



Five Things You Need to Know to Keep Your Kid Out Of Jail

These are perilous times to be a teenager. Kids in this generation are faced with a barrage of temptations that didn't exist for earlier generations: online predators, internet porn and gambling, gangs and violence. In this era of "zero tolerance," it's become tougher to be a teenager, and discretionary action by teachers, judges and police officers has become almost non-existent.

So when it comes to encounters with cops, the rules have changed for parents. What I'm about to suggest to you should not be construed as "anti-police" but "pro-reality." Let's face it, with all the trouble there is to get into these days, it's almost a miracle if your kid doesn't get arrested, or face the prospect of it, at some point in his or her march to adulthood. Many times, it won't even be his or her fault! (No, really, I know you've heard that a hundred times before... I know I have.) Sometimes it happens when your kid is with a friend who really is breaking the law, and the responding officers aren't likely to cut any slack for the "innocent bystander."

With these times in mind, then, let's discuss the five things you need to know and tell your kid to keep him (or her) out of jail.

1. Fix that broken tail light. Traffic stops are the number one source for encounters with law enforcement. Since most kids are driving hand-me-down cars (even nicer models), the odds are that something is going to break. And since kids drive around forever without checking the oil or the tires, it stands to reason they aren't checking the tail lights either. It's what draws a patrol officer's attention to your car – a missing light, or an expired tag, or windows that are too darkly tinted. Once a cop spots something amiss, a traffic stop is almost certain to occur.
2. Never give a cop consent to search your car or your person. When a police officer conducts a lawful traffic stop, he's entitled to ask for your driver license, registration and proof of insurance. He (or she) can keep you at the scene while your registration and driver license is run for any warrants or suspensions. And if you're issued a citation, there's no reason not to sign it or argue with the officer; leave that to your parents to decide

whether to hire a lawyer. Once the citation has been issued, however, an officer could ask you for permission to search your car. It may sound something like this: “We’ve had a recent problem with (gangs, drugs, crime in this neighborhood, etc...). Would you mind if I searched your vehicle?” It’s a lawful request, and often a teenager is intimidated into giving consent because, hey, it’s a cop! But there is no obligation to consent to a search... that’s why it’s called “consent”! Since you never really know what your friends might have dropped into the passenger side door or the back seat, it’s ALWAYS a bad idea to give a stranger (even a cop) permission to search your car. Instead, you should ask one question: “Officer, am I free to leave?” This forces the cop to make a decision: if he’s merely fishing for a free search, he’s going to admit that you are, in fact, free to leave. If he has reasonable suspicion, it forces him to inform you that he can obtain a warrant to search your car, which is the proper thing to do. If he obtains a warrant and conducts a search, there’s nothing to do but sit back and see what happens. Immediately call your parents and advise them what is happening. You are now officially being detained, and your fourth amendment rights have just been activated. Your parents can decide whether to hire a lawyer to explain what all those rights are (see below).

3. Never give a statement to a law enforcement officer without your attorney present. One of the rights your lawyer will advise you of is the **right to remain silent**. I can’t tell you how many times in my career as a criminal defense investigator I’ve seen well-meaning parents march their kid into a police station or sheriff’s office to “straighten out this mess,” and answer the good officer’s questions. Almost every time, the result is the kid is marched back out in handcuffs and delivered to the local jail or juvenile detention center, facing serious misdemeanor or felony charges because he or she gave a full, complete, and *voluntary* statement implicating himself or herself in a variety of criminal offenses. “Not *my* kid!” the well-meaning parent cries in indignation. The juvenile courts are full of “not-my-kids” standing alongside all those kids that probably should be there (all the ones that did not read this article).
4. Get a **criminal defense** lawyer. Honestly, in these days of specialization, you wouldn’t go to your orthopedic surgeon if you suspected you had cancer. So why would you go to a police station with a divorce lawyer when a cop wants to interview you about a burglary, or an aggravated battery? If things have already come to the point of police involvement, find a good, experienced criminal defense lawyer, preferably one with experience in juvenile court, and enlist his or her services. Don’t know one? Don’t do anything until you find one. Most criminal defense lawyers advertise in the yellow pages or the internet; find one that has experience in juvenile courts, and confirm that during a telephone call. Be prepared to spend several thousand dollars. There are a number of factors involved in determining a fee for attorney services, including the local market, the attorney’s expertise, and the complexity of the case. Don’t be fooled into

- thinking that the fee is always commensurate with the expertise; there are plenty of honest, bright and ethical lawyers who don't have all the fancy trappings and are perfectly capable of handling your case. Find a lawyer you have **confidence** in, then follow his or her advice.
5. Don't be in a hurry to resolve your case. If the worst happens, and you find yourself arrested, or even confined, remember that a conviction is forever. If the offense is not that significant, such as a simple possession case, most of the time there will be an opportunity for some type of pre-trial diversion. With more serious cases, such as felonies or violent crimes, time often negatively impacts the state's case, and improves the defense's case. Witnesses move or go to college, more serious offenses take precedence with the court, budget cuts overload overworked prosecutors, and the older cases are more easily negotiated. A competent defense attorney knows the system and can navigate you through the process with as little exposure as possible. The six months (or even a year) your case may take could work to your advantage with more serious cases. So let things work themselves out and give your lawyer time to do his or her thing.

If you're a parent, you may have noticed that the five things that will keep your kid out of jail will also keep *you* out of jail! All this "zero tolerance" stuff doesn't just impact kids; plenty of adults have found themselves in situations they never imagined because they were just trying to be "helpful" to a law enforcement officer. And again, don't think I'm down on cops with this information. Most of the honest ones (and most police officers are honest) tell their kids the same things I've just shared with you. (I know, because I've had plenty of cops' kids as clients through the years.) Keep your car in good repair, keep the music turned down low enough so you can hear a siren behind you, be polite and professional, and remember the question: "Officer, am I free to leave?" And I hope you never have need of a good criminal defense lawyer.

Call us at **561-687-8381** or visit us at www.radioinvestigator.com for more information about what a criminal defense investigator can do to assist your attorney if your kid does get arrested. And **seek competent legal counsel** before taking any action that might impact your liberty, or the liberty of your family members.