

**CLEAT  
GARRITY PROTECTION STATEMENT**

"On (day) \_\_\_\_\_ (date) \_\_\_\_\_ (time) \_\_\_\_\_ at (place) \_\_\_\_\_, I was ordered to submit this report (give this statement by (name and rank) \_\_\_\_\_). I submit this report \_\_\_\_\_ (give this statement) at his/her order as a condition of employment in view of possible discipline or dismissal. I have no alternative but to abide by this order."

"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 or authority except as is required by law. It is my further belief that this statement will not and cannot be used against me in any subsequent proceeding other than disciplinary proceedings within the confines of the department itself."

"For any and all other purposes, I hereby reserve my constitutional right to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights PRESCRIBED by law. Further, I rely specifically upon the protection afforded me under the doctrines set forth in **Garrity vs. New Jersey**, 385 U.S. 493 (1967), **Spevak vs. Klein**, 385 U.S. 511 (1967), and **Gardner vs. Broderick**, 392 U.S. 273 (1968) should this report be used for any other purpose whatsoever kind or description."

**(WORD THE ABOVE VERBATIM AT THE END OF YOUR STATEMENT)**

As a condition of employment you are required to abide by the rules and regulations. You must answer questions, give statements, and submit reports at the order of an investigating officer, or become subject to disciplinary action for refusal to obey. It is suggested that you include the procedure outlined above when making statements or submitting reports concerning complaints from citizens, or when you are suspected of violation of the law or the rules and regulations. By doing so, you will ensure that your statements and reports cannot be used as evidence against you in any proceeding before an agency bound by the rules of evidence. The procedure suggested is lawful and proper. Each individual officer must decide for himself if he is going to use it. Our advice is that we all use the procedure at all time. This way there will be no special stigma on its use. Remember that it is better to be safe than sorry and it is better to have it and not need it than to need it and not have it. In this Country under our system of government, NO MAN NEED BE ASHAMED, NOR SHOULD HE BE AFRAID TO DEMAND AND PROTECT HIS CONSTITUTIONAL RIGHTS.

**Call CLEAT if you need assistance.**

## **YOUR RIGHTS WHEN YOU ARE THE SUBJECT OF AN INVESTIGATION**

1. The right to counsel. Do not make any statement until you have met with your attorney.
2. The right not to make any statement to your department (written or oral) without first being ordered and being given a **Garrity** or other Administrative Warning.
3. The right not to be compelled to speak with a prosecutor.

**If the Miranda Warnings are read to you, contact a CLEAT attorney immediately BEFORE making a statement.**

## **Procedure To Follow When Involved In A Critical Incident (Shooting, Injury, Accident, Custody, Death or Serious Injury)**

1. CALL CLEAT (or direct someone to call CLEAT) immediately, before talking to anyone, so that a CLEAT attorney can be present at the scene.
2. DO NOT make any statements or talk to any person regarding the incident until you have spoken with your CLEAT attorney.
3. DO NOT make any statements in your departments (written or oral) without first being ORDERED and being given a **Garrity** Warning).
4. DO NOT speak to any person from the District Attorney's office.
5. DO NOT speak to any person from the department involved in the criminal investigation of the incident.
6. When speaking with persons from your department (i.e. internal affairs) make certain no person involved in the criminal investigation is present.
7. If persons from the District Attorney's office or those involved in the criminal investigation insist that you make a statement, demand that they have a Miranda Warning and then assert your right to refuse to answer any questions until conferring with counsel.
8. Prepare a detailed narrative of the incident for review by CLEAT.
9. CLEAT is to review, in advance, any written statements or responses you are to submit to the department, which in any way relate to the incident.
10. In order to avoid insubordination charges, obey all direct lawful orders and grieve later.
11. DO NOT SPEAK TO THE PRESS!