

**BALTIMORE CITY SCHOOLS**

*Baltimore School Police Force*

**EXPLANATION OF POLICE OFFICER'S RIGHTS**

**GENERAL ORDER 10-16**

**SECTION C**

**ANNEX B**

(A) A Law-Enforcement Officer has the same rights to engage in political activity as are afforded to any state employee. This right to engage in political activity shall not apply to any Law-Enforcement Officer when he is on duty or when he is acting in his official capacity.

---

(B) Whenever a Law-Enforcement Officer is under investigation or subjected to interrogation by a Law-Enforcement Agency, for any reason which could lead to disciplinary action, demotion, or dismissal, the investigation or interrogation shall be conducted under the following conditions:

(1) The interrogation shall be conducted at a reasonable hour, preferably at a time when the Law-Enforcement Office is on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required.

---

(2) The interrogation shall take place either at the office of command of the investigating officer or at the office of the local precinct of police unit in which the incident allegedly occurred, as designated by the investigating officer, unless otherwise waived by the Law-Enforcement Officer of any other reasonable and appropriate place.

---

(3) The Law-Enforcement Officer under investigation shall be informed of the name, rank, and command of the officer in charge of the investigation, the interrogating officer and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator during any one interrogating session consistent with the provisions of subsection (B) (6) of this section.

---

(4) A complaint against a Law-Enforcement Officer, alleging brutality in the execution of his duties, may not be investigated unless the complaint be duly sworn to by the aggrieved person, a member of the aggrieved person's immediate family, or by an person with firsthand knowledge obtained as a result of the presence at and observation of the alleged incident, or by the parent or guardian in the case of a minor child before an official authorized to administer oaths. An investigation which could lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken unless the complaint is filed within 90 days of the alleged brutality.

(5) The Law-Enforcement Officer under investigation shall be informed in writing of

**BALTIMORE CITY SCHOOLS**

*Baltimore School Police Force*

**EXPLANATION OF POLICE OFFICER'S RIGHTS**

the nature of the investigation prior to any interrogation. Upon completion of the investigation, the Law-Enforcement Officer shall be notified of the name of any witness not less than ten days prior to any hearing.

---

(6) The interrogating session shall be for reasonable periods and shall be timed to allow for any personnel necessities and rest periods as are reasonably necessary.

---

(7) (I) The Law-Enforcement Officer under interrogation may not be threatened with transfer, dismissal, or disciplinary action.

---

(II) This subtitle does not prevent any Law-Enforcement agency from requiring a Law-Enforcement Officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogation which specifically relate to the subject matter which may lead to a punitive measure as a result of a Law-Enforcement agency from commencing any action which may lead to punitive measure as a result of a Law-Enforcement Officer's refusal to submit to a blood alcohol test, blood, breath, or urine tests for controlled dangerous substances, polygraph examination, or interrogation, after having been ordered to do so by the Law-Enforcement agency. The results of any blood alcohol test, breath, or urine test for controlled dangerous substances, polygraph examination, or interrogation, as may be required by the Law-Enforcement agency under this subparagraph are not admissible in any criminal proceedings against the Law-Enforcement Officer when the Law-Enforcement Officer has been ordered to submit thereto. The results of a polygraph examination may not be used as evidence in any administrative hearing when the Law-Enforcement Officer has been ordered to submit to a polygraph examination by the Law-Enforcement agency unless the agency and the Law-Enforcement Officer agree to the admission of the results at the administrative hearing.

---

(8) A complete record, written, taped, or transcribed, shall be kept of the complete interrogation of a Law-Enforcement Officer, including all recess periods. Upon completion of the investigation, and upon request of the Law-Enforcement Officer under investigation or his counsel, a copy of the cord of his interrogation shall be made available not less than ten days prior to any hearing.

---

(9) If the Law-Enforcement Officer under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he shall be completely informed of all his rights prior to the commencement of the interrogation.

**BALTIMORE CITY SCHOOLS**

*Baltimore School Police Force*

**EXPLANATION OF POLICE OFFICER'S RIGHTS**

\_\_\_\_\_

(10) At the request of any Law-Enforcement Officer under interrogation, he shall have the right to be represented by counsel or any other responsible representative of his choice who shall be present at all times during the interrogation, unless waived by the Law-Enforcement Officer. The interrogation shall be suspended for a period of time not to exceed ten days until representation is obtained. However, the Chief may, for good cause shown, within that ten day period, extend that period of time.

\_\_\_\_\_

(11) A Law-Enforcement Officer may not be required or requested to disclose any item of his property, income, assets, source of income, debts, or personal or domestic expenditures (including those of any member of his family or household), unless that information is necessary in investigating a possible conflict of interest with respect to the performance of his official duties, or unless such disclosure is required.

\_\_\_\_\_

Any officer may waive in writing any or all rights provided in this subtitle.

Do you understand your rights? (Yes or No) \_\_\_\_\_

Do you want a lawyer present at this time? (Yes or No) \_\_\_\_\_

\_\_\_\_\_

Signature	Date	Time
-----------	------	------

Witness \_\_\_\_\_

Witness \_\_\_\_\_