



# OUR RIGHTS MATTER

WORKSHOP

FACILITATOR GUIDE

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Powered by:

Legal Aid Justice Center

Rise For Youth

Peter Paul

RICHMOND, VA

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# ABOUT THE GUIDE

**Notes:** This guide is designed for anybody – youth, community leaders, advocates -- who wants to lead a workshop for youth on their rights with police on the street. When offering this workshop, leaders should be mindful and sensitive to potentially traumatic experiences youth and/or their families may have had with police.

**Time:** 15-20 minutes (not including optional role plays). Discussion may take longer with a larger or chattier group. Some of these discussions could be long, so plan ahead for how much time you have and be prepared to cut off discussion when you need to move on. You can always offer to stay and chat with anyone interested.

**Materials:** Wristbands that say “Breathe. Leave? Silent. No Searches!” and pocket-sized cards with additional explanation.

**Focus Audience:** Teen youth and young adults in Richmond City[1]

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# WORKSHOP FLOW

- 1. Introduce Yourself (3 minutes)**
- 2. Initial Discussion (5 minutes)**
- 3. Understanding Youth's Rights (10 minutes)**
- 4. Role Play- optional (10 minutes)**
- 5. Follow Up Discussion (5 minutes)**

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# SECTION 1

## INTRODUCE YOURSELF

### **Introduce yourself (3 minutes):**

If you're comfortable, let the youth attending know who you are and why you are leading the workshop. What does this issue mean to you? Do you have any lived experience with being stopped by police you feel comfortable sharing? Next, let the audience know that this is not legal advice, and they should always speak with an attorney for specific legal advice. Also note that this workshop only applies to street interactions with police in Richmond City, Virginia.

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[1] Portions of this guide contain information from Richmond City Police Department's policies regarding police interaction with youth. Some information in this guide will apply to other places outside of Richmond, Virginia, but some may not.

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# SECTION 2

## INITIAL DISCUSSION

### **Initial Discussion (5 minutes):**

These initial questions may require a skilled facilitator sensitive to trauma stemming from police conduct or other violence. If you are not comfortable in that role, you can ask for folks to raise their hands as answers or ask for volunteers to share a couple experiences.

Ask your audience (to the extent they want to share):

- Have you been stopped by police?
- What happened?
- How did it make you feel?
- Did you know about your rights when you were stopped by police?

Explain that each situation is different and their safety is most important.

- Police interactions can sometimes lead to dangerous outcomes. It shouldn't be like this; but it is. We want you to know your rights, but we also want you to be safe. Exercising your rights should be balanced with concern for safety. We suggest that you try to be respectful and polite when interacting with police, even if they don't treat you the same way. You can file a complaint later if you feel your rights were violated.
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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### **Understanding Youth's Rights (10 minutes):**

Explain that people may have interactions with police lots of places, including at school, in a car, or somewhere other than the street. Rights when interacting with police in the street may be different than the rights you have when interacting with police in other places. This workshop is only for street interactions with police.

Hand out wristbands. Ask youth to read the wristband out loud together. Go through each of these elements with youth, going slowly.

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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### **Breathe.**

- Ask the group what they think this means. What does it mean to them here?
- Read aloud:
  - The first thing to do is slow down. Breathe. **Feel your feet on the ground.** Take time to get yourself calm, ready to assert your rights and keep yourself safe.
  - Why is this important?
    - Possible answers:
      1. Breathing to calm down might help you to remember more of the interaction and what actions the cop did or did not take. You should pay attention to what is happening to you so you can tell your parents/ guardians/ lawyers later.
      2. May slow you down and prevent adrenaline from causing you to move in a way that a cop could claim was “resisting arrest.”

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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### Leave?

- Ask the group what they think this means. What it means to them here?
- Read aloud:
  - A cop can only keep you from leaving if they have “reasonable suspicion” that you’ve done something against the law. This is called being detained. Even though you aren’t under arrest, you can’t leave.
  - Cops try to talk to people even without reasonable suspicion. They call these interactions “voluntary.” You don’t have to stay and talk with a cop during a voluntary interaction.
  - You may not be sure what kind of interaction you are having with a cop. You can ask: “**Am I free to go?**” or “**Am I being detained?**” If the cop says you are free to go, walk away calmly.
- Ask the group to repeat these phrases.
- Stop to see if there are any questions. If a question relates to a specific situation or you aren’t sure of the answer, see if there is an attorney present who can answer. If not, remember the question to bring to LAJC if the person asking is comfortable with you doing that.



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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### Silent.

- Ask the group what they think this means. What does it mean to them here?
- Read aloud:
  - You do not have to answer any questions that a cop asks you. Cops can and do lie. They may say “You can go home, if you tell us about your friend.” But they don’t have to keep that promise.
  - Generally, it’s best to not answer any questions. The only exception may be choosing to give your name and address. If an officer asks you anything other than your name, you can say “**I choose to remain silent.**”
- Ask the group to repeat this phrase. Explain that these are “magic words” to use when interacting with cops.
- Why is staying silent important? (Answer: anything they say to the officer may be used against them in court).

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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### No searches!

- Read aloud:
  - A cop can only search you in specific situations, but this area is complicated. For example, a cop can pat down the outside of your clothes if they think you may have a weapon. This is called a “frisk.”. But unless the officer feels something that seems to be a weapon, they cannot go into your pocket, bookbag, or waistband to take anything. That would be a search.
  - But sometimes cops try to get around this by asking for your permission: “Can I take a look in your backpack?” or “Can you empty your pockets for me?” You do not have to agree to this. If you do agree, any evidence could be used against you later because you consented.
  - Say: **“I do not consent to any searches.”** If an officer searches you anyway, do not resist. You can let your attorney know later that you stated you did not consent to the search. Your lawyer can then try to get anything the cop found against you in the search thrown out in court. Remember, the place to fight for your rights is in court, not with the cop.
- Ask the group to repeat this phrase.
  - Stop to see if there are any questions. If a question relates to a specific situation or you aren't sure of the answer, see if there is an attorney present who can answer. If not, remember the question to bring to LAJC if the person asking is comfortable with you doing that.

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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

At the end of this portion, give participants wallet cards with key phrases and let the group know that the QR code takes them to a website with the full text of what you read aloud.

### Common Myths to Debunk

**MYTH:** If you ask for an attorney, you will be given one right away.

**FACT:** You can always state that you wish to speak to an attorney, but this won't change when you have access to an attorney. If you can't afford an attorney, the court will appoint one to represent you but not until your first court date. And you may not be able to speak to that attorney until even later.

- What you should do: If you don't want to answer questions without a lawyer, tell the cop that, just like you would tell them that you are choosing to remain silent. You can say: "I won't answer any questions without a lawyer." If the officer makes promises that it will be better for you if you answer questions, remember there is nothing better than waiting to answer the questions with a lawyer present.

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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### Common Myths to Debunk

**MYTH:** If I am under 18, the police can't stop or question me without my parent present.

**FACT:** Police can stop and question you even if you are a minor, even if you are taken into custody or detained. But, Richmond Police Department's internal policies require an officer to contact your parent or guardian as soon as possible if you are under 18 and you are taken into custody.

**MYTH:** The law does not allow me to film police if they ask me to stop.

**FACT:** You have the right to film police in public. Officers cannot confiscate or demand to view your recording without a warrant or delete your recording. However, officers break this rule routinely or threaten to arrest people for recording them, so be prepared to breathe, know your rights, and stand up for yourself while also keeping yourself safe.

- What you should do: Keep a "reasonable distance" from the cop. There is no specific definition of "reasonable" but it generally means not so close that you are interfering with what's happen. If a cop asks you to move, take a couple big steps back and say out loud "I am stepping back."
- Never post videos on social media or share them without the permission of the person you were filming.

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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### Other Points to Know:

- **If you receive questions about truancy or curfew:**
  - Truancy is when you are required to go to school but routinely do not. Police can pick up any child reported to be truant by the school or who the officer reasonably thinks is a public school student and is truant.
  - The curfew hours in Richmond for youth under 18 are 11 p.m.-5 a.m. If you are under 18 and outside during those times, generally the police may charge you with a curfew violation.
- **If you've been mistreated or feel your rights** have been violated:
  - You can file a complaint online with RPD here (Google "Richmond Police Department complaints")
  - You will want names or identifiers (badge numbers or even detailed physical description) of all officers involved. Write down the specific time and location of the incident(s). If other people saw what happened, try to get their names and up-to-date contact information. If you anyone was injured, document the injuries by taking photos with a witness. For serious injuries, seek medical attention.
  - For help filing an administrative complaint against RPD, contact Legal Aid Justice Center at 804-643-1086.

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# SECTION 3

## UNDERSTANDING YOUTH'S RIGHTS

### Other Points to Know:

- **Giving identification to the police:**
  - Generally speaking, you aren't legally required to give your name and address just because a cop asks. But not giving your name and address could sometimes make the situation worse, and not doing so could lead to a custodial arrest. We suggest that, if you feel safe doing so, you provide your name and address to the cop and then decline to answer any further questions. Remember: never give a false name or other information to a cop. That is a crime. Also remember that this area of law is complicated, so if you have a specific question, you should speak with an attorney.

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# SECTION 4

## ROLE PLAY (OPTIONAL)

### **Optional Role Plays (10 minutes):**

The purpose of the role plays is for the group to practice saying aloud the key phrases above.

### **Role Play 1: Night Game**

Scenario: Some kids are playing basketball in the park late at night. There are a few other people in the park, including some other people playing basketball and others walking. A neighbor calls the police because she thinks it is past the kids' curfew.

### **Roles:**

- Two youth playing basketball
- One youth playing basketball that the cop will speak directly to
- Cop
- Neighbor that calls the police

The "officer" should do four things (each of these should prompt a response from the other person)

1. Initiate a conversation
2. Ask for a name and address,
3. Ask some other questions
  - a. Do you know the name of the other young person?
  - b. Have they seen them here before?
  - c. Were you here last night? Did you see them here last night?  
They match the description of someone who was here and broke a car window.
4. Ask to search their pockets or backpack.

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# SECTION 4

## ROLE PLAY (OPTIONAL)

### Role Play 2: Store Hang Out

Scenario: Some kids are hanging out after school on a street corner near a store. They aren't doing anything wrong. But the storeowner thinks that the kids are keeping customers away, so he calls the police.

Roles:

- Two kids who are hanging out by the store
- One kid who is approached by the cop
- Cop
- Storeowner

The "officer" should do four things (each of these should prompt a response from the other person):

1. Initiate a conversation
2. Ask for a name and address,
3. Ask some other questions
  - a. Do you know the name of the other young person?
  - b. Have you seen them here before?
  - c. Were you here Saturday morning? Did you see them here that day? They match the description of someone who was here and took someone's wallet while walking down the street.
4. Ask to search their pockets or backpack.



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## SECTION 4

### ROLE PLAY (OPTIONAL)

At the end of the role play, thank all the volunteer actors! Ask the group what worked well in the role play and what didn't. What would they have done differently? At the end of the feedback, have the group repeat the phrases on the cards given out earlier.

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# SECTION 5

## FOLLOW UP DISCUSSION

### **Discussion Questions (5 minutes):**

- Did you learn things you did not know before? Which parts?
- Are you comfortable saying these statements to the police? Why or why not?
- How can you keep yourself safe and exercise your rights at the same time?
- Feel free to ask other questions that came up for you at the training or ask the audience what questions they have. If there is a question you cannot answer, you can offer to contact one of the sponsoring organizations for them, or they can contact themselves if they're comfortable.

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# SECTION 5

## FOLLOW UP DISCUSSION

### School Resource Officer (SRO) Interactions

For the facilitator: You might get questions from the audience about interactions with cops in school. You should emphasize the following points about school interactions with cops:

- **Rights of students when interacting with police officers in school are different when interacting with cops on the street.**
- *School administrators* can conduct searches of student's property and person when "reasonable suspicion" exists. However, SROs must have probable cause to search and, when required, a search warrant. SROs should not ask administrators to conduct searches for them.
- In schools, students being questioned about their conduct by an SRO should have access to parent or supportive adult. Questioning by *school administrators* can be conducted without a parent and without notifying the parent.
  - Also, generally, a student being questioned at school should not be placed in custody or arrested in the first interview.
- Arrests should occur outside school hours when possible. When not, the school administrator should be informed to minimize disruption to schools. Also, in schools, parents should be notified by both the school and the SRO of the arrest.

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## CLOSING

This project is a collaboration with **RISE for Youth, Peter Paul, and the Legal Aid Justice Center**. For more information about the Our Rights Matter campaign, contact Kim Young, MSW, LCSW, Director of Family and Community Engagement at Peter Paul, at (804) 780-1195. For information on youth advocacy around policing and juvenile justice, contact RISE for Youth at <http://www.riseforyouth.org/>, @RISEforYouth, or on Facebook. For legal questions or issues, contact the Richmond office of the Legal Aid Justice Center at (804) 643-1086.

*This is not legal advice. It is legal information, intended for residents of Richmond, Virginia. Cassie Powell & Kim Rolla are the attorneys responsible for this material.*

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