

Officers' Rights under Miranda and Garrity By Attorney John Goldpaugh

Regarding your rights under Garrity and Miranda, please refer to Section 16 page 41, of the Collective Bargaining Agreement, entitled "Members' Rights - Investigative Procedures". This section details your rights in any and all investigative procedures. I would also like to emphasize that it is each individual Officer's responsibility to be aware of these rights and to fully exercise them. These rights apply whether the interview is conducted at the Offices of the Internal Affairs Section, Office of the Chief Investigator or any other location.

In addition to this information, be aware that members have a right to 72-hours notice of a Garrity interview and the right to have an attorney present at that interview. In order to ensure the presence of an attorney, it is each officer's responsibility to notify their union steward and/or the DPOA of the date, time and place of the interview. In turn, it is the DPOA's or the steward's responsibility to notify this office of same. It should not be "assumed" that an attorney will be present if this office is not notified.

It has recently become the practice of some Investigators and Sergeants to attempt to convince officers that they should waive their right to an attorney, telling them that they are not the focus and "do not need an attorney". The Collective Bargaining Agreement in Article 16 addresses this issue. It specifically states that members have **a right** to have both legal counsel and a representative of the union present during an interview. Officers should never waive their constitutional or contractual right to an attorney or any other right that the DPOA has fought hard to obtain for you.