



New York State Correctional Officers & Police Benevolent Association, Inc.

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NYSCOPBA Member:

As Law Enforcement Officers and proud members of the New York State Correctional Officers & Police Benevolent Association (NYSCOPBA), it is essential that you are fully aware of your rights—both as public employees and as citizens. Understanding and asserting these rights is critical to protecting yourself during interrogations, departmental investigations, or interactions with outside agencies.

The [attached](#) document, “Your Rights as a NYSCOPBA Member,” provides vital information about your contractual and constitutional protections. Key topics include your right to union representation, safeguards during departmental interrogations, and your options when approached by external police agencies. Familiarizing yourself with these rights ensures you can make informed decisions in challenging situations, safeguarding your career and personal well-being.

NYSCOPBA is committed to supporting you every step of the way. We encourage you to review this document thoroughly and reach out to your union representatives with any questions or if you need assistance. By knowing and exercising your rights, you strengthen not only yourself but our entire membership.

Thank you for your dedication and service. Together, we stand stronger.

***If you are ever uncertain of how to respond to any questions,
reach out to your local or regional union representatives***

NYSCOPBA Executive Board

YOUR RIGHTS AS A NYSCOPBA MEMBER

As Law Enforcement Officers, you have the same rights as other public employees and citizens. It is critical that you know your rights and assert them. Often times, Officers feel they must talk first, without invoking their contractual and constitutional rights. This may not be in your best interest. It is important to know and understand your rights. NYSCOPBA is committed to helping you and we can do so more effectively if you ask for assistance.

INTERROGATIONS

There is no contractual definition for an interrogation. However, if you are ordered to submit to an interrogation by your supervisor or any other departmental representative, you are entitled to union representation if you are the subject of a disciplinary investigation. If you are questioned, make sure that you assert that you want union representation. Your employer does not have the right to tell you who your union representative will be. You cannot be required to sign any statement as part of the interrogation process.

DEPARTMENTAL INTERVIEWS/INVESTIGATIONS

If you are interviewed as part of a departmental investigation, ask:

- (1) whether you are the subject of the investigation. If the answer is yes or you think that you are the subject of an interrogation, ask for union representation.
- (2) If you are being compelled to answer questions (that is, you will be subject to discipline if you refuse to answer) none of your answers can be used against you in any subsequent criminal proceeding, but they may be used in a disciplinary proceeding. (See Directive 0102)

OUTSIDE POLICE AGENCIES

Oftentimes, Officers feel intimidated if they are asked to answer questions from an outside police agency. You cannot be ordered by your employer to cooperate with an investigation conducted by outside police agencies such as the FBI, the State Police or the State Attorney General. This is confirmed in a side letter to the contract. (Please note that the term "outside police agency" does not include commissions or bodies charged by the Mental Hygiene Law with the duty to conduct investigations). If you are approached off-duty by an outside police agency, remember that you have no obligation to talk to them or to give them a statement. You retain all the Constitutional protections of a U.S. citizen. As such, you have the absolute right to remain silent and to speak with an attorney. As fellow Law Enforcement Officers, we may feel as though we should answer questions put to us by outside police agencies without an attorney. This has been proven to work against NYSCOPBA members in the past and it is not recommended. If you believe you might be the target of an investigation by an outside police agency, you should contact NYSCOPBA or your lawyer before you answer any questions.

DOCCS Directive 0102 (excerpt) - Rights of Departmental Employees

The Department requires that all employees be accorded the full protections of our legal system and their union contract. When an employee is questioned about a violation of Departmental rules, the following shall apply:

- 1) The employee shall be notified that personal counsel or union representatives may be present at all times during the interrogation if so requested by the employee.
- 2) The employee shall be notified that a postponement may be granted until 10:00 a.m. the following day to provide the employee the opportunity to retain counsel or union representation.
- 3) The interrogation shall be conducted at reasonable hours. For the purposes of this directive, the term "interrogation" is defined by the applicable collective bargaining agreement or Article 75 of the Civil Service Law for M/C employees.
- 4) No threats or offensive language will be used.
- 5) The length of the questioning period shall not be excessive and shall include breaks for meals and personal necessities.
- 6) If an employee is the subject of a criminal investigation or there is likelihood that criminal charges may result from the investigation, the following warnings shall be given to the individual concerned prior to the commencement of the interrogation:
 - a) You are being questioned as part of an official investigation by the Department of Correctional Services. You will be asked questions specifically directed and narrowly related to the performance of your official duties. You are entitled to all the rights and privileges guaranteed by the laws of the State of New York, the Constitution of the United States, including the right not to be compelled to incriminate yourself and the right to have legal counsel present at each and every stage of the investigation.
 - b) If you refuse to testify or to answer questions relating to the performance of your official duties, you will be subject to departmental charges which could result in your dismissal from the Department of Correctional Services. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.