

# **WHEN YOUR CHILD IS ARRESTED: How To Navigate Through the Juvenile Justice System**

**Produced by the National Council on Crime and Delinquency as part of  
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It is an extremely stressful time when your child is arrested. For parents and guardians, there are feelings of anger, disappointment, and shame. The juvenile justice system can be very overwhelming and confusing. This guide aims to help parents who are unfamiliar with the system in knowing what to expect at each stage, where to go for advice, and who will ultimately decide what happens to your child. There are resources to help you and your child in this process.

## **KNOW YOUR RIGHTS:**

### Rights of the youth in the juvenile justice system

1. Right to remain silent. Anything said can be used as evidence. This right applies to the police, probation officer, and the Immigration and Naturalization Services (INS).
2. Right to a lawyer prior to police questioning and during the court process. The court will appoint a lawyer to represent the youth if the juvenile cannot afford one.
3. Right to have a translator available.
4. Right to have a free copy of the charges against the youth.
5. Right to a trial to face and cross-examine witnesses.

### What if I get arrested?

- Don't say anything to the police, except to identify yourself.
- Ask to talk to a lawyer.
- Stay calm and be polite. Keep your hands where the police can see them.
- Do not run away, resist, or even touch a police officer.

### Your Rights if you are locked up in Juvenile Hall

- Two free phone calls: 1) to your parents or legal guardians and 2) to your lawyer.
- Remain silent – don't talk to anyone until you talk to your lawyer.
- Say "No" to a drug test.
- In the first three days, a judge will decide if you should go free.



### **IF YOU DON'T KNOW THE PROCESS:**

- Speak to your child's probation officer.
- Meet with your attorney.

### **HOW TO FIND AN ATTORNEY:**

Try to hire a private attorney if you can afford one. This ensures they will give your child the attention his/her case needs. Call a community agency for help.

### **IF YOUR CHILD HAS PROBLEMS WITH DRUGS OR MENTAL HEALTH PROBLEMS SUCH AS DEPRESSION OR ANGER:**

There are many community agencies and county agencies that can help you even if you have limited financial means. Many agencies have translators.

**AGENCIES FOR LEGAL ASSISTANCE:**

Alameda County Bar Association  
610 16<sup>th</sup> Street, Suite 426      *Languages:*  
Oakland, CA 94612      *Mandarin, Cantonese*  
(510) 893-7160      *Spanish*  
[www.acbanet.org](http://www.acbanet.org)

Asian Immigrant Women Advocates  
310 8<sup>th</sup> St. Ste. 301      *Languages: Cantonese*  
Oakland, CA 94607  
(510) 268-0192      [www.aiwa.org](http://www.aiwa.org)

API Legal Outreach  
Oakland Office:      San Francisco Office:  
1212 Broadway, Suite 400      1188 Franklin Street, Suite 202  
Oakland, CA 94612      San Francisco, CA 94109  
(510) 251-2846      (415) 567-6255  
[www.apilegaloutreach.org](http://www.apilegaloutreach.org)      [info@apilegaloutreach.org](mailto:info@apilegaloutreach.org)

Asian Law Caucus  
939 Market St., Suite 201  
San Francisco, CA 94103  
(415) 896-1701  
[www.asianlawcaucus.org](http://www.asianlawcaucus.org)

East Bay Community Law Center  
3130 Shattuck Avenue  
Berkeley, CA 94705  
(510) 548-4040  
[www.ebclc.org](http://www.ebclc.org)      [webinquiry@ebclc.org](mailto:webinquiry@ebclc.org)

International Institute of the East Bay  
449 15th Street, Suite 201  
Oakland, CA 94612  
(510) 451-2846      [www.iieb.org](http://www.iieb.org)  
Immigration and deportation legal services

Law Center for Families  
510 16th Street, Suite 300  
Oakland, California 94612  
(510)451-9261      [www.lcff.org](http://www.lcff.org)

The SAGE Project, Inc.  
1385 Mission Street, Suite 300  
San Francisco, CA 94103  
(415)905-5050      [www.sagesf.com](http://www.sagesf.com)  
For girls in the juvenile justice system

Refugee Transitions  
2647 International Blvd. Ste. 204      870 Market St. Ste. 1219  
Oakland, CA 94601      San Francisco, CA 94102  
(510) 536-7754      (415) 989-2151  
[www.reftrans.org](http://www.reftrans.org)      *Languages: Varies, call for information*

Internet Self Help Resources:

[www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)

[www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org) (translated in various API languages)

[www.findlaw.com](http://www.findlaw.com) (resource for locating lawyer)

[www.cjcj.org](http://www.cjcj.org) (action center and resource links)

## **SUBSTANCE ABUSE**

Asian American Recovery Services

965 Mission St. Ste. 325

*Languages: Cantonese*

San Francisco, CA 94103

*Hindi, Japanese, Khmer*

(415) 541-9285

*Korean, Tagalog, Vietnamese*

[www.aars-inc.org](http://www.aars-inc.org)

## **FOR YOUR CHILD**

Asian/Pacific Islander Youth Promoting Advocacy & Leadership

3108 8<sup>th</sup> St. Ste. 201

Oakland, CA 94607

(510)869-6007

[www.aypalpower.org](http://www.aypalpower.org)

Asian Youth Services Committee

388 9<sup>th</sup> St. Ste. 259

*Languages: Cantonese,*

Oakland, CA 94607

*Mandarin, Vietnamese*

(510) 286-6883

[www.asianyouth.org](http://www.asianyouth.org)

Cambodian Community Development, Inc.

1909 International Blvd. #3

*Languages: Khmer*

Oakland, CA 94606

(510) 535-6120

[www.ccdi.org](http://www.ccdi.org)

East Bay Asian Youth Center

2025 E. 12<sup>th</sup> St.

*Languages: Cantonese,*

Oakland, Ca 94606

*Cambodian, Laotian,*

(510) 533-1092

*Mien, Spanish, Vietnamese*

Filipinos for Affirmative Action

310 8<sup>th</sup> St. Ste. 306

*Languages: Visayan, Ilocano,*

Oakland, CA 94607

*Tagalog*

(510) 465-9876

[www.filipinos4action.org](http://www.filipinos4action.org)

Korean Community Center of the East Bay

4390 Telegraph Ave. Ste. A

*Languages: Korean*

Oakland, CA 94609

(510) 547-2662

[www.kcceb.org](http://www.kcceb.org)

Oakland Asian Students Education Services

196 10<sup>th</sup> St.

*Languages: Cantonese,*

Oakland, CA 94607

*Mandarin, Tagalog, Vietnamese*

(510) 891-9928

[www.oases.org](http://www.oases.org)

Pacific Islander Kie Association (PIKA)

1212 Broadway Ste 828

*Languages: Tongan*

Oakland, CA 94612

(510) 834-9455

[www.arcassociates.org](http://www.arcassociates.org)

Youth Together  
1611 Telegraph Ave. #203  
Oakland, CA 94612  
(510) 645-9209

[www.youthtogether.net](http://www.youthtogether.net)

## HEALTH

Asian Communities for Reproductive Justice  
310 8<sup>th</sup> St. Ste. 102  
Oakland, CA 94607  
(510) 434-7900  
[www.reproductivejustice.com](http://www.reproductivejustice.com)

*Languages: Chinese, Mien  
Vietnamese*

Asian Community Mental Health Services  
310 8<sup>th</sup> St. Ste. 201  
Oakland, CA 94607  
(510) 451-6729  
[www.acmhs.org](http://www.acmhs.org)

*Languages:  
Cambodian, Cantonese,  
Japanese, Khmuu, Korean,  
Laotian, Mandarin, Mien,  
Tagalog, Toisan, Vietnamese*

Asian Health Services  
818 Webster St. Ste 309  
Oakland, CA 94607  
(510) 986-1024  
[www.asianhealthservices.org](http://www.asianhealthservices.org)

*Languages: Cambodian,  
Mien, Cantonese, Korean,  
Laotian, Mandarin,  
Tagalog, Vietnamese*

Asian Pacific Psychological Services  
255 International Blvd.  
Oakland, CA 94606  
(510)233-7555  
[www.appsweb.org](http://www.appsweb.org)

*Languages: Cambodian,  
Khmu, Cantonese, Korean,  
Lao, Mien, Mandarin,  
Tagalog, Thai, Vietnamese*

## JUVENILE JUSTICE AGENCIES

**Juvenile Justice Center/ Juvenile Hall**  
2500 Fairmont Dr.  
San Leandro, CA 94578  
(510) 667-4970

**Alameda Public Defender's Office**  
380 Washington Street  
Oakland, CA 94607  
(510) 272-6600

**Camp Sweeney**  
2600 Fairmont Dr.  
San Leandro, CA 94578  
(510) 667-7474

## FOR YOUR CHILD'S FUTURE

### *What does it mean to seal your records?*

- Sealing your records means that the records held by the police, courts, and district attorney will be sealed off and treated as though they never took place.
- These records cannot be opened again without your permission.

### *Why do it?*

- Having a delinquent record can hurt your ability to find a job or get a driver's license.
- It can lead to serious problems for non-citizens and repeat offenders.
- Once you have sealed your records you can legally say that you have never been convicted or arrested.



### *Who can do it?*

- Anyone with a juvenile record and is age 18 and over OR who is five years removed from their last arrest or juvenile court finding.

### *Who can't seal their records?*

- Anyone currently on probation, involved in criminal activity, or in criminal court proceedings.
- Any juvenile records for an offense where the youth is convicted in adult criminal court or convicted of serious and violent crime (only youth 14+).

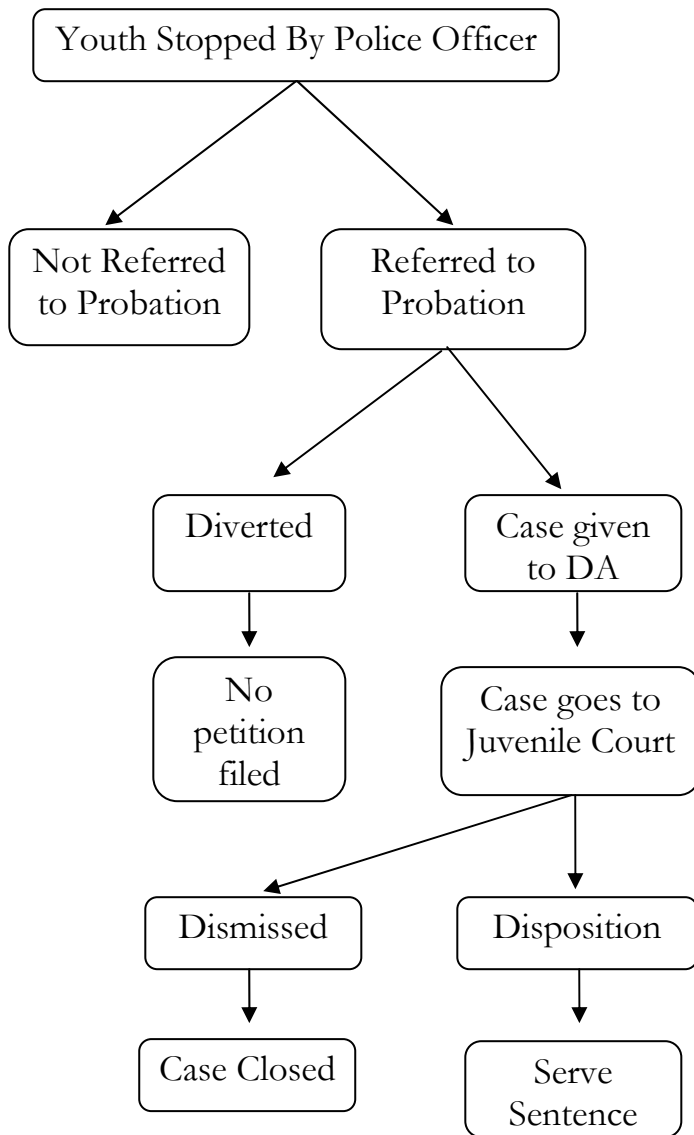
### *How to seal your records...*

- Submit a "Records Sealing Application" and an "Affidavit and Petition for the Sealing of Records" to Alameda County Probation department (fees may apply).
- It generally takes five months to be screened and to set a court date for your hearing. You will have to appear in court only if the sealing of your record is opposed.
- At the hearing the court will review your petition and your probation officer will report their recommendation.

## WHEN YOUR CHILD IS ARRESTED: A CHECKLIST

- Get a private attorney, or a public defender.
- Communicate with your child about the incident.
- Gather letters of support for your child (from teachers, clergy members, community leaders, etc.).
- Communicate with your child's probation officer and provide the letters of support. If you are not comfortable speaking English, ask for a translator.
- See what programs in the community can help you and your child. These can be afterschool programs, drug or alcohol programs, mental or emotional health programs, or family counseling.
- If your child goes to trial:
  1. Always show up to court.
  2. If you are not comfortable speaking English, ask for a translator.
  3. Make sure your child is well-dressed.
  4. Show the court you support your child.
  5. Show the court you are willing to help your child, this can be shown by the programs you will participate in.
- **REMEMBER:** Ask questions of the probation officer, your attorney, or community agency if you don't understand.

**HOW THE SYSTEM WORKS**



## **KEY TERMS & DEFINITIONS:**

### Offense Classifications

- Infraction. The least serious type of a crime. For example, a traffic ticket is an infraction. Usually, you will get a fine, not lock-up time for an infraction.
- Misdemeanor. A crime that has a maximum sentence of less than one year. Prostitution, petty theft, and minor drug offenses are examples of misdemeanors.
- Felony. A felony is a serious crime that has a maximum sentence of more than one year in adult court. Murder, assault with a deadly weapon, grand theft, and some drug offenses are examples of felonies. A juvenile adjudication is not a conviction – later when you apply for a job, you can still say you have never been convicted of a felony.

### Parts of the Process

- Pre-trial hearing. If the district attorney files a petition, there may be a possibility that the case can be settled without a trial if an agreement is made. If the juvenile admits to the charge, then no trial is necessary, and the probation officer can advise the judge at the dispositional hearing.
- Adjudication/adjudicatory hearing. The trial when a judge hears evidence from the district attorney and the youth's lawyer about the charges. The judge will review reports written by the probation officer, as well as other reports. No jury is present, the judge will decide if the charges are true (sustained), or dismissed.
- Dispositional hearing. When a judge decides the sentence and placement of the youth after reading the dispositional report written by the probation officer.

## **OUTCOME OPTIONS:**

At disposition the judge chooses between these options:

- Regular Wardship Probation - Usually runs one year, child can stay at home, attend school, but has limitations on curfew.
- 725A Nonwardship Probation - Usually runs six months.
- Out of home placement - Group home, which houses multiple youth, can be a year or more.
- Out of home placement - Camp Sweeney, a structured environment for rehabilitation, can be six to nine months.
- Out of home placement - Division of Juvenile Justice, for serious offenses, is like prison for kids.