

Teaching Our Kids About Court: Tools for Success

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Strategies

- Stay out of trouble.
- Do not talk to School Resource Officers, police, or school administrators (without an attorney).
- Know school policies.
- Consider who you are protecting (Case Example)
- LYRIC

Questioning

- When do Miranda rights need to be read?
- Invoke rights, politely
- Ask if you are free to leave, or if you must stay there.
- Ask for your parent, attorney, or an adult friend, if you are in a custodial setting.
- Decline written statements (Coerced)
- School officials can question (due process)
- Lenient? Honest? Consequences?

SROs

- School Resource Officer (training required)
- An SRO can be a cop or security
- Based on point of view of the student (according to case law)

Your rights

- You have the right to the following...
 - An attorney
 - To remain silent
 - To notice of the charges against you

State vs. D.R. 1999

- The resource officer failed to mention student was free to leave at any time during a questioning.
- Ask: "Can I leave?"

Special Ed. Protection

- Is it in an Individualized Education Program that you need to be present for all disciplinary procedures? Add to Behavior Intervention Plan (BIP)
- Manifestation Determination Review
 - Direct and substantial link
 - Failure to implement (IEP/BIP)
- Student can take stress break
- Parents must be called before Security
- 504 also

Search and Seizure

- School officials are public representatives, so they are not immune to 14th amendment.
- Search lockers, cars, cell phones

Track the Warrant

- Keep the student out of detention
- Call the court
- Ask to remove shackles

Court Preparation

- Language
- Dress code
- Good posture

Video

- Know where the cameras are, but don't be obvious
- School does not always have video when they say that they do
- DO NOT TALK JUST BECAUST THEY SAY THEY HAVE A VIDEO!!!
- Case Example

Statistics

- 93% of youth in juvie, grow up with trauma.
- In 2013 109,000 cases were sent to court
- Percent of offenses
 - 51% Truancy
 - 15% underage drinking
 - 9% curfew violations
 - 9% un-governability
 - 8% running away
 - 8% other

Thank you!

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