

**METROPOLITAN AIRPORTS POLICE ASSOCIATION,**



**IUPA LOCAL 5004**

**YOUR RIGHTS DURING AN INTERROGATION**

When you are being investigated, it is important to know your rights – and to insist that management and IA honor those rights. There are three main rights involved:

* Weingarten rights:
	+ You have the right to have a union representative present during an interview if you have a reasonable believe that the interview could lead to discipline.
	+ There is no such thing as an “informal” interview where you don’t have this right to union representation – regardless of whether the person asking questions is a supervisor or IA, and regardless of where the interview is taking place. If you reasonably believe the interview could lead to discipline, you have the right to have a representative present.
	+ Under MWAA Conduct and Discipline Directive HR003A, the Employer must inform you of the following:
		- The nature of the interview;
		- Your right to have a witness present during the interview; and
		- You have three (3) business days to make the witness available.
	+ If the investigator does not inform you and you reasonably believe the interview may lead to discipline, **you must insist on your rights**!
* Garrity rights: As a condition of your employment, MWAA can require you to abide by its policies and can require you to answer questions and provide a statement to investigators as a part of an administrative/disciplinary investigation. Because MWAA can compel you to talk at the risk of discipline including termination, your statements are being compelled and cannot be used against you in a criminal matter.
	+ You should receive Garrity warnings even if you are a witness and not the target of the investigation. MWAA has forms for the target as well as the witness.
	+ The administrative investigator should give you written Garrity warnings to ensure this. **If the investigator does not give you the written warnings, you should have a copy of the forms and insist on the written warnings before you make a statement**.
* Miranda rights: If the facts could form the basis of a criminal charge, Miranda protects you, and you have the right to ask for an attorney and to remain silent.
	+ This comes up in all officer-involved shootings, where there will automatically be a criminal investigation and an administrative investigation. But it may come up in other contexts. For example, an officer could be investigated for reckless driving in the event of an accident with a police cruiser. This situation can even come up for off duty situations. For instance, if someone claims an officer assaulted them off duty, the Department may investigate it as conduct unbecoming – but the individual could seek criminal charges.
	+ If the Department gives you Garrity warnings, you do need to participate in the administrative interview – but your statements cannot be used against you in a criminal proceeding.
	+ You do not need to provide a statement to any criminal investigators or detectives.
		- You should consult an attorney immediately.
		- If the investigation relates to the scope of your employment with MWAA, you should contact the PORAC Legal Defense Fund immediately to ask about coverage and an attorney at 209-774-5600 or 888-556-5631.

Your response during an interrogation or written statement:

* **Use facts and answer truthfully!** There is nothing more important than to be honest and truthful during any investigation and interrogation.
* Answer the questions asked, and only the questions asked. Don’t add unnecessary or irrelevant information.
* Remain calm and professional.
* Answer as much as you can – but if you truly do not know something, or did know at one time but cannot recall, do not hesitate to answer that you do not know or that you do not recall.