not monitored by the court, but by a probation officer, who can petition to bring you back into supervision of the juvenile court if you don't meet the terms the judge required.

Wardship

- Wardship means that the youth is considered a subject of the juvenile court and the court can make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the youth. When deciding w
 - *Home on Probation (HOP)*: A disposition of home on probation allows a youth to remain in their own home, or that of a responsible adult. The court determines the terms of the probation (such as curfew, counseling etc.) based on recommendations given by the Probation Department, the D.A., and the Public Defender.
 - *Work Programs*: The court can order a youth who is a ward of the court to participate in an unpaid work program.
 - *Community Service*: The court can order the youth to perform community service for a total time not to exceed 20 hours over a 30-day period. The scheduling of the community service cannot conflict with the minor's school hours or employment.
 - *Camp*: A court can send a youth under wardship to ranches or camps run by the Los Angeles Probation Department. Most of these camps are like military boot camps - lots of structure, marching, strict rules, and potential work.
 - *Division of Juvenile Justice ("DJJ")*: DJJ is equivalent to prison for youth.