

You are under 18. You have just been arrested.

What happens now?

A GUIDE FOR CHILDREN AND PARENTS



Julianne M. Holt, Public Defender

I just got arrested and the police officer is asking me questions. What should I say?

Nothing! Politely let the police officer know that you do not want to answer any questions, and you want to talk to a lawyer and your parents.

Under our Constitution, you have the right to remain silent. This means that you should not talk to the police officer about your arrest. You should only tell the police your name, address, and age.

Once you tell the police that you want a lawyer and do not want to answer any questions, they are supposed to stop talking to you. Do not say anything to the officer about your case.

Talking to the police will almost always hurt your case because anything you say can, and will, be used against you in court.

What will happen after I am arrested?

After you are arrested, you will be taken to the Juvenile Assessment Center (JAC). The JAC staff will ask questions about your medical condition, where you go to school, and your parents' address and phone number. The JAC staff will call your parents and tell them about your arrest and the date and time of your **detention hearing**.

What can happen if I talk to someone about my case?

It is very important that you only discuss your case with your lawyer. If you talk to your friends, parents, staff at the JAC, or to another juvenile at the JAC, the prosecutor can call that person as a witness against you at trial.

What is a detention hearing?

Your detention hearing is the first chance you will have to see a judge. It usually happens the morning after you are arrested. During the hearing, the judge will review your case and decide where you should stay before your next court date.

Depending on your record and charge(s), the judge can: 1) hold you for 21 days in secure detention; 2) put you on home detention; or 3) release you to your parents.

If you are released to your parents before your detention hearing, you must appear at detention hearing the next morning.

Do I have the right to have a lawyer at my detention hearing?

Yes. A lawyer who specializes in juvenile criminal cases called an assistant public defender is appointed by the court to review your paperwork and appear with you at your detention hearing. Your attorney will speak for you and make legal arguments and objections. It is important to let the lawyer speak for you at this stage of the case because you should take advantage of your right to remain silent. Talking about the facts of your case at the detention hearing can be used against you at your trial.

How will the Judge decide if I get 21 days detention or if I get to go home?

The judge will look at the facts of your case as described in the police report and the number of points you score on the Detention Risk Assessment Instrument (DRAI). The DRAI is a report prepared at the JAC that includes your prior delinquency history, pending charges or juvenile commitments, and whether or not you are on juvenile probation.

How many points do I need to be held in secure detention?

Scoring 12 points or more on the DRAI, allows the judge to hold you in secure detention for up to 21 days. However, the judge has the ability to subtract up to 3 points from your score, depending on your prior record, grades in school, and other facts that may help your case. At the detention hearing, tell your lawyer any facts to help with your DRAI score. But remember, this is not your trial, and you are not allowed to argue your innocence during the detention hearing.

During my 21-day detention, what do I do if I have additional information to tell the judge?

If there is additional information you would like to tell your lawyer or the judge, you can call the Public Defender's Office, (813) 272-5980.

An attorney will review the additional information and decide if it should be presented to the court as a Motion for Detention Review. If your attorney files that motion, it will give the judge another chance to consider whether you should be released from detention.

What happens to my case while I am in detention or while I am home after my release?

The prosecutors in the State Attorney's Office review the facts of your case and decide if you should actually be charged with a crime. They will also decide whether or not to charge you as an adult.

I'm under 18; how can I be charged as an adult?

Even if you are only 14 or 15 years old, you can be charged as an adult if you have been previously convicted of certain crimes, or if you are currently charged with robbery, aggravated battery, grand theft motor vehicle, or possessing a weapon on school property. At 16 or 17, you can be charged as an adult for any felony. If you are accused of using a gun during a crime, you may be charged as an adult under the "10-20-Life" law.

If the State prosecutes you as an adult, you will be taken to the county jail where a different judge will advise you of the adult charges and consider setting a bond.

How will I know when my next court date is?

If you are held in secure detention, the judge will schedule your **arraignment** before your release date. If you are on home detention, or were released to your parents, you will receive notice of your arraignment date at the time of the detention hearing. The Clerk will also notify you by mail, so make sure you give your correct mailing address during the intake process at the JAC. If you miss your court date, the judge will issue a "pick up order" for your arrest.

What is an arraignment?

An arraignment is a court hearing where the **judge advises you of the charges that have been filed against you**. You will have the option to ask for a public defender at that time. You will also be asked to enter a plea of: guilty, not guilty, or no contest. Your attorney will make the plea to the court for you. If you plead not guilty and choose to go to trial, you will be allowed an opportunity to consult with your lawyer before the trial.

Who can I call if I have questions?

If you, or your parents, have questions about the detention process or arraignment process, please call the Public Defender's Office between 8:00 a.m. and 5:00 p.m. Our telephone number is (813) 272-5980. *Se habla espanol.*

This brochure has been provided by your Public Defender, Julianne M. Holt.

The Law Offices of Julianne M. Holt,
Public Defender Thirteenth Judicial Circuit

Juvenile Division
700 E. Twiggs Street
4th Floor
Tampa, FL 33602

(813) 272-5980

www.pd13.state.fl.us
e-mail: pd13@pd13.state.fl.us

