



YOUR GUIDE TO THE
**JUVENILE
JUSTICE
SYSTEM**

IN WASHINGTON
STATE

**KNOW YOUR RIGHTS!
WHEN YOU KNOW YOUR
RIGHTS, YOU CAN PLAN
WHAT TO DO BEFORE
YOU HAVE A PROBLEM!**

This publication was adapted by TeamChild® from an original publication prepared for the Illinois Mental Health and Juvenile Justice Action Network by Jean Davidson Meister, project manager, and Kim Miller, both of the Illinois Children's Mental Health Partnership; Elgin-Bokari T. Smith, illustrator, and Julie Biehl, Children and Family Justice Center, Northwestern University School of Law. Graphic design by Ashley Kittrell. The original and this adapted publication were supported by the John D. and Catherine T. MacArthur Foundation Models for Change Initiative.

Special thanks to Sharon Paradis (Juvenile Court Administrator for Benton and Franklin Counties), Rosa Peralta, George Yeannakis and Anne Lee of TeamChild as well as Daniel Ediger and Susan Encheran from the Northwest Justice Project for the support of this adapted publication.

Anyone may use the content of this publication as is for educational purposes as often and for as many people as wished. All we ask is that you identify the material as being the property of TeamChild based on the original work of the Children and Family Justice Center, Northwestern University School of Law, and the Illinois Children's Mental Health Partnership.

This publication may be downloaded at www.ccyj.org or www.teamchild.org

TeamChild®

TeamChild is a nonprofit civil legal services organization in Washington State with offices in King, Pierce, Snohomish, Spokane and Yakima Counties. Valuing the potential in all young people, TeamChild is a voice for those facing tremendous obstacles due to poverty, racism, disability, homelessness, neglect, abuse and other difficult circumstances. TeamChild's work focuses on helping youth involved in the juvenile justice system assert their right to education, mental and medical health treatment, and safe living situations. The program has been recognized nationally for its innovation and effective engagement of young people who might otherwise fall through the cracks. TeamChild was a recipient of a MacArthur Foundation Models for Change grant to improve the access to and quality of juvenile defense in Washington State. For more information about TeamChild and its projects, see www.teamchild.org.

Models for Change

John D. and Catherine T. MacArthur Foundation believes that every young person should have the opportunity to grow up with a good education, get a job and participate in our communities. Creating more fair and effective juvenile justice systems that support learning and growth and promote accountability can ensure that all of our young people grow up to be healthy, productive members of society.

Models for Change: Systems Reform in Juvenile Justice, a MacArthur Foundation initiative, began by working comprehensively on juvenile justice reform in four states, and then by concentrating on issues of mental health, juvenile indigent defense, and racial and ethnic disparities in 16 states. Through collaboration with the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Models for Change expanded its reach and is now working to replicate and disseminate successful models of juvenile justice reform in 31 states.



STOP. STAY CALM. THINK.
REMEMBER YOUR RIGHTS BEFORE YOU SAY OR DO ANYTHING.



You **DO NOT** have to talk to police. If you are stopped by police, stay calm and ask, "Am I free to go?" If the answer is yes, leave right away.

If the answer is no, tell police you want a lawyer. You have a right to a lawyer, and police are supposed to stop questioning you as soon as you ask for one.

YOU DO NOT HAVE TO TALK TO POLICE, but you do have to follow their instructions. Police might search or restrain you. Don't talk back and keep your hands where police can see them. Never touch a police officer.



THE POLICE MAY ASK to search your bag or a backpack you are carrying. **DO NOT** let the police search your things. Politely say, "I do not want you to look in my bag. I do not give you permission."



IF YOU ARE ARRESTED or held by police, tell the police, "I want to talk to a lawyer." You should give your name and address. You don't have to say anything else. Even simple information, like where you were on a certain date, could hurt you later.

POLICE ARE TRAINED TO GET YOU TO TALK. Police may say that you can go home sooner if you talk, or that someone saw you commit a crime, to get you to talk.

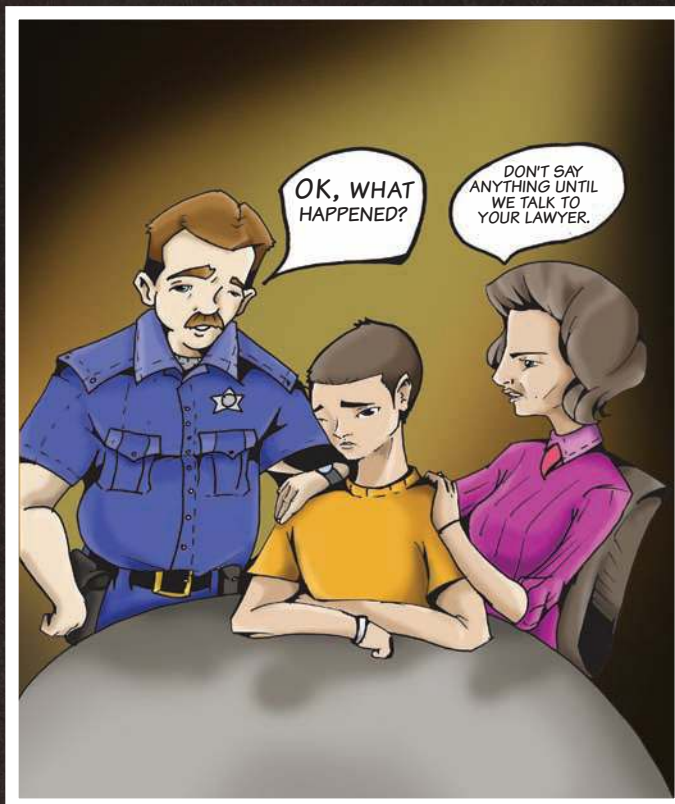
It does not mean you are guilty if you **DO NOT TALK TO THE POLICE** and ask for a lawyer. You have a right to a free lawyer if you are accused of a crime. A lawyer can protect your rights and help tell your side of the story.

Also, you do not have to sign papers until you talk to a lawyer. You may be signing away important rights.

You may be tempted to talk to others about your situation. You might feel like texting a friend or posting about it on Facebook or Twitter.

DON'T DO IT!

Sharing information online could hurt you later.





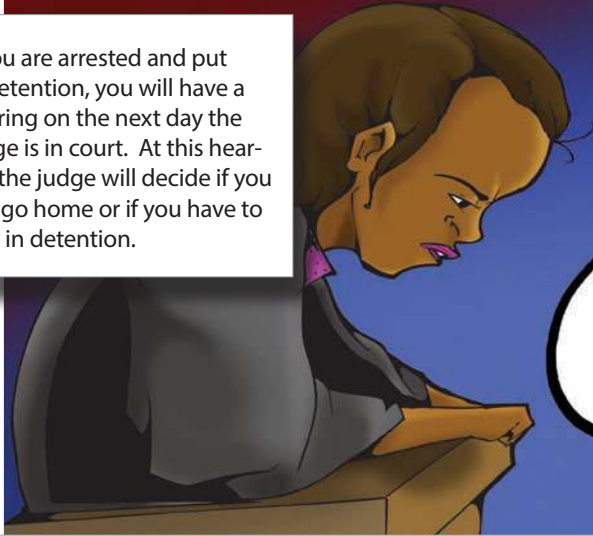
TELL POLICE HOW TO REACH YOUR PARENT or an adult family member. You do not have to say anything else.



EVERYBODY FEELS SCARED in police custody. You don't have to go through it alone.

If the police take you to detention, they will probably take your photo and your fingerprints. People at the detention center may ask you about your health, education, and family. Try to answer these questions honestly....But don't answer any questions about why you were arrested. Politely say that you want to talk to a lawyer before talking about your arrest or the charges against you.

If you are arrested and put in detention, you will have a hearing on the next day the judge is in court. At this hearing the judge will decide if you can go home or if you have to stay in detention.



YOUR
HONOR,
I WANT A
LAWYER.

Your lawyer should meet with you before your hearing. If you don't have a lawyer at the hearing, ask the judge for one. If you don't understand something, ask your lawyer to explain BEFORE you leave court. If you still don't understand, ASK again, and keep asking until you get the information you need.

IF YOU ARE CHARGED WITH A
CRIME, YOU COULD BE SENT HOME
OR HELD IN CUSTODY UNTIL YOUR
ARRAIGNMENT HEARING.

ANY TIME YOU GO TO COURT:

- Be on time.
- Dress neatly. Wear a shirt with a collar if you have one.
- Cover tattoos if you can.
- Take your hat off in the courtroom.
- Be sure to turn off your cell phone.

ALWAYS BE RESPECTFUL when you speak to the judge and others in court. Call the judge "Your Honor."



If you are charged with a crime, **YOU HAVE A RIGHT TO A TRIAL.** This is **YOUR** choice. If you have a trial, the judge will decide whether or not you are guilty of the crime. The judge makes this decision after listening to witnesses. You might also tell your side of the story to the judge during the trial.

You may also have the choice to plead guilty and not have a trial. Take your time to decide what to do in your case. Ask your attorney to explain things to you if you do not understand your choices. Pleading guilty is a decision that could affect the rest of your life.



WRITE DOWN EVERYTHING or ask a family member to help you keep track of your next court date, the names of police officers, your lawyer, probation officer and the judge. Get phone numbers too. Keep all notes and all letters about court dates or probation rules in a safe place, where you can find them.

This information is important!

Do not miss a court date because this could lead to another arrest or jail.

THE JUDGE'S RULING



IF THE JUDGE DECIDES THAT YOU ARE NOT GUILTY, THE CASE IS OVER AND YOU CAN GO HOME.

IF THE JUDGE DECIDES THAT YOU ARE GUILTY, YOU COULD BE SENTENCED TO:

- Community Supervision (Probation) and allowed to go home
- Receive counseling and/or substance abuse treatment
- Work without pay on jobs that benefit the community (community service)
- Serve time in a juvenile detention center
- Serve time in an institution run by Juvenile Rehabilitation Administration (JRA)

AFTER THE JUDGE RULES IN YOUR CASE:

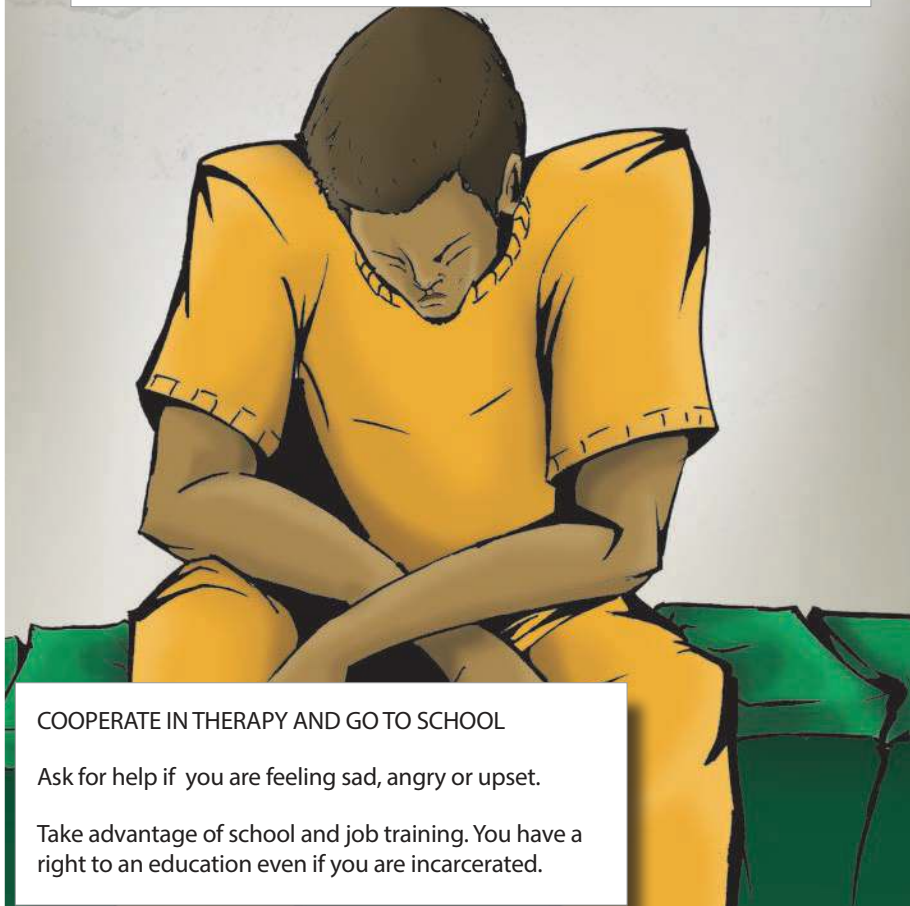
- Follow all probation rules!
- If you don't understand the rules, ASK!
- If you break the rules, you could go back to detention or JRA.

YOU HAVE A RIGHT TO APPEAL THE JUDGE'S DECISION

This means that another judge will decide if it is a good decision or a bad decision. You have to decide fast, because you only have 30 days after sentencing to ask for an appeal. You can get a lawyer to file your appeal for free.

IF YOU ARE SENT TO A JUVENILE DETENTION CENTER
OR THE JUVENILE REHABILITATION ADMINISTRATION (JRA):

Follow the rules! If you don't you could be charged with a new crime.



COOPERATE IN THERAPY AND GO TO SCHOOL

Ask for help if you are feeling sad, angry or upset.

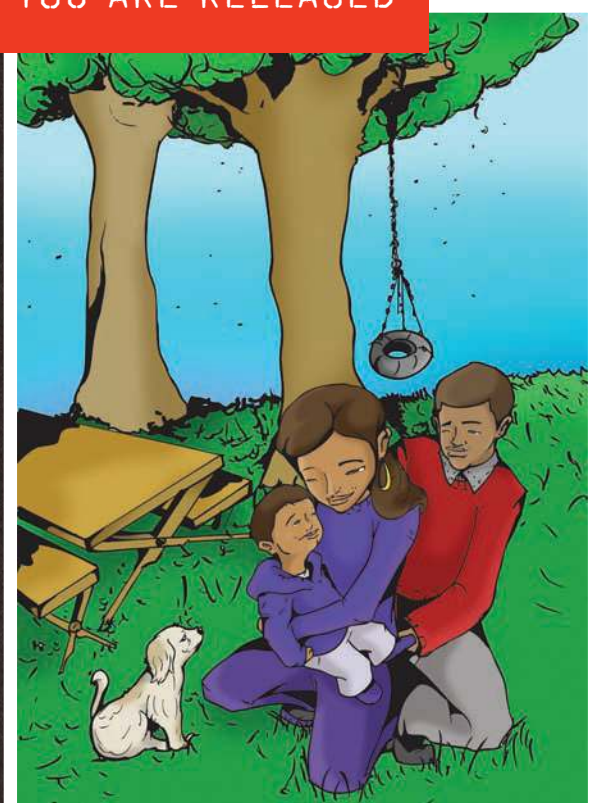
Take advantage of school and job training. You have a right to an education even if you are incarcerated.



YOUR FAMILY IS IMPORTANT!

Stay in touch with calls and visits. Family therapy can help too.

WHEN YOU ARE RELEASED



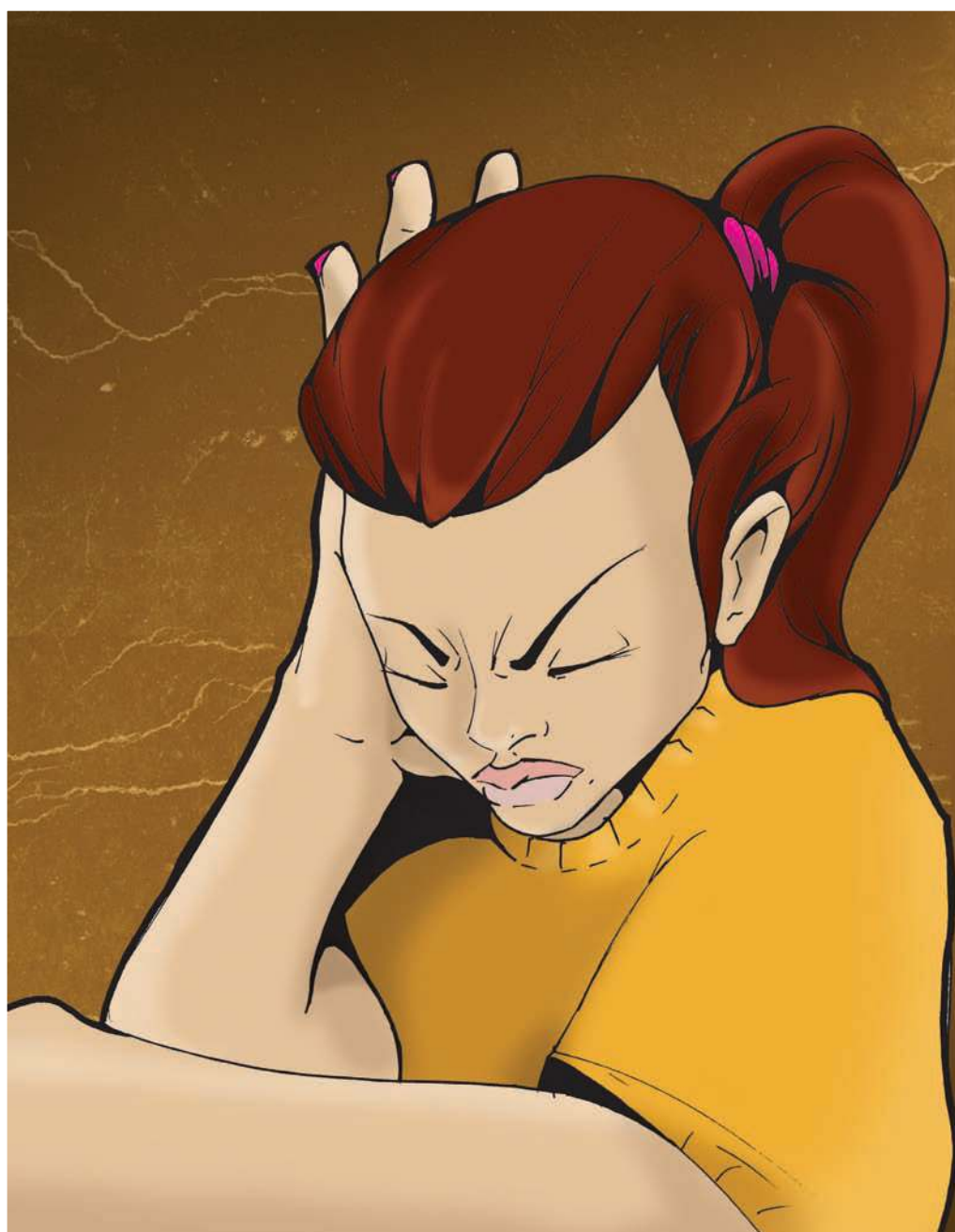
ASK FOR HELP.

You will need support. Lean on your family, friends, teachers, your church, mentors or community leaders. Look for counseling near your home. Get involved in school, a job, or something else you enjoy.

START FRESH

You may be eligible to have your records sealed. You are eligible after waiting two or five years from the date of your disposition, the date you completed your diversion agreement or the date that you were released from detention or JRA. Getting your records sealed may help you get a job, go to college, rent an apartment or join the military. You may need an attorney to help you with the forms or you can try to follow the steps listed in the Sealing Juvenile Court Records in Washington found at: TeamChild (www.teamchild.org) or Washington Law Help (www.washingtonlawhelp.org/)





WHEN YOU GET OUT, STAY OUT!

Get help if you are sad or angry or having trouble coping with life. It's a big change to return to regular life, and it's normal to struggle for awhile. It helps to talk to somebody who understands. A doctor or a social worker can help you with emotional issues or trauma.

WHO'S WHO IN THE COURTROOM

THE JUDGE

The judge is in charge of the courtroom. The judge listens to information from your probation officer, lawyers, witnesses, and sometimes even you. Based on this evidence, the judge decides if you are guilty or not guilty and sets the sentence in your case.

THE PROSECUTOR

The prosecutor's job is to prove that charges against you are true and that you broke the law. To do this, he or she presents evidence and brings in witnesses (like police officers) to testify against you. The prosecutor will use what you said to the police officers to prove that you broke the law.

DEFENSE LAWYER

The defense lawyer works for you. The defense lawyer's job is to tell you about the law and your choices, and to present evidence and witnesses to help you. The defense lawyer will investigate the case and tells you the choices you have, but you make the final decision to plea or go to trial. Ask your lawyer to explain things to you and make sure your lawyer knows what you want. Your lawyer works for you and should follow your directions. If you cannot pay for a private lawyer, the court will appoint a lawyer (called a public defender) for free.

JUVENILE PROBATION COUNSELOR

The probation counselor works for the county and is there to learn about your needs, set up services for you, give information to the judge about you and supervise you while you are on community supervision (also known as probation).

CLERK

The clerk is seated next to the judge. The clerk is responsible for all legal records and information about every case that the judge works on.

FACTS YOU SHOULD KNOW

1. In Washington, if you are under 18, you are considered a juvenile and will go to juvenile court for most charges. If you are charged with a very serious crime such as murder, rape and some crimes committed with a gun, you could be charged as if you are an adult and go to adult court, which includes facing adult jail or prison time. If you are under 8 years of age, you cannot be charged with a crime.
2. A PROBABLE CAUSE or DETENTION HEARING is the first court hearing you will have to attend. At this hearing, the judge decides if there is enough information to believe you may have committed a crime. This does not mean that the judge thinks you are guilty. It only means that the information shows that there is a chance that you broke the law. If the judge decides that there is a reason to believe that you probably caused or committed a crime ("probable cause"), then she or he will decide if you will have to stay in detention or if you can go home.
3. CONDITIONS OF RELEASE. If you are allowed to go home the judge will give you rules that you have to follow called the conditions of [your] release from detention. You must follow all these rules if you want to stay out of detention.
4. DISPOSITION: In juvenile court, sentencing is called disposition. At the disposition, a judge tells you the penalty for your crime. The judge can place you in detention, put you on probation, order counseling and require that you pay for the damage caused by your crime (the money you owe for this is called "restitution").
5. PROBATION or COMMUNITY SUPERVISION is a period of months when you must follow rules set by the judge at your disposition. During this time, a juvenile probation counselor will supervise you and make sure that you follow the rules and complete any work the judge gave you. If you break the probation rules you can be sent back to juvenile detention.

FACTS YOU SHOULD KNOW

6. PAROLE can be given for a period of time after you are released from a juvenile institution (JRA). You must follow ALL the parole rules. Parole usually lasts up to one year. If you are on parole, you are supervised by a parole officer who works for the state. If you break parole rules, you can be sent back to JRA.
7. INTERPRETERS. If you need help understanding what your attorney or judge is saying you can ask for an interpreter. The interpreter will tell you exactly what is being said in court.

IMPORTANT INFORMATION

MY LAWYER'S NAME _____

PHONE NUMBER _____

MY PROBATION OFFICER'S NAME _____

PHONE NUMBER _____

MY JUDGE'S NAME _____

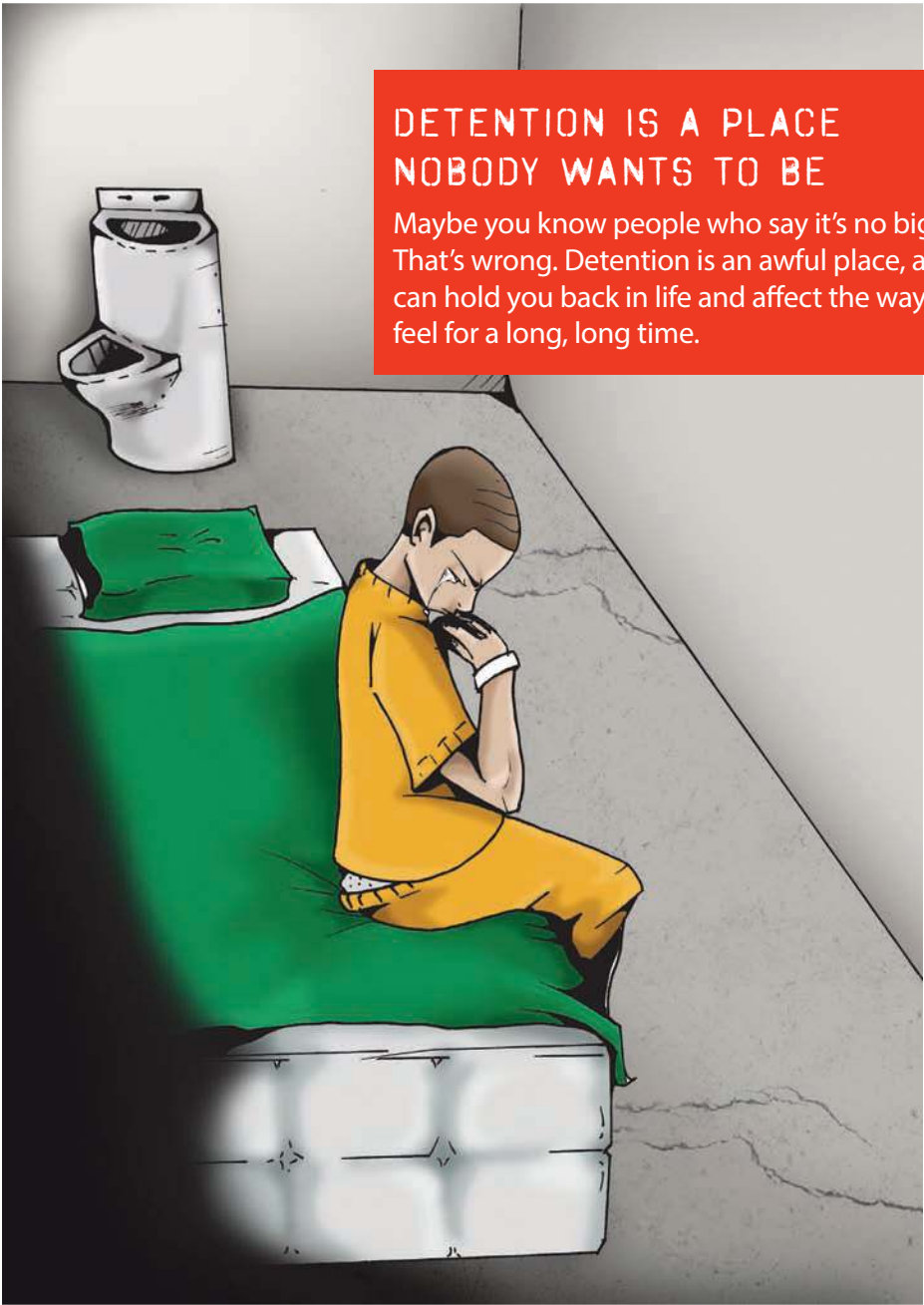
COURTROOM NUMBER _____

COURT DATES AND TIMES _____

OTHER IMPORTANT PEOPLE _____

DETENTION IS A PLACE NOBODY WANTS TO BE

Maybe you know people who say it's no big deal. That's wrong. Detention is an awful place, and it can hold you back in life and affect the way you feel for a long, long time.



JUVENILE JUSTICE DO'S & DON'TS

STOP. STAY CALM. THINK BEFORE YOU SAY OR DO ANYTHING.

DO NOT TALK TO POLICE WITHOUT YOUR LAWYER.

NEVER TOUCH A POLICE OFFICER.

BE RESPECTFUL IN COURT.

GET HELP IF YOU ARE ANGRY, UPSET, SAD OR
HAVING TROUBLE COPING WITH LIFE.

THE JUVENILE JUSTICE SYSTEM CAN BE SCARY
AND CONFUSING, EVEN IF YOU HAVEN'T DONE
ANYTHING WRONG. YOU MIGHT FEEL POWER-
LESS AND SCARED AROUND POLICE, LAWYERS
AND JUDGES. THAT'S WHY IT'S IMPORTANT TO
KNOW THAT YOU HAVE LEGAL RIGHTS THAT
NO ONE CAN TAKE AWAY!



An initiative supported by the John D.
and Catherine T. MacArthur Foundation
www.macfound.org