



Worker's Compensation Attorney – Greg Perigard – 703-273-7007

Legal Defense Fund – IUPA – (800) 247-4872



Garrity Constitutional Protection Statement

If ordered to give a statement without your counsel present, state or write this at the beginning of your statement:

On (date & time) at (place), I was ordered to submit this statement by (name and rank). I give this statement at his/her order as a condition of employment. I have no alternative but to abide by this order or face termination. It is my belief and understanding that the department requires this statement solely and exclusively for internal purposes and will not release it to any other agency. It is my further belief that this statement will not and cannot be used against me in any subsequent proceedings. I authorize release of this report to my attorney or designated union representative.

I retain the right to amend or change this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness.

For any and all other purposes, I hereby reserve my Constitutional right to remain silent under the Fifth and Fourteenth Amendment to the United States Constitution and any other rights prescribed by law. I rely specifically upon the protection afforded me under the doctrines set forth in Garrity and Spevack should this statement be used for any other purpose.

As always, there are significant variations in the law from jurisdiction to jurisdiction, and Officers should contact their local counsel if they have specific questions on the procedure in their department.



The I.U.P.A. Garrity Rights Card

To prepare for a departmental internal investigation interview or interrogation, the following procedures are recommended to protect your rights:

- 1) Request the presence of a Union Representative before questioning begins.*
- 2) Review your rights under any collective bargaining agreement and any state or local Law Enforcement Officers Bill of Rights.*
- 3) Request the identity of the complainant. Request to see all documents relative to the charges. Read these documents for content regarding facts, truthfulness and accuracy. Take notes to address any discrepancies noted.*
- 4) Ask whether you are the subject of the investigation or a witness and inquire as to the specific nature of the charges.*
- 5) Is the investigation administrative or criminal? If criminal, invoke your right to counsel immediately. Decline to give a statement. Do not succumb to pressure to give a statement.*
- 6) Require that you be given a reasonable amount of time to prepare properly before the interview begins.*
- 7) Answer all questions honestly. Be brief in your answers. Do not guess, if unsure of an answer, you may state, "I need to check my records." "I am not sure." "I do not recall." Always be honest in your response, but do not volunteer information.*
- 8) In internal or administrative interviews and criminal matters, you should refuse to submit to a polygraph without consulting your attorney.*
- 9) At the beginning of any statement, read Garrity Statement.*

