



Sheridan Police Department  
Policies and Procedures  
20.2 Replaces 401.1  
Chapter 20 – Investigations  
Section 2 – Interviews & Interrogation

Date: January 1, 2013  
Revised: 03/11/2022

Signature:

During the normal course of police operations, the need to conduct interviews and interrogations frequently occurs. The Sheridan Police Department will utilize interviews with victims and witnesses and interrogations of suspects in order to meet the legitimate goals of the police department. All agency personnel who participate in any kind of investigation are required to be familiar with laws and agency directives pertaining to these activities.

#### **20.2.1 Interviews**

- A. Interviews are the process by which an officer or other employee obtains information from a person who may have personal knowledge of interest to law enforcement. An interview is conducted in order to collect any facts relating to an incident, to substantiate information obtained from other sources, or to obtain additional relevant information.
- B. Investigating officers will note the condition of witnesses, their relationship to the incident under investigation, and any other information that would indicate the credibility of the person being interviewed.
- C. The following essential elements should be determined about each witness or other person interviewed:
  - 1. Was the person present during all or part of the event under investigation?
  - 2. Was the person conscious of the event, or a portion of the event, which prompted the investigation?
  - 3. Was the person attentive to the details of the incident?
  - 4. Is the person capable of discussing the observed event in a manner that is understandable?
- D. In most circumstances officers should record interviews either by using a BWC, a static in-room recording system, or an audio recording device.
- E. Written statements shall be signed by the individual giving the statement whenever possible, and signed by the officer taking the statement.
- F. Detailed notes should be made by the reporting officer for reference in completing their report.
- G. The interviewing officer shall carefully consider the trauma and stress to which the victim or witness has been subjected. The interviewer should make all reasonable efforts to conduct the interview in such a manner so as to not cause additional stress and minimize further trauma.
- H. Follow-up interviews of victims and witnesses by the assigned investigator should be conducted as early in an investigation as possible.

#### **20.2.2 Interrogations**

- A. Interrogations are the process by which an officer obtains information from a person who is a suspect of the incident under investigation.
- B. If a suspect claims that he or she was coerced into confessing, the courts will examine the interrogation according to the totality of the circumstances.. Officers shall:
  - 1. Carefully assess the suspect's background, age, education, mental impairment, and physical condition to determine vulnerability to coercion; and
  - 2. Coupled with the background characteristics, choose an appropriate method of interrogation so as to not coerce the suspect into making an invalid or false statement.
- C. Statements taken from suspects must meet constitutional standards and must be free from the influences of coercion, deprivation of counsel, and any other forms of influence, which may discredit the statement and bring into question its voluntariness.
- D. Officers shall document the circumstances surrounding the conduct of interrogations and the recording of confessions. Required information includes but is not limited to the following:
  - 1. Location, date, time, and duration of the interrogation;
  - 2. Identities of all persons present;
  - 3. Miranda warnings given, the suspect's responses, and any waivers provided; and
  - 4. The nature and duration of any breaks or lapses during the interrogation and the reasons for them.
- E. When a suspect is in custody, the person conducting the interview or interrogation will give a Miranda warning. If the officer is not certain whether a custodial situation exists, the officer will seek clarification or give the Miranda warning. As a general guideline, whenever a question exists as to the need for a Miranda warning, the warning should be issued.
- F. Non-custodial interrogations occur when questioning takes place of a suspect who is not in custody. Officers are not required to advise a suspect of his or her Miranda rights if he or she is not in custody. The suspect should be specifically told by the interviewing officer that he or she is not under arrest. Other factors that help demonstrate that an interrogation was non-custodial might be the means used to transport the suspect, if the suspect was allowed to move about freely, the absence of restraints, or if the suspect was allowed to leave the interrogation. These factors should be documented in the officer's supplementary report detailing the interrogation.
- G. Generally, no more than two (2) officers should conduct an interrogation.
- H. Extended interrogations should utilize a break period and be documented.
- I. Whenever possible a recording shall be made of the interrogation giving time, date, location, officers present, waiver of rights, and the time the statement ended.
- J. At the conclusion of each interrogation, if the interrogation was not audio recorded the officer conducting it will make every reasonable and legal attempt to obtain the statement in written form from the suspect. Where a written or taped statement from the suspect is not possible, the officer should document as many details of the suspect's statements in his or her report as possible.

### **20.2.3 Interrogation Rooms**

- A. As a tactical consideration, interrogations should not be conducted in an area that puts the suspect in a position of control over the officer. The officer must consider his or her safety prior to the interrogation. Depending upon the circumstances the officer may consider securing his or her weapons. The officer at a minimum should not put him or herself in a position where his or her weapons may be seized. See section 26.3.1 (Facilities and Security).

- B. In situations of an interrogation or interview conducted by just one (1) officer, it is recommended the interview be monitored by another officer.
- C. There should be minimum furniture and equipment located in rooms specifically designed for conducting interviews. Generally speaking a table or desk, chairs, and recording equipment are the only necessary items that should be located in the room.
- D. Audio and video recording capabilities are installed in all interview rooms and shall be used during interrogations. If a suspect meets with his or her attorney in an interview room, the attorney will be told that the system is recording.