

POLICE BRUTALITY AND MISCONDUCT

WHAT TO DO IF YOU HAVE BEEN CHARGED WITH A CRIME

ACLU-TN does not provide criminal defense, except in extremely rare circumstances. If you have been charged with a crime, your defense attorney is the best person to answer questions about due process and arrest procedures (use of search warrants, forced confessions, Miranda, entrapment, etc.). All information about the circumstances of the arrest should be related to your attorney, since it may affect the disposition of the charges. Document your claims by collecting written statements from witnesses, obtaining copies of your medical records if you received any injuries, and taking pictures of any injuries or damage to property. This information will be important if you decide to file a lawsuit.

You should not take any of the other steps described here until you have consulted with your defense attorneys. This is important because anything you say to a police officer after having been read your rights can be used against you in court. If you cannot afford a lawyer and are charged with a crime that could result in jail time, you are entitled to a public defender.

COMPLAINTS TO INTERNAL AFFAIRS

If you have not already filed a complaint with the internal affairs department of your police department, you should do so. All complaints to the police should be made in writing, and copies of the complaint should also be sent to local district attorneys, city officials, the state attorney general, or the U.S. Department of Justice. The complaints should include as much detail as possible. The letter of complaint should include:

- A description of the incident;
- The time and place of the incident;
- The events which took place in the order in which they happened;
- The names and/or badge numbers of the officer(s) involved, or a physical description of the officer(s);

- The names, addresses, and telephone numbers of any witnesses to the incident;
- If medical treatment was required, the name of the examining doctor and/or the name of the hospital or clinic attended; and
- Prints of photographs taken of any injuries sustained in the incident.

Your letter should then detail the specific actions of the police officers that you wish to complain about and should conclude with what responses you wish to receive concerning the specific complaints. You can request an explanation from the police, a formal apology, disciplinary action against the officer(s) involved, monetary damages, or if you are not sure what actions you want taken, you can simply ask for a “full and reasonable” response to the complaint.

Remember to sign and date the letter, including your name, address, and phone number, and keep copies of all documentation and correspondence.

If your city has a civilian review board or a human relations/human rights agency, you should contact them. (See Attached List)

You should also send a copy of your complaint and a request for an investigation to:

Attorney General’s Office
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

If you are unsatisfied with the investigation conducted by local Internal Affairs Division, send a copy of their results to the Attorney General’s office, state why you are dissatisfied with the results, and request a review of the local investigation.

Police can arrest you when:

- they have a warrant for your arrest;



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Tel: 615.320.7142

- they see you violating, or attempting to violate, the law; or
- they have good reason to believe you violated the law

What the police can do when they arrest you:

- search your body;
- search your belongings;
- search your car (if you are in it when you get arrested); and
- search the space around you if you are at home. The police must show a search warrant before they can enter and search a home unless there are existing circumstances.

When you are arrested: Questioning

When you are arrested you may refuse to talk to the police or answer any questions, or sign any statements. You **MUST** be allowed to call a lawyer. If you cannot afford a lawyer, you can insist that a free lawyer be present during any police questioning.

RESOURCES – NATIONAL AND STATE

ACLU-TN provides the following list of resources for informational purposes only. ACLU-TN does not endorse any of the organizations listed.

National Organizations

- **Police Foundation**
1201 Connecticut Ave NW, Suite 200
Washington DC 20036-2636
Website: <http://www.policefoundation.org/>
Phone: 202-833- 1460
Fax: 202-659-9149
E-mail: info@policefoundation.org

The purpose of the Police Foundation is to help the police be more effective in doing their job, whether it be deterring robberies, intervening in potentially injurious family disputes, or working to improve the relationships between the police and the communities they serve.

- **US Office of Civil Rights, Criminal Section**
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001
Website: <https://www.justice.gov/crt/criminal-section>
Phone: 202-514-3204
Fax: 202-514-8336

The Criminal Section of the US Office of Civil Rights prosecutes cases involving the violent interferences with liberties and rights defined in the Constitution or federal law.

State Organizations

- **Civilian Law Enforcement Review Board**
(City of Memphis)
125 North Main Street, Suite 200
Memphis, TN 38103-2017
Website: <http://www.memphistn.gov/Government/CityAttorney/CivilianLawEnforcementReviewBoard/AboutCLERB.aspx>
Phone: 901-576-6840

The Civilian Law Enforcement Review Board (CLERB) is an independent, non-police Mayoral Agency with the authority to investigate allegations of misconduct filed by citizens of the public against the city of Memphis police officers.

- **Internal Affairs Bureau**
(City of Memphis)
2714 Union Extended
Memphis, TN 38104
Phone: 901-636-4955
Confidential Hotline: 901-576-4979
Fax: 901-458-9146 or 901-458-9157

Internal Affairs can be contacted in the case of a complaint or problem with the manner in which a call for police service was handled.



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- **Internal Affairs Unit**

(City of Knoxville)
800 Howard Baker Jr. Ave
Knoxville, TN 37915
Phone: 865-215-7000 or 865-215-7237

The Internal Affairs Unit is responsible for the investigation of allegations of misconduct by members of the Department, and under certain circumstances, other employees of the City of Knoxville.

- **Office of Professional Accountability**

(Metro-Nashville Police Department)
200 James Robertson Parkway
Nashville, TN 37201
Phone: 615-862-7317

Within the Police Department, the Office of Professional Accountability is responsible for: evaluating the internal investigation process, classifying and reviewing all complaints, and building and maintaining community outreach programs to educate the public about the Office of Professional Accountability role.

- **Police Advisory and Review Committee (PARC)**

(City of Knoxville)
400 Main Street, Suite 538
Knoxville, TN 37902
Phone: 865-215-3869

The purpose of PARC is to strengthen the relationship between the members of the Knoxville Police Department and the citizens they serve through an independent review of police actions.

- **Tennessee Human Rights Commission**

312 Rosa L Parks Ave, 23rd Floor
Nashville, TN 37243
Website: <http://www.tennessee.gov/humanrights/>
Phone: 800-251-3589
E-mail: ask.thrc@tn.gov

The Tennessee Human Rights Commission is an independent state agency created to encourage, promote and advise the public of their human rights.

- **Tennessee Highway Patrol**

Department of Safety and Homeland Security
1150 Foster Avenue
Nashville, TN 37243
Website: <http://www.tn.gov/safety/section/thp>
Phone: 615-251-5166

Tennessee Highway Patrol can be contacted statewide for highway emergencies. To contact via mobile phone, dial *THP (*847) or your district THP Headquarter:

Knoxville: 865-594-5793
Chattanooga: 423-634-6890
Nashville: 615-741-3181
Memphis: 901-543-6256
Fall Branch: 423-348-6144
Cookeville: 931-528-8496
Lawrenceburg: 931-766-1425
Jackson: 731-423-6635



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