



SESSION 10: Legal System

OBJECTIVES

1. Give an understanding of the legal system in the United States.
2. Give an understanding of laws that protect civil rights.
3. Give an understanding of possible consequences of breaking the law

WHAT YOU WILL NEED:

Flip Chart

Markers

“Immigration Consequences of Convictions Summary Checklist” (attachment 31)

A Tool for Building Positive Partnerships between New American Communities and the Justice System, published by the National Crime Prevention Council

HOW TO DO IT

DISCUSSION

- Discuss, using the following questions:

In Somalia/Kenya, who is responsible for protecting individuals from violence?

In Somali/Kenya, describe the police, the courts, and other aspects of the legal system.

What do you know about the legal system in the United States?

OVERVIEW OF THE LEGAL SYSTEM IN THE UNITED STATES

- Discuss “law,” “police,” and “courts”:

Laws: Rules of conduct or procedure established by custom, agreement, or authority. In the United States, there are federal laws and state laws.

Police: Police in the United States generally consider their mission to “protect and serve” communities – they are responsible for enforcing law.

Courts: In the United States, there are also federal courts, and state courts. Courts are responsible for interpreting the law.

- Discuss the legal system in Somalia, Kenya, and the United States. Identify similarities and differences. Discuss the following:

Fear of law enforcement and the judicial system: In many countries, individuals in uniform and other authority figures represent a threat, sometimes to life itself. Clients' past experiences with these authority figures may have resulted in deeply rooted fear. This may make it difficult to have a positive view of the legal system. Those who created the U.S. government in the 18th century had fought against oppressive rule, and they attempted to build many U.S. laws to protect the rights of those who live in the United States.

Bribery and perjury: In many countries it is common practice to bribe authority figures, or to avoid telling the truth to authority figures for fear of repercussion. In the United States, bribery and perjury are against the law, and can result in serious consequences.

LAWS THAT PROTECT CIVIL RIGHTS

- Discuss the Bill of Rights. The U.S. government adopted the U.S. Constitution as law in 1788 –within two years, the government added ten amendments to the constitution to guarantee individual liberties. These ten amendments are the “Bill of Rights.” Review the following amendments:

1st Amendment: grants freedom of speech

2nd Amendment: gives the right to bear arms

4th Amendment: gives protection from unlawful search and seizure

5th Amendment: provides a number of important protections for those accused of crimes, including protection against “deprivation of life, liberty or property without due process of law”; and protection against the taking of private property without just compensation.

6th Amendment: gives the right to a speedy and public trial

7th Amendment: gives the right to a trial by jury

8th Amendment: prohibits excessive bail and “cruel and unusual punishment”

10th Amendment: gives power to state governments.

- Discuss the Civil Rights Act of 1964, which prohibits employment discrimination based on one’s race, religion, national origin or sex (including pregnancy).
- Discuss Miranda Rights. The police must read the following to a defendant before asking the defendant questions. It is important for clients to understand these rights:

“You have the right to remain silent.”

“Anything you say can be used against you in a court of law.”

“You have the right to have an attorney present now and during any future questioning.”

“If you cannot afford an attorney, one will be appointed to you free of charge if you wish.”

Defendants also have the right to an interpreter.

CONSEQUENCES OF BREAKING THE LAW

- Review the Consequences of Immigration Convictions Summary Checklist (attachment 31). Offenses such as theft, violent crimes, rape, abuse of a minor, drug charges, domestic violence, etc. may put the client at risk of deportation, or have other undesirable effects on the clients’ immigration status.

NOTE to CO Facilitator

Refugees and immigrants leave their countries to escape from violence – but often come face to face with crime, violence, and victimization in the United States. A refugees' positive relationship to the U.S. legal system may be at risk because of factors including cultural differences, linguistic barriers, effects of trauma, and a lack of understanding of U.S. laws. In addition, many refugees and immigrants, particularly since the attacks of 9/11, experience physical and emotional abuse and discrimination in their new communities.

Understand causes that can place stress on the relationship between refugees/immigrants and the justice system. Work towards the creation of a system of communication between new arrivals and the justice system. Communicate with the local police and courts about the history and culture of the Somali Bantu and other refugee populations.

Use the publication, *A Tool for Building Positive Partnerships between New American Communities and the Justice System*, published by the National Crime Prevention Council, to develop strategies for your community.