

# Police Department Policy and Procedure Manual

## Chapter 4 — Operations

**Section Number:** 4-5-1  
**Section Title:** Constitutional Requirements  
**Most Recent Update:** 03/06/2020

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### I. Policy

- A. In order to protect the constitutional rights of persons involved in criminal investigations, the following guidelines will be followed:
1. Persons involved in a criminal investigation will be treated fairly and be extended all rights guaranteed by the United States Constitution.
  2. Officers shall not coerce or obtain involuntary confessions from persons suspected of criminal involvements.
  3. Prior to interrogating a suspect, whenever he is in custody or is otherwise deprived of his freedom, the officer must first advise the suspect of his constitutional rights, according to Miranda.
  4. Interviews are a crucial investigative tool for police officers and typically do not raise to the standard of reading a subject the Miranda rights. However, if the subject being interviewed feels their freedom is being deprived, the Miranda warning shall be used.
    - a. When Miranda Warnings are not necessary
      - (a) Before questioning a person who may be a witness to a crime or who may know something about the crime, but is not a suspect.
      - (b) Before questioning a suspect who has not been deprived of their freedom and knows the interview can be terminated at any time.
      - (c) Before questioning a motorist stopped for a routine traffic violation.
      - (d) Before asking questions reasonably motivated by concern for public safety.

5. Right to Counsel

- a. Once an individual has expressed the desire to have an attorney, he/she may not be interrogated until the individual has obtained an attorney or a court appointed attorney.

6. Arraignment

- a. When a person is arrested with or without a warrant, the officer shall bring the arrested person, if the person has not been released on bond or own recognizance, without delay, before the court having jurisdiction of the offense, to file the formal charge or complaint.



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Chief of Police