

**GENERAL ORDERS MANUAL
WESTERN MICHIGAN UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY**

I. PURPOSE

The purpose of this general order is to establish procedures to assure compliance regarding lawful interviews and interrogations. It is also the purpose of this general order is to provide written guidelines for the proper use of the WMU Public Safety interview/interrogation room.

II. POLICY

It is the policy of WMU Public Safety to respect and protect the individual constitutional rights of all persons. Therefore, it is the obligation of all sworn officers to familiarize themselves with the laws, ordinances, and department general orders pertaining to constitutional rights to ensure compliance with these rights.

Additionally, this department has a designated interview/interrogation room that will be utilized for all on-station interviews where it is likely the interview could become an interrogation. If the room is occupied and there are extenuating circumstances, an officer may conduct an interrogation at a neighboring agency.

III. INTERVIEWS AND INTERROGATIONS

A. Interview is a non-accusatory conversation in which, through questions and answers, the police interview tries to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim or witness. An interview means the simple questioning of a person who has no personal reason to withhold information, therefore, may be expected to cooperate with the interviewer. (3.2.1.a)

B. Interrogations are accusatory procedures designed to elicit from a subject an acknowledgement of untruthfulness in earlier statements or of guilt or participation in the commission of a crime. Interrogation generally means the questioning of a suspect or other person who may be normally expected to be reluctant to divulge information concerning an offense under investigation. (3.2.1.c)

Procedures – Officers shall consider the following criteria when initiating interrogations: (3.2.1.c)

1. Non-custodial interrogations do not require Miranda warnings.
2. The test for determining whether a person is being subjected to custodial interrogation, so as to require Miranda warnings, is whether he/she is physically deprived of his/her freedom in any significant way or is placed in a situation in which a reasonable person would believe that his/her freedom of action or movement is restricted by such interrogation.

C. Custodial interrogations require Miranda warnings be given. (3.2.1.c)

1. Officers shall provide Miranda warnings verbally and/or in writing whenever a person in custody is subjected to interrogation.
 - (a) The officer conducting a custodial interrogation shall read the person their rights verbatim from the rights card provided by the department and must receive an affirmative response to the questions on the back to proceed.
 - (b) If the subject of interrogation wishes to invoke his/her right to remain silent or his/her right to an attorney, all questioning will stop.
2. An officer may ask an in-custody subject for identification, such as name, date of birth, etc. without advice and waiver of Miranda.
3. Coercion or duress will not be used as a means of obtaining an admission or confession.

D. Right to Legal Counsel (3.2.1.d)

1. Persons will not be improperly deprived of their legal right to counsel.
2. Only the person or the parent or guardian of a juvenile being questioned has the authority to invoke their right to counsel.
3. If an individual being questioned by officers makes a request for an attorney or invokes their right to remain silent, all questioning must stop until the individual's attorney is present.
4. Arrested persons will be allowed to post bond in accordance with existing laws and department written policies.
5. The intentional release of information in order to prejudice a fair trial is prohibited. A suspect's name should not be released to the media prior to a warrant being issued and/or arraignment.

DI. Field Interviews (3.2.1.b)

The field interview is a means of collecting, preserving, and disseminating information about suspicious activity of individuals and/or vehicles. Officers making stops of individuals or vehicles for the purpose of conducting a field interview may temporarily detain a person if the officer has reasonable suspicion that the person is committing, has committed, or is about to commit a violation of the law. The right to detain applies to both pedestrian and vehicles and may be exercised upon reasonable suspicion of any violation of the law.

Elements which may help the establishment of reasonable suspicion include, but are not limited to, the following:

1. The person fits the description of a suspect wanted for committing a violation of the law.
2. The vehicle fits the description of a vehicle used to commit a violation of the law.

3. The person flees at the sight of the officer.
4. The person is seen leaving the area of a violation of the law.
5. The person is behaving or maneuvering a vehicle in a manner indicating illegal activity.
6. The time of day or night.
7. The officer's prior knowledge of the person's criminal history.
8. The location where the person was observed.

These are not reasons that alone justify reasonable suspicion. They are to be considered in the total context of the situation.

A person or vehicle stopped may be detained for a reasonable period of time. This should only be for the length of time necessary to obtain identification or an accounting of the person's presence or conduct. The person should be released as soon as the interview is completed, unless probable cause to arrest develops. The person may only be detained at or near the scene of the stop and not moved to another location without the person's consent.

F. Juvenile Interviews and Interrogations (3.2.1.e)

1. Non-custodial Statements

- (a) When the juvenile is not a suspect in a crime there is no requirement for a parent to be present during the non-custodial investigatory contact with a juvenile. An example of this type of contact would occur when an officer stops a juvenile on the street to ask them questions pertaining to such information as where they are going, where they are coming from, their age, etc.
- (b) When the juvenile is a suspect in a crime and the criminal investigation has "focused" on a juvenile, the officer will normally not interview the juvenile without a parent/guardian present.
- (c) When the juvenile is a suspect, the officer will inform the parent/guardian about the crime they are investigating and that their child is a suspect. The officer will inform the juvenile and the parent/guardian that the juvenile is not in custody and is free to leave at any time.

2. Custodial Statements (3.2.1.e)

The law does not require that a parent, guardian or custodian be present for the advice of rights or the taking of a statement from a juvenile. However, the following department procedures should apply:

- (a) Parents, guardians, or custodians will normally be necessary for a custodial interrogation of a juvenile.
- (b) The parent, guardian, or custodian must be advised of the Miranda Warning.
- (c) The waiver must be given by the juvenile and the parent/guardian/custodian.
- (d) If there is a conflict between the juvenile and the parent/guardian/custodian regarding the presence of an attorney or a waiver, this should be interpreted as a request for an attorney, or a non-waiver, and all questioning will be ceased until an attorney can be retained by the family or appointed by the court.

- (e) Normally, no more than two people at one time should be involved in the interrogation of a juvenile. No specified time limit is placed on the length of an interrogation, but personnel must be able to demonstrate that the time involved was reasonable.

IV. PROCEDURE

A. Designated Interview/Interrogation Room (3.2.2.a)

1. The primary interview room is located in room 1312 at the police station. Another interview room is located in room 1209 in the administrative wing of the station. Both rooms are within the secured area of the station and the entrance to the area is controlled by access cards.
2. The conference room is located in room 1502 at the police station and may be used for the interview of victims or witnesses and has the capacity to give a temporary place of safety while waiting for an officer. Entrance to this area is controlled by access cards.

B. Interview/Interrogation Room General Guidelines

1. Items in the interview/interrogation room should be limited to a table and enough chairs to accommodate the individuals in the room. Any other items brought into the room will be at the discretion of the officer/detective conducting the interview.
2. The number of people present while conducting an interview or interrogation should be kept to a minimum. Typically, this should be no more than two officers/detectives and the person being interviewed. Special circumstances may require a parent, guardian or legal representation. Ultimately, it will be up to the primary officer/detective on a case-by-case basis to make the decision as to who may be present. (3.2.2.c)
3. All individuals are afforded an opportunity to address their personal needs during an interview. It will be at the officer/detective's discretion when a break will be conducted. All individuals being interviewed who wish to utilize the facilities (access to restrooms, water or comfort breaks) will be escorted by an officer/detective at all times within any non-public areas of the police station. (3.2.2.e)
4. The responsibility for the safety and security of persons brought into the interview/interrogation room remains with the original officer, unless relieved by another sworn officer.

C. Electronic Recording of interviews and interrogations (3.2.1.f)

It is the policy of WMU Public Safety to record felony interrogations and other significant interviews pertinent to felony investigation, either by in-car video or in recorded interview/interrogation rooms, or at the Kalamazoo County Jail. Public Act 479 of 2012 requires law enforcement officials interrogating an individual in custodial detention regarding the commission of a major felony to make a time-stamped, audio/visual recording of the entire interrogation.

V. GENERAL SECURITY CONCERNS

- A. To provide proper security, all arrestees will be searched prior to being brought into the interview/interrogation room.
- B. Prior to use of the interview/interrogation room, officers will search the room for weapons and/or contraband that may pose a threat to not only the employee, but also to the subject being interviewed.
- C. Only one interviewee at a time will be in the interview/interrogation room.
- D. Once the interview/interrogation has been completed, the officer will again search the room prior to exiting.
- E. Arrestees will be handcuffed prior to entry of the interview/interrogation room. Handcuffs may be removed at the discretion of the officer conducting the interview.
- F. The interview/interrogation room is not a detention area. If a subject being interviewed (adult or juvenile) is left alone in an interview/interrogation room, there must be constant monitoring. The utilization of audio/visual equipment must be on and working prior to the officer exiting the room. An officer must be near the room and be readily available to provide assistance should they be summoned by voice, radio or telephone. (3.2.2.d)

VI. WEAPONS CONTROL (3.2.2.b)

It will be the sole discretion of the officer, and in certain cases a supervisor, whether they keep their authorized weapon on their person while in the interview/interrogation rooms. Should the officer elect to remove the weapon, it shall be properly secured.

Issued Date: 10/14/2020

Issued by



Scott Merlo
Director of Public Safety