# Decarcerate <u>MEMPHIS</u> KINOW YOUR RIGHTS 1-95 **Filing Complaints**

FILING A COMPLAINT Internal Affairs Squad/Security Squad Inspectional Services is made up of the Internal Affairs Squad and the Security Squad. Inspectional Services conducts all internal investigations involving police personnel, as well as other sensitive investigations. Officers assigned to these units are appointed by the Director of Police and are considered to be highly experienced investigators.

The phone # to IAB/Security Squad is (901) 636-4955 The HOTLINE # for filing a complaint is (901)576-4979

The HOTLINE # for timing a complaint is (901)5/6-49/9 Purpose of Security Squad The Security Squad Investigates all shooting incidents involving police officers and any complaints regarding possible criminal missonduct against employees. These investigations include accusations against officers, city employees from various departments, and other admin-Istrative investigations. The Security Squad is also responsible for leaching Deadly Force lectures at the Training Academy for new police recruits and during inService Training for veteran officers. Their Deadly Force lecture is also part of the training received by all citizens enrolled in the Citizen's Police Academy.

If you have a complaint or problem with the manner in which your call for police service was handled, call the Security Squad's confidential hotline at (901) 5764979 or their regular office number at (901) 636-4955.

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YOUR BASIC RIGHTS ght to remain silent. If you wish to

YouR BASIC RIGHTS -You have the right to remain silent. If you wish to exercise that right, say so out loud. -You have the right to refuse to consent to a search of yourself, your car, or your home. -If you are not under arrest, you have the right to camhy leave. -You have the right to a lawyer if you are arrested. Ask or and have the right to a lawyer if you are arrested. Ask

calmly leave. You have the right to a lawyer if you are arrested. Ask for one immediately. -Regardless of your immigration or citizenship status, you have these constitutional rights.

s guide is not a replacement for legal advice. Talk to a lawyer for more information.\*\*



Q. What if I get stopped on the street by police?
 A. Never run from the officer. Ask if you are free to go. If the answer is yes, consider just walking away.

Q. What if the police say I am not under arrest, but am not free to go?
A. You are being detained. Being detained is not the

A rou als being arested, though an arrest could follow. The police can pat down the outside of your clothing if they have reason to suspect you might be armed and dangerous.

Purpose of Internal Atfairs The purpose of the Internal Atfairs Squad is to define responsibilities and establish procedures for sworn members of this department for dealing with observed or reported allegations or missionduct. Internal Atfairs investigates all complaints lodged against police personnet. These complaints is and against police personnet. These complaints is and the second attack of the second attack of the complaints pail under three categories: Personal Con-duct, Use of Force and Arrest, and Duty Performance. Complaints and under three categories: Personal Con-duct, Use of Force and Arrest, and Duty Performance. Complaints categories: The second the second the second bocument any abuse or delention condition violations or serious medical or mental health concerns, includ-ing the date and the names of the officers who may be involved. Informal/Oral Grievance: If you have a

Informal/Oral Grievance: If you have a complaint, you can first try to resolve your problem by speaking

you can first try to resolve your problem by speaking with a staff member. If you choose to complain orally, you must present your complaint within five days of the event. If you have trouble speaking English, you can sak for language assistance and have an interpreter or translator help you. Format/Written Grievance: The Officer-in-Charge (OIC) must allow you to submit a format, written griev-ance form to the facility's grievance committee. You should also send a copy of your form to the ICE Field Office Director. "Your written complaint must be filed either within five days of the actual event, or within five days of the unsuccessful conclusion of an informal grievance.



# DO's & DONT's (decide for yourself)

n calm and try to be polite, even if you're just

- -Remain calm and try to be polite, even if you're just faking it. -Do not line or give false documents. -Prepare yourself and your family in case you are arrested or detained. -Always be aware and remember the details of the encounter, writte them down ASAP! -File a written complaint or contact Memphis United at (901)725-4990 if you feel your rights have been violated.

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**Police Stops** 

ON THE STREET

Q. What if they search me beyond a pat down?
A. Say clearly, "I do not consent to a search." They may keep searching anyway. If this happens, do not physically or verbally resist because you can be charged with assault or resisting arrest. You do not have to answer any questions, except that the police may ask for your name once you have been detained. You do not have to open bags or any closed container.

Remember these magic w Am I free to Go? Am I being detained?

Q. What if I have fake documents, but they look rea A. Never give fake documents to a police officer. It v not help your situation and you may end up in more trouble and even charged with a crime.

Q. Can police search me at the border without probable cause or a search warrant?
A. Customs and Border Protection (CBP) agents (which are part of the Dept. of Homeiand Security or DHS) are permitted to search you and your belongings at the U.S. border without probable cause or a search warrant. So consent to a search. CBP may generally stop and search the property of anyone entering or exiting the U.S. If agents have reasonable suspicion to believe you're concealing contraband, they may search your body using patdown, strip, body cavity, or involuntary xray searches.

••• vvniat if I am selected for a strip search?
A. A strip search at the border is not a routine search and must be supported by 'reasonable suspicion," and must be done in a private area.

Q. Can border agents look through my laptop? A. The 9th Circuit Court of Appeals recently ruled that Homeland Security border agents must have reason-able suspicion before they can legally conduct a foren-sics search of laptops, mobile phones, camera memory cards, and other electronic devices. Agents are still permitted agents to conduct a 'quick look' laptop search, such as asking you to turn on your lapto to peek at open windows. You can password protect your lise before crossing the border. And, of course, never voluntarily give agents your password.

Q. What if they have police dogs? A. There's no need to waive your rights simply because dogs are present. But be advised that your legal options are limited if you're arrested as a result of a dog snift during a roadblock.

Is information from sobriety checkpoints adm

In court? A. Sobriety checkpoints are generally permitted by the courts, but only if conducted property. If you're arrested at a police roadblock always consult an attorney before confessing or agreeing to a piece bargain. There might be some legal options that your lawyer can pursue.

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I do not consent to a search. I want to speak to a Lawyer I do not wish to answer any further questions/I am going to remain silent (and then remain silent!).

# IN YOUR CAR

Q. What if police or agents stop me in my car?
A. Keep your hands where the police can see them. If you are driving a vehicle, you must show your license, registration and proof of insurance. If you do not have a driver's license, you must show an ID (Consular card, passport, school ID, etc.). You do not have to consent to a search. The police cannot search your car unless you give them your consent, which you do not have to give, or unless they have "probable cause". Clearly state that you do not consent. The officer cannot use your refusal to give consent as a basis for doing a search. Officers can ask you to step outside of the car. Officers may separate passengers and drivers from each other to question them, but no one has to answer any questions. Q. What if police say they smell marijuana? A. Courts have ruled that the odor of contraband giv officers probable cause to perform a search. All you really do is say, 'Officer, I have nothing to hide, but I don't consent to any searches." Q. What if they search me anyway? A. If they search you anyway and something is found, you'll need an attorney to help you fight the charges. There's no perfect way to handle the situation, so do your best to stay calm.

any question

-Be very careful about using foreign identification. It may be helpful to show it to convince the officer take you to jail for lack of identification, the govern can use it against you if you end up in immigration court.

court. -Never use fake documents! If will not help your situa-lion and you may end up in more trouble and even charged with a crime. If you don't have a valid driver's license and you are stopped by police, if might be better to try to prove who you are to the officer. The police docide whether to write you a citation or arrest you if you can't prove who you are. If you can't prove who you are, it is likely you will be arrested. Some forms of ID that might help prove who you are include: an expired

Lac, in balkey i go with be detected to be to be to be to be to be detected to be that might help prove who you are include: an expired driver's license, bank card, gym card, school or work identification. Utility bill with your name on it, and other valid (not take) identification (the go with the convince the officer not to take you to jail for lack of identification, the government can use it against you if you end up in immigration court. -*Never* use take documents! It will not help your situation and you may end up in more trouble and even charged with a crime. -If you don't have a valid driver's license and you are stopped by police, it might be better to try to prove who you are into are sing and prove who you are instance: an expired driver's license, bank card, gym card, school or work identification, utility bill with your name on it, and other valid (not take) identification.

Q. What are my rights at sobriety checkpoints, or DUI checkpoints?
A. Your constitutional rights still apply in these situations. Though police are permitted to stop you briefly, they may not search you or your car unless they have probable cause that you're under the influence or you agree to the search. You are not required to answer ar questions or admit to breaking the law. Keep in mind that police closely watch cars approaching roadblocks. So you probably won't successfully get around it. er any

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IN YOUR HOME

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Police At Your Door 2.20

Q. What if the police say they will come back with a search warrant if I don't let them in?
A. You can still say that you do not consent to the search and that they need to get a warrant. The officer may or may not be able to get a warrant. The officer warrant if they ask the court for one, but once you give your consent, they do not need to try to get the court's permission to do the search.

 Q. Can the police search my home or offic
 A. Law enforcement officers can search y
if they have a warrant or your consent. our home only

a. why have a warrant of your consent.
C. What should I do if officers come to my house?
A. You can ask if they have a warrant. If the answer i no, you do not have to open the door or say anything other than "I do not want to talk to you." If they have a warrant, you should ask to see the warrant before letting them inside.

Q. What if the police don't have a search wa they insist on searching my home even after
 A. Don't interfere with the search in any way

Q. What if they have a warrant? A. Ask to see the search warrant before allowing them into your house. You can ask to have them push the warrant under the door, hold it up to a window in the door, or step outside and close the door to look at the warrant. It something is incomplete, or the address is wrong, lett them what is missing and that you do not consent to the search, but don't lintefree. Ask if you can watch. If you can, take notes, get names, badge #'s, which agency each officer is from, where they searched and what they took. See if anyone else can act as with-messes. An immigration "warrant of removal/deportation" does not give the officer the authority to enter your home.

# IF I'M NOT HO

Q. Can someone else give consent for the police to search my office? A. The police can search your office only if they hav warrant or the consent of the employer. If your employ consents to a search of your office, the police can search your workspace whether you consent or not. O can compare a dea site execution the police to ey have a Ir employei

search your workspace whether you consent or not. **Q.** Can someone else give consent for the police to search my home? **A.** If you're not home, the police can search your home based on the consent of your roommate, landlord, or a guest if the police reasonably believe that person has the authority to consent. If you are present, you can refuse consent even if other roommates agree to the search. The courts often determine your "expectation of privacy" on a casebycase basis. Keeping your room locked and maintaining control of your personal space can help protect you if a roommate ever tels police in. If your room is offlimits to your roommate and their friends, courts may rule that it is offlimits to police as well.

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public

A Don't interfere winn the search in any way because you could get arrested. Instead, say clearly that you have not given your consent and that the search is against your wishes. It someone is there with you, ask them to witness that you are not giving permission for the search. Call your lawyer ASAP. Write down the names and badge numbers of the searching officers. Q. Do I have to answer questions if law enforcement officers have a search or arrest warrant?
 A. No. Neither a search nor an arrest warrant means you have to answer questions.

# ON CAMPUS

Q. What are my rights in a college dorm?
A. College students unfortunately do not have many privacy rights. Dorms are the property of the university. Knowing and asserting your rights can still help protect you on campus.

Q. Where can I find my specific rights for my dorm

Q. Where can I find my specific rights for try section room?
A. The rental agreement for your domr noom should specify when school officials may and may not enter, so make sure you're familiar with the terms of your lease and keep a copy on hand. In many cases, student housing alfords less privacy protection than a standard rental agreement, so be mindful of the potential for random inspections and other intrusions.

Q. Even though college students don't have many privacy rights, what can I do?
 A. While campus policies differ from school to school,

A. While campus policies differ from school to school, you can study the rules and people who enforce them. Interact with officials and security staff and build positive relationships with them. Your room still may be searched, but you can politely refuse searches and refuse to incriminate yourself with more success.

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# e new MPD policy reads: Th

Immigration

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FILMING THE POLICE Taking pictures and video of things plainly visible in public spaces is a constitutional right. This includes the "The Memphis Police Department recognizes that mem-bers of the general public have a First Amendment right to video record, photograph, and/or audio record MPD members" while they are performing their duties in public spaces "unless such recordings interfere with police activity."

**ICE HOLDS & DEPORTATIONS** 

public spaces is a constitutional right. This includes the outside of federal buildings, as well as transportation facilities, and police and other government officials carrying out their duties. Different states and municipal ites have their own regulations pertaining to the filming of law enforcement. In Memphis, your constitutional right to film police is outlined in a policy released by MPD In 2013, after a string of arrests, and a direct action waged by Memphis United.

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case. You may be the victim of a notario if: • You sought assistance with your immigration case from someone who called themselves: • Notario • Notario • Notario • Viea Conventional

o ivotario o Notario Publico o Visa Consultant o Inmigration Consultant o Inmigration Consultant "in the United States, a "notary" or "notary public" is NOT a licensed attorney, It is someone appointed by the state government to witness the signing of important documents and administer oaths. - The person told you that you could get a green card or other benefit that you were never eligible for - The person solid he or she could get you special treatment from a government agency such as Citizenship and Immigration Services (USCIS) or Immigration & Customs Enforcement (USICE) - The person kept your original documents and/or your court notices and made you pay a lee in order to get them back - The person asked you to sign blank forms

Getting somebody out of detention Every detainee is entitled to a 'bond hearing' where the judge will determine if the person is subject to manda-tory detention or may be released on a bond. Ask for a bond hearing with an immigration judge right away. The 'bond' is similar to 'bail' in the criminal courts. It is meant to guarantee that the detainee will show up for future court dates and obey whatever order the judge ' ultimately issues. (The money will be returned if the detainee follows through – or forfeited if he or she does flees.) Since 2013. the minimum term

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Itees.) Since 2013, the minimum bond has been \$1,500 and may go up to \$20,000. Arrange money for bond. You have to pay the full amount. You can pay the bond at any ICE bond office. Bond must be paid by cashier's check or a bank money order, payable to the Depart-ment of Homeland Security. The person paying the bond MUST have some kind of Immigration status, identification and a social security cardI Immigration Bail Bond companies are available, but review their terms VERY carefully. If the bond amount is to high, call or send a letter the Field Office Director or the Detention Officer of the detainee asking them to consider reducing the bond amount. In the letter, provide information about your personal knowledge of the person and why they will not be a danger to society or a flight risk.

Use a usinger to society of a tilight risk. After the bond hearing, the judge will create a "Master Calendar" hearing date. At the Master Calendar, the detainee will answer the government's allegations and request any forms of relief to which he or she may be entitled. If the person claims some form of relief, the judge will set a Merits Hearing date.

judge will set a Merits relearing date. The entire removal process could take years or a few months, depending on what kind of relief the detainee has available, on the court docket, or other factors. If the immigration judge does not allow the detainee to be released on bond and there is a chance that the detainee will spend a long time in detention, an attorney may file what's called a habeas corpus in federal court, claiming that such lengthy detention is unconstitutional.

# NOTARIO FRAUD "Notarios" or "Immigration Consultants" operate throughout the United States and use false advertising and traudulent contracts for services which cannot be provided. They exploit the trust of immigrants who are new to this country, unfamiliar with our language and legal system, and who assume that a "notario" is a lawyer with a duty to protect their interests. Notarios hold themselves out as quamient on usen primurgrams obtain lawuu immigration status, and may charge a to of money for help that they never provide. Often, immi-gration relief because a notario has damaged their case.

# Before the consult

Before the consult Ask where the person went to law school, and in what state the person, or their boss (if you speak with their assistant or paralegal) is licensed to practice law. Call the relevant state bar to confirm this information, and Ask if anyone has ever filed a complaint against the person

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- Ask for references (former clients)that you can contact. During the consult Ask for references (former clients)that you can contact. During the consult Ask if you can be person's credentials. Ask if you can leave photocopies of your documents with the person, instead of leaving the originals. Ask if you will have to pay to receive your court notices or other documents. What a lawyer will do Explain your legal options, including the fact that you may not be eligible for immigration relief. -Provide you with a written contract explaining what you have hired him or her to do, and how much you will have to pay for services. Allow you sufficient time to read and understand the contract before signing it, and have it translated if nec-essary.

contract before signing it, and have it translated in hec-essary. - An attorney should never ask you to sign blank forms, or any document without reading it first. -An attorney should not require you to sign the contract on the spot, if you would like to take more time to read it over and mail it back or bring it to your next appoint-ment. over ment

# RESOURCES/RECURSOS

Immigrante/Inmigrantes American Bar Association (ABA) Commission on Immigration 800-285-2221, 312-989-5000 or americanhar org Fancipa Committed to improving the legal profession, eliminating bias and embarring diversity, and advancing the tule of law throughout the United Un grupo comprometids para mejorar de la profesión jurídica, eliminand un grupo comprometids para mejorar de la profesión jurídica, eliminand projulcios y mejorar la diversidad y la promoción del estado de derecho en todo Estados Unidos y alrededor del mundo.

American Immigration Lawyers Association (AILA) 202-507-7600 or aila.org/ Has an Immigration Lawyer Referral Service/Tiene un Servicio de Referencia de Abogados de Inmig

-tatholic Legal Immigration Network, Inc (CLINIC) 301) 565-4800 or cliniclegal.org mbracing the Gospel value of welcoming the stra te dignity and protects the rights of immigrants in edicated network of Catholics and community lega

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RESOURCES/RECUNSOL
US Dept of Justice - Civil Rights Division
950 Pernsylvania Avenue, NW, Washington, Dc 20530-0001, (202) 5140716 Telaphono Device for the Data (TV) (202) 514-0716 justices gov/cr//
The Civil Rights Division of the Dapatrment of Justice Avenues and the data of the data

Tennessee (ACLU-TN) 120160, Nashville, TN 37212 (615) 320-7142 or aclu-tn.org enal rinhts resources, as well as advocacy. CLU of CLU of O. Box no la p

enter/Comunidad Centro Legal nphis, TN 38126 (901) 543-3395 or clomemphis.com g poor with private legal counsel in basic civil matters trabaladores notices one un score traffice and Commun., 910 Vance ty Legal Ce e Ave, Mer the working



programs. El valor evangelico de abrazar al extranjero, CLÍNICA promueve la digni-dad y protege los derechos de los inmigrantes en colaboración con una red decianda de programas de inmigración legal de la comunidad católica y programas legales de inmigración. Department of Homeland Security 1(866) 644-8360 or civil liberties@dhs.gov

Memphis Immigration Advocates/Los defensores de Inmigración Memphi 258 N. Merton St. Memphis, IN 83112, (901) 244-4367 miamemphis org The only non-profil law firm in Memphis whose core mission is to provido low-cost immigration representation to low-income clients. La única firma de abogados sin fires de lucro en Memphic avya misión central es proporcionar representación de immigración a bajo costo para los clientes de bajos recursos.

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Tennessee Immigrant and Refugae Rights Coalition (TIRRC)/Coalition por Derochas de Immigrantes y Refugiados de Tennessee 2158 Nolenaville Res Nashville, TN 37211 615-833-0384 or trainmigrant og Astatewide, immigrant and refugaes Hroughout Tennessee to develop a unified voice. A nivel estatal, otaboración de los inmigrantes y refugiados cuya misión e empodera i os inmigrantes y refugiados en todo Tennessee para desarrollar una voz unificada.

Profesionales y Integridad 1080 Madison Avenue, Memphis, Tennessee, 3810 901-222-6099 or sheriffBPS1@shelby-sheriff.org Complaints against Shelby County officers. Las quejas contra los oficiales del Condado de She

Lear gapping softwar der Statusson der Genatusse der Genatus Bollernarg Publico 2011 Poplar Aver, Suite 2-01 Memphis, TN 38103 (901) 222-2800 or Bolfohr org Provides free legal defense in civil and criminal matters. Proved selfena juridica gratular en asuntos civiles y penales.

GLAD 1-800-455-GLAD or glad.org LGBT Legal Advocates, great Know Your Rig

Lambda Legal T30 Peachtree Stinet, NE, Suite 1070, Atlanta, GA 30308-1210 (404) 897-1880 or fambdalegal org Lambda's mission is to acheve tull recognition of the civil rights of leabiana, say mon, biaoxatali, transgender poople and those with HV hurough impact lightan, education and public policy work. La misión de Lambda es para tottener recornormiento de los derechos civiles de leabiana, hornoceanades, bescuales, transcueles, y todos con VMF (vrusee del sata) a taveis de litigación, educanion, y politicas patienses.

Memphis Gay and Leabian Community Center (MGLCC) 892 Cooper St, Memphin, TN 88104 (901) 278-6422 or mglac.org Empowers, connects, educates & advocates for the LGBTQ community Da poder y fortalece, conecta, educa y propone para la comunidad LGBTQ.

Under 18 Under 18 Children's Defense Fund/Fondo para la Defensa de los Niños 1-800-2831-200 or childrensdefense org The Children's Defense Fund (DF) champions policies and programs that fight poverty, protect children from abuse and neglect, and ensure g that fight poverty, protect children from abuse and neglect, and ensure g librar consta la pofersa, al otos libra defendo politicas y programas qu lubrar contra la poferzaz, protege los niños del abuso y abandono, y asegura el acceso al salud y educación.

Mamphis Area Legal Services/Memphis Area de Servicios Legales 22 North Front Street #11, Memphis, TN 36103 (601) 523-8822 maisi org Provides fee legal assistance no viol (no criminal) amitters. Most service are only available to low income or elderly persons. Produce assistencia jurídica gratulate en los asuntos civites (no criminales) La mayoría de los servicios sólo están disponibles a los bajos ingresos o personas de deda avanzada.

personas de edad avanzada. Department of Children's Services ien's Ripits and Responsibilités Manual tp://www.tp.esponsibilités Manual deprised Phild Services Holine 1477/237.0004 dormación para las familias reterating with DCS. formación para las familias que interactúan con el Depart ervicios para Niños.

Ternessee Commission on Children and Youth (TCCY)/Comisión de Ternessee de la Miñez y la Juventud Hin/Jwww tin govinco/Janda shtml Advocary information for minors in Tennessee. Includes information about oblidens in gitta, agé Intesholds to rights, and a la to dher resources for Información de Defensa de los menorses en Tennessee. Incluye infor-mación sobre los derechos de los minos, los menorses de cada para los derechos, y una lista de otros recursos para los niños y Jóvenes. Menohis Bar Association

overecnos, y una lista de otros recursos para las miños y foremos. Memples Bar Association memples Bar Association Memples, TN 38103 (901) 527-5573 or imenphibila cur mempleibla cur The Memple Bar Association makes legal services available to those who need them. La Asociación de Memphie Bar hace que los servicos legales dispontib para quience los necestan.

Nationa 132 Na -1-1 org al Lawyers Guild (NLG)/Gremio Nacional de Abogados Issau Street, Rm. 922, New York, NY 10038 (212) 679-5100

ng org Ternessee Rep. Michael Auflinger tennessee®nig org A public interest association of lawyers, law students, paralegals, alphanole lawyers, law collective members. & obtre activitie legal worker Una asociación de interés público de los abogados, estudiantes de baspacia, asistente legales, abogados de la cúrcot, miembros de colo vos de abogados y otros trabajadores legales activistas.

ennessee Human Rights Commission 12 Posa L Parks Avenue, 23rd Floor, Nashville, TN 37243 615/ 741-5825 or state tn. usAhumanrights/ An independent state agency responsible for enforcing the state's anti

ina independiente responsable para la ejecución de las leyes en riminación en el estado.

Collian Law Enforcement Review Board (CLERB)/Junta de Revisión Civi de Aplicación de la ley 125 N. Main 35 zen Floor Suite 200 Memphis, TN 38103 )901) 576-6840 External board made up of civilians that reviews police complaints that have unsatilitadico vulciomes from Internal Aflaira. Tablero externo formado por civiles que revisan denuncias contra la policia que tierne resultados insatilizacions de Asuntos Internos

Internal Affairs 2714 Union Extended Memphis, TN 38104 901-858-4955 Fax: 901-458-9146 or 901-458-9157 Investigates complaints against police officers. Investiga quejas contra agentes de policia.

Shelby County Sheriff's Office/Oficina del Sheriff del Condado de Shelb The Bureau of Professional Standards & Integrity/La Oficina de Normas