

	LOWER MERION TOWNSHIP POLICE DEPARTMENT Ardmore, Pennsylvania	
	Policy 3.8.6	
Subject:		Distribution:
Interviews and Interrogation		All Personnel
Date of Issue:	Expiration Date:	Rescinds:
06-01-2014	Until Amended or Rescinded	Directive: 05-99
References:		
CALEA: 1.2.3; PLEAC: 1.2.2		
By Authority of:		
		Superintendent of Police

PURPOSE

The purpose of this policy is to provide officers with legally sound procedures for conducting custodial and non-custodial interviews and interrogations.

POLICY

The questioning of individuals and suspects and the statements and confessions that are elicited are vitally important in the preparation of criminal cases. However, to be admissible as evidence, statements and confessions must be given freely and voluntarily and with due consideration for the suspect's right to silence and right to counsel. It shall be the policy of this Department to ensure that all officers understand and follow this policy in order to observe due process rights of individuals to guard against any charges of police coercion or intimidation during questioning. The Department will assure compliance with all applicable constitutional requirements for custodial situations regarding but not limited to interviews, interrogations and access to counsel. **(CALEA 1.2.3 a, b, c) (PLEAC 1.2.2 a, b, c)**

DEFINITIONS

Interview - An interview is typically a non-accusatory conversation with an individual for the purpose of gathering information. Interviews occur during all aspects of police investigations from the initial reporting stage up through and including contacts with witnesses, suspects, and arrestees.

Interrogation - Interrogation includes direct questioning of a suspect or arrestee about a crime or suspected crime, as well as any words, statements or actions by the officer that the officer should know are reasonably likely to elicit an incriminating response from a suspect.

Custodial interrogation - Custodial interrogation is any questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.

PROCEDURE

A. Interviews

The following represents examples of situations that are not “custodial” and do not require issuance of Miranda warnings.

1. Investigatory stop and frisk.
2. Questioning during routine traffic stop or for a minor violation to include driving under the influence (DUI) until a custodial interrogation begins.
3. During routine questioning at the scene of an incident or crime when the questions are not intended to elicit incriminating responses.
4. During voluntary appearances at the police facility.
5. When information or statements are made spontaneously, voluntarily and without prompting by the police. (Note: Follow-up questions that exceed requests for clarification of initial statements may require Miranda warnings)

B. Custodial Interrogations (CALEA 1.2.3 b)

1. Miranda warnings are required and shall be administered prior to “custodial interrogation”, as defined above. All applicable constitutional requirements will be followed including requests for counsel, requests for food and drink, and the use of restroom facilities. Interrogations shall be conducted in designated interview rooms located in the Public Safety Building.
2. Administering Miranda.
 - a. Miranda warnings shall be read by officers from the card containing this information, form [INV-7](#), to all persons subjected to custodial interrogation. Freelancing, recitation from memory or paraphrasing the warnings is prohibited as it precludes officers from testifying in court as to the precise wording used.
 - b. Officers shall ensure that suspects understand their right to remain silent and their right to an attorney. They shall acknowledge their understanding by signing the “rights card”, form [INV-7](#). Suspects may be interrogated only when they have knowingly and intelligently waived their rights. Threats, false promises or coercion to induce suspect statements is prohibited.

1. Oral waivers are often sufficient but written waivers, particularly in felony charges, are preferred and should be obtained whenever possible on form [INV-7](#).
 2. When a suspect invokes his right to an attorney, questioning must end.
 - c. Officers arresting deaf suspects shall notify their immediate supervisor and make arrangements to procure the assistance of an interpreter in accordance with state and federal law.
3. Documenting Statements and Confessions
- a. The circumstances surrounding the conduct of interrogations and recording of confessions shall be documented. This includes but is not necessarily limited to;
 1. Location, date, time of day and duration of interrogation;
 2. The identities of officers or others present;
 3. Miranda warnings given, suspect responses and waivers provided, if any; and
 4. The nature and duration of breaks in questioning provisions for food, drink, and the use of lavatories or for other purposes.

RESPONSIBILITY

It is the responsibility of all supervisory personnel to ensure that all personnel under their immediate supervision comply with this policy.

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