

Existing law outlines minimum standards for investigation of fire employees.

Existing law defines a "fire employee" as anyone employed in a full-time fire department, regardless of his specific duties, who is under investigation. New law defines "interrogation" as including but not limited to any formal interview, inquiry, or questioning of the fire employee regarding allegations of misconduct or policy violations. New law further limits the definition of "interrogation" to exclude initial inquiries by immediate supervisors.

Existing law establishes minimum standards for investigation of fire employees, including: reasonable duration of the questioning; recording of the interview; allowing the fire employee to make notes during the interview; providing the identity of the interrogators; providing witnesses for the fire employee; and the inadmissibility of statements by the fire employee in a criminal proceeding. New law provides that:

- (1) Prior to commencing a formal investigation or an interrogation of a fire employee, the appointing authority shall notify the employee in writing of the nature of the investigation, of the identity and authority of the person conducting the investigation, and of the specific charges or violations being investigated.
- (2) The fire employee's representative or counsel shall be allowed to offer advice and make statements on the record during an interrogation.
- (3) The fire employee may obtain a recording or transcript of the interrogation upon submitting a written request to the fire chief.

Effective August 15, 2009.

(Amends R.S. 33:2181(A) and (B))