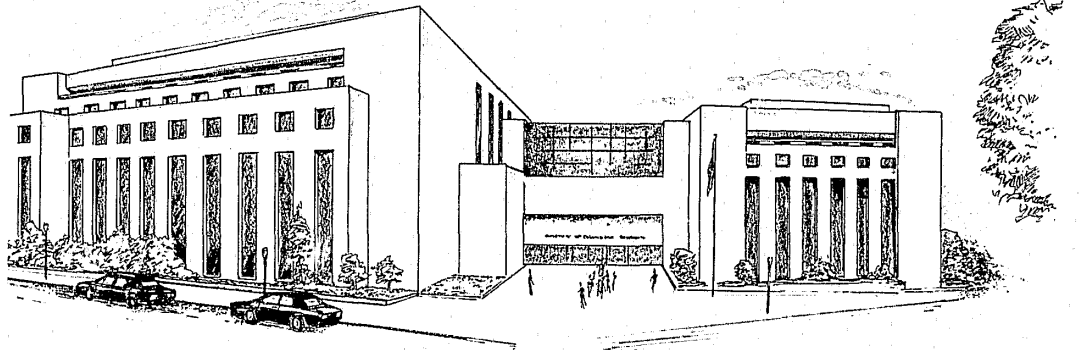


# Your Day in Court

**Office of the Corporation Counsel  
Criminal Division Juvenile Section**



Office of the Corporation Counsel  
Criminal Division Juvenile Section  
Newark, New Jersey



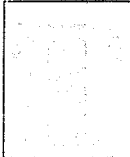
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## Introduction

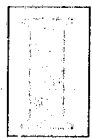
ACQUITTALS

 This brochure is designed to explain the procedures of the juvenile court to witnesses and victims of juvenile delinquency. The brochure contains a section you may use to keep information about your case in a convenient place.

The staff of the Juvenile Section of the Office of the Corporation Counsel, as well as the police officers involved in your case, wish to express our appreciation to you for your cooperation. The Juvenile Court cannot protect the public and attempt to rehabilitate juvenile offenders without the cooperation of members of the public who are victims of or witnesses to delinquent offenses. We fully realize that your help in this case may result in some inconvenience to you. We are all well aware that this type of good citizenship is vital to effective law enforcement, community protection, and the rehabilitation of youthful offenders.



## What is Juvenile Court?



In the District of Columbia cases involving crimes committed by young people are heard in the Family Division of the Superior Court of the District of Columbia. An act of juvenile delinquency is simply a criminal offense committed by a person under the age of eighteen. (There are certain very serious crimes that can lead to a person's being charged as an adult even though he or she is less than eighteen). The person who is charged with a delinquent offense is known as the "respondent." The victim of the delinquent offense is known as the "complaining witness" or the "complainant."

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## The Initial Conference In Your Case

**J**uvenile delinquency cases are prosecuted by the Juvenile Section of the Office of the Corporation Counsel. The Office of the Corporation Counsel represents the Government of the District of Columbia. Our duty in each juvenile case is to take action to protect the public and to ask the Juvenile Court Judge to order services that may cause the delinquent youth to stay out of any further trouble. In order to make wise decisions it is very important that we interview witnesses as soon as the police officer brings a case to court. In this way we will know the facts as early as possible. When you are interviewed, please be sure to give the prosecutor a complete and accurate statement of what you know about the case. If the prosecutor does not ask you questions you feel are important, be sure to let him

or her know. Also, if you are having any trouble understanding what is happening during this Initial Conference, let the prosecutor know at once. We want to do our best to make sure that you feel comfortable with your role in the case.

During the Initial Conference, the prosecutor will probably discuss several procedures in addition to the facts of your case. For example, the prosecutor will tell you what your rights and responsibilities are if you are contacted by a defense lawyer or a private investigator working for the defense. In addition, the prosecutor may discuss with you the need for any special court orders. For instance, if the respondent lives in your neighborhood, we may request the Judge to order him or her to stay away from you. We hope you will also use the Initial Conference to raise any concerns you may have. We will do our



**You may wish to have the prosecutor assist you  
in writing down information about your case on the Case Information Sheet  
in the back of this brochure.**

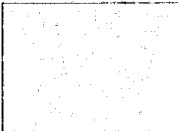
best to locate services for victims of juvenile crime. Please feel free to mention to the prosecutor any problems you may have. Finally, during the Initial Conference you may want to have the prosecutor assist you in writing down

information about your case on the Case Information Sheet (pages 18 and 19). In this way you will know whom to contact if you have questions about the case.

*If at any time you receive new information regarding your case, do not hesitate to call the prosecutor Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. The current telephone number for our office is 727-4868. Because telephone numbers sometimes change, you should check the number by looking at your subpoena or by writing the current number on the Case Information Sheet provided in this brochure.*

*In case of an emergency outside of normal business hours, you should call the Metropolitan Police Department emergency line on "911."*

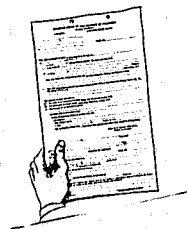
## The Initial Hearing

 Whenever a juvenile is arrested, his or her case must be presented to the Juvenile Court promptly. This hearing is called an Initial Hearing.

Generally, victims and witnesses do not need to appear in court at the Initial Hearing. At the hearing the Judge must decide where to place the juvenile. Many youths are placed in their parents' custody with conditions such as a curfew and an order that they attend school or work. Other youths are placed in group homes where they receive supervision from the staff of the home. These facilities are called Youth Shelter Houses. Finally, the Judge may place the youth in a locked facility such as the Receiving Home for Children or the Oak Hill Youth Center. The Judge's decision on where the juvenile shall reside pending his trial is based on the youth's

prior court history, his or her behavior at home and in school, and the seriousness of the present case.

The last stage of the Initial Hearing will involve the setting of the trial date. That is the date on which the Judge will hear all the evidence in the case and decide whether the juvenile is guilty of the offense. This date is usually set between four and eight weeks from the date of the Initial Hearing. We will notify you by sending you a subpoena. The subpoena will tell you the day, time, and place to which you must report. Once you receive this information, we suggest that you record it on the Case Information Sheet in the back of this brochure.





## The Motion Hearing

*If you are subpoenaed for a Motion Hearing, your presence is extremely important.*

**I**n some cases there is a court hearing in between the Initial Hearing and the Trial. This hearing is known as a Motion Hearing. At a Motion Hearing the lawyer for the respondent is generally asking the Judge to disregard evidence obtained by the police, claiming that the police did not follow the proper rules. In order to have the Judge decide that the evidence is proper and can be used at the trial, the prosecutor will frequently have to present the testimony of witnesses to show what actually

happened. As a result, you may have to come to court to testify at a Motion Hearing. If this happens, please be sure to attend the hearing so that we may make a strong case. If the Judge decides against the prosecution in a Motion Hearing, or if essential witnesses are not present, vital evidence may be lost and the case may be dismissed. Therefore, if you are subpoenaed for a Motion Hearing, your presence in court is *extremely* important.

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## The Trial

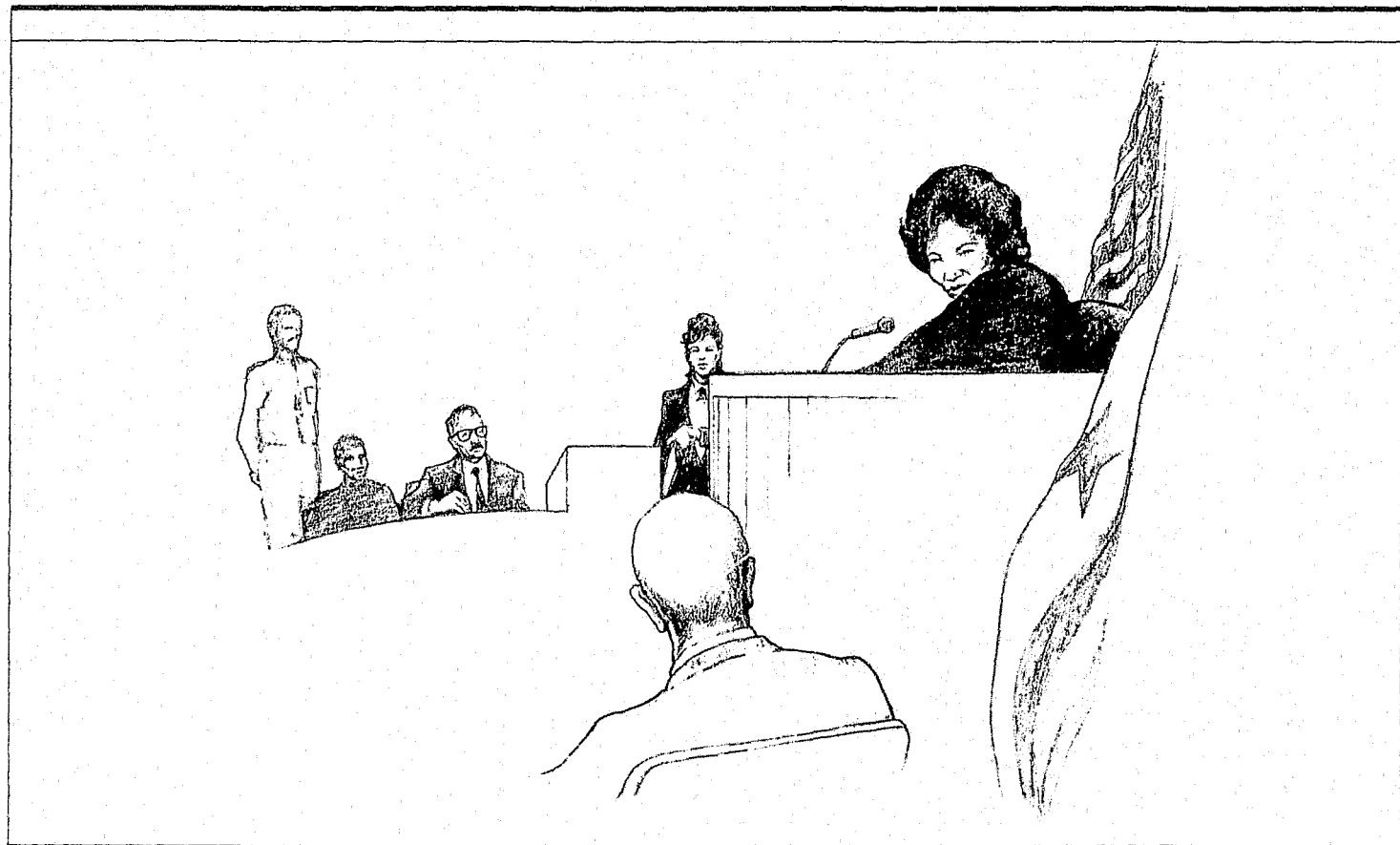


As in adult criminal cases, the final decision concerning an accused person's guilt is made after a hearing called the Trial. In juvenile cases in the District of Columbia this Trial is conducted without a jury. The final decision in the case is made by the Judge. The Judge will hear all of the evidence presented by both sides. All victims and witnesses must testify in person at the Trial. After hearing from all the witnesses, the Judge must decide whether the prosecution has proven the juvenile's guilt beyond a reasonable doubt. This means that the Judge must be very certain of the juvenile's guilt. If the Judge is not certain, he or she must make a finding of "not guilty." Since we must prove guilt beyond a reasonable doubt, it is very important that we present all the evidence in our possession to the Judge.

That is why we rely on your testimony in court.

Before you testify in the Trial or any other hearing, the prosecutor will assist you in preparing your testimony. In addition, here are some hints to help you be a good witness:

- Before you testify, go over the events in your mind. Do your best to recall the scene, what took place, and what people wore and said.
- Dress neatly so that you will make a good appearance in the courtroom.
- Speak in a loud and clear voice and look at the persons who are asking the questions or at the Judge.



When you testify speak in a loud and clear voice, listen carefully to the questions you are asked and always be courteous and level headed.

- Always listen carefully to the questions you are asked. The prosecutor will ask you questions concerning your recall of the events of the case. It is important that you be as clear as possible during your testimony.
- The lawyer for the respondent will be permitted to ask you questions. This is called cross-examination. When you are being cross-examined, always be courteous and level headed. The defense lawyer may try to get you to lose your temper so that you will say something you don't mean to say. Do not allow this to happen. Remember, the defense lawyer is just doing his or her job as well. Do not take his or her actions personally. When you are being asked questions by the defense lawyer, keep your answers limited to the questions asked.

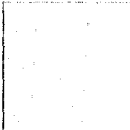
- Do not volunteer information not requested. Unless asked, do not give your opinions or conclusions about the case. Give positive, definite answers whenever possible. If you do not know the answer to a question, do not hesitate to say so. If you can't understand a question, you may ask the lawyer to try to put the question in another way so that you can understand it. If you cannot remember the answer to a question, just say so. Judges know that all people forget things. If there is something that could help you remember the answer to a question, let the lawyer know about it.
- If you make a mistake while testifying, let the Judge and the lawyers know right away. In that way you can explain the mistake to everyone. Of course, *always* tell the truth while testifying.
- Never interrupt the Judge when he or she is talking. If you are being asked questions and one of the lawyers or the Judge interrupts by making an objection, please wait until the Judge tells you it is all right to continue with your testimony.
- You may be asked if you have discussed the case with anybody. There is nothing wrong with discussing the case with others before the hearing. If you are asked this question, tell the lawyer the names of the people you have talked to. In most cases you will have talked to police officers and the prosecutor. Court rules require that once you have testified in court, you are not permitted to discuss your testimony with any other witnesses in the case.

When you are contacted to appear as a witness at a Motion Hearing or at a Trial, you will receive a subpoena. A subpoena is an order requiring your appearance in court. If you disobey such an order, you may be subject to arrest. Therefore, if you feel that you cannot come to court on the day the hearing is scheduled, contact us right away. We will do our very best to adjust the date to your satisfaction. However, you should know that *all* decisions regarding court dates are made by the Judge. If the Judge denies our request to change the date, you *will have* to appear on the scheduled date.

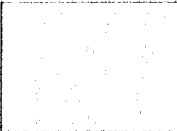
You may be eligible for payment for your appearances in court. Be sure to bring your subpoena and proper identification with you when you come to court. These documents may be needed in order for you to obtain a witness fee. You should discuss the witness fee with the prosecutor. He or she can then let you know whether

you are eligible for such a fee. In addition, the prosecutor will be happy to provide you with written excuse forms for work or school.

Sometimes hearings and trials are postponed. Such postponements are called "continuances." We will notify you as soon as possible if your case is continued in advance of the scheduled date. However, some cases are not continued until the day of the hearing. This can happen when a witness or a lawyer is unavailable due to illness or some other good excuse. When this happens you will usually be released from court early, but you will have to return to court on a new date. As the D.C. Superior Court is a very busy court system, some cases are continued more frequently than we would wish. We will do everything in our power to resolve your case as quickly as possible.

As you probably know, not all cases go through a full trial. Many times the prosecution and the defense agree to a Plea Bargain. If the Plea Bargain is approved by the Judge, then no trial is necessary. When the prosecution agrees to a Plea Bargain, it does so because it believes that the agreement is a benefit to the public and to the youth who is charged in the case. It is our desire that each victim feel that the Plea Bargain is fair and appropriate. We will do our best to explain the Plea Bargain to you and to listen to your opinion. Because we represent all the citizens of the city, our decision will be final. However, you may always request that the Plea Bargain in your case be reviewed by a supervisor. You should always feel free to ask about any Plea Bargaining in your case. You should also know that many defense

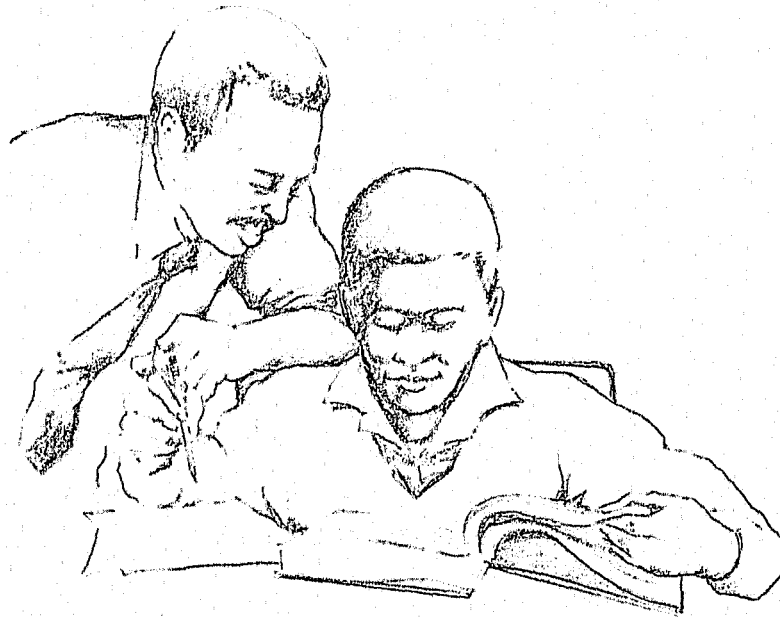
lawyers will not Plea Bargain and may ask that the case be dropped unless they know that you will be in court to testify against their client. Therefore, even in a case that may result in a Plea Bargain, you must come to court in order for us to accomplish our objectives of protecting the public and attempting to rehabilitate the youth. Of course, one of the benefits of a Plea Bargain is that you may not have to testify in court. This simply means that though you are required to be available to the court, you may not actually have to testify before the Judge. Again, you should always feel free to discuss these procedures with the prosecutor assigned to your case.

hen a juvenile is found guilty at a trial or enters a guilty plea, his or her case is scheduled for a Disposition Hearing. A Disposition Hearing is the juvenile court's equivalence of a Sentencing Hearing for an adult. You will not be required to attend this Disposition Hearing because the juvenile court rules do not ordinarily permit victims and witnesses to attend this type of hearing. Prior to the Disposition Hearing the Judge receives a detailed report about the juvenile. This report is prepared by a Probation Officer. This report tells the Judge about the youth's behavior, school situation, past history of delinquency, and his or her cooperation with the court system. The report also recommends a plan for the Judge to consider. At the hearing the Judge hears from both the lawyer for the

juvenile and the prosecutor. The Judge has broad powers to enter orders he or she believes will help rehabilitate the offender and protect the public. The Judge can place the juvenile on probation; this means that the youth will live at home under such rules as the Judge orders. If the Judge's rules are violated, the youth can be brought back to court and given a new sentence. At the Disposition Hearing the Judge can also decide to place a juvenile in the custody of the Youth Services Administration. This can involve placement outside the youth's home. For example, the juvenile can be placed in a group home or in a secure institution such as the Oak Hill Youth Center. The Judge also has the power to send youths out of town to special treatment centers in other parts of the country. In addition, the judge may have other alternatives available.

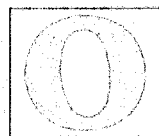


**The Judge can place the juvenile on probation: this means that the youth will live at home under the supervision of his parents or the youth can be placed in a group home or secure institution.**



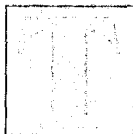
You should feel free to discuss these alternatives with the prosecutor assigned to your case. You should also feel free to tell the prosecutor about the impact of the crime on your life and what you feel should be done at the Disposition Hearing. The prosecutor can then tell the Judge about your feelings.

## Confidentiality



One of the ways in which juvenile cases are different from adult criminal cases is that juvenile cases are confidential. This means that it is against the law to make public the details of a juvenile case. The reason for this law is to prevent a youth's entire life from being ruined by a mistake made when he or she was young. A result of this law is that the prosecutor may be unable to tell you all of the details of your case or about the respondent's prior delinquent activity. You may also be prevented from attending all of the hearings in your case. We know that you will want to have as much information about your case as possible. We will do our best to provide you with information, but we must obey the law that makes certain information confidential.

## Case Information Sheet



This sheet is designed to give you a convenient place to list information about your case. This information can be important if you need to contact the prosecutor or police officer. In addition, you can use this sheet to keep a record of your court dates. At the Initial Conference the prosecutor will help you complete the information sheet.

Case Name: In the Matter of:

Case Number(s):

Names of Police Officer(s):

Telephone Number(s) of Police Officers:

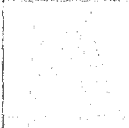
**Name of Assigned Prosecutor:**

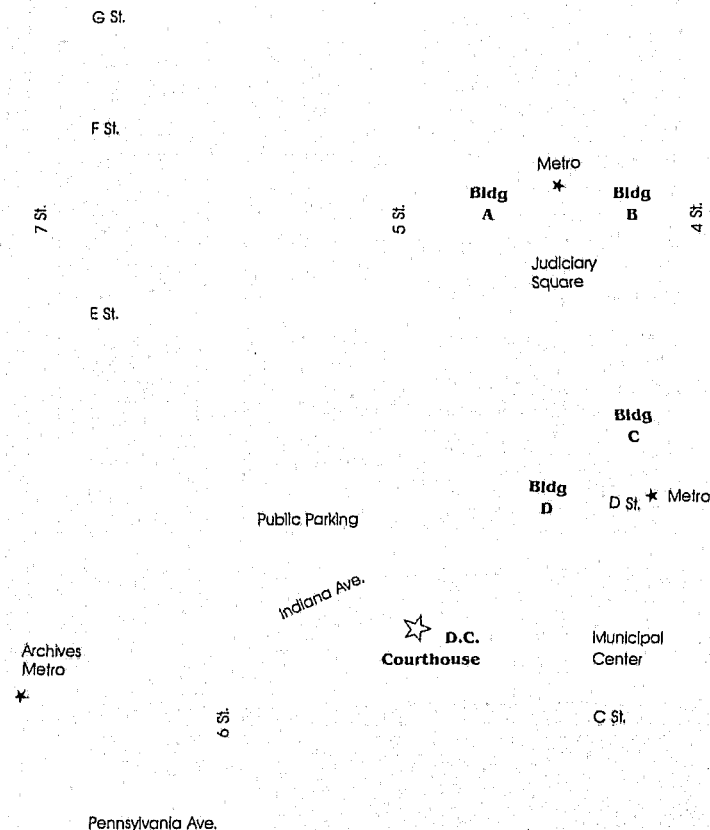
**Prosecutor's Telephone Number:**

**Criminal Complaint Number:**

**Court Hearing Date(s):**

**Other Information:**


 If juvenile cases in the District of Columbia are conducted in the Family Division of the Superior Court of the District of Columbia, located at 500 Indiana Avenue, N.W., Washington, D.C. There is limited commercial parking, however, the new courthouse is located between both the Yellow and Red lines of Metrorail. The map to the right shows the location of the courthouse. Your subpoena will tell you the room number where you should report. To assist you in locating the correct room, the courthouse has an information desk. This desk is located on the left as soon as you enter the main doors of the courthouse. You should ask for directions to the Juvenile Section of the Office of the Corporation Counsel.



This brochure was prepared by the  
Criminal Division Juvenile Section Office of the Corporation Counsel  
under Grant Number 85-JS-CX-0008 from the  
Office of Juvenile Justice and Delinquency Prevention,  
Office of Justice Programs, U.S. Department of Justice.

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