

I got arrested!

NOW WHAT?



A Guide to the Juvenile Justice System

My name is Chris, and this is my story. A group of teenagers from the Youth Justice Board helped make this poster so you can understand what happens after you get arrested.



**MAKING
POLICY
PUBLIC**

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DOWN AT THE Police Station, CHRIS GETS BOOKED...

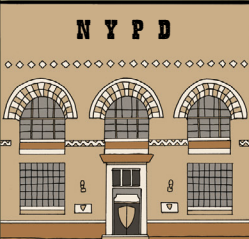
WORDS YOU MIGHT HEAR:

Family Court: The court that hears juvenile delinquency cases as well as family matters like abuse, neglect, adoption, and child custody.

Family Court Appearance Ticket: A notice police give you after you get arrested. It tells you when to go to Probation for your intake interview.

Detention: The facilities (away from home) that you live in during your case if the judge thinks you'll get in trouble again or skip your court dates.

Placement: The facilities (away from home) that you live in after your case if the judge finds you committed the acts charged in the petition and thinks you're a danger to the community. Placement can last up to 18 months, with possible extension by the court.



My son did WHAT?... No, I can't make it down to the station. He's all yours!

Ma'am, if you come down here, we can let him go with a ticket to show up in Family Court.

If you don't, we'll have to put him in detention...

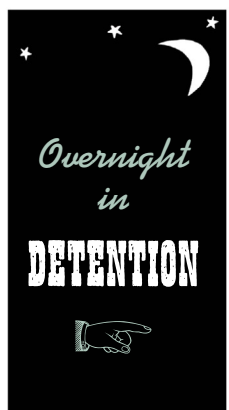
Your mom can't make it -

I don't give a -

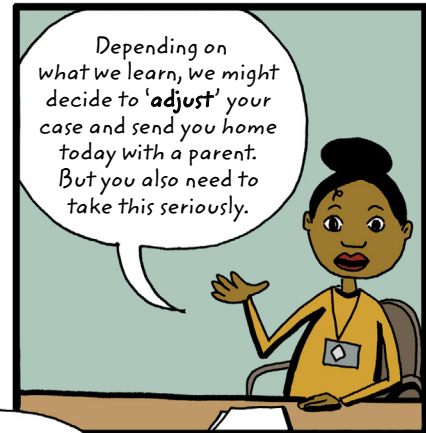
- and I can't let you go unless there's an adult to take you.

Is there someone else I can call?

Otherwise, I'm gonna have to take you to detention until Family Court opens in the morning...



2 The next morning in DETENTION, a probation officer interviews Chris



WORDS YOU MIGHT HEAR:

Adjustment: When Probation 'adjusts' your case, they decide not to refer your case to the Law Department as long as you follow the rules set by the probation officer.

Probation Department: Probation officers lead your intake interview after arrest, gather information about your life for the court, and supervise you if you're on probation or in other programs during or after your case.

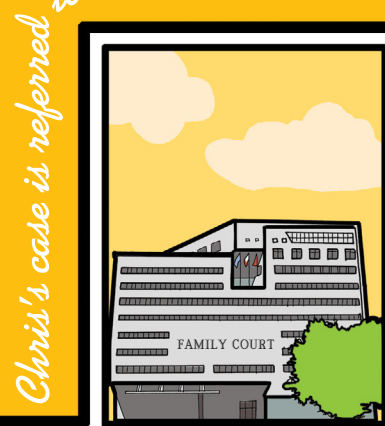
Intake Interview: A meeting after you get arrested where the probation officer asks you (and, if possible, your parent or guardian) questions about the arrest and your life.

Law Department: The lawyers who try to prove you committed an offense. They investigate cases and decide whether to bring them to court, then serve as prosecutors in the courtroom.

File a Petition: This is what it's called when the Law Department decides to bring a case to court.

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to the LAW DEPARTMENT



See how Chris's case unfolds...

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That same day, Chris meets his **LAWYER** in detention

I'm Ms. Parker, your lawyer, and I represent you. You can ask me anything before, during, or after your case.

Everything you say to me is confidential - I can't tell anyone else, not even your parents.

So what happened?

...

OK... I want to help you win your case and go home, but you have to give me something to work with.

You don't want to stay in detention any longer, do you?

We both want to keep you out of detention. Let's show the judge that you take this seriously.

I know it's hard, but when we go to court, try to have a good attitude and be respectful to the judge.

WORDS YOU MIGHT HEAR:

Lawyer for the Youth: The lawyer who defends you in court and explains the case to you.

Initial Court Appearance: The first time you go to court after getting arrested. You hear the charges against you and can make an admission or enter a denial. The judge then decides to parole you home, assign you to an Alternative-to-Detention program, or remand you to detention.

Make an Admission of Responsibility: To plead guilty or admit you committed an offense.

Enter a Denial of Responsibility: To plead not guilty or deny you committed an offense.

Parole: When the judge sends you home during your case instead of putting you in detention.

Remand: When the judge decides to send you to a detention facility during your case.

Alternative to Detention (ATD): Community programs you go to during your case that provide supervision, case management, and social services to help you stay out of trouble and keep your court dates.

Fact-Finding Hearing: The hearing where lawyers present evidence and the judge decides whether you committed the acts charged in the petition.

Disposition Hearing: The hearing where the judge announces the disposition. This hearing happens if the judge finds you committed the acts charged in the petition.

Disposition: The sentence you get after the judge finds you committed the acts charged in the petition. Options include: release without conditions, probation, and placement.

Respondent: A youth who gets arrested and accused of committing an offense.

Offense (aka Delinquent Act): Illegal behavior by a person under the age of 16.

The judge will also want to know about the rest of your life - how're things at home?

Your case has been called!

OK - we have to go to your initial court appearance.

We'll hear the charges against you, and you'll have two choices:

You can 'make an admission,' which is like pleading guilty, and the judge will schedule a disposition hearing to decide what happens next -

I'm not pleading guilty!

That's fine. Most youth don't. Instead, you'll 'enter a denial!'

The judge will schedule a fact-finding hearing. Fact-finding hearings are like trials with witnesses and evidence, but without a jury.

Any questions?

When am I going home?

Well, the judge can send you home on parole or remand you to detention during your case, but we'll try to get you home tonight.

Chris & his lawyer go to the COURTROOM and:

Mom! There you are! I've been looking all over the courthouse for you!

You realize I had to leave work to come down here?

Nice to meet you, ma'am. I'm your son's lawyer.

I'm glad you're here. If you hadn't come, your son would've definitely been sent to detention after the hearing today.

Chris & his lawyer go to the COURTROOM and:

Chris & his lawyer go to the COURTROOM and:

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And then, court is in session at the **INITIAL COURT APPEARANCE**

...Those are the charges. Will you make an admission or enter a denial?

My client will enter a denial of responsibility, your honor.

You qualify for an Alternative-to-Detention program, so I'm going to give you a chance.

After talking to your mother, I think you'll have a supportive place to live during the case.

You can remain at home as long as you keep your curfew, attend school, go to the ATD program after school - and don't get arrested again.

See you next month at the fact-finding hearing.

Adjourned!

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AFTERWARDS...

The judge wants you to go to school and stay out of trouble between now and the fact-finding hearing.

I want you and your mother to make sure you keep your curfew and go to the ATD 5 times a week.

I have to go to the ATD every day?

You're going! And you're going to stay out of trouble.

Your mother's right - if you skip out on the ATD or get in trouble before the hearing, the judge might put you in detention.

Also, you've got to go to school, or the judge will know about it.

I'll be in touch before the hearing -

What if I want to get in touch with you?

Good question. Here's my card. Don't lose it!

Write my name, phone number, and email address on the back of that comic book.

I'm usually in court during the day, but you can leave a message or email and I'll get back to you as soon as I can.

If we all stay on track, I think we can keep you out of placement.

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Waiting for the FACT-FINDING HEARING

2 2 2

9:01 PM

SINCE I HAD PEOPLE CHECKING UP ON ME, I WENT TO SCHOOL MORE, MADE MY CURFEW, STAYED OUT OF FIGHTS, AND WENT TO MY ATD.

I WANTED A CLEAN REPORT AT THE HEARING.

I DID NOT WANT TO GO TO DETENTION OR HAVE THE JUDGE PUT ME IN PLACEMENT AT THE END OF MY CASE.

Hey man, where you been?

Hello, I'd like to talk to Ms. Parker, my lawyer.

I ALSO KEPT IN TOUCH WITH MY LAWYER SO THAT WE COULD LET THE JUDGE KNOW I WAS TAKING ALL THIS SERIOUSLY.

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The lawyers battle it out at the FACT-FINDING HEARING

Family Court is now in session!

Tell us, Officer, what did you find at the scene?

But you have no reason to believe it belonged to my client, do you?

And then THE JUDGE MAKES A DECISION

...Based on the evidence presented at this hearing, I find the respondent committed the acts charged in the petition.

Is he... Am I... GOING UPSTATE??!

Not right now - as for what happens next, we don't know yet.

The judge will decide that at the next hearing.

...We'll come back here for the disposition hearing in six weeks.

I'll expect a report from Probation and recommendations from the Law Department and Chris's lawyer about where he should go after the next hearing.

Listen, you've been doing really well. The best things you can do are keep going to school and ATD, get home for curfew, and stay out of trouble...

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SIX WEEKS LATER AT THE Disposition Hearing

...I just want to stay home, your honor. I'm sorry for what I did and it won't happen again.

I'll keep going to school and listening to my mom...

...In recognition of the progress this youth has made in his Alternative-to-Detention program, we recommend...

... my client has shown that he can attend school and live at home and in his community without any problems.

We would like him to stay home...

Can you do that, Chris?

...The youth will remain at home on probation.

He will need to meet with an officer weekly, and should expect regular visits at home and at school.

He also needs to follow curfew.

Chris, I don't want to see you back here. Follow these conditions, listen to your mom, and stay out of trouble.

IT WASN'T EASY - OR FUN - BUT I JUST KEPT TELLING MYSELF THAT I COULD GO UPSTATE IF I MESSED UP.

Can he do it? Look inside to find out...

I got arrested! NOW WHAT?

A Guide to the Juvenile Justice System



WANT SOME TIPS?

HERE ARE SOME THINGS THAT WE LEARNED:

- **Bring a parent, a guardian, or another responsible adult.** This is really important. If you have a responsible adult with you at every stage, you're more likely to stay at home during and after your case.
- **Start building a good record right away: Stay out of trouble. Go to school. Go to court dates and other appointments on time.** People will be checking up on you. Your behavior during the case can matter as much as anything you've done in the past.
- **Show that you take the process seriously: Treat everyone with respect. Be polite. Dress appropriately.** The probation officer, the judge, and the Law Department notice these things when they're making decisions about your case. (It makes a good impression when you tuck in your shirt, pull up your pants, and take off your hat or du-rag.)
- **Take advantage of the programs and services in the system.** They can help show the judge that you're trying to stay out of trouble.
- **If you don't understand something, ask questions!**

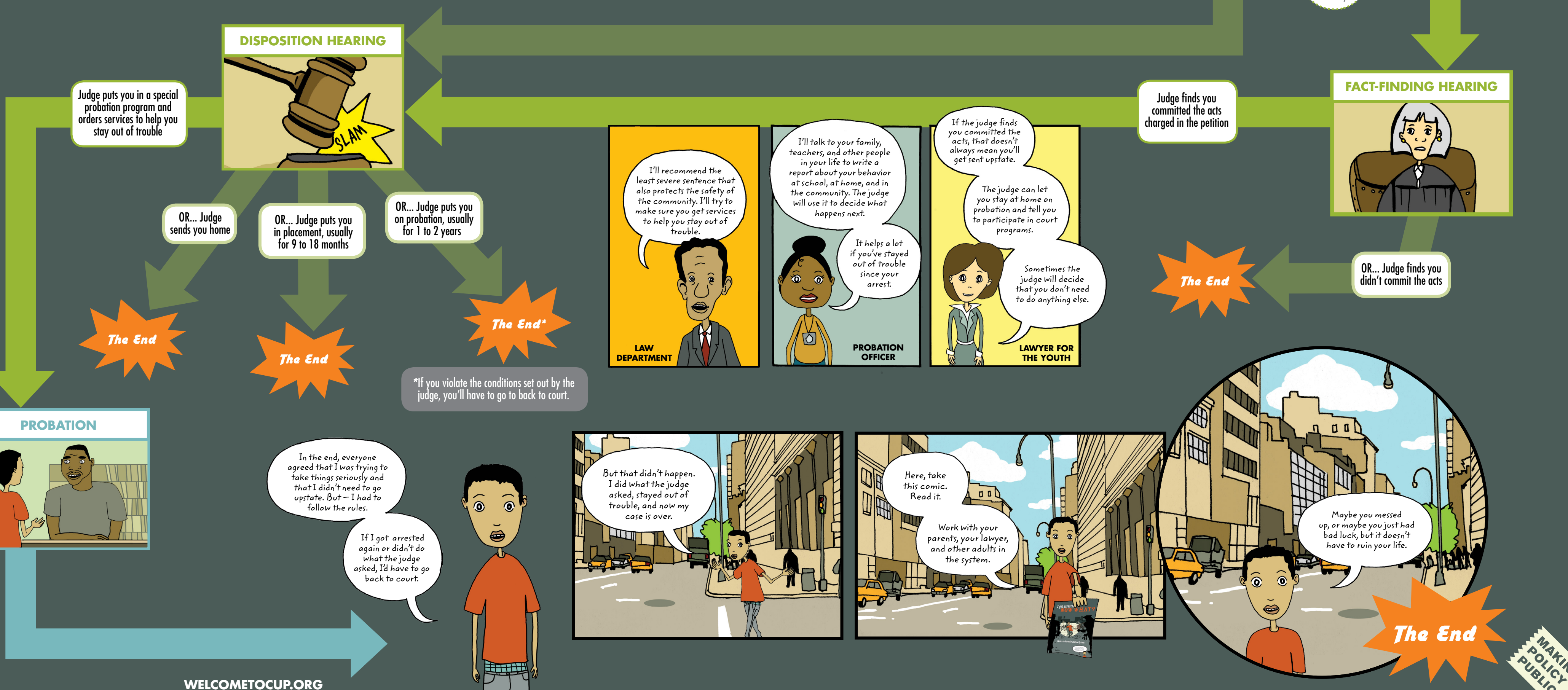
CHRIS & HIS MOM

HERE'S MY advice:

- **Be honest and open with me.** You have a right to a lawyer, and being honest and open helps us do our job.
- **Use caution when talking to people in the system.** Whatever you say or do around a police officer or probation officer is NOT confidential and can come up in court. You always have the right not to talk.
- **Stay in touch with me!** Return my phone calls. Call or email and I'll get back to you as soon as I can.
- **Ask me questions!** It's my job to help you understand the process.

LAWYER FOR THE YOUTH
CLARISSA PARKER

LAWYER FOR THE YOUTH
CLARISSA PARKER



I got arrested! NOW WHAT?

If your case goes to court, use this to keep track of your information:

Initial Court Appearance Date _____

Location (Court Part) _____

Judge's Name _____

Lawyer's Name _____

Lawyer's Phone _____

Lawyer's Email _____

Words You Might Hear

Adjustment: When Probation 'adjusts' your case, they decide not to refer your case to the Law Department as long as you follow the rules set by the probation officer. The complainant has to consent. Adjustment periods usually last from 60 to 120 days. If you follow the rules, your case is over and you have no record.

Alternative to Detention (ATD): Community programs you go to during your case that provide supervision, case management, and social services to help you stay out of trouble and keep your court dates.

Alternative to Placement (ATP): Community programs you go to after your case (instead of placement) if the judge finds you committed the acts charged in the petition. They are conditions of probation. ATP programs try to help you stay out of trouble.

Complainant: The person who makes a report to the police about an offense. This can be a victim, a police officer, or another law enforcement member.

Detention: The facilities (away from home) that you live in during your case if the judge thinks you'll get in trouble again or skip your court dates.

Disposition: The sentence you get after the judge finds you committed the acts charged in the petition. Options include: release without conditions, probation, and placement.

Disposition Hearing: The hearing where the judge announces the disposition. This hearing happens if the judge finds you committed the acts charged in the petition.

Enter a Denial of Responsibility: To plead not guilty or deny you committed an offense.

Fact-Finding Hearing: The hearing where lawyers present evidence and the judge decides whether you committed the acts charged in the petition.

Family Court: The court that hears juvenile delinquency cases as well as family matters like abuse, neglect, adoption, and child custody.

Family Court Appearance Ticket (FCAT): A notice police give you after you get arrested. It tells you when to go to Probation for your intake interview.

File a Petition: This is what it's called when the Law Department decides to bring a case to Family Court. The petition includes the charges – the acts or offenses that the Law Department says you committed.

Initial Court Appearance: The first time you go to court after getting arrested. You hear the charges against you and can make an admission or enter a denial. The judge then decides to parole you home, assign you to an Alternative-to-Detention program, or remand you to detention.

Intake Interview: A meeting after you get arrested where the probation officer asks you (and, if possible, your parent or guardian) questions about the arrest and your life. The judge and the Law Department use this information to make decisions about your case.

Juvenile Delinquent: A 7 to 15-year-old youth found responsible in Family Court of committing an offense.

Juvenile Offender: A 13 to 15-year-old youth found guilty as an adult in Criminal Court. A decision to try a youth in Criminal Court is based on the seriousness of the crime.

Law Department: The lawyers who try to prove you committed an offense. They investigate cases and decide whether to bring them to court, then serve as prosecutors in the courtroom. They work for the City.

Lawyer for the Youth: The lawyer who defends you in court and explains the case to you.

Make an Admission of Responsibility: To plead guilty or admit you committed an offense.

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Probation Department: Probation officers lead your intake interview after arrest, gather information about your life for the court, and supervise you if you're on probation or in other programs during or after your case.

Remand: When the judge decides to send you to a detention facility during your case.

Respondent: A youth who gets arrested and accused of committing an offense.

Violation Hearing: A hearing you'll have if you get in trouble while on probation. The judge will decide on consequences, which can include new rules or going to placement.

CREDITS

MAKING POLICY PUBLIC is a program of the Center for Urban Pedagogy (CUP). CUP partners with policy advocates and graphic designers to produce foldout posters that explain complicated policy issues, like this one. makingpolicypublic.net

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THE CENTER FOR URBAN PEDAGOGY (CUP)

is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement. welcometocup.org

THE CENTER FOR COURT INNOVATION

Based in New York City, the Center for Court Innovation is an independent, non-partisan, non-profit organization that seeks to help create a more effective and humane justice system by designing and implementing operating programs, performing original research, and providing reformers around the world with the tools they need to launch new strategies. www.courtinnovation.org

THE YOUTH JUSTICE BOARD

A project of the Center for Court Innovation, the Youth Justice Board is an after-school program that gives young people a voice in policies that affect their lives. Each year, a team of 15 to 20 youth from across New York City studies a juvenile justice or public safety issue, writes recommendations, and works to make positive change. The project aims to bring policymakers and informed youth leaders together in ongoing conversations. www.courtinnovation.org/youthjusticeboard

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Danica Novgorodoff is a painter, comic book artist, writer, and graphic designer. Her graphic novels *Slow Storm*, *Refresh Refresh*, and *The Undertaking of Lily Chen* were published by First Second Books www.danicanovgorodoff.com

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The characters in this publication are fictional. Any resemblance to real people is coincidental! This publication is not intended to replace legal advice.

