

## Sentencing Options

### (5) Transfer to Adult Court –

- ⇒ If the prosecutor wants to charge you as an adult and transfer you to adult court, you will get a “fitness hearing” where the judge will decide if you should be tried as an adult. You have a right to a lawyer at the hearing, and it is important that you have one.
- ⇒ *However, you can get automatically transferred to adult court without a hearing in some cases:*
  - ⇒ If you were **at least 14 years old** when you committed a serious crime (e.g., rape, murder, kidnapping, assault with a firearm);
  - ⇒ If you have been tried in adult court before; **OR** You have had 2 or more felony convictions after you were 14 years old.

## Three Strikes Law

This California state law punishes repeat offenders. After just one *strike*, you can get stricter and longer sentences every time you are convicted of another crime, even if it is a non-violent or non-serious crime.

- ⇒ **If you get three strikes, then you could get a sentence of 25 years to life in prison.**
- ⇒ **YOU CAN GET A STRIKE AS YOUNG AS 16 YEARS OLD!**
- ⇒ Crimes that count as strike offenses include:
  - Arson of an inhabited building
  - Robbery with a dangerous weapon
  - Rape
  - Murder
  - Kidnapping
  - Assault with a weapon or causing great injury
  - Discharge of a firearm into an inhabited building
  - Making or selling drugs
  - Escape, by the use of force or violence, from any juvenile hall or ranch camp
  - Carjacking with a dangerous or deadly weapon

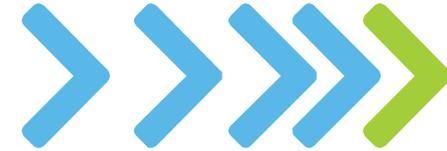
## GET HELP: Websites and Resources

Information and help are always available from websites and organizations. Here’s a handy list of available resources:

- ⇒ **A self-help center for youth and families regarding California courts :** Learn more about how courts work.  
Web: [www.courtinfo.ca.gov/selfhelp/family](http://www.courtinfo.ca.gov/selfhelp/family).
- ⇒ **San Francisco Public Defender :** If you are arrested and can’t afford a lawyer, call for a free lawyer:  
Web: [www.sfgov.org/site/pd\\_index.asp](http://www.sfgov.org/site/pd_index.asp)  
Tel: (415) 553-1671
- ⇒ **SF Clean Slate Program:** The San Francisco Public Defender’s Office can help you with trying to seal your criminal records so that your past mistakes won’t affect your chances for a job or getting into college.  
Web: [www.sfpublicdefender.org/clean-slate-program/](http://www.sfpublicdefender.org/clean-slate-program/)  
E-mail: [cleanslate@sfgov.org](mailto:cleanslate@sfgov.org)  
Tel: (415) 553-9337.
- ⇒ **Legal Services for Children:** Provides free legal and social services to children and youth.  
Web: <http://www.lsc-sf.org>  
el: (415) 863-3762
- ⇒ **Office of Citizen Complaints:** File a complaint against a police officer who is treating you unfairly.  
Web: [www.sfgov.org/site/occ](http://www.sfgov.org/site/occ)  
Tel: (415) 597-7711
- ⇒ **ACLU Youth Activist Project:** There is a lot of “Know Your Rights” information on this website. Check it out:  
Web: [www.aclunc.org/youth/](http://www.aclunc.org/youth/)

Asian Law Caucus

55 Columbus Avenue  
San Francisco, CA 94111  
Phone: (415) 896-1701  
Fax: (415) 896-1702



# KNOW YOUR RIGHTS



# Police Rights & The Three Strikes Law



## YOU HAVE RIGHTS:

### **IF THE POLICE STOP, SEARCH or ARREST YOU:**

#### If You are Stopped in the Streets:

- ⇒ You do not have to answer any questions.
- ⇒ If you choose to answer questions, do not give any false information—lying to the police will get you in trouble.
- ⇒ The police may “pat down” your clothing if they suspect a concealed weapon. Do not physically resist, but tell them politely, “**I do not consent to a search.**”
- ⇒ Ask the officer, “**Am I free to leave?**” If he/she says yes, calmly walk away.
- ⇒ Do not “bad mouth” the officer or run away, even if you believe that what is happening is unfair. *This could lead to your arrest.*

#### If You are Pulled Over in a Car:

- ⇒ Upon request, show your driver’s license, registration, and proof of insurance.
- ⇒ In certain cases, your car may be searched without a warrant so long as the police have **PROBABLE CAUSE**. **To protect yourself, say clearly and calmly, “I do not consent to a search.”** It is unlawful for the police to arrest you simply for refusing to consent to a search.



#### If You Are At Home:

- ⇒ **SEARCHES**- If the police knock and ask to enter your home, **do not allow them to search your home unless one of the three exceptions applies:**
  - (1) The police have a **WARRANT** signed by a judge —ASK TO SEE IT!
  - (2) You are on **PROBATION** with a search condition. If that is the case, the police can search you anytime without warning, or
  - (3) There is an **EMERGENCY**, such as a person screaming for help inside your home or the police are chasing someone.

## **Rights Under Arrest**

- ◇ Ask if you are under arrest. If you are under arrest, tell the officer your name and address—and if you are under 18, your age as well. Besides that, don’t tell the officer anything else as it can be used against you in court.
- ◇ If you are under arrest, the police technically have a right to search you and the area close by you. However, to protect your rights, you always should state politely and clearly “**I do not consent to a search.**”
- ◇ The officer should read you your Miranda rights, which include your right to remain silent and your right to a lawyer **EXERCISE your rights. Say politely and clearly, “I want to speak to a lawyer and to remain silent..”** Also, if you are under 18, ask to speak to your parent or guardian.

**The Right Behavior:**  
*Keep your hands where the police can see them. Do not resist, run away, or touch the police officer. Stay calm and do not argue. It will benefit you to start off with a good image.*

- ◇ You have a right to ask for the officer’s name and badge number. Remember this information.

#### If the police officer gives you a citation:

- ◇ The ticket will tell you to go to juvenile hall and meet with a probation officer on a specific day.
- ◇ Talk to a lawyer before your citation day so you don’t say something that may hurt your case. If you can’t afford a lawyer, call the Public Defender’s Office to ask for one.



- ◇ Show up to your hearing date because if you don’t there will be a warrant issued for your arrest and you may get a harsher sentence.

#### If the police officer takes you to juvenile hall, you have a right to:

- ◇ **PHONE CALLS** — You have a right to make 2 phone calls within 1 hour of entering juvenile hall—one to your lawyer and one to your parents.
- ◇ **TALK TO YOUR LAWYER**—talk to your lawyer before you talk to the probation officer because anything you say against you.

## **WHAT IFs: SENTENCING OPTIONS**

### **If the Judge find you guilty of a crime, these are some of things that could happen to you:**

#### (1) Home Probation

- ⇒ You are allowed to stay at home with your family but **you have to follow a lot of rules** — including a curfew, going to school, can’t hangout with friends you got in trouble with, and you can be searched by your probation officer at any time. You also may have to do community service, attend after school programs and counseling, or participate in a drug and alcohol treatment program. To get this sentence, you have to show your home is stable, you do not pose a danger to the public, and you can improve your conduct at home.

#### (2) Out of Home Placement

- ⇒ **Foster Home:** If the judge thinks you can’t be helped at home, the judge might send you to the home of someone who is not your parent or guardian. If you run away from your foster home, a warrant may be issued for your arrest and you might be placed in juvenile hall, group home or placed on probation.
- ⇒ **Group Home:** Group homes are residences for many youths. They have a lot of strict rules, and some have a program where you have to work to get privileges.

#### (3) Secure Facilities

- ⇒ **County Camp, Ranches, Ranch Camps:** These are secure county-run camps that are bigger than group homes where you cannot come and go freely. These also have a lot of rules.
- ⇒ **Division of Juvenile Justice (formerly known as California Youth Authority)** — This is a state-run prison for youth. You may get sent here for committing a violent crime or for many smaller crimes. *This is the worst of all the options.* The longest you can be kept at DJJ is until you are 25.

#### (4) Restitution

- ⇒ In addition to receiving one of the above sentences, you might also have to pay money to the victim of the crime by working. If you don’t pay on time, your probation might be extended.

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