# The Allegheny County Chiefs of Police Association

# MODEL

**Interview (Garrity) Warning forms**

**An Allegheny County Criminal Justice**

**Advisory Board Project**

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## In Partnership With

## The Allegheny County District Attorney's Office

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## MODEL
## INTERVIEW WARNINGS
## (For disciplinary and criminal investigations)

Please understand that this should serve only as a "**Starting Point**" for those departments who may wish to update their Rules & Regulations Manual in this area. To best serve your department, it should be reviewed and revised by you and your Municipality and Insurance Carrier.

Law enforcement officers and other public employees who are interviewed in an investigatory or adversary setting should be advised of the nature of the inquiry.

1. If the inquiry is administrative or disciplinary, the **Garrity Warning** is commonly given. Police officers who are interviewed in a disciplinary setting should be warned that they are under investigation for violation of departmental rules, that they are obligated to give statements for internal purposes, and these answers may not be used against them in a criminal proceeding. Garrity v. New Jersey, 385 U.S. 493, 87 S.Ct. 616 (1967).

2. If the inquiry is criminal and the officer is under arrest or in custody, the **Miranda Warning** should be given.

3. If the inquiry is criminal but the officer is not under arrest, the **Reverse Garrity Warning** are more appropriate.

**ADMINISTRATIVE INTERVIEW ADVICE OF RIGHTS**
**(GARRITY WARNING)**

I wish to advise you that you are being questioned as part of an official administrative investigation of the Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the law and the Constitutions of the United States and of Pennsylvania, including the right not to be compelled to incriminate yourself.

I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental disciplinary charges which could result in your dismissal from the Police Department.

Neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental disciplinary charges. ***Since this is an administrative matter and any self-incriminating information you may disclose will not be used against you in any subsequent criminal proceeding, you must answer my questions fully and truthfully or be subject to departmental disciplinary charges.***

My signature below signifies that I have been advised of and had the opportunity to review the above **ADVICE OF RIGHTS**, in advance of being interviewed, and that I understand my rights and duty as summarized therein.

Officer's Signature & Date _____

Officer's Name (Print) _____

Interviewer/Investigator _____

Witness _____

# MIRANDA RIGHTS WARNING

PLACE _____

DATE & TIME _____

(1) You have the right to remain silent.

(2) Anything you say can and will be used against you in a court of law.

(3) You have the right to talk to an attorney and have him/her present with you while you are being questioned.

(4) If you cannot afford to hire an attorney, one will be appointed to represent you free of charge before any questioning, if you wish.

(5) You can decide at any time to exercise these rights and not answer any questions or make any statements.

## WAIVER

I am not unduly under the influence of drugs and/or alcohol.
I am making this waiver voluntarily and without threats, pressures, coercion or promises of any kind being made to me.
I understand my rights and I am willing to answer questions.

Signature_____

I certify the above statements were read to_____ before he/she was questioned.

Police Officer _____

Police Officer _____

**Criminal Investigation Advice of Rights**
**(REVERSE GARRITY WARNING)**

This interview is part of a Criminal Investigation.
You are not under arrest.
You have the right to remain silent.
You are not required to say anything at any time or to answer any questions.

If you do make a statement or answer questions, anything you say can be used against you in a court of law.

You have the right to talk to a lawyer for advice before making a statement or answering any questions and you may have a lawyer present with you during questioning if you wish. If you do want a lawyer but cannot afford one, a lawyer will be provided for you. If you want to answer questions now without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Even though you are an employee of the Police Department and ordinarily you would be required by regulations to answer questions put forth to you by a superior officer regarding your official duties, in this instance those regulations do not apply, and you will not be required to answer.

If you do not wish to answer any of these questions, your refusal to answer alone will not subject you to disciplinary action by the Police Department.

Do you understand that I want to question you about criminal matters? _____

Do you understand that you do not have to make a statement or answer any questions? _____

Do you understand that if you do make a statement or answer questions, anything you say which incriminates you may be used against you in a court of law? _____

Do you understand that you have the right to talk to a lawyer and have one present during questioning? _____

Do you understand that if you do not wish to make a statement or answer questions, your desire to remain silent alone will not subject you to disciplinary action by the Police Department? _____

Do you have any questions concerning the rights I have just explained to you? _____

Do you wish to talk to a lawyer? _____

Do you wish to answer questions at this time? _____

My signature below signifies that I have been advised of and had the opportunity to review the above **ADVICE OF RIGHTS**, in advance of being interviewed, and that I understand my rights and duty as summarized therein.

Officer's Signature & Date _____

Officer's Name (Print) _____

Interviewer/Investigator _____

Witness _____