

FIREFIGHTERS' RIGHTS

If a supervisor questions a firefighter about potential criminal or administrative misconduct, the firefighter has the absolute right to consult with an attorney before making any statement, oral or written, including reports, regarding any matter that could lead to disciplinary action. If ordered to give a statement without your requested representative, read the following (preferably on recording):

NON-WAIVER STATEMENT

"I have been refused the right to have a representative of my choice. I understand that I am being ordered to make a report or answer questions and if I do not comply with that order, I may be disciplined for insubordination. Therefore, I have no alternative but to abide by the order. However, by so doing, I do not waive my constitutional rights to remain silent or any of my other rights afforded to me by law."

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Statutes Protecting Firefighters

- 3252 Employer may not prohibit (off duty) Firefighter from engaging in political activity.
- 3253A Interrogation of Firefighter must be at reasonable time under the circumstances.
- 3253B No more than two interrogators may interrogate a Firefighter.
- 3253C Firefighter must be informed of "The nature of the investigation" prior to questioning.
- 3253D Interrogation must not be unreasonable in length and Firefighter may take breaks.
- 3253E Firefighter may be ordered under the threat of discipline to answer questions.
- 3253F No ordered statement may be used in a civil action.
- 3253G Firefighter may record the interrogation.
- 3253H If Firefighter may be charged with a crime, he will be read his constitutional rights.
- 3253I Firefighter entitled to representative of his choice prior to interrogation.
- 3254A Firefighter may not be retaliated against for exercising his rights.
- 3254B Firefighter entitled to administrative appeal of any punitive action.
- 3254C Fire Chief cannot be removed without providing written notice.
- 3254D Firefighter can only be disciplined within one year of agency being aware of allegation.
- 3255 No adverse comment may be maintained without Firefighter first seeing it.
- 3256 Firefighter entitled to attach response to any maintained adverse comment.
- 3256.5 Firefighters can inspect their personnel files.
- 3257 Firefighter may not be required to take polygraph.
- 3258 Firefighter not required to disclose assets, source of income, debts or expenses.
- 3259 Firefighter may not have locker or desk searched without consent, notice or warrant.
- 3260D Superior court may award civil penalty up to \$25,000 for violation of rights.
- 3505 May not change "Terms and Condition of Employment" without a meet and confer.