



County of Fairfax, Virginia

MEMORANDUM

DATE:

TO:

FROM:

SUBJECT: Administrative Investigation

REF: Sworn Employee Notice of Administrative Investigation

The purpose of this memorandum is to inform you that the Sheriff's Office is conducting an administrative investigation to determine all information, facts and circumstances relevant to:

In addition to myself, the following person (s) will be present during the interview.

- 1) Any questioning of the deputy shall take place at a reasonable time and place as designated by the investigating deputy, preferably when the deputy under investigation is on duty and at the office of the command of the investigating deputy, unless circumstances dictate otherwise."
- 2) Prior to the deputy being questioned, he/she shall be informed of (1) the name and rank of the investigating deputy and of any individual to be present during the questioning and (2) the nature of the investigation."

Relative to this investigation, your responsibilities are defined in SOP 014, Section IV, Paragraph F, Subparagraphs 1,2,3,4 and 5 which are:

- 1) Each member of the Sheriff's Office shall cooperate fully with personnel of the Internal Affairs or any other member of the Sheriff's Office conducting such investigation. Supervisory or command personnel will initiate investigations into observed infractions or complaints received which fall into the scope of their authority.



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- 2) It shall be the responsibility of any employee to answer fully and truthfully any questions pertaining to the investigation of an infraction of law or regulation which might be asked by the investigating authority.
- 3) During the course of an internal investigation, an employee does not have the right to refuse to answer any question concerning his/her performance of duty or his/her adherence to Departmental rules and regulations. However, any admissions made cannot be used against him/her in subsequent criminal prosecution. An employee must be advised of his/her rights as soon as it appears the investigation has reached an accusatory state and may result in a criminal prosecution.
- 4) If, during the course of an administrative investigation, the investigating officer determines probable cause exists to justify an employee's submission to a medical, physical, psychiatric, or laboratory examination, the employee shall submit to such test or exam. The tests and exams may include, but are not limited to, breathalyzer, blood and urine tests, photograph and physical line-ups, and voice and handwriting exemplars. Tests and exams will be performed in a reasonable manner.
- 5) The polygraph examination is an alternative investigative method utilized to confirm or disprove inconsistencies after all other reasonable methods have been exhausted. No employee shall be required to submit to a polygraph examination unless ordered, in writing, by the Sheriff as part of an investigation concerning allegations of Notice of Administrative Investigation of misconduct or criminal activity. The polygraph will not be the sole basis for a disciplinary determination or establishing the elements of an allegation or criminal activity.

As with other provisions of the Fairfax County Personnel Rules and Regulations and the Standard Operating Procedures, your failure to meet these responsibilities may result in disciplinary action. You are further advised that statements obtained from you during the course of this administrative investigation are compelled as a condition of your employment. As such, these statements cannot be used against you in a criminal prosecution.

If your statement is transcribed to written form, you will be provided with an opportunity to review and sign the transcript. If you so desire, a copy of the statement containing your signature will be provided to you at the time of your review.

Employee Signature

Date

