

RIGHTS OF POLICE OFFICERS UNDER INVESTIGATION

Directive: 8.4

The following procedures are established to ensure certain rights of police officers under investigation and shall not be construed to limit supervisory or command authority in normal operations. In an effort to ensure that internal investigations are conducted in a manner which is conducive to good order and discipline, the following procedures are established:

- A. Every police officer shall answer questions upon the request of the officers of the Internal Affairs Division. All questions directed to the officer shall be asked by no more than two investigators. At the request of any officer under questioning he shall have the right to be represented by counsel or other representative of his choice, who shall be present at all times during the questioning unless waived in writing by the investigated officer. The questioning shall be suspended for a period of time if the officer requests representation until such time as the officer can obtain the representative requested if reasonably available. Before questioning of the police officer occurs, he shall be apprised in writing of the following:

Identity of the officer in charge of the investigation, identity of the officers conducting the investigation, their names, ranks, and assignments, as well as whether the investigation is criminal in nature or departmental in nature. The police officer shall be informed in writing of the nature of the investigation.

- B. The questioning of a police officer shall be conducted according to standard departmental procedures and practices in a non-coercive manner, without improper threat or promise of reward at a reasonable hour and preferably when the police officer is on duty, unless the urgency of the investigation requires that he be questioned while off duty.

- C. The questioning of a police officer shall be conducted at any of the following locations:

Police Headquarters, the City/County Building, the State Office Building, place where the incident occurred, or any other location relevant to the investigation as designated by the officer in charge of the investigation, unless otherwise waived by the officer being investigated.

- D. Interrogation sessions shall allow time for such personal necessities and rest periods as are reasonably necessary.

- E. A complete record, either written, taped or if taped, transcribed as soon as possible, shall be kept of interviews held in connection with the administrative investigation upon notification that substantial evidence exists for seeking an administrative sanction of the law enforcement officer. A copy of the records shall be provided to the officer or his counsel at his expense upon request.
- F. If the officer under interrogation is being investigated for an alleged violation of a criminal statute, he shall be completely informed of his constitutional rights, including his right to counsel and of the reasonable possibility of his arrest, prior to the commencement of the interrogation.
- G. At the conclusion of the administrative investigation, the investigator shall inform in writing the officer of the investigative findings and any recommendation for further action.
- H. All provisions, directives, orders, or memorandums pertinent to the internal investigation which may be inconsistent with this section shall be rendered null and void upon the effective date of this manual's issuance.