



## TRANSPORTATION VOLUNTEER GUIDELINES

### Migrant Justice Solidarity Transportation Network

More information at [www.migrantjustice.net](http://www.migrantjustice.net); 802-658-6770;  
[info@migrantjustice.net](mailto:info@migrantjustice.net)

While all of these guidelines are very important please don't let fear and borders keep you from getting to know your neighbors! Being a solidarity driver is a great way to make new friends and build our community in Vermont. NO ONE in the state of Vermont has ever been found guilty of any act or crime for driving another human being despite some recent empty threats. *Nonetheless, when you are driving its most important to remember that what might be minor hassles for you (a ticket, a flat tire, an accident) might lead to the detention and deportation of a passenger.* Its very important to take time to **learn about your rights** should you be stopped by law enforcement or immigration *before it*

*happens!*

The information below is intended to protect the safety and confidentiality of those persons requiring transportation and to protect you from potential abuse by law enforcement. It is intended to inform volunteers of some of the expectations and tips in order to have a positive experience while participating in the MIGRANT JUSTICE solidarity transportation network! The information is adapted from Robert Appel's (VT Human Rights Commission Executive Director) collaborations with the Amistad transportation program in Addison County and then was updated by Steve Gould of the Central VT Coalition in May of 2012. There are several links at the end that we encourage you to read. **Thanks for your support!**

#### *A volunteer driver should:*

- Possess a valid driver's license, and proof of insurance and valid vehicle registration for vehicle used.
- Be sure that the vehicle being used has a current inspection sticker.
- Have no criminal record for crimes against a person.
- Know exactly how to get to the pickup location and how long it will take to get there.
- Know exactly how to get to the passenger's destination and how long it will take to get to there.
- Be familiar with the route to the passenger's destination in order to accurately inform others where you are located in case assistance is needed.
- Be sure the vehicle has sufficient fuel for the trip, in order to avoid unnecessary stops.
- Have passenger in the front seat, lock all car doors and make sure everyone is wearing a seat belt.
- Do not smoke while driving passengers.
- If possible, take a cell phone. Remember many rural areas do not have cell phone service and be aware, if possible, of any gaps in service along the route to the passenger's destination.
- Do not rely solely on your cell phone. Have a separate, written list of contact numbers with you to be used in case of difficulties. The list should include the numbers for Teleayuda (Migrant Justice's help line) at (802) 658-6770 and the person who contacted you to drive and any other you would want to call in case of difficulties.
- It is wise to have all electronic devices/cell phones in the vehicle password protected.
- If you have children at home, make alternate plans in case you are delayed.
- Check with whomever requested you to provide transportation to make sure that that your passenger knows that you will pick them up, where and at what time.
- Never inquire into a passenger's immigration status or why he or she is in Vermont.
- Remember you are a community volunteer just providing transportation to a person who needs a ride.

## **Update on VT State Police Bias-Free-Policing Policy:**

The Vermont State Police recently adopted a bias free policing policy that says they will no longer be inquiring into a person's immigration status nor routinely contacting Border Patrol if the person cannot demonstrate proper legal status to be in the United States. The policy recognizes that an individual being in the US without proper documentation, when that individual has not been previously deported, does not constitute a criminal violation. Therefore, generally speaking, state police troopers should not ask your passenger what his or her immigration status is for routine traffic stops. There is one exception. If a state police officer is operating near the Canadian border and has reason to believe that an illegal border crossing has just taken place, the officer may inquire about your passenger's immigration status. It is wise to plan for and expect this to happen near the border.

We hope the new policy will result in a reduction of improper stops and detentions. Unfortunately, this policy only applies to the Vermont State Police and leaves open room for abuse. There are some cities and towns that have adopted similar policies. Most have not. Nor has the Sheriff's Association. Therefore, a volunteer driver should avoid ALL unnecessary stops by ALL law enforcement:

- Do not use a vehicle with defective equipment (e.g. a broken brake light or a loud exhaust.)
- Nothing should be hanging from the rear view mirror or impeding the view out the rear window.
- When driving close to the border do not use, if possible, a vehicle with out-of-state license plates. The Border Patrol has stated that they stop cars with out-of-state license plates when they are operating close to the border.
- Do not use a cell phone or text while driving.
- Do not use or possess illegal drugs or alcohol.
- Do not drive while under the influence of drugs or alcohol.
- Do not drive over the speed limit.
- Drive slowly, do not follow too closely and avoid slamming on the brakes.
- Use common sense and obey all traffic laws. Do not put your passenger at risk.
- Do not forget, for you, a traffic stop may only result in a traffic ticket and a fine. For your passenger a stop may have devastating results on them and their family.

## **IF YOU ARE STOPPED BY STATE OR LOCAL LAW ENFORCEMENT**

- Stay calm and remain in the car with your hands on the wheel.
- Be polite.
- When requested, produce your license, vehicle registration and proof of insurance.
- Do not engage the officer in conversation. You and your passenger have an absolute right to remain silent. You do not have to answer questions such as who arranged the transportation, what group you are associated with, who else are members, etc. Rather, if pushed to answer, you can ask, "Am I being detained?". Regardless of the answer (yes/no) to this question you should say if you are pushed, "I want to remain silent and speak to a lawyer." Never lie or give false information.
- Your passenger does not have to comply with a request to exit the vehicle unless there is objective evidence that the passenger may have committed a crime or poses a threat to the officer. So, it is best to clarify when asked to exit "Am I being detained?". After this, if they push you to exit the vehicle you should say, "I do not consent to a search of myself or my vehicle."
- The officer has no right to seize your or your passenger's personal property without a warrant (weapons, and contraband in plain view excluded) or to search yourself your passenger or your vehicle.
- If the officer asks for your cell phone or other personal property, politely refuse. If the officer seizes

your personal property or attempts to search you or your vehicle without your permission, do not resist. You should say, "I do not consent to a search of myself or my vehicle." You may also ask for an opportunity to consult with an attorney.

- As soon as possible call Teleayuda (802) 658-6770 and report your location and situation.
- Also notify the person who contacted you to arrange the transportation.
- If your passenger is detained and transported away from the stop, and you are able to, attempt to safely follow the transporting vehicle to its destination and report same to Teleayuda and your contact person.
- As soon as possible write down all the details of the stop which you can remember. Make sure you have paper and pen in your vehicle for that purpose.

## **THE US BORDER PATROL**

The closer you get to the border, the greater the chances are that you will come into contact with the U. S. Border Patrol. The provisions set forth in the preceding section also apply when stopped by the U. S. Border Patrol (BP). There is one important exception. Within the "border area" the BP can stop any car and require the occupants to identify themselves and inquire as to whether they are legally in the country. The "border area" extends 100 miles from the actual border.

If stopped, upon request, you should identify yourself and produce your license, registration and proof of insurance. Otherwise, you should ask the officer after this basic information is exchanged, "Am I being detained?". If questions pursue then tell the officer, "I wish to remain silent". This includes any questions asked of you regarding your passenger. Also, tell the officer, "I do not consent to this search or any search of my vehicle. "

There is a legal argument that knowingly transporting an undocumented foreign national may constitute a federal crime. It is therefore essential that you never inquire nor assume the legal status of any passenger, exercise your right to remain silent, and do not consent to any search or seizure of your personal property. To date no one in Vermont has been charged with this offense. If you are detained and charged with this offense, you have an absolute right to a lawyer. You should request to speak with a lawyer.

Do not carry these guidelines with you in your vehicle when transporting your passenger. And if the passenger has any 'know your rights information' or wallet-sized cards those should be on their body and only used to exercise their right to remain silent.

### **If your passenger is detained by Police or Border Patrol call:**

- TeleAyuda (Migrant Justice): 802-658-6770
- VT Immigration and Asylum Advocates: 802-864-3200
- The Consulate of Passenger: Mexican Consulate: 617-645-6673 (emergency only); Guatemalan Consulate: 401-270-6345

### **Please spend some more time educating yourself about your rights and the rights of your passengers:**

- <http://www.nationalimmigrationproject.org/community.htm>
- <http://www.nlg.org/wp-content/uploads/2012/06/KYR-English-web1.pdf>
- <http://www.aclu.org/drug-law-reform-immigrants-rights-racial-justice/know-your-rights-what-do-if-you>
- <http://governor.vermont.gov/newsroom-gov-shumlin-public-safety-announce-revised-bias-free-policing-policy>
- <http://migrantjustice.net/sites/default/files/ActionPackforBiasFreeVT.pdf>