



Facilitation Guide:

Purpose / Learning Objectives

1. To engage participants in a creative, interactive activity and follow-up discussion to learn their rights when stopped by law enforcement (police, sheriff's, ICE – Immigration and Customs Enforcement, U.S. Border Patrol, federal marshals, probation and/or parole officers).
2. To give participants an opportunity to practice and discuss the skills and messaging needed to better protect themselves and protect their rights during contact with law enforcement.

Instructions

Make copies of the stories on the following page and cut them up so each team only sees their role play. Make enough copies so each participant has a copy of one of the stories.

Split the group into 4 teams, with no more than 5-7 people on each team. If the group is larger you can have more than one group act out each story. Or you can have the second groups act out what they think the people should have done differently.

Hand each team a story (with enough copies of the story for everyone in the group to have one). As stated above, the stories are on the following page to copy.

Give the groups 10 minutes to read the story and plan out a skit to re-enact what happened.

Have them act out the story how it really happened, and then ask the audience what the person/people involved could have done differently to better protect themselves and defend their rights.

Refer to a written handout and/or flip chart with the main lessons from the story. Below are the points to make sure you go over for each role play. (Use flip chart paper and markers to write these points up before the workshop. Just keep the flip charts hidden until the end of the skits.)

Act out for the group what the person/people should have done when needed.

If you have more time, you can also have each group do a second skit acting out what the per/people could have done differently.

Distribute Know Your Rights materials and resources, including legal clinic phone number and number(s) to call in emergencies.



Points to Make After Each Skit / Role Play:

While they might look funny and cause you to laugh, know that these are all true stories told with permission of the person who was involved or (in the case of one story) by the surviving brother. They want people to learn from things they would have done differently if they knew **THE RISKS** and also knew **THEIR RIGHTS**.

You can also explain that people will see the cops in the stories do a lot of things that are either illegal (against state and federal law) and/or out of agency policy. **THEY SHOULD TAKE NOTE OF ALL BADGE NUMBERS AND NAMES AND CAN ALSO ASK FOR A BUSINESS CARD**, that many agencies now require officers to carry. **BUT IT'S IMPORTANT TO KEEP IN MIND THAT WE CAN NOT CONTROL COPS' ACTIONS, BUT WE CAN CONTROL OUR OWN AND PRACTICE HOW TO BETTER PROTECT OURSELVES, OUR FRIENDS AND FAMILIES.**

COP WATCH: You can also explain the importance of other people to watch – and if possible videotape with a phone or other device - everything that happens. That does a lot to protect people and sometimes ensures that cops use less force and better follow the law. Cops can ask you to step back, but they cannot ask you to leave, to stop filming, to erase photos or videos, or to give you your phone. **UNDER THE LAW, YOU HAVE THE RIGHT TO WATCH AND RECORD A POLICE STOP OR ACTION.**

1. **Sylvester:** Don't run – you're likely to get beat and in some cases shot by the police; **DON'T TALK**; don't ever tell the police you are from a neighborhood or group ("gang," street association, bike club, car club or "tagging crew"); don't ever give a nickname. Changes in state law and local policy have reduced - or in some jurisdictions like LAPD – eliminated use of the statewide "CalGang" gang database. But that doesn't mean that most law enforcement aren't still adding people to CalGang and/or maintaining their own lists of who they consider "known gang members." These lists can be used to add gang enhancements to your sentence. Under California state law, law enforcement are required to notify you if your name is added to a shared gang database. You also have the right to inquire if your name is on a list and also to challenge in court to have your name removed. It's supposed to be removed automatically if you have no police contact. If you are under 18, law enforcement are required to notify your parents also if they add you to any shared database.
2. **Juan:** Don't ever give permission for a search of your pockets, back pack, car or other property. If the police go into your pockets or backpack, say loudly (so witnesses can hear) and politely – "I did not give permission for you to search me."
3. **Linda:** Don't ever have any law enforcement enter your home or business without asking to see a badge *and* either a search or arrest warrant. Don't open the door. Ask to see it through a peep hole, window or by slipping it under the door. Check to make sure the names, address and dates on the form are correct. (Without a search or arrest warrant, the police can only enter if they see something illegal in plain sight – "plain sight rule" – such as a gun or pile of drugs on the table, or if they feel someone inside is in danger – such as seeing smoke coming from the home, or hearing gunshots or screams – "exigent circumstances.")

For all situations, if you do go voluntarily with the police, get stopped and questioned or get arrested

DON'T TALK!

DON'T TALK TO LAW ENFORCEMENT, NO MATTER HOW MUCH THEY THREATEN YOU, WHAT THEY PROMISE YOU OR WHAT THEY CLAIM TO KNOW. (Explain that police, sheriff's deputies, ICE – Immigration and Customs Enforcement, U.S. Border Patrol, federal marshals, probation and/or parole officers are ALL sworn law enforcement officers.)



DON'T TALK TO A PROBATION OFFICER OR SOCIAL WORKER EVEN IF THEY SAY THEY ARE THERE TO DO AN "INTAKE" OR HELP YOU. THOSE CONVERSATIONS CAN AND PROBABLY WILL BE SHARED WITH LAW ENFORCEMENT AND/OR THE COURT.

DON'T TALK TO FAMILY OR FRIENDS (WHETHER OR NOT THE POLICE ARE PRESENT) ABOUT ANYTHING RELATED TO THE INCIDENT OR ACTIONS YOU ARE BEING ACCUSED OF. Visiting rooms, visiting phones and other areas can be video and/or audio taped and the information used against you and/or your family members and friends. Phone calls are also recorded.

DON'T TALK TO SOMEONE YOU ARE ARRESTED WITH (sometimes referred to as a "crime partner," "crimie" or co-defendant). They can be pressured to share what you say and also to testify against you – usually for a drop in their charges or for a better deal.

DON'T TALK TO SOMEONE ELSE YOU ARE LOCKED UP WITH (A. police are often in jails and juvenile halls pretending to be people who have been arrested; B. the system also pays or gives favors to people who are locked up to act as "confidential informants" in order to gain your trust and get you to talk; and C. holding cells, interrogation rooms, juvenile halls and jails are often audio recorded for sound or video recorded for both sound and images).

ASK TO SPEAK TO A LAWYER IMMEDIATELY also known as a DEFENSE ATTORNEY. Once you ask for a lawyer, all additional questioning by the police without a lawyer is illegal. Under a recent change in California state law, youth under 18 CAN NOT BE QUESTIONED BY LAW ENFORCEMENT without FIRST talking to a defense attorney.

YOUR MIRANDA RIGHTS – RIGHT TO REMAIN SILENT; RIGHT TO COUNSEL (DEFENSE ATTORNEY OR PUBLIC DEFENDER)

You have the rights to remain silent. You have the right to an attorney If you cannot afford one, an attorney will be provided for you. But, under the law, the police do not have to "read you your Miranda Rights" before they start to question you. In fact, they might question you for hours, days, weeks, even years before ever arresting you or reading you your rights. Even after an arrest you can be held for a long time before they ever read you your rights. **"I'M NOT ANSWERING ANY QUESTIONS. I WANT TALK TO A LAWYER AS SOON AS POSSIBLE."**

YOU CAN ASK FOR YOUR PARENTS TO BE CALLED AND TO BE PRESENT DURING QUESTIONING. BUT POLICE AREN'T REQUIRED TO NOTIFY PARENTS UNDER THE LAW OR HAVE THEM PRESENT. **MORE IMPORTANT, PARENTS CAN NOT PROTECT YOU AGAINST POLICE INTERROGATION. ONLY A LAWYER CAN STOP THE QUESTIONING.**

DON'T TALK! DON'T TALK! DON'T TALK!
AND ASK TO TALK TO A LAWYER RIGHT AWAY.
THESE ARE THE TWO MOST IMPORTANT THINGS TO REMEMBER!



True Stories to Share:

Make and cut out multiple copies of each story; split participants into at least four teams; give a stack of the same story to each team; and have each team read and act out the story as it happened. If time allows or if you have too many people for just four teams, you can also have people act out how people/persons involved should have done things differently. Another technique is to freeze the action and ask people for feedback about what should be done differently. You can have them demonstrate or a facilitator can demonstrate.

Sylvester

The police pull up on Sylvester and a friend, and both young people start running. The police chase Sylvester down in an alley, beat him with their batons and handcuff him on the ground. They ask him for his personal information, take his picture and pictures of his tattoos. They ask if he bangs, and he brags about being in a gang, and gives them his nick-name – “Poison.” Then they take him to the station where they charge him with “evading the police.” After questioning him, they drop Sylvester off in rival territory and he has to walk home 20 blocks. Act out the story as it happened. If there is enough time, act it out again with how you think Sylvester should have handled the situation.

Juan

Juan is stopped for a routine traffic stop and the police ask for his license and registration. He gives it to them. They ask him to step out of the car and they frisk him. They go into his pockets without asking his permission, but they don't find anything. Then they ask if he can search his car. He says “yes.” When they search his car, they claim to find evidence of stolen property and arrest him. Act out the story as it happened. If there is enough time, act it out again with how you think Juan should have handled the situation.

Linda

Linda moves from Compton to Paramount, and a girl in that area starts messing with her about being from Compton. This goes on for months, and Linda gets more and more frustrated and scared until one day she fights the girl. Later that night, the police come to Linda's house and question her about the fight. She answers all their questions, including the details of the fight. They ask her to go to the station and tell her Mom not to worry – that they'll bring her back home later. They also tell her mom that it's nothing serious, she's not under arrest, and that her mom doesn't need to go to the station. At the station, Linda gives a full statement admitting to the fight, and then signs her statement. Then the police arrest her, take her to juvenile hall where she stays for a month. She is sentenced to 3 months at a probation camp (youth prison). Act out the story as it happened. If there is enough time, act it out again with how you think Linda and her mom should have handled the situation.

Shantae

Shantae Gadson is 19, the mother of two, when her boyfriend asked her to hold his unloaded gun. At first, she objects, but he says that since he's a guy it's too risky for him to carry it home in case the cops stop him. She slips the gun into her coat pocket. A few minutes later she walks into a corner store with a friend to buy some milk. Through the store window, the store owner had seen her boyfriend hand Shantae the gun, so he calls the police. When she and her friend come out of the store, the police have the entrance blocked with their patrol car and their guns drawn. One officer orders the two girls to put up their hands; the other tells Shantae to put the gun on the ground. There's a lot of confusion and panic in the police commands. When Shantae reaches into her coat to put the gun on the ground, one of the officers starts shooting. Shantae bleeds to death on the sidewalk. Act out the story as it happened. If there is enough time, act it out again with what you think Shantae and her friend should have done.