



Tulsa Police Department

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Policy # 104A

Effective Date 11/20/2024

Policy Name Interview and Interrogations

Approved Date 11/18/2024

Approved by Dennis Larsen, Chief of Police

Previous Date 11/21/2021

PURPOSE OF CHANGE:

Update policy and remove regulation requiring detectives utilize interview rooms. Interview rooms should be utilized, if possible, but not a requirement.

POLICY:

The Tulsa Police Department will utilize interviews with victims and witnesses and interrogations of suspects in order to meet the legitimate goals of the police department in the investigation of criminal activity.

The effective uses of field interviews, victim and witness interviews, and suspect interrogations are often crucial in solving many types of crimes. Officers should remember that by using innovative methods, valuable evidence can be obtained from victims, witnesses, and suspects.

When interviewing or interrogating a non-English speaking person, contact Public Safety Communications (PSC) for an interpreter. If none are available, utilize the “Language Link” to locate personnel that can communicate/interpret for the officer.

When interviewing or interrogating any subject suspected of suffering from mental illness, the apparent symptoms of mental illness should be documented, and appropriate action taken pursuant to Policy and Procedure 116A, 116B, or 116C.

SUMMARY: Procedures for conducting interviews and interrogations.

APPLIES TO: All sworn-police personnel

DEFINITIONS:

CUSTODIAL INTERROGATION – Express questioning or any words or actions on the part of the officer that they know are reasonably likely to elicit an incriminating response from a suspect who is in custody; questioning of a suspect who is in custody for evidence of their own guilt. Questioning will be conducted pursuant to *Miranda v. Arizona*.

ELECTRONIC RECORDING – Audio or audiovisual recording.

INTERVIEW – A non-accusatory fact-finding conversation that is free flowing and in a variable environment.

PLACE OF DETENTION – Fixed interview and interrogation room under the control of a law enforcement agency where individuals are questioned about alleged crimes.

PROCEDURES:

A. FIELD INTERVIEWS

1. Field interviews are usually conducted in the field by uniformed personnel or at the scene of a crime by investigators.
2. During the field interview there are several things working against the successful conclusion of the interview that officers need to take into account. These distractions can include uniform presence, crowds, fear, marked police cars, radio traffic, etc.
3. Despite these challenges, officers should attempt to interview the person, or at least document their version of events.
4. If it is determined that a more formal interview should be conducted, the person should be transported to a divisional interview room. At the division officers will utilize the divisional recording equipment. Do not record formal interviews at the divisions on the body worn camera.

B. INVESTIGATIONS

1. During the course of an investigation, all witnesses, suspects, and victims will be separated as early as possible. Interviews will be conducted to obtain information, particularly pertaining to the who, what, when, where, how and why of an incident.
2. When possible, interviews will be conducted in one of the divisional interview rooms or at the Detective Division.
3. When possible, two investigators will conduct an interview. Electronic recordings may be used at the discretion of the investigator except when required by policy.
4. The assigned investigator will be responsible for conducting interviews. The assigned investigator, or the supervisor, may delegate the responsibility to conduct an interview to another investigator, if necessary.
5. Following an interview, a *Supplemental Report* will be made as soon as possible, detailing the results of the interview, and included in the case file. When a *Supplemental Report* to a particular investigation is not appropriate, a *Field Interview Report* (FIR) will be submitted to the appropriate division/squad and forwarded to the Public Safety Analyst Unit (PSAU). FIRs are used as a source to provide other officers, investigators, and crime analysts with information concerning suspicious persons and situations.
6. Information gathered for FIRs may be considered criminal intelligence and should be forwarded to the appropriate investigative squad, if known, and PSAU.

C. VICTIM AND WITNESS INTERVIEWS

1. The trauma and stress to which the victim or witness has been subjected should be considered and the interview conducted in such a manner as to reduce stress and minimize further problems. This includes such issues as use of the restroom and providing water.
2. In addition, the age, physical and mental limitations, education, credibility, gender, and intoxication of the witnesses should also be considered. Officers should protect themselves from allegations of misconduct by having another officer present.
3. Detailed notes or electronic recordings should be made for future reference giving time, date, location and officers present.

D. INTERROGATION OF SUSPECTS

1. Interrogation of suspects who are in custody should be accompanied by a completed *Notification of Rights and Waiver Form*. Officers should consider these important points:

- a. All interrogations should be electronically recorded with relevant times, date, location, officers present, Waiver of Rights-when necessary, etc. Do not utilize the body worn camera to record the interrogation unless no other recording device is available.
- b. All interrogations of individuals suspected of homicide or felony sexual offenses will be electronically recorded.
- c. Statements obtained during an interrogation must not be based on coercion, promises, delays in arraignment, or deprivation of counsel.

E. JUVENILES

- 1. Juvenile victims, witnesses, and suspects must be given the same constitutional protection as adults. The following additional safeguards will be followed:
 - a. Except when an adult crime is being investigated, and the suspect is being questioned regarding the adult crime, parents or guardians will be notified whenever a juvenile is interrogated, taken into custody or charged with a crime.
 - b. If a person sixteen (16) years of age or older is charged with a youthful offender crime, the interrogation procedures are the same as those for an adult. The presence of a parent or guardian is not required. The interrogation must conform with all requirements for the interrogation of an adult (See Policy and Procedure 121C).
 - c. If a person under sixteen (16) years of age is charged with a youthful offender crime, a parent, guardian, attorney, adult relative, adult caretaker, or legal custodian must be present during the custodial interrogation.
 - d. If a person is under eighteen (18) years of age and their crime is not a juvenile crime, a parent, guardian, attorney, adult relative, adult caretaker, or legal custodian must be present during the custodial interrogation.
 - e. Agency and juvenile justice system procedures will be explained to the juvenile and parents or guardian.
 - f. The duration of the interrogation will be reasonable in length, taking into consideration the age and psychological state of the juvenile. Breaks will be offered to the juvenile and parents or guardian at reasonable intervals.

F. NOTIFICATION OF RIGHTS DURING INTERROGATIONS

- 1. Adults – As appropriate, the Notification of Rights and Waiver Form should be utilized when reading Miranda Rights.
- 2. Juveniles – As appropriate, the Juvenile Notification of Rights and Waiver Form should be utilized when reading Miranda Rights (See Policy and Procedure 31-121B).

G. INTERVIEW AND INTERROGATION ROOMS

- 1. When conducting interviews/interrogations, ensure that all weapons are securely fastened in their appropriate holsters, all safety devices are engaged and not accessible to detainees before entering the interview/interrogation room.
- 2. Detainees shall be searched prior to being placed in a designated interview/ interrogation room. The room will be searched prior to and immediately following the interview or interrogation.
- 3. When interviewing or interrogating a person of the opposite sex, the presence of a second officer or detective should be considered.
- 4. There should be no more than three officers/detectives in the interview/interrogation room during the interview or interrogation. During the introductory phase of the interview or interrogation process, three may be present, but it is recommended during the actual interview or interrogation that no more than two officers/detectives be in the room.

5. If the interview/interrogation room is not equipped with a panic/duress alarm, when interviewing or interrogating detainees/witnesses, ensure that an officer/detective is aware that someone is in the room, and within earshot so that they may assist the officer/detective if a subject becomes violent or needs help. If this is not possible, officers/detectives should have a radio so that they may call for assistance or activate the emergency button.
6. No equipment is kept in interview/interrogation rooms. If assistance is needed in recording the interview or interrogation, contact a supervisor or the appropriate equipment control officer.
7. During interviews or interrogations, officers/detectives are responsible for ensuring that basic human necessities such as water, restroom, and comfort breaks are provided for interviewees/detainees.
8. Arrested persons, and persons who have been identified as suspects or persons of interest in a criminal investigation will be kept under continuous observation during the interview or interrogation.

REGULATIONS:

1. If the suspect of a homicide or felony sex offense decides to fill out a written statement, the completion of the statement will be electronically recorded.
2. Electronic recordings will be retained indefinitely.
3. Exceptions to electronic recording must be documented as to the reason for not recording. Some exceptions include, but are not limited to:
 - a. The suspect statement is made spontaneously and not in response to an interrogation.
 - b. The statement is made during routine questioning before the individual is a suspect.
 - c. There is an equipment failure that the officer is unaware of.

REFERENCES:

10A O.S. 2-2-301
Oklahoma State Bill 636
116A, *Emotionally Disturbed/Non-Criminal*
116B, *Emotionally Disturbed/Criminal Charges*
116C, *Emotionally Disturbed Juveniles*
121B, *Juvenile Arrest and Detention*
121C, *Youthful Offenders*