

## IF QUESTIONED, MAKE SURE TO ASK IF YOUR ANSWERS COULD LEAD TO PUNITIVE ACTION

### Before answering questions about a matter that may lead to punitive action:

- Invoke your right to a representative.
- Exercise your right to record your interrogation.
- Exercise your right to know the nature of the investigation being conducted.
- Do not reveal personal financial information, unless required by law.
- Never volunteer to take an alcohol or drug test, or a lie detector exam.
- Document any suspected abuse of your rights as quickly as possible.

**KNOWING YOUR RIGHTS  
CAN SAVE YOUR CAREER**

## NON-WAIVER STATEMENT

If you are ordered to answer questions without a representative present, demand that the statement be recorded and read the following:

"I am making this statement involuntarily, pursuant to a direct order and under threat of disciplinary action. By compelling my statement without representation, the Department has failed to comply with the Firefighters' Procedural Bill of Rights Act. I do not waive any of my rights under this law, our Union contract, or any other local, state or federal laws. Further, I am not waiving my right to remain silent under the California Constitution or under the Fifth and Fourteenth Amendments of the United States Constitution."

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**Firefighters' Procedural  
Bill of Rights Act**

(CA Gov't Code §§3250-3260)

**(866) 964-4513**

### TO WHOM DOES THE ACT APPLY?

Non-probationary firefighters of all ranks employed by a public agency, including paramedics and EMTs.

### WHEN DOES THE ACT APPLY?

FFBRA applies when a firefighter is:

- Under investigation about a matter that could lead to punitive action, AND
- Subjected to interrogation.

### WHEN MAY THE ACT NOT APPLY?

- Counseling, instruction or informal verbal admonishment.
- Routine or unplanned contact.
- Investigations of events/circumstances not involving the performance of official duties.

(Employees may still have rights under other statutes)

### BEFORE INTERROGATION, YOU HAVE THE RIGHT TO:

- Consult with a representative.
- Be advised of the name, rank and command of the interrogating officers and those to be present during the interrogation.
- Be advised of the nature of the investigation.

### DURING INTERROGATION, YOU HAVE THE RIGHT TO:

- Representation throughout the interview.
- Record the entire interview.
- Be issued a *Miranda* warning if any criminal charges are contemplated.
- A written, formal grant of immunity before management can compel a firefighter to answer questions about potentially incriminating matters.
- Be questioned by no more than two interrogators at one time.
- Be free of offensive language or threats.
- Have access to any recording of a first interrogation prior to a second one.
- Be interrogated on duty or at another reasonable time if public safety requires.

### FFBRA REQUIRES YOUR EMPLOYER TO:

- Allow you to inspect files regarding your qualifications for employment, promotions, additional compensation, termination or disciplinary action.
- Show you adverse comments prior to entry in a personnel file.
- Provide you an opportunity to respond to adverse comments within 30 days.
- Grant you the opportunity to appeal punitive action in accordance with the Administrative Procedures Act.
- Initiate disciplinary action within one year of learning of alleged misconduct.

### FFBRA PROHIBITS YOUR EMPLOYER FROM:

- Compelling a lie detector test, penalizing you for refusing to take such test, making a notation of your refusal.
- Searching your locker/assigned storage space without your consent or in your presence, without prior notice or without a search warrant.
- Inquiring into your personal finances, except as otherwise required by law.