

## **PEACE OFFICER BILL OF RIGHTS (1000)**

(No. 50 October 1998)

Under the Public Safety Officer's Procedural Bill of Rights, peace officers have additional representational rights. It is critical that these requirements be observed.

Whenever a peace officer is under investigation and subjected to interrogation by a superior or another employee of the department which could lead to punitive action, the following must be observed:

1. A peace officer shall be informed of the right to representation, and upon request, be allowed to have a representative of his or her choice during any interrogation sessions.
2. A peace officer shall not be compelled to submit to a polygraph examination, nor can the refusal be used against him or her in any way.
3. Prior to interrogation, a peace officer shall be informed of the nature of the investigation.
4. Prior to interrogation, a peace officer shall be given the name, rank and job title of the employer representative in charge of the investigation. No more than two (2) interrogators at one time may question the charged peace officer.
5. The interrogation shall be conducted at a reasonable hour--preferably when the officer is on duty; if not, then overtime pay may be required as customary for that officer.
6. No offensive language, threats or promises of reward or other inducements shall be made to the officer in order to obtain his cooperation or confession as to the allegations charged.
7. If the possibility or likelihood of criminal offenses arises or becomes apparent, then the peace officer shall immediately be given his or her Constitutional (Miranda) rights.
8. No written comment adverse to his or her interest may be entered in a peace officer's personnel file without the officer first having read and signed the instrument to be entered. The officer may (within 30 days) prepare and enter his or her written response to the adverse comment.
9. No peace officer shall be required to disclose his/her financial status unless a conflict of interest with respect to the performance of official duties can be shown.

10. No peace officer shall have assigned personal storage areas searched without his or her presence or consent unless a search warrant is obtained.

**NOTE:** This list is not all inclusive but includes the most critical rights. For more information, see Government Code Section 3300.

[\(see Table of Contents\)](#)