MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. CUSTOMS AND BORDER PROTECTION
AND THE
NATIONAL BORDER PATROL COUNCIL

I. Introduction

This Memorandum of Understanding sets forth the agreement between the U.S. Customs and Border Protection ("CBP" or "Agency") and the National Border Patrol Council ("NBPC" or "Union") concerning the elimination of the use of the question and answer affidavit for OPR investigations in favor of audio/video recordings.

II. Terms of Agreement

1. After the investigator has concluded questioning, the interviewee will be granted an opportunity to review the recorded interview, in whole or in part, and make clarifying statements and/or amendments on the record before the interview has concluded.

2. If an employee is provided with a copy of the video recorded interview(s), the unique media identifier(s) of the electronically recorded interview(s), such as authentication codes or similar identifiers will be included. The unique identifier(s) will also be recorded in the investigator's report of investigation. In rare circumstances, interviews may be audio recorded by the investigator, e.g. equipment failure).

3. If an employee is provided with a copy of the electronically recorded interview(s), in the event of proposed disciplinary or adverse action, when the employee requests the electronically recorded interview, the employee will be provided with a copy of the transcript along with the recording, if a transcript exists.

4. At the onset of the investigatory interview by the Agency, the employee will be advised that the interview will be electronically recorded and in what format (video, audio, or both).

5. If the agency makes any changes, the Agency will provide NBPC with appropriate notice as required under the CBA or in accordance with the law.

9/22/17
Matthew Klein — Date
Assistant Commissioner
Office of Professional Responsibility
U.S. Customs & Border Protection

5-18-17
Jon Anfinsen — Date
National Vice President at Large
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Michael Celli 09/25/17
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