

UW Whitewater Police



Interviews, Interrogations and Interview Rooms

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I. Purpose

The purpose of this General Order is to provide officers with direction for utilizing designated rooms for interviews and interrogations.

II. Definitions

Designated Rooms: Rooms where it is likely that an interview could turn into an interrogation and arrest of a person.

Interview: An interview is a non-accusatory, structured conversation during which specific, behavior-provoking questions are asked with the purpose of eliciting interpretable behavior symptoms considered typical of truth or deception. Additional factual information concerning the case and/or suspects may also be developed during this non-accusatory exchange.

Interrogation: An interrogation is a conversation between the interrogator and the suspect, during which the suspect is accused of involvement in a particular incident or group of incidents. The accusatory tone of the exchange is what distinguishes the interrogation from the interview.

Interrogation Room: Room 126B in the University Police Department, located in Goodhue Hall.

III. Policy

It is the policy of the UW-Whitewater Police Department (UWWPD) that all officers shall use the procedures outlined in this document when using designated rooms for interviews and interrogations.

IV. Procedure

- A. In situations where officers believe it is likely that an interview could turn into an interrogation and arrest of a person, the interrogation room located in Room 126B Goodhue Hall should be used if possible, as it has audio and video recording capability.
 1. Weapons may be secured in the adjacent Booking Room, Room 126 Goodhue Hall, in a secure wall-mounted locked box upon entering this area. Securing weapons is at the sole discretion of the officer or detective conducting the interview or interrogation.

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2. Security of the room is the responsibility of the officer or detective conducting the investigation. They should at a minimum check the room prior to placing a person in it and may elect other safety precautions such as pat-down searches per state law and department policies. Room 126B is off of the Booking Room, so is under video surveillance. There are no additional security measures to prevent escape as regress must be allowed for fire safety regulations. If the person is a security risk a second officer should be positioned to prevent escape from the area to allow the first officer to focus on the interview/interrogation. When this room is in use, there is an activated red light that is the hallway to alert other officers of the use of Room 126B.
3. Under normal circumstances, no more than two staff members should be in the interview room at one time. Other officers involved in the investigation can view the process using the video surveillance system as this room also has audio. Under normal circumstances, only one suspect at a time should be interviewed. Depending on the circumstances, a parent, legal guardian, lawyer, advocate, or another person may be allowed in the interview room at the primary officer's discretion.
4. The interview room has only basic furniture such as a table and chairs. In the adjacent Booking Room, other equipment, forms, and items are placed to assist the officer in an interview/interrogation. The most common forms needed are kept in storage files on the walls. Inside of the Booking Room is an Intoximeter and Preliminary Breath Test Machine. There is also a metal detection wand located in this room and a fingerprint machine.

B. Summoning Assistance: If an officer needs assistance in an interview or interrogation room, they will call over their radio that an officer needs assistance in the interview or interrogation room, noting which room they are in during the transmission.

C. If persons being interviewed or interrogated require the use of the bathroom or a comfort break, there is a bathroom facility in the booking area, which is located right next to the interrogation room. In this same area, there is also access to water.

D. Recording Procedures:

1. Prior to entering Interview Room 126B, an officer will activate the video/audio recorder for Interview Room 126B.
2. Prior to beginning the interview/interrogation, the recording requirement includes the period of time during "pre-statement" questions and answers, including the reading of the Miranda Warning and the Waiver of Rights.
3. The officer will explain the recording requirement to the adult. Explain that it is required by law and it is done to protect the adult and to ensure that what the adult says is accurately captured.
4. If an adult refuses to answer questions because of the recording requirement, fully document this refusal both on the Refusal of Recorded Statement form (Addendum A) and in your written report. Turn off the video/audio recorder and take the statement anyway.

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5. In addition to the recording the officer must summarize the substance of the interview/interrogation in a written report. The officer must include information about the recording including start and stop times, location, and persons present.
6. If the interview/interrogation occurs at a law enforcement agency other than UWWPD, the officer shall utilize the video/audio recording equipment of that law enforcement agency and get a copy of the video/audio recording prior to leaving.
7. If at a law enforcement agency other than UWWPD, and if an adult refuses to answer questions because of the recording requirement, fully document this refusal both on the Refusal of Recorded Statement form (Attachment A) and in your written report. Turn off the video/audio recorder and take the statement away.
8. Prior to leaving UWWPD to interview/interrogate an adult at another law enforcement agency, the officer should take an audio digital recorder or body camera with them, in case the law enforcement agency is not equipped to take video/audio recordings, or their video/audio equipment is not functioning properly.
9. If an officer begins an interview/interrogation without recording and later determines that they should have been recording, they should immediately turn on the video/audio recorder and make a notation on the record that what was said earlier was true and correct, and that the statement by the adult was offered without being coerced.
10. If the adult is subsequently transported to jail, officers should make a notation in their Arrest Report that the summary of the adult's interview/interrogation is "in substance" and not verbatim.

E. Recording Exceptions

1. The adult refuses to be recorded and an audio, visual, or written record is made contemporaneously.
2. The statement was made during "routine processing".
3. "Good faith" failure of the equipment, without the operator's knowledge.
4. Spontaneous statements.
5. Exigent public safety circumstances exist.
6. The officer reasonably believes the offense was not a felony when interviewing/interrogating an adult.
7. When in doubt – video and audio record the interview/interrogation.

F. Other interview Room Locations

1. Room 107A of Goodhue Hall, Front Interview Room, is an area that can be used for soft interviews in which the officer is simply conducting an interview with a witness, victim, or other that they do not want to escort the person through the entire police department. This room can be used for the initial interview for sensitive crimes. Officers using this room must use their body camera to video record the interview as it is not equipped with a camera system.

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2. The Rock County Campus Substation can also be used for interviews and interrogation as it is the only room that is controlled entirely by UWW PD on this campus. Officers will need to use their body cameras for any interviews as this area does not have video recording capabilities. If for investigation purposes a more secure location is needed, the officer should schedule the interview at the main campus at Goodhue Hall or use another law enforcement agency facility.

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Attachment A

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REFUSAL OF RECORDED STATEMENT

Officer _____ has informed me that Wisconsin State Statutes require and statements that I make to police are to be recorded. However, at this time I refuse to let the police record any statements I make to them. This is my choice and the police have not forced, threatened, or made any promises to not record my statements.

I give this permission on my own free volition without any promises, or threats being made to me.

Dated this _____ day of _____, 20____ Time:____:____ am/pm

Name Printed

Signature

Witnesses:

Name Printed

Signature