

MARVELOUS
MITCH

RIGHTS & ROLES BOOK



When a kid sees, hears, or was hurt by an adult breaking the law (which is called committing a crime), they might have to speak with different adults and share what they remember about what happened. These adults are part of something called the criminal legal system, and this book will help you understand who they are and what your rights are if you are involved with a case that is going through this system.

Things like this happen to other Native and non-Native kids and families, too. But every situation is different. In some cases, a kid might have to go to court to share what they remember, and in some cases, they don't. Also, cases can go to different types of courts, such as tribal courts, state courts, and federal courts. Each of these courts can feel different for kids and families and might do things in different ways.

No matter what is happening for you, please remember that none of this is your fault and you are not responsible for anything that has happened, and it's ok to have different feelings about what's going on.

Also, you are not alone — you can ask for help from the adults working with you, like the ones in this book or in Mitch's story, or other adults in your family or community that you trust.



WHAT IS THEIR JOB?

ROLES IN THE CRIMINAL LEGAL SYSTEM

In this section you will learn about the jobs of the different adults you might meet.

These adults may be from your tribe, from another tribe, or work for the local, state, or federal government.

You will also find out what your job is, too.



POLICE

A police officer's job is to try to keep people safe and make sure they follow the laws. They investigate crimes, and might ask you questions to help them understand what happened. Some police officers wear uniforms but others wear regular clothes. They may also be called "Investigator," "Special Agent," or "Detective," depending on where they work.

VICTIM ADVOCATE

This person helps you understand and answers any questions you have. If you have to go to court, they might be able to come with you if you want them to. Don't be afraid to ask them questions or for help!

DEFENDANT

When the police arrest someone they believe broke the law, this person is called "the defendant" because they are defending themselves against the charges in court.





JUDGE

The judge is the person in charge of the courtroom who makes sure everyone follows the rules. Their job is to listen and make decisions about the case.

PROSECUTOR

The prosecutor represents the government. Usually they're a lawyer. They're sometimes called 'the DA' (District Attorney) or 'AUSA' (Assistant U.S. Attorney). They might ask you questions about your experience to understand what happened. Even though the prosecutor works on your case, it's important to know that they are not your lawyer.

BAILIFF/COURT OFFICER

The court officer tries to make sure everyone in the court is safe.

COURT REPORTER

The court reporter's job is to write down everything people say in the courtroom.

DEFENSE ATTORNEY/LAY ADVOCATE



This person's job is to help the defendant and defend them from the charges against them. They may ask you questions and say things that sound like they're mad at you, but they're not. They are doing their job.

JURY

The jury is a group of adults that listen to everyone in court and decide if they think the defendant did something wrong. If you go to court, they will listen to what you and others say to help them decide.

PROBATION OFFICER

When someone is found guilty of a crime but not sent to jail, they are usually given rules they have to follow. The probation officer's job is to meet with them to make sure they are doing those things.

PAROLE OFFICER

When someone comes out of prison, they are usually given rules they have to follow. The parole officer's job is to meet with them regularly to make sure they are doing those things.

SOCIAL WORKER/THERAPIST

Social workers help children and families with difficult things that are going on in their lives. Some work in the prosecutor's office, where they can advocate for you, explain how the system works, and help with feeling safe and getting connected to other resources. And some social workers work as therapists, providing counseling to children and their families.

VICTIM

A victim is someone who was harmed by a crime.



WITNESS

A witness is someone who saw or heard a crime, or who has other information about what happened.

YOU

You are a witness, and you might be a victim, too. Your story is one piece of the puzzle. Your job is to answer questions and tell the adults what you saw, heard and remember about what happened.



KNOW YOUR RIGHTS

If you're part of a case going through the criminal legal system, you have rights. This means the adults have to make sure certain things happen.

Read on to find out what they are.



Know Your Rights

You have the right to...

...be in court and have your voice listened to!

You should always be heard when talking to judges, lawyers and police.

...be treated with respect.

...have an advocate or access to another adult that can help.

The adults working with you are there to help you understand what's happening with your case. That means you have the right to ask as many questions as you want!

...live in a place where you feel safe and that meets your needs.

This means you have enough food, go to school, and see a doctor or counselor when you need to.



Victim's Rights

If you are a victim, you have other rights, too.

You have the right to...

...say what happened to you and how you feel.

This could include making a “victim impact statement” to let the people making decisions about the case know how what happened affected you.

...know what's going on with your case, and what kind of help you can get.

Ask your advocate or the person who gave you this book what's going on and to explain any decisions that are made.

...go to all court hearings if you want.

You only have to go to the hearings you've been asked to attend by the court. But if you want to go to all of them, and the judge says it's okay, then you can.

...privacy.

This means that most of the time, the court can't share your name and address with other people. And you don't have to talk to anyone outside the court system about what happened if you don't want to.

...get back any of your things that are taken for the case.

If any of your things are taken as evidence, though, it could take a long time before you get them back and in some cases, they may not be able to return everything to you.

...understand what the people in your case are saying and doing.

That means you have the right to ask as many questions as you want! If you don't understand what's happening, ask your advocate or the person who gave you this book. If you have a disability, or something makes it hard to understand what's going on, tell your advocate right away. There are lots of ways you can get help. [See the next page about disabilities for more...](#)

If you have a disability...

You **ALWAYS** have the right to understand what's going on with your case and what the people working on it are saying and doing.

You also always have the right to express what happened and how you feel.

This means you can get support so people can understand you. It's the law!

You should always be able to get to (and around) the court or any other place you have to go for a meeting.

Let the people working on your case – like your advocate, lawyers, and police – know about your disability and what you need help with right away. You might have to ask more than once!

If your parent or guardian has a disability, they have the right to request a type of support called reasonable accommodations, too.

There are many types of support and accommodations you can ask for!

Talk to your advocate to find the right ones for you. And don't be afraid to ask.

Jurisdiction

Jurisdiction means who is going to have the power to make legal decisions in a case.

Depending on where you live and what is happening with your case, one or more of these courts might have jurisdiction:

Tribal Court

Tribal courts usually deal with cases involving only tribal members and other Native Americans.

State Court

State courts usually deal with cases that take place off of the reservation or tribal land, or if someone involved is not Native. In some states, known as P.L. 280 states, they also deal with cases that take place on the reservation or tribal land.

Federal Court

Federal courts only deal with certain kinds of cases, including more serious cases involving Native Americans.

Sometimes, your case may be handled by more than one court.

The adults who are helping with your case will be able to answer questions about which court(s) are involved in your situation.

Depending on where you live, or where the case is being investigated or prosecuted, you may have even more rights.

If you have questions, or your rights aren't being respected, talk to your advocate, the prosecutor, or one of the other adults working on your case right away.

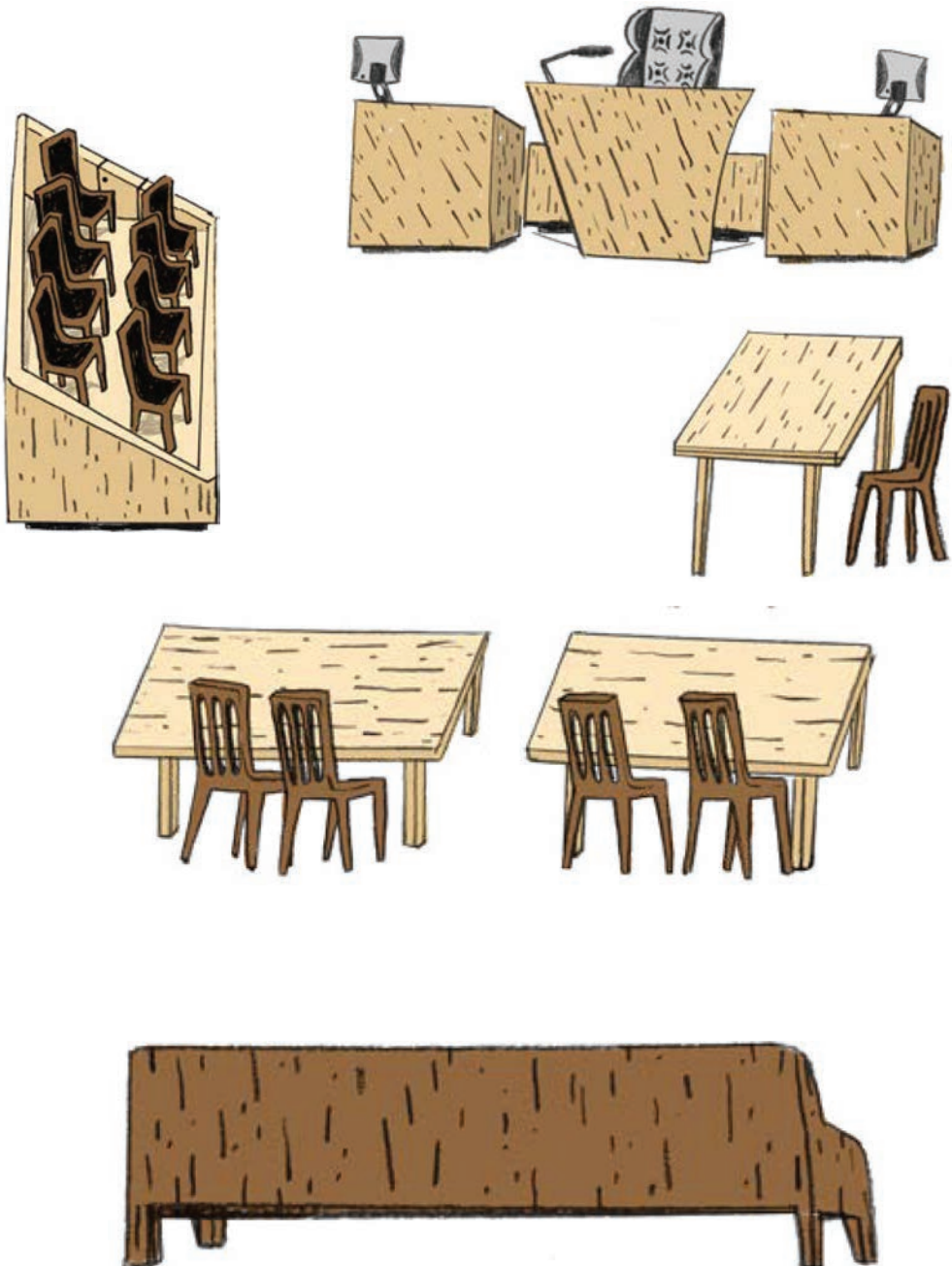
A note for caregivers:

If you've experienced a crime, you may be able to apply for money to cover certain costs. This is called Victims Compensation. Costs that may be covered include (but aren't limited to) counseling, medical bills and insurance co-pays for treatment, relocation expenses, and funeral expenses. You may have to meet certain requirements to qualify - talk to the child's advocate or the prosecutor/lay advocate about applying. If you're approved, you may have to provide receipts to get reimbursed - it is unlikely you will get money up front.



The Courtroom

Many of the people you've read about work in the court. At some point, you might have to go to court, too. It can help to understand who will be there and where they will be sitting. Ask your advocate or one of the adults working with you on your case to show you using the drawing below.



COPING WITH COURT

Going to court can feel overwhelming, but there are things you can do to feel a little better.

Here are some tips to help you out!



Getting ready

- Try to get lots of sleep the night before and eat something before you go to court so you have the energy to get through the day.
- You don't have to dress up but wearing something you feel good in can help you feel more confident.
- You'll probably spend a lot of time waiting, so bring something to do like listen to music, read, draw, write in a journal, or do homework.
- If you have a special object like a stress ball or lucky charm that helps you feel calm, you can bring it with you.

Getting nervous

If you feel nervous, try one of these things:

- Try to picture how you want the day to go and how you will react if different things happen. It may sound silly, but picturing things can help you feel calmer.
- If you can, take a walk, dance, run, jump or move your body to get rid of some of your extra energy.
- If you have a special prayer or song that is important to you, try saying or singing it, either out loud or in your head.

Getting Support

- Think about who you can talk to about how you're feeling and who can support you through this process. Is there an advocate, friend, or family member who can come to court that you can look to, if and when you get nervous?
- If you have a therapist or another grown-up you can talk to, talk to them before and after court.

Getting Through It

- It can feel good to do something nice when it's over so you have something to look forward to, like watching a movie you love, eating a favorite meal, or just spending time with a friend.

WHO'S WHO?

If you want, you can write down the names and contact info of the people that are working with you here.

POLICE OFFICER(S)

Contact Info: _____

PROSECUTOR

Contact Info: _____

VICTIM ADVOCATE

Contact Info: _____

JUDGE

Contact Info: _____

SOCIAL WORKER/THERAPIST

Contact Info: _____

OTHER

Contact Info: _____

MARVELOUS MITCH

The Center for Court Innovation's Child Witness Materials Project is a collaborative effort between the Center for Court Innovation and Alternate History Comics, Inc. and is supported by cooperative agreement #2018-V3-GX-K069, awarded by the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime. The opinions, findings, and conclusions or recommendations expressed in this document are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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The Center for Court Innovation works to create a more effective and humane justice system by performing original research and helping launch reforms around the world.
www.courtinnovation.org

Alternate History Comics is a multiple award-winning publishing company that creates original graphic novels and cultural comic collections.
<http://ahcomics.com>

The Center for Court Innovation is grateful to the project partners and stakeholders; justice system practitioners; and young survivors from all over the country who contributed to the development of this product.



NCJ 305310

The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime.

www.ovc.ojp.gov

The Office of Justice Programs is a federal agency that provides federal leadership, grants, training, technical assistance, and other resources to improve the Nation's capacity to prevent and reduce crime, assist victims, and enhance the rule of law by strengthening the criminal and juvenile justice systems. Its six program offices—the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office for Victims of Crime, the Office of Juvenile Justice and Delinquency Prevention, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking—support state and local crime-fighting efforts, fund thousands of victim service programs, help communities manage sex offenders, address the needs of youth in the system and children in danger, and provide vital research and data.



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