

KNOW YOUR RIGHTS!

ROLE PLAY I: YOU ARE STOPPED IN THE STREET BY A POLICE OFFICER

Materials:

- Cap with label on the bill that says *Police*.
- Badge that says “Police” (with badge number).
- Know your rights card.
- Script for Policeman and INS Officer to use.

Two participants: (1) Policeman; (2) José Menéndez/Josefina Menéndez, an undocumented immigrant from Guatemala. The police wears the cap that says *Police*.

Process of Role Play: The Police Officer reads the questions, José/Josefina responds, and the Discussion Leader asks questions of the group and clarifies answers.

SCENARIO I: You are an undocumented immigrant coming out of a corner store with a soda you just bought. A policeman comes up to you.

Police: “Excuse me, what is your name?”

José/Josefina: responds.

Discussion Leader:

- Is J. required to give his/her name? (In PA you do not have to give your name.)
- Do not give a false name!
- Something to consider: It is important to not respond with hostility to the officer. If he/she feels you are hostile or non-cooperative, you may be arrested on a trumped-up charge and taken to the police station. If you have documents, you might wish to provide your name; if you are undocumented, providing your name may result in imprisonment by the authorities.

Police: “Can you show me some identification?”

José/Josefina: Responds.

Discussion Leader:

- Ask the officer if you are being detained or arrested. If he/she says no, you may say, “Excuse me, am I free to go now?” and walk off. If the officer answers yes, say, “Why am I being arrested or detained?”
- Does J. have to show some identification? No. At this point you do not have to say any more. You may simply say: “I’m exercising my right to refuse to answer your questions. If you plan to detain me, I wish to talk to my lawyer immediately.” Show the officer your *Know Your Rights Card*, which has this statement written in English. If you have a valid legal identification—such as a green card or driver’s license-- you can show it to the officer, but you don’t have to. If you are undocumented, providing your identification may result in imprisonment by the authorities.
- If J. has a fake work permit or driver’s license, should she show it to the officer? (No. Only show identification that is real. Do not use any false documents. That is a crime.)

- Should she show her Guatemalan Passport? (No. Do not show any papers from your country of origin. You should not even carry these papers with you.)
- Important! Do your best not to panic! This is a frightening situation, and the police will often act aggressive or threatening. Try not to be hostile, even when you feel it is unjust that you are being stopped. Acting hostile may get you arrested for resisting arrest, threatening an officer, etc., and you put yourself at risk of physical harm. Remember: in court, it's your word against the police officer's.

Police: "Are you an American citizen?"

José/Josefina: responds.

Discussion Leader:

- Does J. have to answer this question? (No. You may exercise your right to remain silent, as above.) Say, "I do not want to answer any questions." If you do not speak English, show the officer your *Know Your Rights card*.
- Should J. reveal his/her immigration status? (No)
- Should she say what country she is from? (No)
- Should she say how she came to the United States? (No)
- Remember: never carry false documents or documents from your country of origin with you.

Police: "I'm sorry, but we have to arrest you and take you to the police station."

José/Josefina: Responds

Discussion Leader:

- What should J. do?
 - Again, ask why you are being detained or arrested.
 - Act calm. Do not resist arrest.
 - Ask for the officer's name and badge number.
 - Again say that you have a right to talk to your lawyer.

Now J is down at the police station:

Police: "We just have a few forms here we'd like you to sign, just part of our normal processing procedures. It's really to protect you."

José/Josefina: Responds.

Discussion Leader: Is J. required to sign anything at the police station? (No. Say you will not sign anything until you have contacted your lawyer.)

Police: "We'd just like to ask you a few questions, just routine stuff."

José/Josefina: Responds.

Discussion Leader: Is J. required to answer any questions? (No. Say you are exercising your right to remain silent, and wish to talk to your lawyer.)

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SCRIPT FOR POLICE OFFICER

ROLE PLAY I: YOU ARE STOPPED IN THE STREET

SCENARIO I: You are an undocumented immigrant coming out of a corner store with a soda you just bought. A police officer comes up to you.

Police: “Excuse me, what is your name?”

José/Josefina: responds.

Police: “Can you show me some identification?”

José/Josefina: Responds.

Police: “Are you an American citizen?”

José/Josefina: responds.

Police: “I’m sorry, but we have to arrest you and take you to the police station.”

José/Josefina: responds.

Now you’re at the police station:

Police: “We just have a few forms here we’d like you to sign, just part of our normal processing procedures. It’s really to protect you.”

José/Josefina: Responds.

Police: “We’d just like to ask you a few questions, just routine stuff.”

José/Josefina: Responds.

ROLE PLAY II. AN ICE RAID ON YOUR HOUSE

Materials:

- Cap with label on the bill that says *ICE*.
- Badge that says *ICE* (with badge number).
- *Know Your Rights* card.
- Script for ICE Officer to use.

SCENARIO II: You are at home with your husband or wife, two children and your sister who lives with you. There is a loud knock on the door.

Immigration: KNOCK KNOCK KNOCK!

José/Josefina: Respond.

Discussion Leader:

- Should J open the door? (No. Do not open the door. Ask who it is.)
- If you open the door, Immigration may interpret it as you giving consent for them to enter your house.

Immigration: “This is the Police. We’re looking for José Menéndez. We think some of his identity cards have been stolen, and we need your help. Is he here?”

José/Josefina: Respond.

Discussion Leader:

- Often Immigration makes up lies to try to get into your house. They may say they are the police, rather than immigration. Other excuses may be such as “We are concerned that Mr. Menéndez may be a victim of a crime, and we would like to talk with him.”
- Never open the door. If you open the door, it may be considered giving the police permission to enter your home.
- Say, “I do not want to answer any of your questions.”

Immigration: “These are the immigration authorities. We want to speak to Mr. Menéndez. KNOCK KNOCK! Please open the door and let us in so we can talk with him.”

José/Josefina: Respond.

Discussion Leader:

- Unless they can show you a warrant, you do not have to let the authorities in your house. **Do Not Open the Door.**

- Ask, “Do you have a warrant?”

Immigration (if they do not have a warrant): “Warrant? No, we don’t have a warrant. We just want to ask Mr. Menéndez some questions, that’s all. Can he just step out into the hall for a moment?”

José/Josefina: Response.

Discussion Leader:

- Should J open the door? (No, not open the door and let the authorities in unless they have a warrant signed by the judge.)
- Say, “I do not have to let you into my house without a warrant, and I do not want to answer any questions. Can you give me your name and badge number?”

Immigration (If they have a warrant): “Yes, we have a warrant.”

José/Josefina: Respond.

Discussion Leader:

- Should you open the door to get the warrant? (No. If Immigration has a warrant, do not open the door to get it. Ask them to slip the warrant under the door.)
- Check the warrant for the following information:
 - Specifically names José Menéndez?
 - Does it say what part of the house they may search?
 - Is it signed by a judge (not someone from ICE)?
 - If they have a proper warrant, you must let them into your house.

If Immigrant has a proper warrant, you legally must allow them into your house:

Immigration: “We’d just like to ask you a few questions, then we’ll be on our way.”

José/Josefina: Respond.

Discussion Leader:

- Does J. or anyone else in the house have to answer the immigrant officer’s questions, now that he shows a valid warrant? (No. You have a right to remain silent.)
- Say, “I choose to not respond to any of your questions.”

Immigration: “Can you all show me your documents?”

José/Josefina: Respond.

Discussion Leader:

- Does J. or anyone else in the house have to show his/her documents? (No. Do not show your documents. Say, “I do not want to give you my documents.”)

- It is OK to show valid US-issued documents, such as a driver's license, visa, or green card. Do not give false documents, or documents from your country of origin, such as a passport.
- Since the warrant is specifically looking for J. Menéndez, they will not detain you if you are undocumented, because your name is not on the warrant. Although you have the right to refuse to give information, if you refuse to cooperate in any way you may antagonize the officers, an argument may ensue, and they may accuse you of being threatening or assaulting them, then arrest you. You will need to assess the situation and decide how much to cooperate.
- If you are J. Menéndez, and they ask you if you are J. Menéndez, should you tell them your real name? (Yes. Lying about who you are is a crime, and will hurt your case if you go to court.)

Immigration: "We just need to walk around your home for safety reasons."

José/Josefina: Respond.

Discussion Leader:

- Check the warrant, to see if it says that Immigration may search your entire home. If it does, then you must allow the search.
- If the warrant does not include permission to search the home, say, "I do not consent to your searching my home."

Discussion Leader: It is important for you to observe and document what happened when ICE raided your home. Preferably, write this information down and share it with your lawyer:

- Who the officers were, what their badge numbers were, how they acted, what they said to get into your house.
- Who was present: family members, especially children.
- How did they act? Did they yell at anyone? Draw weapons? Walk through the house? Search your belongings without permission? Handcuff anyone?
- How did they react when you exercised your rights to not answer any questions or give them documents?

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SCRIPT FOR IMMIGRATION OFFICER

ROLE PLAY II: THERE IS A RAID IN YOUR HOME

SCENARIO II: You are at home with your husband or wife, two children and your sister who lives with you. There is a loud knock on the door.

Immigration: KNOCK KNOCK KNOCK!

José/Josefina: Respond.

Immigration: “This is the police. We’re looking for José Menéndez. We think some of his identity cards have been stolen, and we need your help. Is he here?”

José/Josefina: Respond.

Immigration: “These are the immigration authorities. We want to speak to Mr. Menéndez. KNOCK KNOCKKNOCK! Please open the door and let us in so we can talk with him.”

José/Josefina: Respond.

Immigration: (if they do not have a warrant): “Warrant? No, we don’t have a warrant. We just want to ask Mr. Menéndez some questions, that’s all. Can he just step out into the hall for a moment?”

José/Josefina: Response.

Immigration: (if they do have a warrant): “Yes, we have a warrant.”

José/Josefina: Respond.

If Immigrant has a proper warrant, you allow them into your house:

Immigration: “We’d just like to ask you a few questions, then we’ll be on our way.”

José/Josefina: Respond.

Immigration: “Can you all show me your documents?”

José/Josefina: Respond.

Immigration: “We just need to walk around your home for safety reasons.”

José/Josefina: Respond.