

NEW CANAAN POLICE DEPARTMENT

SUBJECT: INTERVIEW ROOMS



DIVISIONAL ORDER NUMBER: 15-03-12

I PURPOSE/POLICY

The purpose of this Division Order is to establish the procedures and protocols to be followed when using designated interview rooms for the purpose of questioning suspects, witnesses or others with regard to development of criminal information and confessions of criminal activities that are likely to conclude with arrest. It is the policy of the New Canaan Police Department to afford all persons questioned in regard to criminal activities all rights provided them by the Constitutions of the United States and the State of Connecticut.

II RESPONSIBILITY

It is the responsibility of all department personnel to adhere to this Divisional Order. It is also the additional responsibility of the Supervisory Staff and Command Staff to ensure its compliance.

III DEFINITIONS

- A.** The following definitions shall be used to determine a subject's status as it relates to police questioning and the requirement of recording such event as defined by Statute.
1. **Custody** – Means the circumstance when (A) a person has been placed under formal arrest or (B) there is a restraint on a person's freedom of movement to the degree associated with formal arrest and a reasonable person, in view of all the circumstances, would have believed that he or she was not free to leave.
 2. **Voluntary** – Means the person being questioned is doing so of their own volition and has no reasonable grounds to believe that they are required to answer any questions or they are being detained against their will.
 3. **Interrogation** - Means questioning initiated by a law enforcement official or any words or actions on the part of a law enforcement official, other than those normally attendant to arrest and custody, that such official should know are likely to elicit an incriminating response from person
 4. **Custodial interrogation**– Means any interrogation of a person while such person is in custody.
 5. **Place of detention**– Means a police station or barrack, courthouse, correctional facility, community correctional center or detention facility.
 6. **Electronic recording** - Means an audiovisual recording made by use of an electronic or digital audiovisual device.

IV PROCEDURES

A. Any persons not under arrest that are to be questioned about their involvement in the criminal activity shall be classified into either of two categories:

1. **Voluntary**- Persons of interests, witnesses or others to be questioned by officers of this Department shall be considered to be voluntarily providing information, if the circumstance which they are providing information does not trigger the issuance of Miranda Warnings (custody & interrogation). When questioning persons in this category, Officers should make sure that the subject understands that:

They are NOT obligated to answer any question they do not wish to;

They are free to leave at any point they wish;

They may stop questioning at any time.

Voluntary interviews should be conducted in areas of the building where a suspect reasonably believe that they were free to leave the building without restriction. These areas may include:

- Lobby
- Training Classroom
- Youth Office
- Investigations

2. **In-Custody**- All Persons formally arrested and persons whom are not under arrest but are being questioned/interviewed in situations that have triggered advisement of Miranda Warnings. In-custody interrogations should be conducted in:

- The Department's designated Interview Room (Admin. floor)
- Security Area

B. The department's designated interview room is located on the administration floor. Recording equipment for the room is located in the equipment room directly across from the interview room. The interview shall contain only the following items:

1. Chairs (up to four)
2. Table (one only)

All furniture in the room shall be minimal, absent drawers or any areas where weapons, contraband or other items might be secreted. Furniture in the room should not be moved from its designated location, so not to interfere with clear and accurate recording.

C. To address safety concerns, due to the location of the Interview Room, The following procedures shall be followed when utilizing it for interviews/interrogations:

1. Both the Shift Commander and the Dispatcher shall be notified prior to escorting a suspect to and utilizing the interview room.
 - a. The identity of the suspect(s) and the officer(s) conducting the interview shall be recorded by the dispatcher.
2. Prior to allowing the suspect(s) into the restricted area of the police department the officer shall insure that they are not in possession of any weapons.

3. Officers shall secure their duty firearm, prior to conducting the interview/interrogation.
4. The number of persons allowed into the interview room shall be restricted to the following:
 - a. No more than two (2) suspects may be in the room at the same time.
 - b. No more than two (2) officers may be in the room at the same time.
5. Access to water, restrooms or comfort breaks shall be granted at the discretion of the interviewing officer.
 - a. Such requests should not be unreasonably withheld.
 - b. Suspect should never be left unattended while in the restricted area of the police department.
6. Officers shall have their duty issued portable radio immediately accessible at all times while utilizing the Interview Room.
 - a. Officers shall utilize the emergency button on their portable radio to summon assistance in case of emergency, if they are unable to transmit their request verbally over the air.
7. All interviews/interrogations conducted in the security area shall be compliant with the procedures outlined in G.O. 89-13-66, Holding Facility.

V EQUIPMENT

- A. Ideally, any electronic recordings of interviews or interrogations conducted pursuant to Connecticut Statutory requirements will be done by use of the "iRecord" system dedicated for that specific purpose.
 1. In the event that such recording is not possible, the recording will be done via use of Department issued body camera or other electronic recorder utilized by the Department.

VI DISTRIBUTION

This divisional order will be reproduced in electronic and traditional media. All sworn personnel shall have access to Department divisional orders through a read-only file on their individual domain of the Department's computer network. Printed copies will also be placed in locations throughout headquarters so that they are easily accessible to all personnel.

VII EFFECTIVE DATE

This Division Order is effective October 1, 2015.

Per Order,

Captain Vincent E. DeMaio
Commander of Operations