

What
to do...

If
You Are
Stopped by
the Police

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An Open Letter To The Citizens Of Memphis:

Recently, there have been a number of tragic incidents across the country which resulted from contact between citizens and police officers. As your Mayor, I am concerned and would like to avoid having those types of situations occur in the great City of Memphis.

For this reason, the *Civilian Law Enforcement Review Board* has developed this pamphlet to help you better understand how best to communicate with police officers if you are stopped and/or questioned. There are no official rules for citizens' handling encounters with the police; however, we hope you will take this opportunity to familiarize yourself with the practices and concerns of law enforcement officers. Ideally, together we may help to avert unnecessary confrontations, violence or even worse, tragedy.

One of the primary objectives of the *Civilian Law Enforcement Review Board* is to improve police-community relations. If you are stopped by a member of the Memphis Police Department, we would like for your encounter to occur without stress and/or anxiety. Most importantly, we hope for it to be resolved without violence or injury to yourself or to the police officer.

This pamphlet is not intended to offer legal advice; rather, it is provided as an informational resource for citizens of Memphis. We hope to help you become more familiar with police policies and procedures, and to inform you of what you can do to help make any encounter with police officers be as brief as possible.

A handwritten signature in black ink that reads "Willie W. Herenton".

Dr. Willie W. Herenton, Mayor

What To Do If You're Stopped By The Police

Be **polite and respectful**. Never bad-mouth a police officer.

Stay **calm** and in control of your words, body language and emotions.

Don't get into an argument with the police.

Remember, anything you say or do can be used against you.

Keep your hands where the police can see them.

Don't run. Don't touch any police officer.

Don't resist even if you believe you are innocent.

Don't complain on the scene or tell the police they're wrong or that you're going to file a complaint.

Remember **officer's name and/or badge** and **patrol car numbers**.

Write down everything you remember ASAP.

Try to find **witnesses** & their names & phone numbers.

If you are injured, **take photographs of the injuries** as soon as possible, but make sure you **seek medical attention first**.

If you feel your rights have been violated, **file a written complaint** with the Police Department's Internal Affairs Division. If you are not satisfied with the outcome of the Internal Affairs investigation, you may file a complaint with the Civilian Law Enforcement Review Board.

IF YOU'RE STOPPED IN YOUR CAR

1. Upon request, show them your driver's license, registration, and proof of insurance. In certain cases, your car can be searched without a warrant as long as the police have probable cause. To protect yourself later, you should make it clear that you do not consent to a search. It is not lawful for police to arrest you simply for refusing to consent to a search.

2. If you're given a ticket, you should sign it; otherwise you can be arrested. You can always fight the case in court later.

3. If you're suspected of drunk driving (DUI) and refuse to take a blood, urine or breath test, your driver's license may be suspended.

IF YOU'RE ARRESTED OR TAKEN TO A POLICE STATION

1. You have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Don't give any explanations, excuses or stories. You can make your defense later, in court, based on what you and your lawyer decide is best.

2. Ask to see a lawyer immediately. If you can't pay for a lawyer, you have the right to a free one and should ask the police how the lawyer can be contacted. Don't say anything without a lawyer.

3. Within a reasonable time after your arrest, or booking, you have the right to make a local phone call: to a lawyer, bail bondsman, a relative or any other person. The police may not listen to the call to the lawyer.

4. Do not make any decisions about your case until you have talked with a lawyer.

IN YOUR HOME

1. If the police knock and ask to enter your home, you don't have to admit them unless they have a warrant signed by a judge.

2. However, in some emergency situations (like when a person is screaming for help inside, or when the police are chasing someone) officers are allowed to enter and search your home without a warrant.

3. If you are arrested, the police can search you and the area close by. If you are in a building, "close by" usually means just the room you are in.

We all recognize the need for law enforcement, but we should also understand our own rights and responsibilities, especially in our relationships with the police. Everyone, including minors, has the right to courteous and respectful police treatment. If your rights are violated, don't try to deal with the situation at the scene. You can discuss the matter with an attorney afterwards, or you can file a complaint with the *Internal Affairs Division*.

1. What you say to the police is always important. What you say can be used against you. And it can give the police an excuse to arrest you, especially if you bad-mouth a police officer.

2. Do not interfere with or obstruct the police - you can be arrested for it.

IF YOU ARE STOPPED FOR QUESTIONING

1. It's not a crime to refuse to answer questions, but refusing to answer can make the police suspicious about you.

2. Police may "pat down" your clothing if they suspect a concealed weapon. Don't physically resist, but make it clear that you don't consent to any further search.

3. Ask if you are under arrest. If you are, you have a right to know why.

4. Don't bad-mouth the police officer or run away, even if you believe what is happening is unreasonable. This could lead to your arrest.

If The Police Approach You On The Street...

Innocent individuals are often offended or angered because an officer has detained them for questioning. Although the delay might be inconvenient for you, the officer believes there is a reason (probable cause) to stop you and ask questions. Most stops are not officer-initiated. ***The following are the most common reasons an officer may stop you.***

1. Your clothing might be similar or identical to clothes worn by the perpetrator of a crime.

2. You might be one of only a few people walking around in the vicinity where a crime recently occurred.

3. Someone may have called the police complaining about your presence or that you look "suspicious".

4. Someone may have pointed you out to the police officer.

5. You might be acting in a manner that an officer considers "suspicious", and you may act even more suspicious after realizing that the officer is observing you.

Lois J. Williams, *Administrator*
Civilian Law Enforcement Review Board



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