



Approved:
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Subject:

502. Interviews and Interrogations

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502.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for personnel conducting interviews with victims, witnesses, or other involved parties, and the interrogation of suspects.

502.1.1: DEFINITIONS

Child - an unmarried person who is under 18 years of age

Juvenile - a person under 18 years of age

Child witness - an unmarried person who is under 18 years of age and who is not the victim of, suspect in, or related to the suspect in a child welfare, criminal, or delinquency investigation

502.2: POLICY

It is the policy of the Albany Police Department to follow best practices when interviewing victims, witnesses, and involved parties, and to ensure that suspect interrogations are conducted following best practices and the law.

502.3: VICTIM AND WITNESS INTERVIEWS

- a. Interviews are conducted for information and fact gathering with subjects not considered the focus of the investigation, but who may have knowledge of the incident.
- b. Because information obtained in an interview must be given voluntarily, consideration should be given to the time of day, length, focus, and number of officers involved in an interview.
- c. When interviewing victims, witnesses, or involved parties, officers should ask open-ended questions to avoid leading a person to provide certain information.
- d. When practical, interviews with victims, witnesses, or involved parties should be recorded and the recordings should be retained as evidence.

- e. Special consideration should be given to the Sexual Assault Investigations, Child Abuse, and Domestic Violence policies when interviewing victims or juvenile witnesses to these crimes.

502.3.1: CHILD WITNESS INTERVIEWS

- a. Officers shall notify the child's parent(s)/guardian prior to interviewing the child witness ([Senate Bill 386](#)).
 - 1) Notification of the parent(s)/guardian shall be noted in the incident report.
- b. Officers shall record child witness interviews and retain the recordings as evidence.
- c. Prior to interviewing a child witness, the investigating officer shall notify the child that the child may request the presence of the child's parent or guardian during the interview.
- d. In the event of an emergency or when an imminent threat of death or serious physical injury is ongoing, an officer may interview a child witness to gather information to assist law enforcement in the resolution of the emergency or imminent threat.
 - 1) Parental notification shall be made as soon as practical or immediately after the emergency or imminent threat has been mitigated.

502.4: CUSTODIAL INTERROGATIONS

- a. Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies.
- b. When practical, custodial interviews regarding felony offenses should be electronically recorded.
 - 1) When such custodial interviews are conducted in a law enforcement facility and in connection with an investigation into aggravated murder, as defined in [ORS 163.095](#), or a crime listed in [ORS 137.700](#) or [ORS 137.707](#), electronic recording of the interview is mandatory absent good cause not to record ([ORS 133.400](#)).
- c. If an interviewee expresses an unwillingness to have the custodial interview electronically recorded but agrees to speak to investigators without such recording, the interviewing officer or detective should:
 - 1) Document the refusal in a report;
 - 2) Request that the interviewee sign a written statement or provide a recorded statement of their refusal to have the interview recorded.
- d. Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law ([ORS 165.540](#)).

- e. No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Unit supervisor.
- f. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.
- g. Electronic recording of a custodial interview in connection with an investigation into aggravated murder, as defined in ORS 163.095, or a crime listed in ORS 137.700 or ORS 137.707, shall be preserved until the conclusion of a criminal proceeding, including post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law (ORS 133.400).

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

502.5: INTERVIEW ROOM PROCEDURES

- a. Interview rooms located (#1 - #5) within the Albany Police Department may be used for interviewing victims, witnesses, and involved parties, and may also be used for the interrogation of suspects.
 - 1) Non departmental personnel entering any interview room should be free of any weapons (knives, firearms, etc.). Departmental personnel will determine whether to wear a weapon during an interview in Interview rooms #1-#4. If the decision is made not to take weapons into an interview room, they will be stored in a secured location per policy.
 - 2) Firearms are not allowed in the secure holding area within the department; therefore, firearms are not allowed within Interview Room #5, which is located within the secure holding area.
 - 3) Any personnel entering an interview room should always have a means of summoning assistance (i.e., radio, cell phone, voice or monitored interview), if needed.
- b. When recording an interview conducted in a department interview room, members should use the recording systems which are wired into the rooms.
- c. If an interview or interrogation becomes prolonged, members should ensure that the person being interviewed is afforded an opportunity to access a restroom, is provided water, and is provided comfort breaks as required.
- d. When conducting an interview of a suspect where custody is anticipated, interview rooms #3 and #4, located at the north end of the main hallway, should be utilized. The interview should be monitored by another officer either physically or visually for officer safety purposes. Due to these rooms being away from the normal flow of traffic and in a quieter environment, these rooms should also be utilized for polygraphs or other like circumstances.
- e. Typically, a maximum of two officers should be present in any interview room during an interview or interrogation, but there may be more or less as determined by the lead investigator or supervisor in order to maintain a comfortable and safe environment.

- f. All interview rooms are equipped with a table, chairs, and hygiene items (such as Kleenex). Interview room #1 includes fingerprint equipment and a telephone.

502.6: INTERVIEWING JUVENILE OFFENDERS

- a. Officers interviewing juvenile offenders in a circumstance which would normally require a Miranda advisement should take extra steps to ensure that the juvenile demonstrates the sufficient understanding of their rights.
- 1) This can be accomplished through a simplistic explanation of rights to the juvenile followed by asking the juvenile to explain their understanding of their rights back to the interviewing officer.
- b. If a juvenile requests to speak to a parent after a Miranda advisement is given, this request should be treated the same was as if the juvenile requested an attorney.
- 1) Absent such a request, parental notification is not required prior to interview or interrogation of a juvenile suspect.
- c. Custodial interviews of juvenile offenders conducted in a law enforcement facility shall be electronically recorded if the interview is conducted in connection with an investigation into a misdemeanor or felony, or an allegation that the person being interviewed committed an act that, if committed by an adult, would constitute a misdemeanor or a felony ([ORS 133.402](#)).
- 1) Per [Senate Bill 418](#), a statement made by a juvenile during a custodial interview conducted by an officer is presumed to be involuntary if the statement is made in connection with an investigation into a misdemeanor or felony, or an allegation that the juvenile being interviewed committed an act that, if committed by an adult would constitute a misdemeanor or felony, and the court determines that the officer intentionally used information known by the officer to be false to elicit the statement.
- d. Custodial interviews of juvenile offenders conducted anywhere outside of a law enforcement facility shall be electronically recorded, when the officer is equipped with a body worn camera and the interview is conducted in connection with an investigation into a misdemeanor or a felony, or an allegation that the person being interviewed committed an act that, if committed by an adult, would constitute a misdemeanor or a felony. Exceptions to the recording requirement are listed in [ORS 133.402](#).
- e. Recordings of the above listed custodial interviews shall be preserved until the defendant's conviction or youth's adjudication for the offense is final and all direct, post-conviction relief and habeas corpus appeals are exhausted, or until the prosecution of the offense is barred by law.

502.6.1: NON-CUSTODIAL INTERVIEWING OF JUVENILE OFFENDERS

- e. Officers shall make every effort to notify the juvenile's parent(s)/guardian prior to pre-planned, non-custodial interview unless the parent(s)/guardian is the suspect, or such notification would jeopardize the investigation.

- 2) Notification of the parent(s)/guardian shall be noted in the incident report.
- f. When interacting with a juvenile in a non-custodial interview, if at any time the juvenile wishes to leave, officers shall not restrict their freedom of movement, prevent the juvenile from leaving, or compel the juvenile to answer any questions.
- g. A non-custodial interview should be limited to a reasonable time-duration with opportunities for periodic rest breaks.

502.7: POLYGRAPH OR DECEPTION DETECTION EXAMINATIONS

Officers utilizing a polygraph or deception detection examination will only utilize examiners certified by the Department of Public Safety Standards and Training (DPSST). Polygraphs or deception detection examinations will only be utilized as an investigative tool and when approved by the investigator's supervisor. No witness, victim, or suspect shall be required to submit to a polygraph or deception detection examination (Re: [Sexual Assault Investigations: Policy 520.5.1](#) and [ORS 163.575](#)).

Any investigative leads and their subsequent use after being obtained during a polygraph or deception detection examination shall be in adherence to all state and federal laws. Oregon law does not allow any court testimony regarding a polygraph or deception detection examinations in criminal proceedings.