



Unit 2: Knowing Your Rights in a Car Stop Teachers' Guide

LESSON 5: Let's Talk to the Police about Rights in Car Stops

FOR MORE INFORMATION TO HELP YOU ANSWER QUESTIONS THAT MAY COME UP DURING THIS LESSON, REFER TO THE FREQUENTLY ASKED QUESTIONS SHEET "LEGAL INFORMATION ABOUT CAR STOPS" AT THE END OF THIS LESSON.

Time: 2-3 hours

Content Objectives

- Students learn information about how to talk to a police officer in a car stop situation.

Rights Literacy Objectives

- Students learn about their rights with the police.
- Students build confidence exercising their rights with the police.

Language Objectives

- Students practice speaking and listening to vocabulary on car stops.

Materials Needed

- Space for role-playing.
- Student lesson handout.

Content Objectives

- Students learn information about how to talk to a police officer in a car stop situation.

Rights Literacy Objectives

- Students learn about their rights with the police.
- Students build confidence exercising their rights with the police.

Language Objectives

- Students practice speaking and listening to vocabulary on car stops.

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).



KEY VOCABULARY:

Nouns	Verbs	Adjectives	Interrogatives
Right	To remain	Silent/quiet	What?
License	To have	Respectful	Where?
Ticket	To answer	Fast	Who?
Warning	To drive	Intimidating	Why?
Silence	To pull over	Fair/unfair	How?
Name	To do	Respectful	When?

Before completing the activities below, the instructor should review the lesson vocabulary from the table above.

PART A) I have rights

The instructor tells the students that they do not have to write, so that they can focus on role playing and using basic vocabulary words. Students should be encouraged to practice answers like, “I choose to remain silent,” “I want to be silent,” and practice responding with silence. At the end of the role-playing activity, the instructor facilitates a reflection activity: asking the students to reflect on their learning reviewing language and content objectives for this unit.

The instructor will pretend to be a police officer and students will practice as a group to give different responses to the police officer. The instructor provides a list of

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).



helpful expressions regarding car stops to the students and encourages them to use vocabulary from this list. Instructors will remind students that anything they say or give to police officers can be used against them, so students should not feel they have to give any information that they do not want to. Students can provide any answer they choose.

You do not have to write. This will allow you to focus on role-playing and on using basic vocabulary words. In pairs, practice being a person stopped by the police while driving and the police officer saying answers like “ I choose to remain silent”, “I want to be silent”, and practice responding with silence. Practice speaking the following expressions in pairs:

VOCABULARY HANDOUT: What to say if stopped by the police.

This is just a sample of what some questions and answers might look like. Students can improvise other answers to these questions, especially as they gain more fluency. It would be helpful to allow students to practice ways to say they choose not to provide their information. See the FAQ corresponding to this lesson for more information.

Word	Driver’s Questions and Responses	Police Questions and Responses
Drive	I drive my car to school./I drive to work./I am driving home./I do not drive./She was driving./I was not driving.	Do you drive to work?/Where are you driving?/Who was driving?
Police	May I see your police badge?/May I see your identification?/What is your police identification number? Hello, police officer.	I am officer Johnson.

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).



Right	By law, each person has certain rights./By law, I have the right to remain silent.	What do you know about rights?
Driver's License	My driver's license is in my wallet./I do not have a driver's license.	Can you please show me your license?/License and registration, please.
Identification (ID)	My identification is in my wallet./I do not have an ID./Here is my ID./Here is my school ID.	Can you please show me your identification? Can you show me your ID?
Silent	I do not have to talk; I can remain silent./I choose to be silent./I do not choose to be silent.	Are you choosing to remain silent?/Do you want to remain silent?/Why are you not talking?
Name	My name is____./I choose not to give my name.	What is your name?
Leave	Am I free to leave?	
Search	I do not consent to a search	Can I look in your car?
Address	My address is_____	What is your address?

Instructors are encouraged to role-play the police officer, acting with respect. Importantly, the instructors should encourage the student to be in the role of the police officer as well, that is, giving the student the role of being in a position of authority. Since more challenging vocabulary and questions are needed for this role, instructors can role-play for the students initially, and then pass this role on to a student.

NOTE: At the beginner level, especially, it may be easier to focus on just practicing a role-play. After more practice, students may want to take the role of the police officer, and the teacher may practice answering the questions. Alternatively, students may want to practice this exercise in small groups. As students' confidence increases, they may want to practice the police officer responding in different ways. For example, perhaps the police officer is very friendly in some role-plays and somewhat discourteous in others. Perhaps the police officer asks the same question

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).



over and over again. Perhaps the police officer makes comments about his or her assumptions about immigration status. In these cases, remind students of their rights, and consider talking about racial profiling and how it is wrong but also a reality in some communities. Students may be encouraged to know they can ask police officers for their identification and that that information can be useful to lawyers or if they choose to file a complaint if there is police misconduct.

END OF LESSON REFLECTIONS: The teacher asks students at the end of each lesson what they learned and how they felt doing these activities. The teacher may want to take notes based on what students share to help in preparing the lesson for the following week. Guiding questions for instructors to pose to students include the following:

- What new ideas/content did you learn?
- What new vocabulary did you learn?
- What new rights did you learn?
- What was difficult? What was easy?
- How did you feel?
- What would you change?
- How would you use this information?
- How does this content connect to human rights?
- What situations can you think of when you may want to assert your rights?

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).

FAQ: LEGAL INFORMATION ABOUT CAR STOPS

❖ Some tips on what to do if stopped by the police while driving

DO:

- Signal and pull over
- Remain inside the car
- Stay calm and be polite
- Keep your hands on the wheel, and tell the officer if you need to reach into the glove compartment for documents before doing so
- Carry a card with a lawyer's phone number or memorize the number. See information below about calling a lawyer if you are arrested.

DON'T:

- Lie or provide false information
- Obstruct the police or refuse to follow their direct orders to you

❖ When do I have to answer questions from the police or other law enforcement officers if I'm stopped while driving?

Generally, there is no duty to answer a police officer's or other law enforcement officer's questions. Anything you say to a police officer can be used against you.

In most states, including Massachusetts and Rhode Island, a driver must provide his or her name and address. In Rhode Island, a law enforcement officer may also demand a person's name and address any time (including if stopped on the street) where the officer has "reason to suspect" the person is committing, has committed, or will commit a crime. **You do not have to answer any other questions.**

NOTE ON QUESTIONS ABOUT IMMIGRATION STATUS: Noncitizens 18 years and older are required to carry their immigration documents (for example, their green cards or other proof of lawful status). If you have such documents, you should show them to the officer if asked. If you do not have lawful immigration status, you can say you want to remain silent.

This information is meant to provide useful basic information about the law and is not legal advice. It is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced.

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).



❖ **Should I show my foreign documents if I don't have a U.S. driver's license or other U.S. identity document?**

There is no easy answer to this question. Here are some ways to think about the positive and negative aspects of your options.

Option	Positives	Negatives
If you choose to show your foreign identity documents	Police officer will be able to verify your identity (that you are who you say you are) and check their system to see if there are any outstanding warrants or tickets. If there are no problems, the police officer may choose to just let you go. The police officer can also give you a ticket, or arrest you for driving without a license.	You are providing proof that you are a citizen of another country, so the government now has all the information necessary to try to deport you. In addition, the police officer can give you a ticket or arrest you for driving without a license.
If you choose to not show any documents	You are not providing proof that you are a citizen of another country (though the police officer may infer that if you don't have any documents it is because you do not have legal immigration status). Police officer will not be able to verify your identity. The police officer can also give you a ticket, or arrest you for driving without a license.	Police officer will not be able to verify your identity. The police officer can also give you a ticket, or arrest you for driving without a license.

You should **never** present false documents or documents not belonging to you.

This information is meant to provide useful basic information about the law and is not legal advice. It is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced.

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).

❖ **When can the police search my car?**

If a police officer asks to look inside your car, you have the right to say no. You do not have to consent to a search of your car. If the police believe your car contains evidence of a crime, however, they can search it even if you say no.

❖ **When can the police impound (take) my car?**

There are some situations in which the police are allowed to impound the car. This means that they take the car, and the owner usually has to pay a fine to get it back. For example, the police can impound the car if the car is or contains evidence of a crime. The police can also take the car when it presents a public safety risk. For example, if the car is pulled over on the side of the highway and the driver can no longer drive it. This may be because the driver was arrested for driving under the influence (drunk driving) or driving without a license.

❖ **Can the police take and search my cell phone?**

The Supreme Court decided in June 2014, in a case called *Riley v. California*, that the police generally must obtain a warrant before searching the contents of a cell phone seized from someone who has been arrested.

❖ **What are my rights as the passenger?**

If you are a passenger in a stopped car, you can ask if you are free to leave. You might also have to provide your name and address in some situations. You do not have to answer any other questions.

❖ **Can I be arrested for driving violations?**

Yes. Driving without a license is a crime in most states, including Massachusetts and Rhode Island. A driver can also be arrested for other criminal driving violations, including “reckless driving” (which can include excessive speeding), driving under the influence of alcohol or a controlled substance, and committing a “hit and run” (leaving the scene of an accident without identifying yourself).

This information is meant to provide useful basic information about the law and is not legal advice. It is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced.

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).



❖ **What happens if I am arrested or detained?**

If you are arrested for a crime, you have the right to remain silent and to ask for a lawyer immediately. If you can't pay for a lawyer, you have the right to a free one. Don't say anything or sign any documents without talking to a lawyer first.

Sometimes individuals are sent to immigration detention after having been arrested by the police. In immigration detention, you have the right to remain silent and you do not need to answer any questions about your country of birth or your immigration status. Don't sign any documents without consulting with a lawyer. Unlike in a criminal case, in an immigration case you do not get a free lawyer, but you or your family can hire a lawyer. You will be given an identification number called an "A number." Give this number to your family or your lawyer, as it will help them find you and follow your case. **There is much more information about immigration detention and the deportation process that is not included here.**

❖ **Do I have the right to tape (videorecord) the police?**

This depends on state law. For example, in Massachusetts, you have the right to tape (videorecord) police conduct: (1) in a public place; (2) openly (as opposed to doing so secretly); and (3) without interfering with the officer's conduct.

This information is meant to provide useful basic information about the law and is not legal advice. It is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced.

These lessons contain some basic information about U.S. law. This information is not legal advice and is not a replacement for legal advice from a trained attorney. All information is current as of the date it was produced (September 2014).