

# CONSTITUTIONAL RIGHTS

## For Law Enforcement Officers

You have the Right to be free from **Compulsory Self-Incrimination** and the Right to **Procedural Due Process**.

UPSEU C.O.P.S. Division will defend your rights if you request assistance. Always call your union before making a decision to answer questions.

### IF INVOLVED IN A DEADLY USE OF FORCE

#### **Criminal Investigation - Fifth Amendment/Miranda Rights:**

- 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:**

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

#### **Internal Investigation - Weingarten Rights:**

- You have the right to the presence of a UPSEU C.O.P.S. representative 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 UPSEU C.O.P.S. representative 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 UPSEU C.O.P.S. 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.