

## **AGREEMENT**

THIS AGREEMENT, and any such 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 Superior Officers' Association, hereinafter called "the Association",

### **ARTICLE XVI**

#### **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, the following guidelines are promulgated:

- (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 take place at the Internal Affairs Division headquarters in the City of Medford and the Investigation Officer(s) 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 the rights pursuant to the Miranda decision.

(h) In all other cases, the law imposes no obligation, legal or otherwise on the Police Department to provide an opportunity for a member of the force to consult with counsel or anyone else when questioned by a Superior Officer about his employment or matters relevant to his continuing fitness for Police service. Nevertheless, 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 serious 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 interrogation. Counsel, if available, and a representative of a certified employee organization may be present during the interrogation of a member of the force. Requests for an opportunity to consult with counsel in connection with minor violations, such as absence from post, failure to respond to recall lights, etc., will be denied unless sufficient reasons are advanced.

(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.