

# Police Officer's Rights



**If you believe you need representation, Call Your  
Union President at 915-256-7822  
or  
Any Association Representative**

You have **CONSTITUTIONAL RIGHTS**, including the right to be free from compulsory self-incrimination and the right to procedural due process.  
Your Union will defend your rights if you request assistance. Always call your union before answering potentially incriminating questions

## **Criminal Investigation - *Fifth Amendment/Miranda.***

- You have the right to remain silent and to an attorney; Do not be afraid to invoke these rights in order to consult with an attorney before speaking with an investigator.
- **Remember:** You may speak with an investigator, but anything you say can be used against you in a criminal proceeding. If you do elect to speak you may stop at any time.

## **Internal Investigation - *Garrity Rights.***

- Must be ordered to answer questions.
- Questions must relate to officer's duties or fitness for duty.
- Must be advised that failure to answer will be considered insubordination and could lead to discipline up to and including termination.
- Must be provided with some degree of immunity from criminal prosecution.

## **Internal Investigation - *Weingarten rights.***

- You have the right to the presence of a union official whenever you are requested or required to give a statement which could result in your discipline or discharge.
- Unless you request the presence of a union official you will be deemed to have waived that right.
- Prior to, or during your interrogation, you may review any reports or statements you may have made on the subject of your interrogation.
- During the interrogation, you may consult with your Union Representative in the absence of the interrogator.
- You are not required to answer any questions concerning your off duty conduct during the interrogation, unless your off duty conduct involves action regarding your Capacity as a police officer.