



“Teens and the Law” Summary Notes from Panel Discussion January 30, 2012

Note: This document was compiled from notes taken during a panel discussion focusing on “Teens and the Law.” Participants included: Cook County Circuit Court Judge William O’Brien, NTHS principal Dr. Tim Dohrer; Central School principal Dr. Ryan Mollet; Glencoe Public Safety youth officer Lt. Rich Weiner; defense attorney Dan Rubenstein; and another judge. The discussion was moderated by substance abuse counselor Al Ross, Family Service of Glencoe’s child and adolescent coordinator. These notes are intended to be used by parents for informational purposes only and are not to be construed or used as general legal advice.

Should you have further questions or be in need of assistance, please contact Lieutenant Rich Weiner (youth officer and cybercrime investigator) at Glencoe Public Safety: rweiner@villageofglencoe.org or 847-835-4112.

Make your rules about drinking and using drugs very clear. In the latest NTHS Youth Risk Behavior Survey, students said they abstain from drinking and drugs for the following reasons (in order of importance): 1.They don’t want to lose control of their bodies; 2.Their parents told them they cannot and should not drink or use drugs; 3.They are worried about negative effects on their grades. Parents, use these points to make your rules crystal clear, and be prepared with consequences should the rules be broken.

Talk to other parents and have the courage of your convictions. It is against the law to knowingly allow, authorize, or enable minors to drink alcohol in your home. When your child is going to a party, call the parents (even those you may not know) to find out if a responsible adult who is ready to enforce that law will be home. Their child may tell them “no other parent does this” or how embarrassing it would be for you to make that call. Some parents are worried about how they will come across to other parents. It’s time for parents to stop worrying and start making those tough calls, for the safety of their kids and our community’s kids. If you hear of a party, you can also call Glencoe Public Safety to alert them. Public Safety wants to keep our kids safe, not put them in jail. Prevention is critical to that goal.

Be aware that Glencoe Public Safety (GPS) has wide discretion in the ways they handle teens who break laws. GPS has eight certified public youth officers who can choose to apply local ordinances to cases involving kids instead of sending them to court. (All of the panelists emphasized that they focus on helping kids and families deal with their problems and not on wrecking their records.) This could mean a warning, fines, probation, community service, substance abuse counseling, earlier curfews, referral to peer jury, etc. The GPS officer will

consider the severity of the charge, the offender's age, whether it's a first-time or repeat offense, whether there are community programs to deal with the problem at hand, as well as the youth's behavior when questioned. Keep in mind that there is no such thing as a misdemeanor when hard drugs such as heroin, cocaine, methamphetamine or ecstasy, are involved. These offenders will be arrested, charged and appear in court.

Talk to your kids about being respectful toward authority figures. Comments like "Do you know who my dad is? He's going to get me out of this!" don't fly with Public Safety (or the courts or schools), and can often be detrimental when it comes to doling out consequences. If a teacher, principal, public safety officer or judge questions your child after doing something wrong, encourage them to act respectfully and truthfully (lying to a police officer can result in a felony charge); it has a huge effect on the consequences that result. Kids can act courteously without relinquishing their rights to having a parent or lawyer present during questioning (except at schools, where officials may question students without their parents). If the child is sent to court, be aware that the child's behavior will be retold to the judge who will take this information into account when deciding whether to let a teen out on bond and in determining what conditions to impose on the teen if the judge lets him out. The child's behavior with police will also be taken into account by the judge at sentencing in the event the child is convicted of a crime.

Laws and consequences to be aware of:

Driving: If a teenage driver refuses to take a breathalyzer test, his/her license is automatically suspended (and so is the insurance).

False identification: If you suspect your child has a fake ID, get rid of it. It's a huge deal, especially after 9/11. It is a felony to tamper with any form of official identification (e.g. driver's license, state ID, birth certificate). It is unlawful to possess, display, or use a fake ID of any kind. Use of a fake ID can result in driver's license being revoked, jail time, and affect the family's auto insurance plan/rates.

Curfew: Under age 17, you can't walk the streets of Glencoe after 11pm Sunday through Thursday, 12 midnight Friday and Saturday. Under age 18, the curfew for driving is earlier and applies to the whole state: 10pm Sunday through Thursday, 11pm Friday and Saturday. (These curfew laws have cut teen road fatalities in half.) If teens are caught driving after curfew, it's as if they were driving without a license. In the case of an accident, insurance companies may deem the insurance invalid at the time of the accident, since the teen was considered to be driving without a license. Costs associated with the accident would then fall on the family instead of the insurance company. There are limited exceptions to curfew laws for school events, religious activities, jobs, and such. Note: If you are on the beach after 10pm on any night, you are trespassing.

Alcohol and parties: It is illegal for anyone under 21 to have a blood alcohol content greater than 0%, meaning that even one swallow is one too many. It is illegal for parents to knowingly allow, authorize, or enable minors to drink alcohol in their home. Parents who let kids drink at home because it's "safer" that way are breaking the law. If bodily harm or death results because of drinking done in their home, parents can face one to three years in jail, as well as be slapped

with civil suits. If a child arrives at your home intoxicated, call his parents to get him or call Public Safety. When Public Safety is called to a home to investigate a loud party and teenagers are caught drinking, officers try to find out whether parents “knowingly” permitted kids to drink (i.e., What can be proven that you were aware of?). One judge put it this way: If there’s a keg in your basement or yard, “that’s ‘knowing.’” If there are lots of kids at the party being loud, it can easily be argued that you would have to have known. Keep in mind that police can search a home if there is consent, a warrant, or exigent circumstances (e.g, someone is getting hurt in the house).

Felony charges: The youth who is arrested on a felony charge will go through a very unpleasant experience being booked and sent to jail until their arraignment. Anyone 17 or older is tried as an adult. A conviction may mean loss of student loans, withdrawal of college funding, and/or inability to attend college in another state. Convicted felons aren’t allowed to pursue more than 200 careers, including doctor, lawyer, nurse, engineer and realtor. They also have a criminal record that lasts for life.

School Consequences: There is not a zero tolerance policy for most students at New Trier High School (see info about “extracurricular code,” below, for the exceptions), but anyone caught with drugs or drug paraphernalia at school is immediately sent to the Public Safety officer installed at each campus. Be aware that the standard for searching for drugs is different in a school than in public. The standard for conducting a search of a student’s property at school, including a student’s backpack or locker, is whether the school official has “reasonable suspicion” (not “probable cause”) to believe the search will uncover evidence (i.e. drugs, alcohol, etc.) that the student has violated or is violating the law. The search of the student must be reasonably related in scope of the circumstances. The school does not have to give Miranda warnings before questioning. They may search lockers and cell phone and question kids without a parent or lawyer being present.

In addition to being turned over to Public Safety, students who break the law on school grounds also receive school consequences, which may range from detention, suspension, in-school suspension, or expulsion. (And yes, New Trier High School HAS expelled students.)

In addition, the extracurricular code prohibits members of a school sports teams or arts production, or officers of school clubs from drinking or using illegal drugs. This code is in effect all 365 days of the year, including summer, and in all environments. Any kid in an extracurricular can be randomly drug tested. If New Trier finds out about an incident off campus, school officials will investigate it and -- if there’s enough evidence -- suspend the student from his/her sport or activity. Suspensions can be shorter if the student participates in a drug/alcohol program, longer if the student is a repeat offender.