

A Guide on The Process by Rev. Angela Smith of COPE

This guide is on the criminal justice process intended to assist victims of crime with getting justice, particularly victims who were minors at the time the crime was committed. It is in question (Q) and answer (A) format to help with processing the information.

Q: My legal guardians are responsible for me at law though are wholly irresponsible, neglectful, abusive, and unsupportive. What are my options?

A: You can report child abuse to law enforcement (police) in the jurisdiction where the abuse occurred. If you do this, they may lose their jobs if employed, go to jail, and you will likely end up in foster care. Social Services throughout the country are having difficulty recruiting family homes to care for foster youth, particularly any child over 8 years old. However, they will seek to make sure you have food, shelter, clothing, and some form of academic or job skills training services provided. At worst, you may be placed in a prison or psychiatric hospital that has openings for immediate and hopefully temporary shelter until a more suitable and appropriate living arrangement can be found. The alternative is for you to meet the requirements to petition the court for emancipation. If granted emancipated minor status you will be wholly responsible for yourself financially, at law, and in all other ways. You will be your own legal guardian and no longer a dependent. (See <https://www.heal-online.org/emancipationprep.pdf> for more info on emancipation.)

Q: My legal guardians enrolled me in an unlicensed labor camp masquerading as a faith-based boarding school. What should I do?

A: It is possible if and when you report the labor trafficking or other legal violations that the contracts your legal guardians signed when they enrolled you will implicate them as co-conspirators to commit labor trafficking, false imprisonment, and a number of other crimes. So, you may end up in foster care if you don't otherwise qualify and petition for emancipated minor status at law. See first Q & A above for more on that. You should report crimes including human trafficking to law enforcement in the jurisdiction where the crime occurred.

Q: Staff at the unlicensed labor camp masquerading as a faith-based boarding school also work for the sheriff's department which is the law enforcement body to which I should report the crime. What do I do?

A: Report it properly to the sheriff's department. Government employees are not immune from investigation and prosecution. Even President Ulysses S. Grant was arrested for a traffic violation while president in Washington, DC. In what capacity do the staff at the labor camp work for the sheriff? Are they inmates on work release, deputies, janitors, or is that something they told you to scare you and not even true? Even if they are deputies who are tasked with processing reports of crime, they are not immune from investigation and prosecution. Off-duty deputy charged with vehicular

homicide. Source: <https://www.fox13news.com/news/hillsborough-detention-deputy-charged-with-vehicular-homicide> Arkansas deputy convicted in teen's death. Source: <https://www.courthousenews.com/arkansas-deputy-convicted-in-teens-death-gets-year-in-jail/> Deputy convicted of drug trafficking. Source: <https://www.justice.gov/usao-sdtx/pr/former-deputy-sheriff-convicted-drug-trafficking> And, these are just a few examples of how working for the sheriff does not give one immunity from justice.

Q: What if I reported it properly but didn't get justice in my case? What should I do?

A: Do you understand why you didn't get justice? Were any reasons given such as insufficient evidence for conviction beyond a reasonable doubt, contradictory and/or irreconcilable statements by witnesses or others involved in the crime as victims or perpetrators, or had the statute of limitations run out on the crimes reported at time the report was made? If you reported it properly and were given a report summary explaining or answering any of the above questions, then that should answer the "why" and due process explains it. Everyone accused of a crime in the United States has the right to know who is accusing them, what the accusation is, to be free from search or seizure of person (body) or property without a court order, right to trial by impartial jury and to cross-examine the accusers at trial. That's covered by the 4th and 5th amendments and part of what is called the "Bill of Rights" part of the US Constitution, which is the foundation of all laws in the USA. You have the same rights.

In the event you reported it properly and have evidence of corruption in the local law enforcement body (i.e. sheriff's office) where you reported it properly and not to an off-duty employee who may not even be a deputy, you should report the suspected corruption of that law enforcement body with all evidence you do have of that to the FBI. You can learn more about their role in investigating and prosecuting public corruption here: <https://www.fbi.gov/investigate/public-corruption> and report it here: <https://www.fbi.gov/tips>.

You may also wish to sue your legal guardians and/or the labor camp masquerading as a boarding school as co-defendants in a personal injury suit. If you can't afford a retainer (attorney's fees) up front, you may be able to hire one on a contingency basis. However, lawsuits on a contingency basis are usually settled out of court with no admission of wrongdoing by the defendants and agreement that the settlement settles the issue once and for all. Such settlements often do include a nondisclosure agreement. With such suits, you'll need to prove actual damages. So, lost wages, medical bills, other out-of-pocket health related costs, and/or costs associated with accredited academic services needed to get a recognized accredited diploma, degree, or GED would all be considered actual damages. Punitive damages are usually treble (triple or 3 times the actual damages) when awarded. That's what you could potentially expect if suing for personal injury in a civil suit. But, in a criminal case, a prosecutor can seek restitution for victims as part of the sentencing for those convicted and that legal representation is covered by public money. You can also file a consumer complaint with the state's attorney general in your home state or the state where the program operates.

Q: What can congress do about it? Can congress help me get justice?

A: Congress swears the following oath: “I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.”

Source:

https://www.senate.gov/artandhistory/history/common/generic/Feature_Homepage_TheOathWeTake.htm The Bill of Rights (part of US Constitution) that guarantees all accused of a crime due process is something congress is mandated to support and defend, not undermine. And, when bills become laws that are unconstitutional, the US Supreme Court rules them to be unconstitutional and they are repealed or stricken from the codes/statutes. The US Supreme Court recently blocked Biden’s vaccine or mask mandate as unconstitutional: <https://www.nytimes.com/2022/01/13/us/politics/supreme-court-biden-vaccine-mandate.html>

Hopefully helpful.