

## **AGREEMENT**

**THIS AGREEMENT**, and any other Agreements entered into to supplement or amend this Agreement by and between the City of Medford, hereinafter called the "City" or the "Municipal Employer," acting by and through its Mayor, and the Medford Police Patrolmen's Association, hereinafter called the "Association."

This Memorandum of Agreement executed this date between the City of Medford and the Medford Police Patrolmen's Association amends and supplements the current collective bargaining Agreement between the parties so as to reflect the following provisions. Articles and Sections referenced herein are intended to refer to the relevant Articles and Sections of the current collective bargaining Agreement between the parties.

### **ARTICLE XV**

#### **PROCEDURE FOR CONDUCTING INVESTIGATIONS**

In an effort to ensure that investigations of employees are conducted in a manner, which is conducive to good order and discipline, employees may be interrogated only in accordance with this Procedure, and in accordance with the following guidelines:

- (a) The interrogation shall be made at a reasonable hour, preferably when the member is on duty, and at no loss of pay.
- (b) The interrogation shall be conducted by Superior Officers of the City's Police Department and shall take place at the Police Department Headquarters or at the Department's Internal Affairs office at City Hall, and the investigating officer shall identify all persons present during the investigation.
- (c) The member of the force shall be informed of the nature of the investigation before any interrogation commences, including the name of the complainant. The address of complainants and/or witnesses need not be disclosed; however, sufficient information to reasonably apprise the member of the allegations should be provided. If the complaint is filed in writing, or statement of the complainant is recorded stenographically or mechanically, a copy should be furnished to said member(s). If it is known that the member of the

force being interrogated is a witness only, he should be so informed at the initial contact.

- (d) The questioning shall not be overly long. Reasonable respites shall be allowed. Time shall also be provided for personal necessities, meals, telephone calls and rest periods as are reasonable and necessary.
- (e) The member of the force shall not be subject to any offensive language, nor shall he be threatened with transfer, dismissal, or other disciplinary punishment. No promises of reward shall be made as an inducement to answering questions.
- (f) Whenever possible, the interrogation of the member of the force shall be recorded mechanically or by a department stenographer. There will be no "off-the-record" questions. All recesses called during the questioning shall be recorded.
- (g) If a member of the force is under arrest or is likely to be, that is, if he is a suspect or the target of a criminal investigation, he shall be given his rights pursuant to the Miranda decision.
- (h) The Police Department shall afford an opportunity for a member of the force, if he so requests, to consult with counsel before being questioned concerning a violation of the Rules and Regulations, provided the interrogation is not unduly delayed. However, in such cases, the interrogation may not be postponed for purpose of counsel past 10:00 A.M. of the day following the notification of the date of interrogation. Counsel, if available, and a representative of the Association may be present during the interrogation of a member of the force.
- (i) In any case, the refusal by a member of the force to answer pertinent questions may result in disciplinary action.
- (j) The disposition of the complaint shall be made known to the member as soon as possible.