

Article 27 - Crimes and Punishments

728.

(b) Whenever a law-enforcement officer is under investigation or subjected to interrogation by a law-enforcement agency, for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or interrogation shall be conducted under the following conditions:

~~(5) -- The law-enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to any interrogation. Upon completion of the investigation, the law-enforcement officer shall be notified of the name of any witness and all charges and specifications against the officer not less than ten days prior to any hearing. In addition, the law-enforcement officer under investigation shall be furnished with a copy of the investigatory file, excluding the identity of confidential sources, any information which will not be used in the upcoming hearing, that is the subject of any other pending internal investigation which is irrelevant to the charges and specifications against the officer, and recommendations as to charges, disposition, or punishment, not less than 10 days before any hearing if the officer and the officer's representative agree:~~

(5) (I) THE LAW-ENFORCEMENT OFFICER UNDER INVESTIGATION SHALL BE INFORMED IN WRITING OF THE NATURE OF THE INVESTIGATION PRIOR TO ANY INTERROGATION.

(II) UPON COMPLETION OF THE INVESTIGATION, THE LAW-ENFORCEMENT OFFICER SHALL BE NOTIFIED OF THE NAME OF ANY WITNESS AND ALL CHARGES AND SPECIFICATIONS AGAINST THE OFFICER NOT LESS THAN 10 DAYS PRIOR TO ANY HEARING.

(III) IN ADDITION, THE LAW-ENFORCEMENT OFFICER UNDER INVESTIGATION SHALL BE FURNISHED WITH A COPY OF THE INVESTIGATORY FILE AND ANY EXCULPATORY INFORMATION, BUT EXCLUDING:

1. THE IDENTITY OF CONFIDENTIAL SOURCES;
2. ANY NONEXCULPATORY INFORMATION; AND
3. RECOMMENDATIONS AS TO CHARGES, DISPOSITION, OR PUNISHMENT.

(IV) THE LAW-ENFORCEMENT OFFICER UNDER INVESTIGATION SHALL BE FURNISHED WITH A COPY OF THE INVESTIGATORY FILE AND THE EXCULPATORY INFORMATION DESCRIBED UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH NOT LESS THAN 10 DAYS BEFORE ANY HEARING IF THE OFFICER AND THE OFFICER'S REPRESENTATIVE AGREE: