

Garrity Rights

In the case of *Garrity v. New Jersey*, the U.S. Supreme Court determined that public employees **could not be forced, under clear threat of discipline, to violate the principles of compulsory self-incrimination.**

This decision established what have come to be called "Garrity Rights" for public employees.

The Garrity rule is similar to Miranda rights for public employees. However, **the burden is on the employee to assert their Garrity rights.** These rights can and should be asserted whenever an employee believes they are being investigated for possible **criminal conduct.**

Once an employee has asserted their Garrity rights, management must:

- ▶ Give a **direct order** to answer the question;
- ▶ Make the question **specific, directly and narrowly related** to the employee's duty or fitness for duty;
- ▶ Advise the employee that the **answers will not and cannot be used against him/her in a criminal proceeding, nor the fruits of those proceedings;** and
- ▶ Allow **union representation** if the employee also asserts their Weingarten Rights.