

FORT FAIRFIELD POLICE DEPARTMENT

Standard Operating Procedure

305 – INTERVIEWS, INTERROGATIONS & RECORDING

Effective Date	July 28, 2026
Legacy SOPs Replaced	SOP 70 – Recording of Suspects and Witnesses to include cases of Murder and Class A, Class B and Class C Crimes & the Preservation of Notes and Records
Review Date	July 28, 2027
Policy Classification	Operational
Authority	Chief of Police
Version	1.0

I. PURPOSE

To establish procedures governing interviews and interrogations to ensure all statements are obtained in a lawful, ethical, and professional manner consistent with the United States Constitution, the Constitution of the State of Maine, applicable law, and accepted law enforcement practices. This policy is designed to protect individual rights, preserve the integrity of investigations, and ensure that statements obtained by officers are admissible in court.

II. POLICY

Officers shall conduct interviews and interrogations in a manner that protects constitutional rights, ensures voluntariness of statements, and promotes the accurate and reliable collection of information. Officers shall not attempt to obtain statements through coercion, intimidation, improper inducement, or any practice likely to render a statement inadmissible.

Officers shall ensure that interviews and interrogations required to be recorded are properly recorded in accordance with applicable law, Board of Trustees' standards, and agency policy. Recordings, investigative notes, and related records shall be preserved, maintained, and disclosed in accordance with applicable legal requirements and agency evidence management procedures.

III. DEFINITIONS

Custodial Interrogation – Questioning initiated by law enforcement after a person has been taken into custody or otherwise deprived of freedom of action in a significant way and where questioning is reasonably likely to elicit an incriminating response.

Electronic Recording – Audio recording, video recording, or a combination of both, created through department-authorized recording equipment.

Interview (Non-Custodial) – A voluntary interaction with a person who is not in custody and who is free to leave at any time.

Interrogation – Express questioning or its functional equivalent that law enforcement should know is reasonably likely to elicit an incriminating response.

Miranda Warning – The advisement of constitutional rights required prior to custodial interrogation.

Qualified Interpreter – An individual who is competent to accurately interpret communications between law enforcement officers and persons with limited English proficiency or communication disabilities.

Recording – Audio, video, or digital documentation of an interview or interrogation.

Place of Detention – A law enforcement facility or location where individuals may be held in connection with a criminal investigation.

Serious Crimes – Murder and Class A, B, and C offenses, including corresponding juvenile offenses.

Voluntary Statement – A statement given freely, knowingly, and without coercion, threats, or improper inducement.

IV. LEGAL AUTHORITY

A. Constitutional Requirements

Officers shall comply with all applicable constitutional protections, including the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and corresponding provisions of Maine law.

Officers shall ensure that all interviews and interrogations are conducted in a manner that protects the right against self-incrimination, the right to counsel, and the right to due process.

Officers shall continually evaluate whether an interview remains non-custodial or has become custodial. When circumstances change such that Miranda warnings are required, questioning shall cease until the required warnings have been administered and a lawful waiver has been obtained.

B. Miranda Requirements

Officers shall administer Miranda warnings prior to conducting any custodial interrogation. Officers shall ensure that warnings are clearly and completely administered and that the subject understands the rights being explained.

Any waiver of rights shall be made knowingly, intelligently, and voluntarily. Officers shall immediately cease questioning if the subject invokes the right to remain silent or requests an attorney.

Officers shall not reinitiate questioning unless legal counsel is present or the subject independently initiates further communication and knowingly, intelligently, and voluntarily waives previously invoked rights. Officers should consult with a prosecutor before proceeding under these circumstances and shall document all subject-initiated communication and record such interactions whenever possible.

C. Interrogation Standards

The agency shall maintain procedures governing interrogations that ensure compliance with legal requirements and protect the rights of individuals. Officers shall ensure that all interrogation practices are consistent with current law, training, and accepted professional standards.

V. OPERATIONS

A. General Interview Procedures

Officers shall conduct all interviews in a professional, controlled, and non-coercive manner. Officers shall ensure that the purpose of the interview is understood by the subject, that the environment is conducive to obtaining accurate information, and that individuals are treated with respect.

Officers shall identify themselves, explain the purpose of the interview when appropriate, and clearly communicate that participation is voluntary. Officers shall avoid conduct that could reasonably be interpreted as coercive or that would improperly influence the voluntariness or reliability of a statement.

Officers shall continuously assess the totality of the circumstances, including age, mental condition, level of comprehension, emotional state, and the influence of drugs or alcohol, and shall ensure that interview techniques do not compromise the voluntariness or reliability of statements.

Officers should accurately document significant admissions, denials, spontaneous statements, demeanor, and other observations that may assist in evaluating the reliability and context of statements obtained. Whenever practical, officers should electronically record victim, witness and subject interviews.

B. Custodial Interrogations

Officers shall comply with all legal requirements governing custodial interrogations. Officers shall ensure that Miranda warnings are administered and documented prior to questioning and that any waiver of rights is clearly obtained and documented.

Officers shall ensure that subjects understand their rights and are not subjected to coercion, intimidation, or improper inducement. Officers shall immediately cease questioning when a subject invokes the right to silence or requests legal counsel and shall not resume questioning except as permitted by law.

Officers shall recognize that improper continuation of questioning is likely to result in suppression of statements.

Whenever practical, officers should electronically record the administration of Miranda warnings, any waiver of rights, and the entirety of the custodial interrogation.

C. Non-Custodial Interviews

Officers shall ensure that individuals participating in non-custodial interviews understand that they are not in custody and are free to leave at any time. Officers shall avoid words and actions that would cause a reasonable person to believe they are in custody and/or not free to leave.

Officers shall continuously evaluate the nature of the interaction and shall adjust procedures as necessary if the interview becomes custodial.

If circumstances change such that a reasonable person would no longer believe they are free to leave, officers shall immediately evaluate whether the interview has become custodial and proceed in accordance with applicable constitutional requirements.

Whenever practical, officers should electronically record non-custodial and custodial interviews.

D. Recording of Interviews and Interrogations

Officers shall record custodial interrogations and witness interviews when required by applicable law, Board of Trustees standards, or agency policy.

Custodial interrogations and witness interviews involving murder and Class A, Class B, and Class C offenses, including corresponding juvenile offenses, shall be recorded whenever required by law and when recording equipment is available and functioning, regardless of the location where the interview or interrogation occurs.

Whenever practicable, recordings shall begin prior to the administration of Miranda warnings and shall continue until the interview or interrogation has concluded.

Prior to conducting a recorded interview or interrogation, officers shall ensure that recording equipment is functioning properly and capable of accurately capturing the interaction. Officers should verbally identify the date, time, location, case number, people present, and the identity of the interviewer at the beginning of the recording whenever practical.

Officers conducting interviews or interrogations required to be recorded shall be familiar with the operation of agency recording equipment and shall ensure that recordings are created, preserved, and documented in accordance with this policy.

When recording is not required but is practical under the circumstances, officers are encouraged to record interviews and interrogations whenever doing so will enhance the accuracy, integrity, or evidentiary value of the investigation. Nothing in this policy prohibits officers from recording interviews beyond the minimum statutory requirements and officers are encouraged to do so whenever practicable.

When a required recording is not made, the investigating officer shall document the specific reason(s) within the investigative report.

Examples could include, but are not limited to:

- Equipment malfunction
- Spontaneous statements
- Routine booking questions

- The officer was unaware that the investigation involved a qualifying offense
 - The subject declined to participate in a recorded interview when permitted by law
 - Other circumstances recognized by law or agency policy
 - Exigent circumstances requiring immediate questioning
 - Safety concerns making recording impractical
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E. Preservation of Recordings and Investigative Records

Officers shall ensure that all recordings, investigative notes, digital media, and related records associated with interviews and interrogations are preserved in accordance with agency evidence retention procedures.

The primary investigating officer shall ensure that recordings and investigative notes become part of the investigative file and are maintained until all applicable legal proceedings, appeals, and other legal remedies have been concluded or until disposition is otherwise authorized by law or agency policy.

Original recordings shall be retained by the agency in accordance with established evidence management procedures.

Recordings shall be made available to prosecuting authorities as required by law and agency procedure.

Investigative notes retained by an officer shall be incorporated into the investigative file in accordance with agency policy and applicable discovery obligations.

Officers shall maintain the integrity of all recordings and investigative records throughout the chain of custody. Officers shall not intentionally alter, edit, or delete original recordings except in accordance with lawful evidence management procedures.

F. Juveniles and Vulnerable Persons

Officers shall exercise heightened care when interviewing juveniles or vulnerable individuals. Officers shall ensure that subjects understand their rights and the nature of questioning and shall implement appropriate safeguards based on capacity.

Officers shall make reasonable efforts to contact a parent or legal guardian when a juvenile is involved and shall document whether a guardian or representative was

present or consulted. Interviews shall be conducted in a manner that protects the rights of vulnerable individuals and preserves the integrity of their statements.

Officers should consider the age, maturity, cognitive ability, developmental level, language proficiency, and emotional condition of the individual when determining the appropriate interview technique.

G. Interpreters and Language Access

Officers shall ensure effective communication throughout interviews and interrogations.

When an officer reasonably believes that a person does not sufficiently understand or communicate in English, or when the individual has a hearing impairment or other communication limitation, the officer shall assess whether the services of a qualified interpreter are necessary before proceeding.

Qualified interpreters, including sign language interpreters when appropriate, shall be utilized whenever necessary to ensure that individuals understand both the questions being asked and any legal rights explained to them.

Officers shall document the use of interpreters within the investigative report, including the interpreter's identity and contact information.

No interview or interrogation shall proceed in a manner that compromises the voluntariness, reliability, or accuracy of a statement because of a language or communication barrier.

Family members, victims, suspects, or witnesses should not ordinarily be used as interpreters except when necessary to address an immediate threat to life or public safety and no qualified interpreter is reasonably available.

H. Prohibited Practices

Officers shall not use physical force, threats, coercion, or improper inducements to obtain statements. Officers shall not continue questioning after a subject has invoked their rights and shall not engage in conduct that would render a statement involuntary or unreliable.

Officers shall not knowingly make materially false representations concerning legal authority, constitutional rights, or the consequences of exercising those rights.

Officers shall recognize that violations of these provisions may result in suppression of evidence and potential disciplinary action.

I. Documentation and Reporting

Officers shall fully document all interviews and interrogations. Reports shall include:

- the date, time, and location of the interview;
- the identity of all people present;
- whether Miranda warnings were administered and response;
- whether a recording was made;
 - Method of recording,
 - Recording identification number or digital file reference,
 - Identity of any interpreter,
 - Any interruption or termination of the interview,
- a summary of statements obtained; and
- any unusual circumstances.

Documentation shall be complete, accurate, and capable of withstanding judicial review.

J. Supervisory Responsibilities

Supervisors shall ensure compliance with this policy. Supervisors shall review reports and recordings for completeness and accuracy, address deficiencies, and ensure corrective action when necessary.

Supervisors should periodically review recordings for legal compliance, interview quality, training needs, and consistency with agency policy.

K. Training

Sworn personnel responsible for conducting interviews or interrogations shall receive training appropriate to their assigned duties.

Training shall include:

- Constitutional requirements governing interviews and interrogations
- Miranda requirements
- Custodial interrogation procedures
- Recording requirements
- Operation of agency recording equipment
- Preservation of recordings and investigative records
- Juvenile interviews
- Trauma-informed interviewing techniques.
- Interpreter utilization
- Applicable statutory changes
- Significant judicial decisions affecting interview and interrogation practices

Agency leadership shall periodically review training requirements to ensure continued compliance with current law, Board of Trustees standards, Maine Law Enforcement Accreditation Program standards, and accepted professional practices.

APPENDIX A

BOT, MLEAP & STATUTORY CROSSWALK

Purpose, Policy and Statutory Authority

Authority

25 M.R.S. § 2803-B(1)(H) – Recording of Suspect and Witness Interviews

BOT 7-1 – Policy Statement

BOT 7-14 – Compliance with Mandatory Recording Standards

Addressed in: Sections I, II, IV

Definitions

Authority

BOT 7-2 – Custodial Interrogation

BOT 7-3 – Recording

BOT 7-4 – Required Definitions

Addressed in: Section III

Constitutional Requirements and Miranda

Authority

Fifth Amendment – United States Constitution

Sixth Amendment – United States Constitution

Fourteenth Amendment – United States Constitution

BOT 7-7 – Recording of Miranda Warnings

MLEAP 7.06 – Miranda Warnings

Addressed in: Sections IV.A, IV.B, IV.C, V.B, V.C

Interviews and Interrogations

Authority

BOT 7-6 – Recording Custodial Interrogations and Witness Interviews

MLEAP 7.07 – Interviews and Interrogations

Addressed in: Sections V.A, V.B, V.C, V.H

Recording Requirements

Authority

25 M.R.S. § 2803-B(1)(H) – Recording of Suspect and Witness Interviews

BOT 7-6 – Recording Custodial Interrogations and Witness Interviews

BOT 7-8 – Exceptions to Mandatory Recording

BOT 7-10 – Officer Responsibilities for Recording Procedures

BOT 7-11 – Recording Equipment

Addressed in: Section V.D

Preservation of Recordings and Investigative Records

Authority

BOT 7-5 – Preservation of Recordings, Notes and Investigative Records

BOT 7-12 – Retention of Original Recordings

BOT 7-13 – Availability of Recordings

MLEAP 5.01 – Records Management

Addressed in: Sections V.E, V.I

Juveniles, Vulnerable Persons and Language Access

Authority

25 M.R.S. § 2803-B(1)(F) – Language Access

BOT 7-9 – Interpreter Requirements

MLEAP 7.07 – Interviews and Interrogations

Addressed in: Sections V.F, V.G

Documentation and Reporting

Authority

BOT 7-10 – Officer Responsibilities for Recording Procedures

MLEAP 5.4.1 – Reporting and Documentation

Addressed in: Section V.I

Supervisory Responsibilities

Authority

MLEAP 5.5.1 – Supervisory Responsibilities

Addressed in: Section V.J

Training

Authority

25 M.R.S. § 2803-B – Agency Training Requirements

BOT 7-10 – Officer Responsibilities for Recording Procedures

MLEAP 3.06 – In-Service Sworn Officer Training

Addressed in: Section V.K