

Maggie Mercury

**TEENAGE
EXTRAORDINAIRE**

RIGHTS & ROLES BOOK



When a young person sees, hears, or was harmed by an adult committing a crime, they might have to speak with different adults and share what they remember about what happened. These adults are part of something called the criminal legal system, and this book will help you understand who they are and what your rights are if you are involved with a case that is going through this system.

Things like this happen to other Native and non-Native young people and families, too. But every situation is different. In some cases, a young person might be asked to speak in the courtroom and share what they remember, which is called testifying. And in other cases, a young person isn't required to go to court. Also, cases can go to different types of courts, such as tribal courts, state courts, and federal courts. Each of these courts can feel different for young people and families and might do things in different ways.

No matter what is happening for you, please remember that none of this is your fault and you are not responsible for anything that has happened, and it's ok to have different feelings about what's going on.

Also, you are not alone — you can ask for help from the adults working with you, like the ones in this book or in Maggie's story, or other adults in your family or community that you trust.

WHO IS THAT?

IN THE CRIMINAL LEGAL SYSTEM

In this section you will learn about the jobs of the different adults you might meet. These adults may be from your tribe, from another tribe, or work for the local, state, or federal government.

You will also find out what your job is, too.

And in the back of this book you can write down the names and numbers of important contacts.

POLICE

A police officer's job is to enforce laws to protect public safety. When someone reports a crime, the police investigate, which includes interviewing victims and witnesses and gathering other evidence to figure out what happened. They might ask you questions about what you saw, heard, or experienced. Sometimes they arrest people who they think may have broken the law. They may also be called "Investigator," "Special Agent" or "Detective," depending on where they work.

VICTIM ADVOCATE

The victim advocate's job is to help you. You can ask them all your questions about the case and what's happening, including things you're worried or confused about. They can also offer emotional support, help connecting with other services and planning for your safety. They can advocate for you with other adults involved in your case, which means they can stand up for you. If you have to go to court, they might come with you to provide support, if you want them to.

If you don't have a victim advocate and would like one, ask one of the adults involved in your case about how you can get one.

DEFENDANT

When the police arrest someone they believe broke the law, this person is called "the defendant" because they are defending themselves against the charges in court.

JUDGE

The judge is in charge of the courtroom. They listen to everyone in court, and make sure everyone follows the rules. When there is a jury for a trial, the jury decides if the person is guilty or not guilty. When there is no jury, the judge decides. If someone is found guilty, the judge might decide on the “sentence,” or what that person has to do next.

JURY

The jury is made up of members of the community who listen to all of the information presented in court and decide if there is enough proof that a defendant committed the crimes they’re charged with (“guilty”) or not (“not guilty”). If you testify in court, they will listen to what you say to help them decide.

PROSECUTOR

Prosecutors (sometimes called “District Attorney,” “DA” or “Assistant U.S. Attorney”) represent the government. Usually they’re lawyers, but in some tribal courts, they may be non-lawyers. They decide whether to go through with (or “prosecute”) a case. They will ask you questions about your experience so they can understand what happened. If the case goes to trial, they will try to convince the jury or judge that the defendant is guilty. If you’re asked to testify, they will ask you questions again in court so that the judge and jury can hear from you directly. Even though the prosecutor is working on your case, they are not your lawyer.

DEFENSE ATTORNEY/LAY ADVOCATE

This person works for the defendant and it is their job to help the defendant and defend them from the charges against them. In state and federal courts, every defendant has the right to a lawyer. In tribal courts, the defendant may have a lawyer, a lay advocate, or represent themselves. When you testify, the prosecutor asks you questions. The defense attorney will then be given the opportunity to ask you questions or cross-examine you. This can be an intense experience because their job is to help the defendant by making the judge or jury question the prosecutor's case.

BAILIFF/COURT OFFICER

The court officer makes sure everyone in the court is safe. They call everyone into the courtroom when the judge is ready. They wear uniforms and may carry guns.

COURT REPORTER

The court reporter's job is to take notes on everything people say in the courtroom so there is a record of it.

PROBATION OFFICER

When someone is found guilty of a crime but not sent to jail, they are usually given rules they have to follow as part of their "probation." The probation officer's job is to meet with them regularly to make sure they are doing those things.

PAROLE OFFICER

When someone is released from prison, they may have to meet regularly with a parole officer, who makes sure they follow all the rules and do all the things the court told them to.

SOCIAL WORKER/THERAPIST

Social workers help children, young people, adults, and families with difficult things that are going on in their lives. Some work in the prosecutor's office, where they can advocate for you, provide emotional support and information about how the system works, and help with safety planning and getting connected to other resources. And some social workers work as therapists, providing counseling support to young people and their families.

VICTIM

A victim is someone who was harmed by a crime.

WITNESS

A witness is someone who saw or heard the crime, or who has other information about what happened.

YOU

You are a witness, and you might be a victim, too. Your story is one piece of the puzzle.

Your job is to answer questions, and to share what you saw, heard and remember about what happened.



YOU HAVE RIGHTS

Did you know that if you're the victim or witness of a crime, you have rights?

Read on to find out what they are.



You may have different rights, depending on your role in the case and where the case is being investigated or prosecuted.

If you saw, heard, or know something about a crime, you are a witness. If you were harmed by a crime, you are a victim of the crime, and you are also a witness.

Rights you have either way:

You have the right to be treated with respect and to talk about what happened to you.

- Nobody has the right to scare you into saying (or not saying) something in court or to try to convince you not to call the police or go to court. It's against the law and there are consequences if someone does that.
- If this happens, or if anyone tries to talk to you about your case in a way that makes you uncomfortable, tell your advocate or the lawyers on the case right away.

You have the right to protections to help you feel safe. Depending on the situation, these might include:

- A police escort for when you go to court and when you go home
- An "Order of Protection" that says the person accused of the crime can't talk to you or go to your home or school
- Things to make your home safer, like changing locks
- Help finding a safe place to live

Victim's Rights

If you are a victim, you have additional rights.

You have the right to...

...have your voice heard.

This can include talking with the prosecutor about what you want to happen with the case and making a 'victim impact statement.' This lets people making decisions about the case know how you were affected by what happened.

...understand what's happening and what the next steps are.

This includes knowing who is involved in your case and what kinds of help and resources you can get. And it means you can ask as many questions as you want to until you understand.

...understand what the people involved in your case are saying and doing.

If you have a disability or something is making it hard to understand what's going on, tell your advocate or another adult working with you right away. See the page after the next one for more information on the rights concerning disabilities.

...get updates about your case.

Ask your advocate and the lawyers for any updates on what's happening in court and about any decisions that are made.

...go to all court hearings and proceedings, if you want to.

You only have to go to the hearings you've been asked to attend by the court. But if you want to go to all of them, and the judge says it's okay, then you can.

Victim's Rights, continued...

You have the right to...

...a speedy trial.

The court process has a lot of steps and what counts as “speedy” might be slower than you think. The whole process can take a year or longer.

...have any of your stuff that's taken for the case be returned to you.

If your things are taken as evidence it could take a long time before you get them back and in some cases, they may not be able to return everything to you.

...apply for money to cover costs related to what happened.

This is called Victim's Compensation. Costs that may be covered include counseling, medical bills and insurance co-pays for treatment, relocation expenses, funeral expenses, and lost wages from missing work. Each state compensation program has its own qualification requirements. Talk to your advocate or the prosecutor/lay advocate about applying. If you're approved, you may have to provide receipts to get reimbursed; it is unlikely you will get money up front.

Depending on where you live, or where the case is being investigated or prosecuted, you may have even more rights.

If you have questions, or your rights have been violated, talk to your advocate, the prosecutor, or one of the other adults working on your case right away.

If you have a disability...

You **ALWAYS** have the right to understand what's going on with your case and what the people working on it are saying and doing.

You also always have the right to talk about what happened and how you feel.

This means you can get support so people can understand you.

You should always be able to get to (and around) the court or any other place you have to go for a meeting.

Let the people working on your case – like your advocate, caseworkers, lawyers, and judge – know about your disability and what you need help with right away. Your advocate may need to make a separate request for assistance at each court date and meeting, so don't be afraid to keep asking!

If your parent or guardian has a disability, they have the right to request reasonable accommodations, too.

There are many accommodations you can ask for!

Talk to your advocate to find the right ones for you. And don't be afraid to ask.

Jurisdiction

Jurisdiction means who is going to have the power to make legal decisions in a case. Depending on where you live and what is happening with your case, one or more of these courts might have jurisdiction:

Tribal Court

Tribal courts usually deal with cases involving only tribal members and other Native Americans.

State Court

State courts usually deal with cases that take place off of the reservation or tribal land, or if someone involved is not Native. In some states, known as P.L. 280 states, they also deal with cases that take place on the reservation or tribal land.

Federal Court

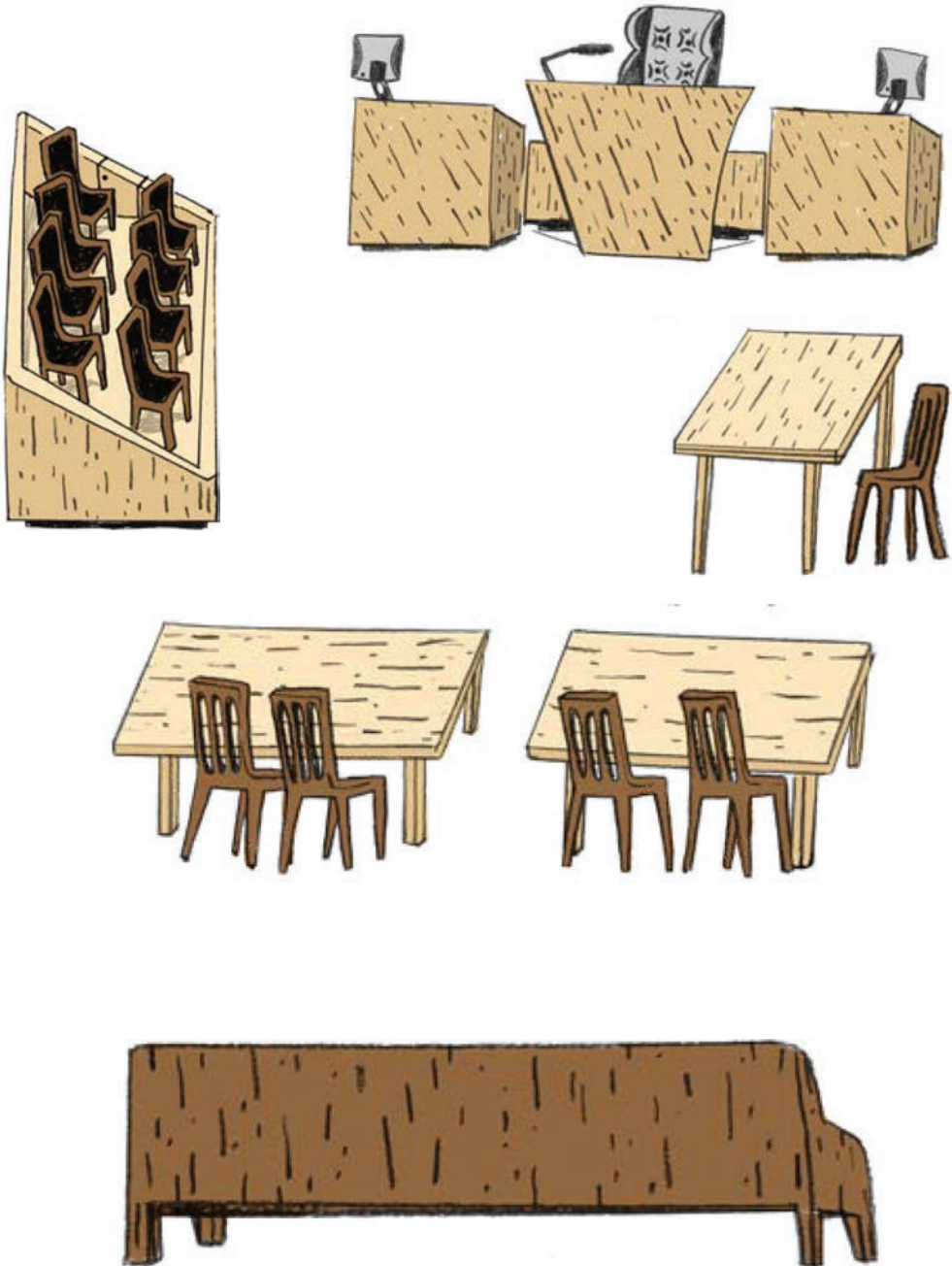
Federal courts only deal with certain kinds of cases, including more serious cases involving Native Americans.

Sometimes, your case may be handled by more than one court.

If you have questions about which court applies to your situation, then ask one of the adults helping with your case.

The Courtroom

Many of the people you've read about work in the court. At some point, you might have to go to court, too. It can help to understand who will be there and where they will be sitting. Ask your advocate or one of the adults working with you on your case to show you using the drawing below.



COPING WITH COURT

Going to court can feel stressful and overwhelming, but there are things you can do to feel a little better. Here are some tips to help you out.



Getting ready

- Try to get lots of sleep the night before and eat something before you go to court so you have the energy to get through the day.
- You don't have to dress up but wearing something you feel good in can help you feel more confident.
- You'll probably spend a lot of time waiting, so bring something to do like listen to music, read, draw, write in a journal, or do homework.
- If you have a special object like a stress ball or lucky charm that helps you feel calm, you can bring it with you.

Getting nervous

If you feel nervous, try one of these things:

- Try to picture how you want the day to go and how you will react if different things happen. It may sound silly, but picturing things can help you feel calmer.
- If you can, take a walk, dance, run, jump or move your body to get rid of some of your extra energy. You can also try walking fast for a few seconds, then taking a deep breath and walking slowly for a few seconds, then going fast then slow a few more times.
- If you have a special prayer or song that is important to you, try saying or singing it, either out loud or in your head.

Getting Support

- Think about who you can talk to about how you're feeling and who can support you through this process. Is there an advocate, friend, or family member who can come to court that you can look to, if and when you get nervous?
- If you have a therapist or another adult you can talk to, talk to them before and after court.

Getting Through It

- It can feel good to do something nice when it's over so you have something to look forward to, like watching a movie you love, eating a favorite meal, or just spending some time with a friend.

WHO'S WHO?

If you want, you can keep track of the people working on your case here.

POLICE OFFICER(S)

Contact Info: _____

PROSECUTOR

Contact Info: _____

VICTIM ADVOCATE

Contact Info: _____

JUDGE

Contact Info: _____

SOCIAL WORKER/THERAPIST

Contact Info: _____

OTHER

Contact Info: _____

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The Center for Court Innovation's Child Witness Materials Project is a collaborative effort between the Center for Court Innovation and Alternate History Comics, Inc. and is supported by cooperative agreement #2018-V3-GX-K069, awarded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime. The opinions, findings, and conclusions or recommendations expressed in this document are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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www.courtinnovation.org

Alternate History Comics is a multiple award-winning publishing company that creates original graphic novels and cultural comic collections.
<http://ahcomics.com>

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The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime.

www.ovc.ojp.gov

The Office of Justice Programs is a federal agency that provides federal leadership, grants, training, technical assistance, and other resources to improve the Nation's capacity to prevent and reduce crime, assist victims, and enhance the rule of law by strengthening the criminal and juvenile justice systems. Its six program offices—the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office for Victims of Crime, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking—support state and local crime-fighting efforts, fund thousands of victim service programs, help communities manage sex offenders, address the needs of youth in the system and children in danger, and provide vital research and data.



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