

GARRITY RULE NON-WAIVER STATEMENT



If you are ordered by the Department of Corrections, Department of Public Welfare, or anyone acting on behalf of the Commonwealth of Pennsylvania to give a written or oral statement regarding something that happened in the performance of your duties that you believe, or have reason to believe, will or could result in criminal charges be made against you:

1. Ask to consult with your PSCOA Representative and WITH YOUR LAWYER before your speak;

2. **IF they refuse to wait until a lawyer is provided and they threaten to discipline**

you for failing to provide the statement, then state or write the following at the beginning of your statement:

On **(date & time)** at **(place)**, I was ordered to submit this statement by **(name and rank or classification)**. I give this statement at his/her order as a condition of employment. I have no alternative but to abide by this order or face disciplinary action for insubordination. I therefore have no choice but to abide by the order. It is my belief and understanding that the Department requires this report solely and exclusively for internal purposes and will not release it to any other agency.

However, by doing so I do not waive my Constitutional right to remain silent under the Fifth and Fourteenth Amendments to the United States Constitution, under the protections of the Pennsylvania Constitution, and all of the protections afforded me under the law.

I retain the right to amend or change this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness. I have answered every question honestly and to the best of my ability. If at any time during this investigation it appears that any of my answers are seemingly in conflict with the facts of the case, please provide me with the opportunity to address those issues.