

GENERAL ORDERRev. 08/10/05

PEACE OFFICERS' RIGHTS**I. POLICY**

- A. It is the policy of the San Francisco Police Department that in all cases where a peace officer is under investigation and subjected to interrogation by a superior officer, a member of the; Office of Citizen Complaints, Management Control Division, or Equal Employment Opportunity Unit, in the course of a lawful investigation, which could lead to punitive action, he/she shall be provided rights as specified in the Public Safety Officers' Procedural Bill of Rights (Government Code Section 3300, et seq.). Those rights include, but are not limited to the following:
1. The officer shall be informed about the nature of the investigation prior to an interrogation.
 2. The officer has the right to have a representative present, if desired.
 3. If the investigation is criminal in scope, or could result in criminal charges being filed, the officer has a constitutional right to remain silent and/or have an attorney present during investigation.
 4. If the investigation is administrative, the officer must answer all questions posed during the administrative investigative investigation. Statements made during an administrative investigation cannot be used against an officer to prove a criminal violation in a subsequent criminal action against the officer (*Lybarger v. City of Los Angeles*, 40 Cal.3d 822 (1985)). All statements, declarations, or answers to questions regarding the investigation, however, shall be truthful and non-evasive. Members failing to do so shall be subject to disciplinary action.
 5. Members under interrogation shall not be subjected to offensive language or threatened with punitive action.

References

DGO 1.06, Duties of Superior Officers
DGO 2.01, Rules of Conduct
DGO 2.04, Citizen Complaints Against Officers
Government Code Section 3300, et seq.
DGO 2.07, Discipline Process For Sworn Officers
DM12 Disciplinary Penalty and Referral Guidelines