

## A.P.D. Management Consultants

### Use Immunity

### Garrity Immunity

5<sup>th</sup> Amendment U. S. Constitution

#### Federal Standard

Officer must comply or face disciplinary action  
Testimony may not be use against him in Criminal Case.

The Fifth Amendment of the United States, states in Pertinent Part that “(No) person shall be compelled In any Criminal Case to be a witness against himself”

The Garrity Rule stands for the premise that compelled testimony or its fruits or instrumentalities can not be used against an individual who is compelled to testify against his own self interest In a criminal case. It is complimentary to the exclusionary rule.

**Applies to all public employees**

When compulsion exist (ordered to comply under the threat Of job sanctions) Use Immunity (Garrity Standard) automatically Attaches. **No promises or grants required.**

Knowledge is Power

### Transactional Immunity

### Carney Immunity

Article 12 Massachusetts Constitution

#### Massachusetts Standard

Officer does not have to comply may assert rights. Once rights are asserted there can be no discipline absent Official grant of immunity Applies to all public employees in Massachusetts Article 12 of the Massachusetts Bill of Rights states “No subject shall be compelled to accuse or furnish evidence against himself”

*The Carney case stands for the premise that compelled testimony entitles the person being compelled to receive a complete grant of immunity for all compelled testimony that they are required to furnish against their own self interest. It mandates no prosecution in either criminal or civil courts covered under Massachusetts Law.*

*When compulsion exist (order to comply under the threat of job sanctions) Transactional Immunity may attach when The compulsion is overwhelming and relied upon on, or the answers are coerced.. When a formal grant is requested it must be given before answers are compelled. A formal grant requires complete immunity for the ‘entire transaction’ or subject mater to which the coerced testimony relates.*

*A formal grant or promise is necessary when the individual asserts their rights.*

*Transactional Immunity requires either:*

**RELIANCE or a OFFICIAL GRANT**

Sworn to Serve

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