

By Mr. Robinson of Melrose, petition of William G. Robinson and other members of the House relative to establishing certain rights for police officers charged with alleged misconduct. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT RELATIVE TO A POLICEMEN'S BILL OF RIGHTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 31 of the General Laws is hereby amend-
2 ed by adding the following new section: —

3 *Section 41B. Complaints; Interrogations of police officers*

4 The interrogations into alleged misconduct of a police officer
5 shall take place at a location designated by the investigating
6 officer. The officer shall be informed of the rank, name and
7 command of the officer in charge of the investigation and of all
8 persons present during the interrogation. The officer shall be
9 informed of the nature of the interrogation and shall be informed
10 of the name of all complainants.

11 The interrogation shall be conducted at a reasonable hour and
12 in a reasonable manner, preferably at a time when the officer is on
13 duty. Interrogating sessions shall be for reasonable periods and
14 shall be flexible to allow for personal necessities. The law enforce-
15 ment officer shall not be subjected to offensive language or be
16 threatened with transfer, dismissal, or disciplinary action.

17 If the police officer is under arrest or is likely to be placed under
18 arrest, he shall be completely informed of all his rights prior to
19 commencement of the interrogation. At the officer's request, he
20 shall have the right to be represented by counsel. All questions and
21 answers shall be recorded by a stenographer.

22 No law enforcement officer shall be discharged; disciplined,
23 demoted, denied transfer or reassignment with regard to his

24 employment, or be threatened with any such treatment by reason
25 of his exercise of the rights granted by this section.

1 SECTION 2. Section 25 of Chapter 268A of the General Laws
2 as most recently amended by Chapter 257 of the Acts of 1972 is
3 further amended by adding after the fifth paragraph the following
4 new paragraph: —

5 Police officers charged with alleged misconduct committed dur-
6 ing the course of duty shall be subject to the provisions of sections
7 41, 41B and 43 of Chapter 31 of the General Laws.

1 SECTION 3. Section 43 of Chapter 31 of the General Laws as
2 most recently amended by Chapter 767 of the Acts of 1981 is
3 hereby further amended by adding in line two after the word
4 “forty-one” the following: — “forty-one B”.

1 SECTION 4. Section 9A of Chapter 258 of the General Laws
2 as most recently amended by Chapter 345 of the Acts of 1982 is
3 hereby amended by inserting in lines two, seven and fifteen after
4 the word “police” the following: — “municipal police officers”.