282.01 SUMMARY

This directive describes the procedures Officers will take to ensure the preservation of individual constitutional rights of all persons and to ensure that a firm and decisive action against any sworn Officer whom, in the course of duty, deliberately and knowingly, without justification, violates those rights.

282.02 VIOLATION OF CONSTITUTIONAL RIGHTS

ABUSE OF RIGHTS – Certain individual constitutional rights are sometimes viewed to be particularly susceptible to abuse during a criminal investigation. The Constitution provides against:

- Unreasonable searches and seizures.
- Self incrimination.
- Deprivation of life or liberty without due process.
- Criminal proceedings without assistance of counsel.

CRIMINAL-CIVIL-DEPARTMENT SANCTIONS – Denial of constitutional rights by any employee of this Department may result in criminal or civil sanctions against those involved, as well as disciplinary action against any department employee(s).

282.03 ENSURING PROTECTION OF RIGHTS

All Officers will remain sensitive to, and ensure that basic constitutional rights of persons are not denied when conducting criminal investigations. Such rights include, but are not limited to:

- Absent any exigent circumstances, search warrants are to be obtained prior to searches.
- Use of only necessary and reasonable force in making an arrest.
- Physical safety of persons in custody is ensured.
- Arrests are made upon probable cause or a court issued warrant.
- Persons in custody are advised of their rights prior to interrogation.
ENSURING PROTECTION OF RIGHTS (con’t)

- Confessions and admissions are voluntary and do not result from coercion.

- Upon request of any person in custody, access to an attorney will be granted without delay.

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