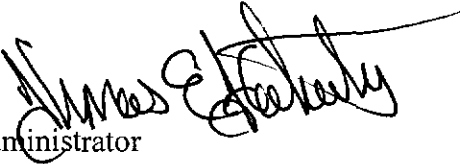


**STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
POLICE OFFICER STANDARDS AND TRAINING COUNCIL
CONNECTICUT POLICE ACADEMY**

**GENERAL NOTICE 14-01
(Reference General Notice 10-03)**

TO: Chief Law Enforcement Officers
Internal Affairs Investigators/Supervisors/Divisions
Protective Services
Resident Troopers

From: Thomas E. Flaherty
Police Academy Administrator 

Date: November 13, 2014

Subject: Model "Garrity" Warnings Form for Use in Administrative/Internal Investigations

Background: Throughout the past several years, the Police Officer Standards and Training Council's (hereinafter Council) Certification Division has reviewed referrals from numerous departmental Internal Affairs Investigations and Loudermill Hearing Testimonials to determine if the officer(s) for whom the sustained charges of either Perjury CGS 53a-156 or Making a False Statement (Report) in the 2nd degree CGS 53a-157b have also violated Section 7-294d(c)(2)(I), CGS allowing the Council to initiate the process of revocation of the officer's Connecticut police officer certification.

To sustain the revocation of an officer's police officer certification, the Council must find by "clear and convincing evidence" that the officer named in the complaint has been found by his or her law enforcement unit, pursuant to procedures established by such unit, to have committed any act that would constitute Perjury in violation CGS 53a-156, or False Statement in the 2nd degree in violation of CGS 53a-157b. For Perjury, the Council must find that the officer intentionally, under oath, makes a false statement, swears, affirms, or testifies falsely, to a material statement which s/he does not believe to be true. For a False Statement, the Council must find that the officer intentionally made a false written statement under oath or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable, which s/he does not believe to be true and which statement is intended to mislead a public servant in the performance of his/her official function.

The Certification Division determined the reason for the many rejections is primarily the result of reliance on the standard "Garrity Warnings" or "Garrity Rights" form signed by the officer under investigation prior to being questioned by the department during an administrative investigation to determine if violations of departmental rules and regulations have occurred and, if so, whether disciplinary action is warranted.

These “warnings” or “rights” contain standard language that enable police supervisors to question an employee and require they respond, while protecting the employee’s constitutional rights against self-incrimination under the Fifth Amendment to the U.S. Constitution. During the questioning, even if the employee discloses information which indicates s/he may be guilty of criminal wrongdoing in the matter, neither the employee’s self-incriminating statements, nor the fruits of the statements, can be used against them in any criminal proceeding. Statements made by the officers under investigation can; however, be used as the basis for administrative discipline and, if they meet the requirements set forth in CGS 7-294d(c)(2)(I), may form the basis for an officer’s decertification.

The standard Garrity Warnings or Rights form utilized by many police departments and law enforcement agencies, by itself, is NOT considered sworn or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

On November 13, 2014, after consultation with the State Attorney General’s Office, the Council has approved the attached recommended modified Model Garrity Warnings (Rights) Form, which if adopted, contains the required language which would make the execution of this form compliant with the requirements of CGS 7-294d(c)(2)(I). Administering a sworn oath to the officer before his/her oral testimony during the internal affairs interview(s) would also be compliant with CGS 7-294d(c)(2)(I).

Should you have any questions regarding this form or the revocation of police officer certification process, please contact Compliance Officer William E. Klein, Certification Division at (203) 427-2606 or William.Klein@ct.gov



POLICE OFFICER STANDARDS & TRAINING COUNCIL

MODEL GARRITY "PLUS"WARNING FOR USE IN ADMINISTRATIVE INVESTIGATIONS

(Compliant with the Requirements of Conn. Gen. Stat. § 7-294d(c)(2)(I))

WARNING

You are being questioned as part of an official administrative investigation being conducted by your employer, the _____ Police Department. During the course of this interview, you will be asked questions specifically, directly and narrowly related to the performance of your official duties and/or your fitness for office. You are hereby ordered to answer each of the questions posed truthfully and completely. You are entitled to all of the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself, as well as any additional rights established by state law or contractual agreement between your employer and your labor organization, if any. You are advised that, if you refuse to answer questions related to the performance of your official duties and/or your fitness for office, you will be subject to administrative disciplinary charges carrying the penalty of dismissal or termination from employment with this agency. If you choose to answer questions truthfully and completely, neither your oral testimony nor written statement, nor any information or evidence gained by reason of such oral testimony or written statement, may be used against you in any pending or subsequent criminal proceeding. However, such testimony or statements may be used against you in this or any subsequent administrative disciplinary proceeding as evidence of misconduct or violation of the rules, regulations, policies or orders of your employer pertaining to your job performance, or in decertification proceedings conducted pursuant to the provisions of Conn. Gen. Stat. § 7-294d(c)(2)(I).

ACKNOWLEDGEMENT: I, _____, fully understand my rights and responsibilities as set forth above. I further swear or affirm that the oral testimony given, or written statement made, concerning the case now in question, is the truth, the whole truth, and nothing but the truth; subject to the pains and penalties of perjury or false statement.

(Signature)

(Date)

(Time)

(Witness)

(Date)

(Time)