

**QUESTION 8 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III
OR IN SOFTEST ANSWER SCREEN 8**

Nathan Malcop is an internal affairs investigator for the City of Belleview Police Department (BPD). After conducting an investigation into the conduct of several undercover police officers, Nathan wrote a confidential report critical of the conduct of the officers. Specifically, his report indicated that the officers made misrepresentations in affidavits used to obtain search warrants, and removed items from the evidence room without authorization. He recommended that the officers be fired. After Nathan submitted the report, no disciplinary action was taken by the BPD.

Within one month, Nathan was denied a promotion, reassigned to patrol officer duty, and reassigned to the midnight shift. He claims that the BPD violated his First Amendment constitutional rights of free speech, by retaliating against him for revealing police misconduct and recommending that the officers be fired.

Applying principles of First Amendment constitutional law, analyze whether the BPD violated Nathan's rights in retaliating against him for the contents of his report. Explain your answer.