

# Know the Law

**Have you, or someone you know, been...**

- ✓ **arrested?**
- ✓ **summoned to juvenile court?**
- ✓ **charged with violating probation?**

**Do you, or someone you know, need help...**

- ✓ **dealing with the police?**
- ✓ **getting through the court system?**
- ✓ **understanding your legal rights?**

If you are under 17 and answered "yes" to any of these questions, call the Youth Advocacy Project (YAP) and ask for a lawyer. As part of the Massachusetts public defender agency, YAP represents children and youth who are charged with crimes. This pamphlet is no substitute for in-person legal advice, but it does give you the basics about your rights and responsibilities in the juvenile justice system.

**Call us at 617-445-5640**

All services are free and confidential.

*If you are 17 or older,  
ask for **Roxbury Defenders** at the same number.*

**Youth Advocacy Project**

Ten Malcolm X Blvd. Roxbury, MA 02119

# KNOW HOW TO DEAL WITH THE POLICE

Many young people will be stopped, searched, questioned, and arrested by the police. Sometimes it turns out that they have done little or nothing wrong. If this happens to you, the most powerful thing you can do is to stay in control of yourself and pay attention. The law does not give you the right to fight the police. Whether the actions of the police are lawful is something that can be decided only in court, not on the street. Here are some tips to protect yourself and keep a bad situation from getting worse.

## IF YOU ARE STOPPED

### **Get information.**

Memorize the officer's badge number or the license plate number. If you can't get these numbers, try to memorize what the officer looks like. This information can come in handy later if you decide to file a complaint against the police. Don't ask an officer for a badge number. Try not to ask questions or make comments that will anger the police.

### **Stay calm.**

Even if you think the police do not have a right to stop or search you, don't fight. The most you should do is say, calmly, "I do not consent to this search." Otherwise, you could be charged with assault and battery on a police officer.

### **Keep your hands out of your pockets.**

An officer may think you have drugs or a weapon.

## IF YOU ARE ARRESTED

### **Do not resist arrest.**

Even if you think the police have no reason to arrest you, don't struggle with them. You can be charged with resisting arrest.

### **Do not talk about what just happened.**

Even if the police tell you talking will help you, do not talk about the events that led up to the arrest. You only have to tell them your true name and address. You have a right to a lawyer. If you ask the police for a lawyer, they must stop questioning you.

### **Ask to make a phone call.**

Call your family. Call YAP at 445-5640 to ask for a lawyer. While on the phone, don't talk about how you got arrested.



# KNOW THE JUVENILE JUSTICE SYSTEM

Young people in Massachusetts between the ages of 7 and 17 who are charged with crimes will be prosecuted in juvenile court, either as delinquents or youthful offenders.

## DELINQUENCY

The penalty for being found delinquent (guilty) is *probation* or *commitment* to the Department of Youth Services (DYS). Exception: If you are 14 or older and charged with murder, you will be treated as an adult.

**Probation:** A period of time for which the judge sets conditions on you. Here are some common conditions:

- ✓ do not get arrested again
- ✓ go to school on time every day, and/or work
- ✓ obey the rules of wherever you are living
- ✓ report to a probation officer or program
- ✓ pay money, if you stole or damaged property
- ✓ keep curfew

*You can be committed to DHS if you violate probation rules.*

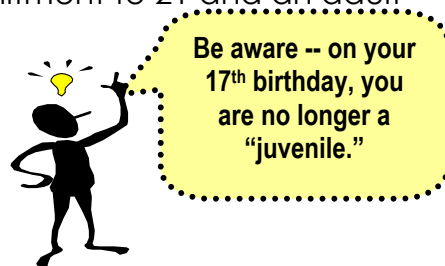
**Commitment to DHS to age 18:** This is the maximum penalty for being found delinquent. If you are committed, DHS will decide where you live until you turn 18. A committed youth will go to a residential or a locked program and may eventually live at home, with DHS rules. A youth found delinquent of firearm offenses must be committed to DHS, with at least 6 months locked up for the 1<sup>st</sup> offense, and at least 1 year for each additional offense.

## YOUTHFUL OFFENDER

If you are 14, 15, or 16 years old and charged with a felony (a serious crime), you can be charged as a youthful offender if you are also: ❶ already committed to DHS; or ❷ charged with a crime involving the threat or infliction of serious bodily harm; or ❸ charged with certain firearm offenses.

The penalty for being found guilty in a youthful offender case is:

- ✓ commitment to DHS to age 21; or
- ✓ an adult sentence; or
- ✓ a combination sentence, which is a DHS commitment to 21 and an adult suspended sentence.



## KNOW THE COURT PROCESS



If you get a **summons**, which is a notice from the court ordering you to appear, go to court! You will be arrested if you do not go.

The court may set up a **clerk's hearing** to decide if there is enough evidence to charge you with a crime. You will be told about the hearing, and you should be there. The court will not provide you with a lawyer, but YAP can sometimes send a lawyer. Call us as soon as the date of the hearing is set.

If you are **arrested**, you may be held at the police station or DYS until the next weekday. Don't speak to anyone about the case without a lawyer, even if you are told that talking will help.

The **arraignment** is the first court date. You will be interviewed by probation, have a lawyer appointed to represent you, and be officially charged. The judge decides whether you can be released or whether a cash bail will be set. To decide, the judge looks at your criminal record, your school attendance, the seriousness of your charge, and your behavior in general. If bail is set and is not paid, you will stay at DYS until your case is over. Try to bring positive letters from your school, youth program, job, or church. Bring a parent or guardian. Ask other supportive adults, like a teacher or a coach, to come too. Dress nicely!



After the arraignment, you will have at least one more court date, called a **pretrial hearing**. Between the arraignment and pretrial hearing, you should meet with your lawyer. Call and make an appointment right away.



You may decide that you want to make an **admission**, which is when you admit that there is enough evidence for you to be found guilty.

If you want to fight the case, you will have a **trial**. At a trial, the case can be decided by a jury. A jury is a group of people from the community who listen to the witnesses and decide if there is enough evidence to find you guilty. You can also have a trial in front of a judge, without a jury.



## KNOW THE PLAYERS & TERMS

**Your Lawyer:** Appointed by the court or hired by your family to defend you. Your lawyer works for you, not your family. Your lawyer's job is to listen, explain things, and fight for you in court. Whatever you say about your case is between the two of you. The lawyer gives advice, but you make the decisions.

**Assistant District Attorney "ADA":** Represents the state in bringing the case against you. Also known as the prosecutor, the ADA presents evidence that you committed a crime. The ADA can bring a case even if the witnesses want to drop the charges.

**Probation Officer "PO":** Interviews you and your parent/ guardian. The PO asks about your family's income to see if you qualify for a free attorney. The PO checks on how you are doing at home and in school. Don't talk about your case with the PO, because he or she will tell the judge what you say. If you're on probation, the PO supervises you.

**Judge:** Makes all the important decisions about your case. The judge decides whether you will go home or to DYS, hears the evidence and your lawyer's arguments, and decides on a sentence. The judge may order you to go to school, stay away from an area, or get counseling.

**Witness:** Saw, heard or has information about the crime you are accused of committing. A witness doesn't have to be at every court date, but has the right to be there.

**Plea Bargain:** A discussion between your lawyer, the ADA, and the judge about what sentence you will get if you admit to the crime. Your lawyer tries to get what you want. Your lawyer should inform you about all conversations. You are the person who decides whether to take a particular deal.

**Joint Venture:** If you are with a person who commits a crime, you can also be arrested and charged. However, the ADA must show that you were a willing participant in the crime.

**Self-Defense:** You can use force to protect yourself, or another person, from physical harm *only* if:

- ✓ you are in danger at that moment;
- ✓ you are unable to get away from the situation; *and*
- ✓ you use only as much force as you need to protect yourself. The law doesn't allow you to make the fight worse.

## KNOW THE CONSEQUENCES

Along with probation and DYS, you face these consequences if you are charged with a crime and/or found guilty of it.



**Immigration:** If you are not a citizen and are found guilty of a crime, you could be removed from the U.S., or prevented from obtaining citizenship.



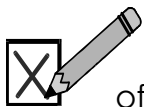
**Housing:** If there is evidence that you committed a crime in your apartment, your family can be evicted. You are at even greater risk if you live in a Housing Authority apartment. If you are charged with committing a gun or a drug offense on or near Housing Authority property, your family faces eviction – even if you are not found guilty.



**School:** If you are charged with a felony (a serious crime) committed on or off school grounds, you can be suspended. If you are found guilty, you can be expelled. You must be given written notice of the reasons for suspension or expulsion. You have a right to a hearing, and to bring a lawyer, but you have to move fast. Although it doesn't seem fair that you can be expelled from school for something that happened away from school, that's the law!



**Registry of Motor Vehicles:** If you are found guilty of a drug or alcohol offense, or of a motor vehicle offense, your driver's license may be suspended for up to five years. If you have not gotten your driver's license yet, you may have to wait until you are 21.



**Sexual Offender Registry:** A juvenile found guilty of a sex offense will probably have to register as a sex offender at a local police station. Sex offenses include: rape, indecent assault and battery, assault with intent to commit rape, open and gross lewdness (which is indecent exposure or public masturbation) and kidnapping a child under 16. The general public can find out about people on the registry. Because the law in this area is always changing, speak to an attorney to find out the most current information.