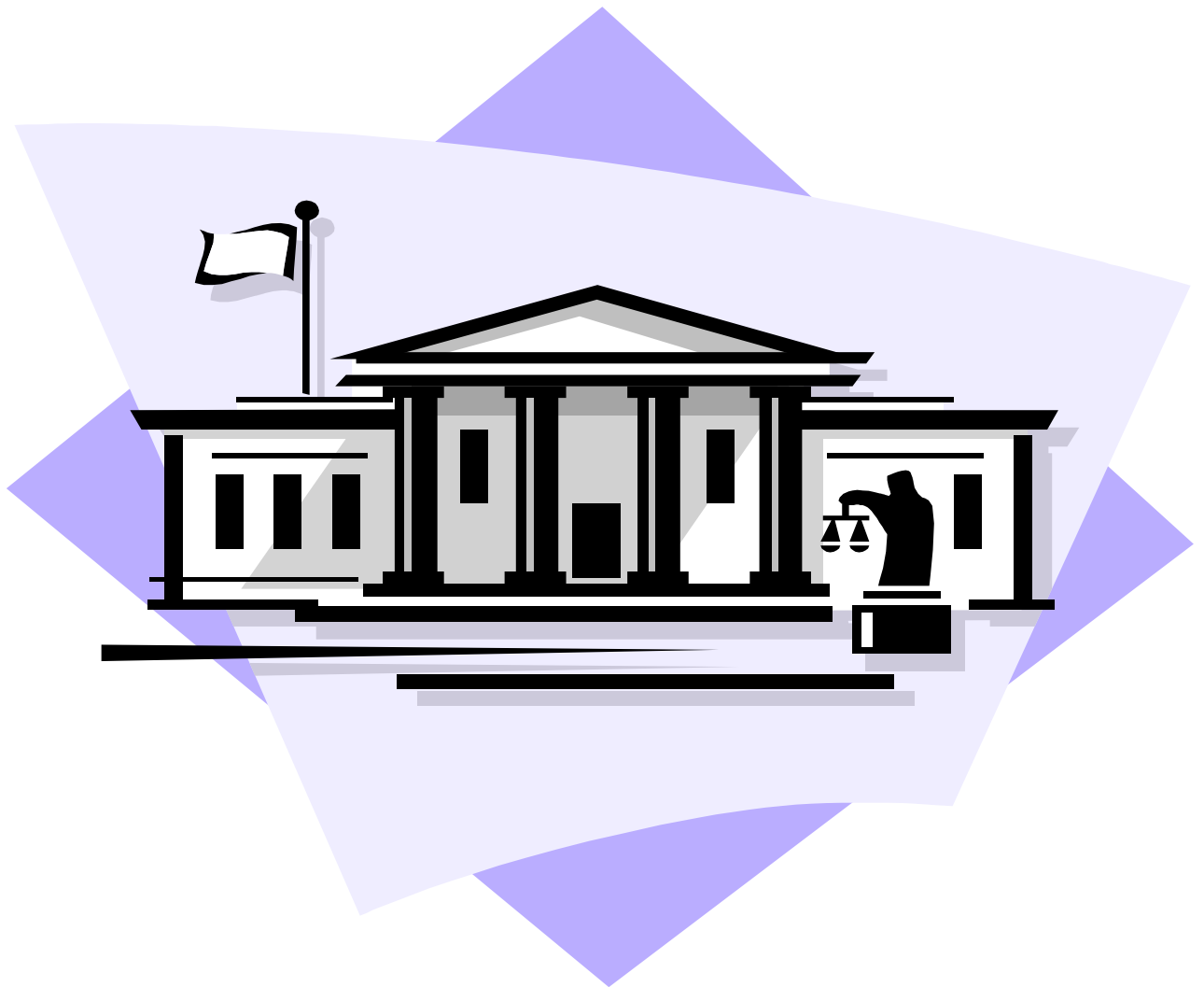


Allen County Juvenile Court and Detention Center



Detention Resident Guide

(August 18, 2014)

**What you need to know about
going to court.**



People come to Allen County Juvenile Court for many reasons resulting from being charged with an offense and being held in our detention. Allen County and the Juvenile Court employ many people in different jobs and offices. You may see prosecutors, lawyers, community control, treatment specialists, educators, detention officers, clerks, court reporters, sheriff deputies and police officers.

As a detention resident, you may be filled with questions about coming to court; where you'll go, what you'll see and hear, what you'll be asked and what you'll have to do and say. This guide is designed to help you learn more about the experience of coming to Court.

Everyone feels a little anxious about going to Court. Keep in mind that we are here to help you and to resolve the issues that brought you to this courthouse.

Glenn H Derryberry, Judge
Allen County Court of Common Pleas, Juvenile Division

Berlin Carroll, Court Administrator
Allen County Court of Common Pleas, Juvenile Division

Todd Kohrieser, Magistrate
Allen County Court of Common Pleas, Juvenile Division

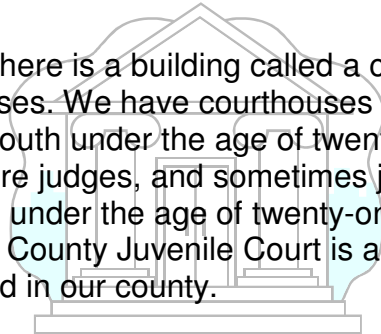
Chris Steffan, Magistrate
Allen County Court of Common Pleas, Juvenile Division

Brandie Swickrath, Magistrate
Allen County Court of Common Pleas, Juvenile Division

Steve Brown, Director
Allen County Court of Common Pleas, Juvenile Division

What is a courthouse?

In most towns and cities, there is a building called a courthouse. In Allen County we have several courthouses. We have courthouses where adults go to court, and a courthouse where youth under the age of twenty-one go to court. The courthouse is a place where judges, and sometimes juries, decide if someone has broken the law. Youth under the age of twenty-one go to the Allen County Juvenile Court. The Allen County Juvenile Court is also where the Juvenile Detention Center is located in our county.



What is a detention center?

The Juvenile Detention Center is a place where juveniles who have been charged with criminal offenses are held. Sometimes, juveniles are also ordered to be held in our detention center because they are not following the rules the Court ordered them to follow. The basic purpose of the detention center is to provide you with safe and secure custody while waiting to attend Court. The detention officers, medical staff, mental health staff, teachers and others who work in the center are here to help you.



When will I be in court?

If you have not already had court you will have a “Detention Hearing” within one working day of your admission into the Detention Center. Generally, you will go to court the day after you are brought to the Detention Center. The Court is closed on holidays and weekends, so if you come into detention just before or on a holiday or weekend you will go to court the next day that Court is open. The purpose of the Detention Hearing is for the Court to determine if you need to remain in the Detention Center until your next Court hearing. At your detention

hearing, the Court may decide that you will remain in detention or that you can go home – sometimes with certain restrictions.

What are my rights in detention?

You have the right to remain silent. No unlawful means of any kind shall be used to obtain a statement, admission, or confession from any person. You have the right to be treated humanely and the right to be provided with clothing, hygiene, proper food, shelter and, if necessary, medical treatment. You have the right to consult with an attorney, and you also have the right to communicate with your family.



What do the Judge and Magistrate do?

It's the Judge and Magistrate's job to listen to everything that everyone says in Court. It's also the Judge or Magistrate's job to know the law and to decide whether there is enough evidence to prove the law was broken. The Judge or Magistrate makes the decisions in your case. In Allen County, Ohio, we have one elected Judge and three Magistrates who are appointed by the Judge to hear cases in our Juvenile Court.

What does the Prosecuting Attorney do?

The prosecuting attorney acts on behalf of the citizens of Allen County. The prosecutor is responsible for preparing cases for Court and determining who is



charged with breaking the law. The prosecutor must prove the charge against you. The prosecuting attorney does this by asking witnesses questions so that the Judge and Magistrate can listen to the answers. All prosecuting attorneys are lawyers.



What is the Defense Lawyer's job?

The defense lawyer's job is to help you, the person charged with breaking the law. The defense lawyer will talk to you about your case before going into Court. If you are in a Court hearing on your case, the defense lawyer gets a chance to ask questions of the witnesses after the prosecuting attorney has finished asking questions.

The decision as to whether you will testify will be made after you have talked with your attorney and your family. If you testify, you need to listen to everyone's questions carefully and understand them before you answer. Sometimes when you are testifying in court, one of the lawyers may stand up and interrupt, and

ask to talk to the Judge. Don't worry if this happens. You haven't done or said anything wrong. All you have to do is stop talking until the Judge or the lawyer asks you to go on, or to continue with what you were saying.

Who's the Defendant?

The person who the prosecutor has charged with breaking the law is called the defendant. In Juvenile Court, a defendant is also referred to as an alleged delinquent child.



If you are in detention and reading this courthouse guide, you are probably the defendant or alleged delinquent child. It is important that you understand that you have the right to a lawyer whenever you are in Court. If you or your family does not have the money to hire your own lawyer, one must be appointed for you by the Court if you wish to have an attorney.

What does a Witness do?

The job of the witness is to listen to questions and to give answers for the Judge or Magistrate to hear about what the witness may have seen, heard or may know. This is called testifying. The most important thing about being a witness is telling the truth.

In Court, the Judge or Magistrate will sometimes order "separation" of the witnesses. This word means that when a witness testifies, no other witnesses can be in the courtroom, and after a witness testifies, that witness cannot stay and hear what other witnesses are saying. It may also mean that a witness cannot talk about what they said until the trial is over. If you have any questions about this, ask your attorney.

The Judge or Magistrate will ask a witness to take an oath. When this happens, the Judge or Magistrate tells the witness to raise their right hand, and asks, "Do you swear or affirm that the testimony you are about to give is the whole truth

and nothing but the truth?” An oath is a promise to tell the truth. If the witness agrees to tell the truth, they say “I do”.



What if...

- You're not sure of what is happening in Court or you're asked a question in Court and you don't understand it?

If you don't understand what people are saying or asking, say, "I don't understand". If they repeat it and you still don't know what they mean, ask them to say it in a different way, or an easier way.

- You're asked a question in court and you can't remember the answer?

You might be asked about things that you don't remember or about things that didn't happen. If you don't remember, say "I don't remember". Do not guess. If you know something never happened, say so. If you forget the order in which things happened, its okay. The most important thing is to tell the truth.

- You're asked an embarrassing question?

You might be asked to talk about things that are embarrassing. That's hard to do. Remember that judges, magistrates and lawyers have heard people talk about embarrassing things a lot of times.

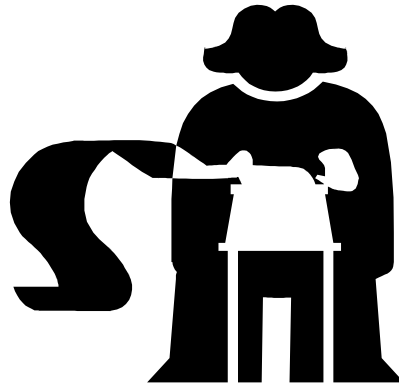
- You cry in court?

Lots of people cry in court. It's okay. If you think you might cry in court, tell someone. They can ask for tissues, or make sure there are tissues in the courtroom. Let someone know if you need a break for a moment.

- You're asked more than one question at a time?

It is easy to get mixed up or to mix up people who are listening to you if you're asked too many questions at a time. You or your lawyer might tell the lawyer who is asking you questions to ask you only one thing at a time so that you can answer properly.

The Courtroom Recorder



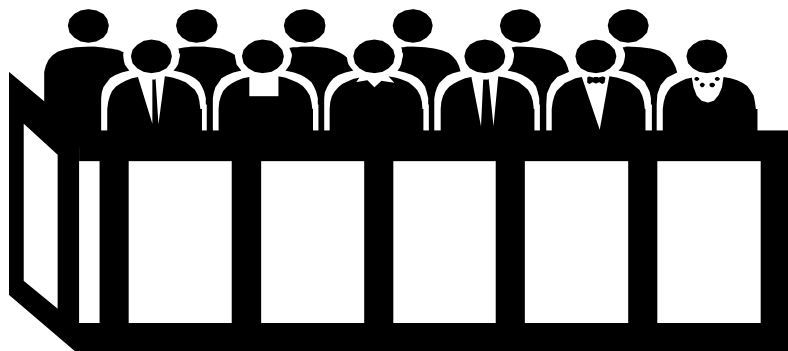
Proceedings in Court are recorded using a digital audio recorder. We can understand the recording better if you speak loudly and slowly. It's okay to take time to answer. If you mean yes or no, you should always say the words, and not just shake your head. It's better if only one person speaks at a time.

The Bailiff

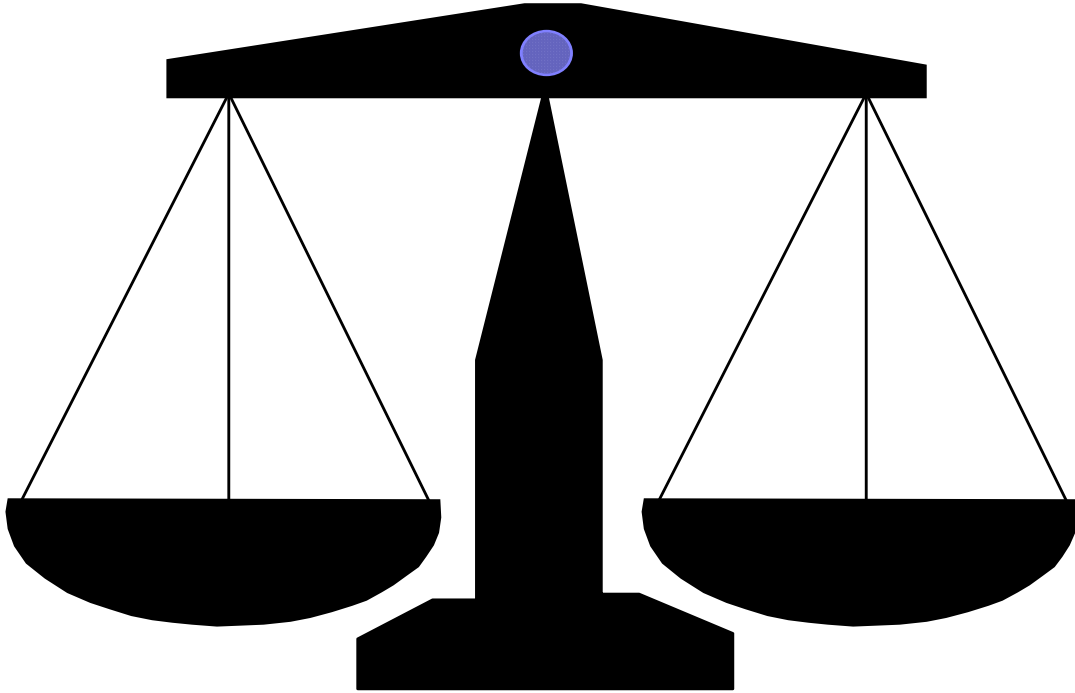
The bailiff's job is to help the Judge and Magistrate. When the Judge or Magistrate comes into the courtroom, the bailiff says "all rise". That means everybody stands up. This shows respect for the Court.

Rules of the Court

In our country, everybody tries to be very careful and fair when deciding whether people have broken the law or not. That's because if people have broken the law, they can be punished. It is not enough that a Court thinks someone probably broke the law. The law says that a Court cannot find a person has broken the law unless there is proof, beyond a reasonable doubt.



The Judge or Magistrate has to listen to all the witnesses and try to make a decision about what happened. This part of the Judge or Magistrate's job is like putting the pieces of a puzzle together. Sometimes some of the pieces are missing and other pieces aren't clear, or don't fit. Unless the Judge or Magistrate feels certain, beyond a reasonable doubt, that someone has broken the law, the Judge must find the person charged not guilty, or "not delinquent" in the case of juveniles.



What Does That Mean?

In Court, people use a lot of words that we may never have heard before. Here's a list of some of them:

Admit: The juvenile agrees to the charge

Adjudication: Juvenile court trial.

Allegation: Something that someone says has happened.

Charge: The law that the police believe the juvenile or defendant has broken.

Complaint: A statement to the police accusing someone of breaking the law.

Continuance: Put off a Court hearing until another time.

Cross-examine: Questioning of a witness by the lawyer for the other side.

Delinquent Child: What a child found guilty of breaking the law is called in juvenile court.

Deny: The juvenile does not admit to the charge

Disposition: The sentence (punishment) given to a child found guilty of breaking the law.

Evidence: Testimony that witnesses say in court and things (such as photographs, clothes or drawings) that are brought to court to show what happened.

Objection: A reason that a lawyer interrupts a witness to talk to the judge.

Perjury: The crime of willfully giving false testimony or withholding evidence while under oath.

Plea: The answer the juvenile gives (admit or deny) to the charge.

Statement: A description about what happened that a witness gives to the police and that police write down.

Status Offense: A charge against a child that would not be a crime if committed by an adult. Running away from home is one example of a status offense.

Subpoena: A piece of paper delivered by a sheriff that tells a person when and where to come to court.

Testify: Answer questions in court.

Testimony: What a witness says in court

Transcript: A typewritten record that is made by a court reporter of what is said in court

Trial: A hearing that takes place when the defendant does not admit. In Juvenile Court, this is called an adjudicatory hearing.

Unruly Child: A child who has been found guilty of a status offense.



What happens after court?

If the Judge or Magistrate finds you not guilty (or not delinquent, as used in Juvenile Court) of breaking the law, you may be free to go. If you are found guilty (or delinquent), one of the things the Judge must decide is how to help you from breaking the law again. To do this, sometimes the Judge sets rules about what you can and can't do.

In Juvenile Court, a child found guilty of breaking the law is called a "delinquent child". If you are found delinquent, there will probably be consequences for breaking the law. Children in Juvenile Court are not sentenced like adults. In Juvenile Court, if you are found to be a delinquent child, the Judge or Magistrate will make what is called a "disposition" in your case. The disposition is your sentence.

Sometimes the Judge will make the delinquent child or defendant pay money (costs and fines), place them on community control, or order payment for damages caused during the crime. Sometimes the Judge may order counseling services or other programs. Sometimes the Judge has to decide to keep the delinquent child or defendant in detention longer, and sometimes the judge has to sentence the defendant to juvenile prison. In Ohio, being sent to juvenile prison is called being committed to The Ohio Department of Youth Services.

Here are some answers to questions about court that are frequently asked by youth:

1. What does "Under Advisement" mean?

Many times a particular case may raise issues that the court is not prepared to rule upon. The Court may need more information, or time to consider its decision. This may cause the Court to delay its decision. During this time, the case is considered "under advisement" until a decision is made.

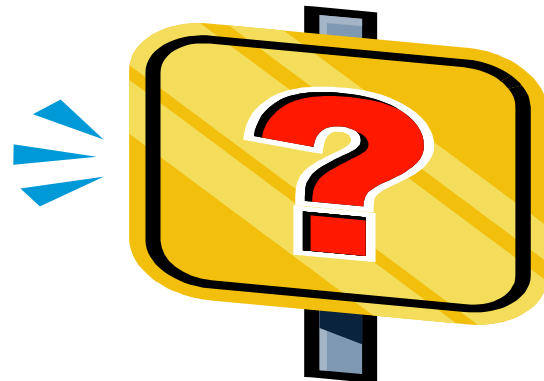
2. What is the difference between a judge and a magistrate?

Voters elect a judge, and a judge appoints a magistrate. Both a judge and a magistrate can make certain Orders.

3. When can a juvenile make a comment, or ask a question in a hearing?

Every person who is accused of a crime has a right to remain silent. This is a right guaranteed by the Fifth Amendment to the United States' Constitution. This is an important safeguard protecting the juvenile from saying something that may be used against him/her later. Since the Judge does not know what the juvenile will say in Court, many times the Judge will not allow the juvenile to speak. At times, the Judge must protect the juvenile from saying something that could hurt the juvenile's case. In the past, a juvenile has said such things as "I didn't mean to do it" or "I was only the look out" or "I only ate the pizza after they stole it" or "I was with them, but didn't do anything." All of these statements could have been used against the juvenile during trial.

Should the juvenile admit to violating the law, or violating a court order such as not following the rules of his or her probation; the juvenile is always given an opportunity to talk to the court. Many times what the juvenile tells the court has an effect on how the Court will determine what happens to the juvenile.



Acknowledgements

The idea to create and develop this guide, and the information in this guide, was adapted from information contained in “What’s My Job In Court”, an answer and activity book for kids who are going to court, that was developed and adapted by the Lucas County Prosecuting Attorney’s Office, Julia R. Bates, Prosecutor. Allen County Juvenile Court wishes to thank the Lucas County authorities for their assistance and support with this guide.

The Lucas County Prosecuting Attorney’s booklet was adapted, with permission, from the Baltimore County State’s Attorney’s Office based upon a booklet created by the Victim/Witness Assistance Program of The Ministry of the Attorney General of Ontario, Canada. The original book was designed and illustrated by Laurie Wonfor-Nolan and modified for use by Monarch Services. The original booklet was/is intended to familiarize children in an educational and appealing way with the concepts, people, vocabulary, and events that are a part of the court process.

This guide is intended to help youth detained in our Juvenile Detention Center, learn about the people who work here and learn more about the court process. It is normal to feel anxious about going to court. Keep in mind that we are here to help you and make your experience in court as worthwhile as possible. Ask our staff if you have questions.

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Revised 12/14/07 by RDS, TJB and DEW

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