

A STUDENT'S GUIDE TO POLICE PRACTICES



INDEPENDENT POLICE AUDITOR

The IPA appreciates the contributions that the San José Police Department, the Office of the City Manager, and the Department of Parks, Recreation, and Neighborhood Services have made toward the publication of the Guide.



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www.sanjoseca.gov/IPA

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Your feedback and suggestions on this guide are welcome.
Please call (408) 794-6226 or email your comments to:
Ind_Pol_Aud@sanjoseca.gov

Available in English, Spanish and Vietnamese.

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Dear Students, Parents, and Other Readers of this Guide:

The Office of the Independent Police Auditor created the "Student's Guide to Police Practices" (Guide) to reach out to students and young people. The Guide informs you about your rights, as well as your responsibilities, in interacting with the police. We have added sections to the Guide that discuss serious social issues facing young people today. The Guide also provides information about valuable community and government services.

The IPA office is a non-police agency where a complaint can be filed if you feel that you have been mistreated by a San José police officer. The City of San José established this office over fourteen years ago to make sure that complaints are investigated in an objective, complete and fair manner. We urge you to come forward with any issues and questions that you may have regarding police officers in San José. There is a policy against retaliation for filing a complaint.

Please contact our office if you would like a presentation about the IPA, a discussion about the complaint process, police practices or issues, or to file a complaint: 408-794-6226.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Attard'.

Barbara Attard
Independent Police Auditor
San José, California



Hello Everyone,

One of the most important things a professional police department can do is ensure that the community it serves has trust and confidence in the way its officers perform their work. We of the San José Police Department are proud of the very positive relationships we have established over the years with the diverse groups of people who live, work and play in San José. We are also proud to support the development and distribution of the "Student's Guide to Police Practices" because it will help inform San José's youth about what their rights are when interacting with the police as well as educate them about why police officers take the actions they do to ensure the safety of our community.

We are also proud of the working relationship we have established with the Office of the Independent Police Auditor. The goals of our two departments are the same, in that we want to ensure that any allegations of police misconduct are investigated thoroughly and fairly. As such, it is my hope that this guide will help foster a spirit of mutual understanding and friendship between the youth of San José and those police officers who serve them. Please feel free to contact our Internal Affairs Unit should there ever be a question you might have regarding any police activity. The phone number to the Internal Affairs Unit is (408) 277-4094.

Thanks for taking the time to read and study this guide.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Davis". The signature is fluid and cursive.

Chief of Police
San José, California

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You and the Police

The goal of the Students' Guide to Police Practices (Guide) is to provide you with information to help you make smart decisions if you are stopped by the police. The Guide contains basic information about your legal rights, common crimes, and how to avoid becoming the victim of a crime. It isn't intended to replace legal advice from a lawyer. We hope you will find the Guide helpful and that you will let us know if you have any questions. You can call the Office of the Independent Police Auditor at (408) 794-6226, or email Ind_Pol_Aud@sanjoseca.gov. Our website is: www.sanjoseca.gov/ipa

To the Parent

We hope you will find this guide useful in understanding common issues that arise when young people come into contact with police officers; such interactions can be intimidating and confusing. It is important that you and your son or daughter understand basic legal rights and are familiar with common police practices. As you educate your young person on these topics, we hope you will include the suggestions offered on the following page. Many times, a young person's behavior can influence the outcome of the police interaction. We strongly encourage the public to demonstrate respect for police officers. If a young person or parent feels police misconduct has occurred, a complaint can be filed with the Independent Police Auditor (IPA) or San José Police Department (SJPD). The resource information provided at the back of the Guide lists City and community services that may be helpful to you. If you have questions or comments about anything in the Guide, feel free to call the IPA at (408) 794-6226.

Respect

Everyone deserves to be treated with respect. In every situation, it's important to treat others the way you would like to be treated. This is true with police, teachers, parents, or anyone you come into contact with. Even if someone is not being respectful toward you, it's best to remain calm and resist the urge to lose your temper, call them names, or start fighting. Losing your temper will make the situation worse and could result in criminal charges, physical injury, or death. Treating someone with respect, even when that person is insulting you, is not a sign of weakness. Respect is a sign of strength and intelligence.

Suggestions

If you are contacted by the police:

- 1) **Remain calm.** Don't assume the worst. Fear and adrenaline can create problems for both you and the officer.
- 2) **Be respectful.** This includes your attitude and the way you act. Don't raise your voice or "cop an attitude." Treat the officer the way you would like to be treated.
- 3) **Follow directions.** Don't resist arrest or run away. Failure to follow an officer's directions can lead to arrest, serious injuries or death. This is not the time to challenge the officer. If necessary, you can file a complaint later or argue your case in court.
- 4) **Tell the truth.** It's better not to say anything to a police officer than to lie. Lying to an officer is risky and is a crime in some cases. If the officer finds out you lied, s/he probably won't believe anything else that you say and s/he may become angry.
- 5) **Keep your hands open and where the officer can see them.** Don't put your hands in your pockets or reach for something out of view. The officer may think you have a weapon. Don't reach for something in your backpack, on the floor of your car, or in your belt or waistband unless the officer gives you permission.
- 6) **Avoid making sudden movements.** Again, the officer may think you're trying to take out a weapon or trying to hide something.
- 7) **Never hit a police officer.** Hitting or pushing a police officer is a crime.



Police Practices

Consensual Encounters & Detentions

Consensual Encounter

A "consensual encounter" is when an officer contacts you and the officer has no legal reason to suspect you are doing anything wrong. This type of police contact usually involves a police officer asking for basic information like your name, address, date of birth, and probation status. You can ask the officer if you are free to leave. If the officer says yes, s/he should

not stop you from leaving because the conversation is voluntary. Sometimes a consensual encounter becomes a detention.

Detention

If the officer says you're NOT free to go, you are being detained. If an officer has a suspicion that a crime has occurred, the officer may detain you in order to investigate his/her suspicions. The officer may write your name and other information on a yellow card. This doesn't mean you're under arrest. The information is used to track investigations they conduct in the field. The officer may take a picture of you or your tattoos. S/he is allowed to do this if you give him/her permission or if you are being detained for a specific crime. During a detention, the officer may also do a "pat-down" of your clothing if s/he suspects you are hiding a weapon. A pat-down can lead to a search if the officer feels something that might be a weapon.

Once the investigation is done, if you're not being taken into custody, you should be allowed to leave. If you believe what is happening is wrong, don't challenge the officer or run. You could end up being arrested or physically forced to cooperate. If you think an officer has done something wrong to you or someone else, you can file a complaint about it later. (Please see page 26 for information on how to file a complaint.)

If the officer forms a reasonable belief that you were involved in a crime, also known as probable cause, you may be arrested or taken into custody. Ask if you are under arrest. If you are, then ask the reasons why. You have the right to know this, but it's best to use a respectful tone of voice.

Miranda Rights & Arrests

You have the right to...

When do officers have to read you your rights? On TV, it seems the police tell people their Miranda rights every time they're contacted or arrested. In reality: if you're under 18, police officers have to read you your Miranda rights within a reasonable amount of time if you're taken into temporary custody or arrested. If you're over 18, they don't have to read you your rights unless you're arrested AND you're going to be questioned about a crime.

Police officers can ask you general questions such as your name, address, and date of birth without reading you your Miranda rights. When you're read your Miranda rights, the officer should say the following things, although not necessarily in these words:

- You have the right to remain silent.
- Anything you say can be used against you in a court of law.
- You have the right to talk to a lawyer and have him/her present with you while you're being questioned.
- If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish.

What's the point of reading you your Miranda rights?

The point of the Miranda rights is to inform you that what you say can be used against you in court - so be careful. If you aren't sure you should talk, tell the officer you would like to speak to a lawyer before answering any questions. If you understand your rights, you may choose to speak to the officer, but doing so may put your legal rights or defense at risk. It's usually okay to provide basic information like your name, address or date of birth.

What happens if you are arrested or taken to a police station?

Whether or not you're guilty, go with the officer. If you're a minor (under the age of 18), California law requires that the officer immediately make a reasonable effort to contact your parents. Under Miranda, you have the right to remain silent and to talk to a lawyer before you talk to the police. You can talk to the police or tell them that you wish to remain silent, but you should provide them with your name, date of birth, address, and other identifying information when asked. After talking to a lawyer, you and your lawyer can decide how to handle your case.



You have the right to ask to see a lawyer. If you cannot pay for a lawyer, the court will assign one to represent you. This lawyer is called a "public defender." You may call the public defender at (408) 299-7700. If you are in custody (Juvenile Hall) you will meet your public defender at your first court appearance, usually within three working days of your arrest.

Immediately after being booked, or within one hour after your arrest, you have the right to make two free local phone calls to: (1) a lawyer and (2) a parent, guardian, or responsible relative. Use good judgment. Try to reach a parent or adult who can help you. Telephone calls are often monitored and recorded, even calls to your parents, but calls to lawyers are confidential. "Jail house informants" may be listening to any conversation you have while in custody.

Warrants & Searches at School

Arrest Warrants

Arrest warrants are orders issued by a judge to take you into custody. A warrant does not expire unless it's taken back by the court or you're arrested. If you think there's a warrant for your arrest, you should call the police or sheriff's department and ask how to take care of it. Follow up right away.

One way to avoid a warrant is to go to court whenever you're scheduled. If you don't show up, and you didn't have permission from the court ahead of time a warrant will be issued for your arrest. Calling the court or writing a letter is not enough. You need a written notice from the court that your date has been rescheduled or that you don't have to appear.

Search Warrants

A search warrant is an order signed by a judge, which gives officers permission to search certain areas or locations for the specific items listed in the search warrant. Officers must give you: (1) a copy of the warrant and (2) a list of any items they take. If you're on probation or parole and have a search condition, an officer doesn't need a warrant to search you, your car, or your home.



Searches on Public School Campuses

In most cases, police officers need a search warrant based on probable cause to search you, your house, or car. In a school, officials, teachers,

or officers don't need a search warrant if they have a special need to conduct a search or suspect criminal activity. Searches can be done in schools based on "reasonable suspicion." If a teacher or school administrator suspects that you're breaking a law or school policy, you may be searched. If your personal possessions (like your backpack, locker, purse or car) are on school property, they can be searched.

Traffic Stops

Traffic stops are one of the most dangerous situations for police officers, especially at night. In addition to driving violations like speeding or running a red light, police officers can legally stop cars for many other reasons. Some examples are:



- Not wearing a seat belt
- Littering or throwing objects from a car
- Having only one license plate on a vehicle (you must have one in the front and one in the back)
- Covering a license plate (for example, with a thick frame)
- Placing too many stickers on the windshield
- Having cracks in the windshield
- Hanging things from the inside rearview mirror
- Having bald tires
- Illegally modifying the vehicle (exhaust, tinted windows, etc.)
- Playing music too loudly
- Covering both ears with headphones
- Having dim or broken tail or signal lights
- Driving while talking on a cell phone. California law prohibits a minor from driving while using a cell phone, even if the youth is using a hands-free device. Those over 18 must use a hands-free device to talk on the phone while driving. The only exception is calling 911.

Officers can also stop you if they have: (1) a warrant for your arrest (2) suspicion you're involved in a crime, or (3) probable cause to arrest you. The suspicion or probable cause can be based on what officers have seen or on information from witnesses or other official sources.

What happens if you are stopped while driving a car?

When asked, show your driver's license, registration, and proof of insurance. An officer may instruct you to remain inside the vehicle or to step out of the car while s/he decides if you will be given a ticket. This is for officer safety and you should obey these orders.

Normally, your car can't be searched without your permission or a warrant but there are exceptions. For instance:

- the police have probable cause (like the smell of marijuana or visible beer cans)
- you are placed under arrest
- it's a condition of your probation or parole (or your passenger's)
- your car is going to be towed ("inventory" search)

Unless one of the above exceptions is met, the officer needs your consent or a warrant to search your car. Be respectful toward the officer but clearly let him/her know if you object to the search. Do not physically resist, yell, or insult the officer. You can always file a complaint later or argue your case in court.

If you are given a citation (ticket), you should sign it. If you don't, you can be arrested. By signing the ticket you're not admitting that you're guilty - you're just promising to appear in court. Remember, court is the place to fight a ticket.

Search Clause

Be aware that if you or a passenger in your car are on probation or parole, officers can stop you. If your probation or parole order contains a search clause, they can search you as a condition of your probation or parole. They can usually search your car as well. If you're not on probation or parole but your passenger is, they can only search the areas of the car that were in your passenger's reach.

Driving Under the Age of 18

Driving in California while under the age of 18 is controlled by very specific laws. For instance, there are restrictions on teens driving with other teens in the car. For further information, call your local California Department of Motor Vehicles or go to their website at www.dmv.ca.gov.

Zero Tolerance for Drinking and Driving

California law is very clear: if you're under 21 and driving a car with any alcohol in your system you can be arrested. Your driver's license can be taken away and suspended for 12 months. If you're suspected of drunk driving and refuse a blood, urine, or breath test, your driver's license will be suspended. It's illegal to have any bottles or cans of alcohol, even if they're unopened, in your vehicle if you are under 21. Both the driver and any passengers can get a ticket. Driving under the influence of marijuana or any other drug is also against the law.

What happens if you are caught driving without a driver's license?

If you have a driver's license or learner's permit, you must have it with you any time you are driving a vehicle. If you're stopped and you don't have your license or permit with you, you may receive a citation and/or not be allowed to drive away. The vehicle may be towed. It's up to the officer.

If you've never been given a driver's license by the DMV or if it's been suspended, driving without a license is more serious. You'll be given a ticket and you may be arrested. Your car may be towed or the officer may let you call someone else who has a license to drive the car home. It's up to the officer. If the car is towed it will cost a lot of money to get it back. You will be required to go to court. If your vehicle is towed by the police in San José, you may want to call (408) 277-5429 for information regarding a tow hearing.

Profile Stops & Discrimination

When an officer bases the decision to stop someone mostly on how the person looks, their race, skin color, or the type of car they drive, without really focusing on what the person did, the officer may be making a "profile stop." If an officer treats a person differently than s/he treats others because of the person's race, skin color, religion, age, sex, or sexual orientation, it may be discrimination. For instance, if you're the only boy with a group of girls and you're all jaywalking, but you're the only person who gets a ticket for jaywalking, it may be discrimination. The San José Police Department has rules against "bias based policing" which include profile stops and discrimination. If you feel that you were improperly stopped you may file a complaint so your concern can be investigated.

Bicycles

Biking is fun and good for your health if you ride safely. Bicycle riders must follow most traffic laws, including stopping at stop signs, signaling when turning, riding with the flow of traffic, and giving pedestrians the right-of-way, etc. If you are under 18, you must wear a helmet. If you're riding at night, be sure to wear reflective clothing and use a front light, rear reflector and side reflectors. Sit on a regular, attached seat, not on someone's handlebars, center frame, or over the rear tire. Don't wear a radio headset while biking. Drivers may not see you so always watch for cars and stay alert. The City of San José requires that you license your bicycle to ride it in the city. For bicycle license information, visit your local fire station or call the fire department at (408) 277-4444.

Skateboards

You must wear a safety helmet, elbow pads, and knee pads to ride a skateboard in a skatepark in California. Unless you're crossing in a crosswalk, never ride your skateboard in a street or roadway.



Safely Surrendered Baby Law

The Safely Surrendered Baby Law (also known as the Safe Haven Law) allows a parent who is not able or willing to care for an infant to surrender the newborn baby to a Safe Haven location within 72 hours of birth. As long as there are no signs of abuse or neglect, the parent will not be arrested or prosecuted for abandoning the child. In Santa Clara County, a newborn may be surrendered to any on-duty firefighter or hospital emergency room employee.

A bracelet will be placed on the baby for identification and a matching bracelet will be given to the parent. This will help to identify the child if the parent changes his or her mind during the 14-day cooling off period. A baby can be safely surrendered 24 hours a day, 7 days a week. Every baby deserves a chance for a healthy life. For more information, call (408) 975-5117.

Common Crimes

that sometimes involve young people...

This section describes common crimes that sometimes involve young people. Some of the crimes are misdemeanors that carry fines and possible jail time. Others are more serious and have stronger penalties. The punishment may be increased if you have been convicted of the same type of crime in the past or the crimes are gang related.

Curfew Violation

The City of San José passed a curfew law that makes it illegal for people under age 18 (minors) to be out past a certain hour. Minors 15 years and under are not allowed to be out without a parent or guardian between 10:00 PM and 5:00 AM. Minors 16 and 17 years of age cannot be out without a parent or guardian between 11:30 PM and 5:00 AM. If you're on probation, follow the curfew time that the court sets for you. Ask your probation officer if you have a probation curfew and what time it is.

If an officer stops you for a curfew violation, s/he will ask your age and reason for being in a public place. If you have violated the curfew law, you may be taken to a curfew center. Your parent/guardian will be called and asked to pick you up. You and your parent/guardian may be referred to counseling.

Curfew Exceptions (these may not apply if you are on probation):

- your parent/guardian sent you on an errand (don't make stops or detours)
- you're the driver or passenger in a car or on public transportation (like a bus)
- you're going to or coming from work or lawful volunteering (don't make stops or detours)
- you're responding to an emergency (like a fire, car accident or earthquake)
- you're "hanging out" on your property (front porch, yard or sidewalk)
- you're going to or coming home from a school, religious, cultural, sports, amusement, entertainment, or recreation activity or any organized rally, demonstration, meeting or similar activity (don't make stops or detours)

- you're waiting at a train or bus station for transportation
- you've been declared by the court "legally emancipated"

Trespassing

You're trespassing if you enter property without permission. If a "No Trespassing" sign is posted or you don't leave a business or other private property (or you return) after being asked to leave by an authorized person, you are trespassing.



Jaywalking

Unless a police officer directs you to do something else, use the crosswalk when you cross the road. Don't take a short-cut in the middle of the block. Cross only at the intersection where signal lights or other control devices signal you to go.

Loitering

To loiter means to delay, linger, or "hang out" in a school or public place without an acceptable purpose. Other locations include parking lots, convenience stores, malls and parks after closing.

Disturbing the Peace

It's illegal to create unreasonably loud noises that disturb the peace and quiet of any neighborhood. Among other things, this includes loud music, noisy car exhaust systems, and repeatedly honking a car horn.

Street Racing

Street racing, also known as "drag racing," is a form of illegal car racing that takes place on public roads. Each year, hundreds of people are injured or killed while drag racing. Don't risk your health and safety, or anyone else's, by street racing. Don't put your car or freedom on the line.

Shoplifting

Shoplifting usually involves taking something from a store without paying for it. It can also involve changing the price tag on an item or eating food and leaving without paying the bill. If you are charged with shoplifting, it will be treated as either a misdemeanor or a felony depending on: (1) the value of the item stolen and (2) your criminal record. Teenagers who

shoplift sometimes do it for the thrill. Penalties can range from small fines, probation, and community service, to juvenile detention, jail, or prison time.

Vandalism & Graffiti (“Tagging”)

It is a crime to damage, destroy, or deface a school building, or any public or private building or structure without permission including fences, vehicles, mailboxes, street signs, etc.

Graffiti is a form of vandalism and damages what communities have worked to build. It involves putting words, figures, marks or designs on property that doesn't belong to you. Punishment for vandalism or graffiti usually includes a fine. The amount depends on how much damage was done and can get as high as several thousand dollars. If you can't afford to pay, your parents or guardians may be forced to pay the fine for you. You may receive jail time in addition to a fine, especially if it isn't the first time you've been found guilty. Other punishments may include community service, or cleaning, repairing or replacing the damaged property - with or without your parents' help. The court may require that you get counseling.

Some view graffiti, “tagging”, as a form of art but it can lead to serious trouble. Areas that are tagged are often considered to be “gang turf.” Graffiti may attract gang activity and can result in violence and retaliation.



Sometimes it's illegal to possess items commonly used for tagging. If a minor is on a public street or other public place, it's illegal for the minor to possess etching cream or aerosol containers of paint that can be used for tagging - even if the minor is in a car. If you intend to commit vandalism or graffiti, it's illegal to possess things like glass cutters, chisels, and certain felt tip markers.

If you see someone tagging or to request that graffiti be removed, call the City's Graffiti hotline at (408) 277-2758.

Gang Activity

An illegal gang is a group of three or more people with a common name or symbol who are or have been involved in a pattern of committing crimes. Gang members can be male or female and almost any age. They usually gather in a certain location and claim it as their "turf." Gang members display their membership in a number of ways. They have particular tattoos or haircuts and may wear clothes that are a specific color or have a certain number or logo on them.

It's not illegal to join a gang but because many gang members participate in activities that are illegal, like selling drugs, stealing, and violence, members often end up in Juvenile Hall, prison, or on probation or parole. Police officers have a responsibility to keep the City safe from criminal activity. If you attract an officer's attention in a neighborhood known for gang activity, the officer may suspect you are a gang member and may question you. The punishment for a crime may greatly increase if it's proven the crime was gang-related.

Young people may join gangs to gain friends, "respect", and a sense of belonging. Others say their family members were gang members, that they were pressured into joining or that they needed gang protection. No matter what the reason, joining a gang can have very negative results. A person who joins a gang becomes the immediate enemy of rival gangs. The new gang member and his/her family are "marked" by enemy gangs and may be attacked, seriously injured or killed.

Sometimes a young person who is not a gang member dresses like one to look cool. This is dangerous because it can attract the attention of enemy gangs. Gangs have been known to use girls, children, or gang "wannabes" to hold their drugs, act as look-outs, or help commit crimes. Such use puts non-gang members at risk of gang retaliation and arrest.

If you join a gang, it will be difficult to get out. The gang may not let you quit so it's best not to join in the first place. If you have questions about gangs or how to get out of a gang, call the Mayor's Gang Prevention Task Force at (408) 277-2741. Other City and community resources are listed in the back of this guide.

Drugs & Alcohol

It's illegal for anyone under the age of 21 to possess alcohol. It's illegal to buy it and illegal for someone else (including parents) to buy it for you.

Sometimes people take drugs and drink alcohol to make them feel smart, confident, happy, energetic, or relaxed. The problem is that these feelings are not real and, whether you use drugs or alcohol once in a while or all the time, it's illegal. The only drugs you can legally take are those that a doctor prescribes for you. Sometimes people take medicine prescribed for someone else. Taking someone else's prescribed medicine or using street drugs of any kind is dangerous and against the law.

Drugs and alcohol can cause a person to make bad decisions and to harm themselves or put themselves in risky situations. Many lives have been ruined because of drug or alcohol addiction. You may not be able to do anything about your friend's decision to take drugs or use alcohol, but you do have the choice to stay away from drugs and alcohol yourself. Be smart. Don't do drugs or alcohol. If you want to stop drinking, call Alcoholics Anonymous at (408) 374-8511. If you want to stop using drugs, call Narcotics Anonymous at (408) 998-4200.

Truancy or "Cutting School"

In California, 6 to 18 year olds are required to go to school. Truancy is a crime. A student is truant if s/he is absent from school for more than three days or 30 or more minutes late at least three times without a valid excuse. A valid excuse is one that falls within the school district's guidelines and is written by your parent or guardian. (Examples: illness or a family death.) Exceptions are made for 16 or 17 year olds who have graduated or passed the California High School Proficiency Exam.

There are consequences to cutting school such as: being detained at a truancy center, being referred to counseling, and school disciplinary action, not to mention failing your classes. Legal action may be taken if a student keeps cutting school. In San José, your parents may have to pay a big fine and you may lose your driver's license, be forced to do public service, or have to go to school on Saturdays.

Bullying

Bullying is repeatedly acting hurtful toward another person, usually someone less powerful. It can involve teasing, threatening, name calling, hitting, kicking, spitting, and/or pushing. Bullying can occur in person, or by cell phone or email. Sometimes bullying is "hate-motivated" which

means it's done against a particular person because of his or her race, religion, national origin, sex, sexual orientation, or physical or mental disabilities. Bullies may think that they look cool but the truth is that only weak people bully. Bullying someone else is not something to be proud of and can lead to criminal charges.



Cyberbullying

Online bullying, called cyberbullying, happens when someone uses the Internet, cell phones, or other devices to send or post text or images intended to hurt or embarrass another person. Some youth who cyberbully:

- Pretend they are other people online to trick others
- Spread lies and rumors about victims
- Trick people into revealing personal information
- Send, post, or forward mean text messages, blogs, or emails
- Post pictures of victims without their consent

Although cyberbullies may think they are anonymous, they can be found. If you are cyberbullied or harassed and need help, save all communication with the cyberbully and talk to a parent, teacher, police officer, or other adult you trust. There are ways to prevent cyberbullying:

- Refuse to pass along cyberbullying messages
- Tell friends to stop cyberbullying
- Block communication with cyberbullies
- Report cyberbullying to a trusted adult

Don't forget that even though you can't see a cyberbully or the bully's victim, cyberbullying causes real problems. If you wouldn't say it in person, don't say it online.

Fighting & Threatening Others

An assault or battery that occurs on or off school property is against the law. An assault is a threat or an attempt to hit someone when you have the ability to do so. Fighting is a battery (the unlawful touching of another) even if it's just one punch. Other examples of battery are: pulling hair, shoving, spitting, and throwing food or something else at someone. Threats to seriously injure or kill someone when THEY believe you have the ability to carry out that threat is illegal.

It's illegal to try to stop a school employee or officer from performing his or her duties by threatening to hurt the employee or to damage his or her property if the employee feels that you can carry out the threat.

Disrupting or Interfering with Classes

It's illegal to disrupt classes or other school activities on purpose. Anyone who comes onto school grounds or nearby sidewalks and interferes with school activities may be charged with a crime.

Weapons on Campus

It's a felony to have a firearm (gun) at school. A felony is a serious crime which can result in being sent to a state prison for a year or more. It's also illegal to have plastic or toy guns, paint balls or pellet guns. Remember that a school official can search you or your locker, purse or backpack without a warrant.

Any object that can be used to cause serious injury can be considered a weapon. Some of these objects are razors, pocket knives, pointed objects, billie clubs, metal knuckles, nunchucks, pellet guns, spot marker guns, explosives including fireworks, stun guns, pepper spray, and others. While the possession of some of these objects may not be illegal, their possession at a school is not allowed. Even if you're not arrested, you can be suspended or expelled.



Youth as Victims of Crime

Everyday there are young people who experience robbery, rape, assault, domestic violence, child abuse and other crimes. If you have been the victim of a crime, call 911. The police will investigate and get you to a hospital if you need medical care. The State of California offers some important services to survivors of crime. Call Victim's Assistance at (916) 324-9140 and/or Victim's Compensation at (916) 323-3432. Other agencies listed in the resource section of this guide may also be useful to you. Remember, you're not alone.

Staying Safe

There are steps you can take to keep safe. Always be aware of where you are and what's going on around you. Avoid dangerous situations like walking alone at night in an isolated area.

Whenever possible, go with a friend and stay in well-lit, open areas. Never accept a ride from a stranger and never open your door to someone you don't know or trust. Never tell a stranger that you're home alone and don't give your address to unknown callers - even if they say they need it for a business reason. If you sense trouble, trust your instincts and get away from the situation. If you feel you're in danger, call the police at 911.

Hate Crimes

In California a hate crime is a crime that is committed against someone because of their nationality, race, ethnicity, religion, sexual orientation (gay, straight, etc.), disability, or gender (male, female, transgendered). It is also a crime that is committed against someone because the victim hangs out with a person or group with one of those characteristics. Hate crimes are illegal and can lead to serious criminal charges and more severe punishments than regular crimes. If you think you have been the victim of a hate crime, report it to the police so they can try to prevent it from happening to others.

Internet Safety

The Internet is used by millions of people all over the world, not just your friends and family. While many Internet users are friendly, some may want to hurt you. Below are some ways to stay cyber-safe:

- Never post or share your personal information online (this includes your full name, address, telephone number, school name, parents' names, credit card number, Social Security number, date of birth, and details about where you hang out.)
- Never post personal information about your friends.
- Never share your internet passwords with anyone, except your parents.
- Never meet anyone face-to-face who you only know online.
- Never post private photos of yourself or anyone else online. Once the picture is online, it can get passed around for a long time.
- Never talk about sex with strangers.
- Talk to your parents about what you do online.

Child Abuse

A child needs a caring and safe environment in order to grow into a healthy and happy young person and adult. Some children grow up in families that hurt or neglect them. Child abuse can be physical, sexual or emotional. Physical abuse is when a child is hurt by punching, kicking, choking or other ways. It can involve bruising or serious injuries like broken bones. Sexual abuse includes being touched in ways that make you uncomfortable or being forced to have sex. Emotional abuse is when a child is constantly put down or told they are no good. It can include shouting, criticizing, or swearing at a child. Neglect is when a child is not given the basic things they need to grow, like food, clothes, and medical care. If you have been abused it's not your fault. Everyone makes mistakes but that does not give adults the right to abuse you. If you are being abused or neglected, call the Child Abuse Reporting Hotline at (408) 299-2071 or the police at 911. If you're too afraid to call, talk to an adult you trust like a teacher or relative. Child abuse is against the law and you should not have to deal with it on your own or keep it a secret.

Dating & Abuse

Dating violence happens when one person tries to control another person using their words or actions. Types of dating violence can include sexual assault, physical abuse, and/or emotional abuse. These types of activities can be crimes and they can happen in casual or serious and gay or straight relationships. It is never a victim's fault when these things happen - no one deserves to be hurt or violated in these ways.



Sometimes a victim is given alcohol or "date rape" drugs that make it hard to resist an attack and cause the victim to forget what happened. These drugs may be slipped into a victim's drink while a person is hanging out or at a party. It is important to be aware of situations where you can become a victim of dating violence. Stay out of uncomfortable or threatening situations and know if you are in an abusive relationship. There are clear signs of being in an abusive relationship such as your boyfriend or girlfriend:

- wants to know what you're doing all the time
- criticizes you for little things
- accuses you of cheating or is extremely jealous
- doesn't want you to see your family or friends
- blames you for everything
- tries to control how you spend your money and what you wear
- puts you down in front of other people
- hurts you or threatens to hurt you
- doesn't allow you to leave when you want to
- tries to force you to have sex when you don't want to

Understand that you are not to blame and you shouldn't be ashamed to ask for help. Even though dating violence is a crime, victims may be too embarrassed to report it. There are many forms of help for dating violence, including help from the police, counselors, advocates, friends, or family. Reach out by calling 911 or the National Teen Dating Abuse 24-hour hotline at (866) 331-9474 or by talking to a counselor at

school. Please see the resources section of this guide for agencies that can help if you have been a victim of abuse.

Running Away from Home

A young person who runs away from home is usually facing a tough problem and feels it's the only escape. The problem is that running away is dangerous. It creates new problems like not having food, money or a safe place to sleep. The police will become involved if you are reported as a missing person. If you feel there's no way to fix a problem, try talking to your parents, a relative, a teacher, a counselor or a trusted adult. Or ask for help by calling the National Runaway Switchboard. Their free 24-hour hotline is (800) 621-4000.

Bright Futures

This guide discusses serious issues that students and youth may be confronting now or may face in the future. Many of these topics are scary, depressing and difficult to talk about. This guide is designed to alert you and your parents to issues that challenge young people when dealing with their families, friends and communities. Talk about these issues, learn from this book, and have conversations about these topics. Get in touch with the resources listed in the Youth Resource Section. They have experienced people who are committed to helping young people overcome their problems. The knowledge and insight you gain will help you build a positive future.

Police Complaints

How to file a complaint:

In a number of places this guide mentions your right to file a complaint/misconduct allegation against a police officer. If you feel a San José police officer has committed misconduct you may contact the Office of the Independent Police Auditor (IPA) or the Internal Affairs Unit of the San José Police Department (SJPD). You don't need your parents' permission to file a complaint and you may file in person, or by phone, fax, mail or email. It's helpful to provide the date, time, and place where the incident happened.

If you have criminal charges related to the incident that are pending, we suggest that you speak to an attorney before filing a complaint.

No Retaliation

The City of San José has a policy against retaliation. It's illegal for an officer to try to "get back at" a person for filing a complaint.

Office of the Independent Police Auditor (IPA)

The IPA is a City agency, independent of the police department, where community members can file complaints against SJPD officers. Complaint investigations are conducted by the SJPD and monitored and audited (reviewed) by the IPA.

75 East Santa Clara Street, Suite P-93, San José, CA 95113

Tel. (408) 794-6226, Fax (408) 977-1053

Email: Ind_Pol_Aud@sanjoseca.gov Website: www.sanjoseca.gov/ipa

Internal Affairs Unit

Internal Affairs conducts police misconduct investigations for the SJPD.

777 North First Street, Suite 666, San José, CA 95112

Tel. (408) 277-4094, Fax (408) 277-3920

IPA Presentations

The IPA office offers presentations to schools, churches, neighborhood groups, business associations, community centers, local agencies and others. For more information, please call (408) 794-6226.

Youth Resource Guide

The goal of this directory is to provide you with information about resources in your community. This is only a guide; verify with each agency the information on their services and any costs.

CITY OF SAN JOSÉ

After School Program

(408) 535-3500 • www.sanjoseca.gov/prns/afterschool.asp

A partnership with the City of San José, school districts, community-based organizations, teachers and parents to provide safe, fun and enriching after school activities for youth.

Anti-Graffiti Program

(408) 277-2758 24-hour hotline • (408) 277-3208

www.sanjoseca.gov/prns

Call the hotline to report graffiti in your neighborhood. To pick up a free Tool Kit or volunteer to clean up graffiti call (408) 277-3208 or e-mail antigrffiti@sanjoseca.gov.

City of San José Call Center

(408) 535-3500 • www.sanjoseca.gov

Directory assistance for finding City of San José departments.

Clean Slate Tattoo Removal Program

(408) 251-7757 • <http://www.sanjoseca.gov/prns/>

Serves former gang involved and at risk youth of San José between ages 14-25, who have found tattoos to be a barrier in furthering themselves through education and employment.

Community Centers Administration

(408) 535-3570 • www.sanjoseca.gov/prns/centers.asp

Main number for City of San José community centers. Website provides individual center names, addresses and phone numbers.

Independent Police Auditor (IPA)

(408) 794-6226 • www.sanjoseca.gov/ipa/

A non-police office where you can file a complaint against a San José police officer. Presentations about this guide and IPA services are available.

Mayor's Gang Prevention Task Force (MGPTF)

(408) 277-2741 • www.sanjoseca.gov/prns/mgptf.asp

A working group made up of City, county and state entities, community-based organizations, SJPd, faith community, schools, and other stake holders that offer community resources to fight gangs.

Safe School Campus Initiative

(408) 277-2741

A mobile outreach unit that provides citywide mediation for street gangs and intervention in volatile situations. Works to reduce gang violence and refers gang-involved individuals to intervention programs.

San José Fire Department

(408) 277-4444 (non-emergency) • Emergency #911 • www.sjfd.org

Public education staff are available to meet with schools, community organizations or other groups to do presentations on Fire & Life Safety, community awareness, fire station tours, etc.

San José Fire Department Explorer Post 888

(408) 929-7678 • www.sjfdexplorerpost888.org

Trains young people (ages 14-20) on fire services and assists them in pursuing a career in firefighting. Participate in meetings, drills, public relations events and other related activities.

San José Parks, Recreation and Neighborhood Services Department

(408) 535-3570 • www.sanjoseca.gov/prns

Offers a variety of programs throughout San José for residents, families and youth. See their website for the Citywide Activity Guide, recreational activities, parks, youth programs and neighborhood services.

San José Police Department

(408) 277-8900 (non-emergency) • Emergency #911 • www.sjpd.org

Crime prevention specialists provide safety information, referrals, and training on various safety topics for individuals, community groups and businesses. The Crime Prevention Unit can be reached at (408) 277-4133.

San José Public Library

(408) 808-2000 • www.sjlibrary.org

Offers homework resources, job and vocational guidance resources, leisure resources (paperbacks, DVD/VHS videos, music CDs, magazines). To reach the youth service department, call (408) 808-2183 or send email to youth.sjpl@sjlibrary.org.

S.T.A.N.D. [Striving Towards Achievement and New Direction] Program

(408) 288-8582

Offers youth, ages 12 -17, the skills necessary to successfully connect with their homes, schools, and communities, and to become productive citizens. Assists with improving academic achievement, reducing delinquent behavior and preventing further gang involvement.

Work Experience Program (WEP)

(408) 979-7821

Provides youth, ages 14-15, with paid work opportunities in City locations, such as libraries, parks, offices, and community centers. Workshops are offered on resume preparation, letter writing, and interview techniques.

Youth Commission

(408) 277-2744 • www.sanjoseca.gov/clerk/CommissionBoard/Youth.asp

The commission is the official youth advisory group to the City Council and serves to educate the community about youth issues.

OTHER RESOURCES

Al-Anon/Alateen

(408) 379-9375 • <http://www.ncwsa.org>

Al-Anon groups meet regularly to help families and friends of alcoholics recover from the effects of living with the problem drinking of a relative or friend. Alateen is part of Al-Anon and focuses on helping young people.

Alcoholics Anonymous (AA)

(408) 374-8511 • www.aasanjose.org

AA groups meet regularly to help people recover from alcoholism. The only requirement for membership is a desire to stop drinking.

Alum Rock Counseling Center (ARCC)

(408) 294-0500 • www.alumrockcc.org

(408) 294-0579 24-hour hotline

Offers crisis intervention, case management, counseling, mentoring, prevention, education, and early intervention services including programs for at-risk youth and families throughout east and central San José.

Asian American Recovery Services, Inc. (AARS)

(408) 271-3900 • www.aars-inc.org

Works to decrease substance abuse in the Bay Area within the Asian and Pacific Islander communities. AARS develops and provides innovative outreach treatment, prevention, and research services.

Big Brothers Big Sisters of Santa Clara County

(408) 244-1911 • www.infopoint.com/scv/orgs/bbbs/

Builds responsible, independent children and youth by matching each with a supportive and caring adult. Offers mentoring programs for children who are at-risk for substance abuse, juvenile crime, academic failure, low self-esteem, teen pregnancy, and gang activity.

Bill Wilson Center

(408) 243-0222 • www.billwilsoncenter.org

Supports and strengthens the community by serving youth and families through counseling, housing, education, and advocacy.

Billy DeFrank Lesbian, Gay, & Transgender Community Center

(408) 293-2429 • www.defrank.org

Provides a place for youth and young adults to develop their sexual and gender identities and to realize their potential as valuable members of the community. Groups meet on a weekly basis and drop-ins are welcome.

California Youth Crisis Line

(800) 843-5200 24-hour hotline • www.youthcrisisline.org

Offers support and referrals to youth in crisis who need help with family problems, sexual assault, eating disorders, teen pregnancy, substance abuse, suicide and more. Call for a referral or just to talk.

California Youth Outreach

(408) 280-0203 • www.cyoutreach.org

Serves gang impacted youth, families and their communities with education

services, intervention programs and resource opportunities that support a healthy and positive lifestyle.

Catholic Charities

(408) 468-0100 • www.ccsj.org

Offers recreational activities, gang prevention and intervention, youth and parent support groups, community resources, street outreach for run-aways, mentoring, and truancy outreach.

Child Abuse Reporting Hotline (Child Protective Services Agency)

(408) 299-2071 24-hour hotline • (800) 422-4453

A 24-hour hotline where individuals can report child abuse and/or neglect. Children and youth can request help for themselves and/or their families.

Center for Training & Careers (CTC)

(408) 251-3165 • www.ctcsj.org

Offers education, career development, and job training programs with a focus on services for youth ages 16-24. GED is offered in collaboration with East Side Union High School District.

California Community Partners for Youth (CCPY)

(408) 392-8544 • www.ccpy.org

Offers at-risk teens training and mentoring programs to help develop positive decision-making abilities.

Community Solutions Center, Inc.

(408) 842-7138 • www.communitysolutions.org

Provides counseling, alcohol & drug treatment, home-based support for teen parents, foster care housing, transitional housing for homeless youth & young parents, youth activity center, and teen assault awareness programs.

Crime Stoppers Anonymous Tip Hotline

(408) 947-STOP • (408) 947-7867 • www.crimestoppers.sjsv.com

An independent organization where you can report information about a crime without having to give your name or appear in court.

Crosscultural Community Services Center

(408) 223-6628 • www.ccscusa.org

Offers truancy intervention and after-school programs.

Department of Social Services Application Center

(408) 271-5600

Assists with the application process for food stamps, cash aid and MediCal.

EMQ Children & Family Services (Eastfield Ming Quong)

(408) 379-9085 24-hour hotline • www.emq.org

Crisis line for teens and children dealing with trauma and severe depression.

Programs include family-centered (in-home) wraparound care and truancy case management. For more information, call (408) 379-3796.

Emergency Housing Consortium (EHC)

(408) 298-2721 • www.ehclifebuilders.org

Provides shelter, housing opportunities, and supportive services for homeless individuals, families, and youth.

Family and Children Services

(408) 292-9353 • www.fcservices.org

Provides counseling, deaf and hard of hearing services, gay/lesbian services, HIV/AIDS counseling, program for youth emancipating from foster care and juvenile probation, psychiatric services, school-based services and youth leadership development.

Filipino Youth Coalition

(408) 391-1688 • Filipinoyouthcoalition@myspace.com

Offers personal development, youth group support, and truancy case management. Provides intervention and prevention services for at-risk youth. Culturally competent services for Filipino youth but all ethnicities served.

Firehouse Community Development Corporation

(408) 593-0207 • www.the-firehouse.org

A multi-cultural resource center that offers gang mediation, intervention response, services for adjudicated youth, and parent/family support services.

Fresh Lifelines for Youth, Inc. (FLY)

(408) 263-2630 • www.freshlifelinesforyouth.com

Provides mentoring, leadership training, and legal education for youth to reduce juvenile crime and incarceration.

Friends Outside, Santa Clara County

(408) 295-6033 • www.friendsoutsideinscc.org

Provides services inside county jails to help maintain links between prisoners and the outside world. Youth program provides school advocacy, after school tutoring, summer camps, Girl Scouts, and mentoring.

Girl Scouts of Santa Clara County

(408) 287-4170 • www.girlscoutsofsc.org

Provides girls and young women, ages 5-17, with life skills that will empower them to reach their full potential, make life-enhancing decisions, develop self-esteem, and be active.

Girls for a Change

(408) 515-8455 • www.girlsforachange.org

Works with girls to develop leadership skills, personal power and confidence through mentorships and projects for social change.

Legal Advocates for Children and Youth (LACY)

(408) 280-2416 • www.lawfoundation.org

Free legal information and services in the areas of education/school, youth emancipation, and legal guardianships. Special programs for homeless youth, and pregnant/parenting teenagers.

Mexican American Community Services Agency (MACSA)

(408) 929-1122 • www.macsa.org

Crime and gang prevention/intervention, sports recreation, youth employment and training, after school day care, homework assistance, computer training, teen pregnancy counseling for males, charter high school, youth leadership club, and Restorative Justice Program.

Mexican Consulate

(408) 294-3414

Consular protection and assistance on immigration, civil, labor and criminal matters. Services provided only to Mexican nationals.

Narcotics Anonymous (NA)

(408) 998-4200 (24-hour hotline) • <http://www.sjna.org/>

NA groups meet regularly to help each other stop using drugs and find a new way to live. Membership is open regardless of the type or amount of drugs used.

National Runaway Switchboard

1-800-RUNAWAY 24-hour hotline • www.1800runaway.org

Help for young people who are thinking of running away, have friends who have run away, or have run and want to go home. Also provides educational materials for teachers.

National Teen Dating Abuse Hotline (NTDAH)

(866) 331-9474 (24-hour hotline) • <http://www.loveisrespect.org>

A 24-hour hotline that provides immediate and confidential help to teens (ages 13-18) experiencing dating abuse. There is no charge for the call.

Next Door, Solutions to Domestic Violence

(408) 279-2962 24-hour hotline • www.nextdoor.org

Crisis counseling for victims of domestic violence. For administration, legal services, shelter, support groups and counseling, please call (408) 501-7550.

Office of the District Attorney, Santa Clara County

(408) 299-7400 • www.santaclara-da.org

Responsible for prosecuting crimes in Santa Clara County. Offer information on the criminal process and a resource guide for crime victims.

Office of the Public Defender, Santa Clara County

(408) 299-7700 • www.sccgov.org/portal/site/opd/

Provides legal representation if a person is charged with a crime in Santa Clara County but can not afford a private lawyer. Also provides information on various types of cases and special programs.

Pathway Society, Inc.

(408) 492-8989

Provides counseling for families, individuals, and groups regarding drug addiction, substance abuse, and other issues.

Parents, Families and Friends of Lesbians and Gays (PFLAG)

(408) 270-8182 • www.pflagsanjose.org

Offers support, education and advocacy to lesbians, gays, bisexuals, and transgender persons and their friends and family members.

National Association for the Advancement of Colored People (NAACP)

(408) 295-3394 • www.sanjosenaacp.org

The mission of the NAACP is to ensure equality of rights for all people, and to eliminate hatred and discrimination.

Rohi Alternative Community Outreach (RACO)

926-2626 • www.rohi.org

Serves at-risk youth and low income families through mentoring and athletic, academic and job training programs including: midnight basketball, young ladies division, boys to men program, homework center, technology education and career training.

San José Police Activities League (PAL)

(408) 272-9725 • www.sjpdpal.com

A youth crime prevention program that uses education, athletics and recreation to cement a bond between officers and youth. Offers cheerleading, football, softball, baseball and soccer.

Silicon Valley De-Bug (De-Bug)

(408) 971-4965 • www.siliconvalleydebug.com

A collective of writers, artists, organizers, and workers that publishes De-Bug Magazine, and produces Block 2 Block Radio and Open-World TV. Open meetings are held Tuesdays, 5:30pm-7pm at the De-Bug office. Conducts media workshops for schools and community organizations.

Suicide Crisis Hotline of Santa Clara County

(408) 279-3312 24-hour hotline • (888) 247-7717 • www.sccsacs.org

Immediate and confidential emotional support and crisis intervention for people in life-threatening situations.

Ujima Adult & Family Services, Inc.

(408) 928-1700

Offers services targeting African families and youth at risk. Provides 24-hour home-based case management to those involved in the juvenile justice system and African life skills groups for youth and families.

Volunteer Center of Silicon Valley

(408) 247-1126 #316 • www.vcsv.us

Offers an annual 9 month volunteer leadership training program for young adults through the Caminos program. Provides community service hours for at-risk youth, including those who have been suspended or expelled.

(408) 123-4567 . www.naacp.org

work2future - San José One-Stop

(408) 277-2727 · www.work2future.biz

A resource for job seekers, employers, and workers. Assists with youth employment, career counseling, job search services, and job training. Some services require eligibility. Contact agency for details.

Youth Build San José

(408) 918-1014 · www.sjcccharterschool.org/youthbuild/

Construction training and education for young men and women between the ages of 17-24. Pre-journeyman program.

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