

Youth Court Training Module: Contacting the defendant

Goal: To explain the situation and trial to the defendant and his/her parents. This is an extremely important part of Youth Court because in order to help the student defendants learn from their mistake, we must make sure that they understand the process. Communicating with the parents is also very crucial as the parents take these matters very seriously and want to know everything that is going to take place.

Points to Address during the Call:

- You may talk to the defendant or the parents first, but you will have a better understanding of the case after talking with the defendant (as well as a more unbiased recollection of events from the defendant) so it is usually preferable to speak with the defendant first. **Take detailed notes** on what is said during your conversation with defendant/parents.
- **Story:** It is crucial that you understand the defendant's side of the story and address any inconsistencies. This should be an active discussion where you ask pertinent questions while they are discussing the story (try to get them to elaborate on every single detail).
- **Plea:** Explain to the defendant and parents that Olathe Youth Court allows not guilty pleas and explain that only very specific cases will qualify. Describe the relevant elements of the law for the charge and explain to them why the defendant is guilty. If it seems like they are not guilty and they do not want to plead guilty, explain to them the special circumstances (extra jury duty and extra A.B.L.E. class) and confirm that they would like to plead not guilty.
- **Preliminary questioning:** Find out what the defendant's intention was, what he/she has learned from this incident, what he/she would do differently in the future, etc.
- **Trial:** Describe the events that will take place during the night of the trial. Explain the preparation that will take place during the night of the trial (sanction recommendations, testimony preparation, etc.) and explain the role of the prosecuting attorneys (not against the defendant). Also, inform them of the other members of your co-counsel and what their role will be.
- **Program:** Explain the required elements of the program (two jury duties and two A.B.L.E. classes) as well as the variable elements (sanctions they will receive). Be sure to explain the concept of peer-mentorship hours to them and explain the role of the service officer in helping them complete their sanctions. And let them know that with the successful completion of their sanctions, the case will be removed from their criminal record.
- **Answer any questions:** Be very clear that we want them to understand all parts of the process and give them the Youth Services office's contact information in case they think of anything.

Parents:

It is very important that you talk with the parents. Do not rely on the defendant to relay any messages to the parents. Parents often have many more questions than the defendant will and it makes the program look very bad if we do not address these questions as soon as possible. If you ever have any problems with a parent, refer that parent to the Youth Services office and contact the Youth Services office to let them know.

Final Note:

The call to the defendants and parents is one of the most crucial moments of the Youth Court program. If it is not handled with care and sincerity, the defendant and/or parents will not have a positive view of the program or the participants and will continue with this negative view of the program through the trial and when completing sanctions. Any member of the defense counsel can make this call, but it is the lead lawyer’s responsibility to make sure that it is done appropriately and in a timely manner. The lead lawyer is also required to report the results of this conversation to the Youth Services office so they need to have knowledge of everything that is said during the contacting of the defendant.

Remember that you are here to help the defendant and his/her family deal with the incident and learn from it. The phone call to them will set the tone for their experience so complete it to the best of your ability

Checklist:

Defendant:

- ___ Defendant’s story
- ___ Plea Decision
- ___ Trial Explanation
- ___ Program Explanation
- ___ Questions

Parents:

- ___ Plea Decision
- ___ Trial Explanation
- ___ Program Explanation
- ___ Questions