

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 100.99

REVISED NOVEMBER 2018

INTERVIEW AND INTERROGATION ROOMS

1. PURPOSE. The content of this General Order is to establish policy and procedures for all employees relative to the use of interview/interrogation rooms. When available, departmental interview/interrogation rooms are utilized during interviews or interrogations of victims, witnesses, and suspects. This includes custodial and noncustodial interviews or interrogations of persons suspected of committing a crime or charged with a crime. Prior to conducting an interview/interrogation, employees shall ensure they are in compliance with the Fifth (Miranda), Sixth (right to counsel), and Fourteenth (voluntary statements) Amendments of the United States Constitution, and departmental policy. Employees can reference the California Peace Officers Legal Sourcebook for detailed information and explanations regarding the aforementioned amendments.

In the event an interview/interrogation room is utilized to interview/interrogate an employee, the policies contained in Highway Patrol Manual (HPM) 10.2, Internal Investigations Manual, as well as the employee's bargaining unit contract shall be adhered to.

2. POLICY.

a. Weapons Control. Appropriate safety precautions shall be taken prior to all interviews / interrogations. Prior to entering the interview/interrogation room, employees should consider securing all weapons in their assigned locker or in a secure area designated for weapons storage.

b. Security.

(1) Employees shall conduct a thorough search of the interview/interrogation room prior to placing a person inside the room and after the person's removal from the room.

(2) Employees shall thoroughly search arrestees prior to placing them in an interview/interrogation room.

(3) Arrestees should remain handcuffed or secured in a manner to prevent their escape or assaults to personnel. During extended interviews, and only if deemed safe by the investigating officer, an arrestee may have their handcuffs removed while secured in the interview/interrogation room and under continual observation.

(4) Arrestees shall be monitored at all times. Monitoring may include posting a uniformed employee in the room or observing the arrestee through a window or closed circuit television.

(5) Interviewees shall not be left unsupervised or unattended if that person appears to be under a significant amount of duress or appears to be a potential threat to themselves.

c. Number of Personnel. Employees should take necessary steps to limit the number of personnel in the interview/interrogation room. Normally, interviews/interrogations will be conducted by no more than two persons. Access to the interview/interrogation room should be limited to those necessary for the investigation. A one-on-one interview/interrogation with a noncustodial person may be acceptable if, in the employee's opinion, the interview/interrogation can be conducted safely.

d. Summoning Assistance. Prior to beginning the interview/interrogation, employees should alert other employees or dispatch of a pending interview. While in uniform, employees are required to carry a portable radio which can be used to summon help, unless the interview/interrogation room is properly equipped with a panic button.

e. Audio/Video Recording. Employees shall audio and/or video record all interviews/interrogations. Audio and/or video recording will ensure the accuracy of the statement and could provide beneficial information for criminal prosecutions, civil prosecutions, internal investigations, and civilians' complaint investigations. When audio/video recording is utilized, employees will ensure compliance with HPM 70.1, Evidence Manual, and Penal Code Section 859.5.

f. Furnishing an Interview Room or Area.

(1) Each interview/interrogation room should contain a table and chairs.

(2) A telephone may be placed in the interview/interrogation room, as long as it will not be a distraction during the interview/interrogation.

(3) All radios, paging systems, telephone ringers, and flashing lights should be turned off or muted.

- (4) Walls should normally be plain and nondistracting.
- (5) Windows should be equipped with blinds to avoid distractions.
- (6) When interviewing children who are victims of a crime, soft, comfortable seating should be used.

g. Physical Necessities. Interviewees will be provided access to water, restrooms, and other basic needs during an interview. If the interviewee requires the use of a restroom, they should be escorted by a uniformed member of the same gender. Employees should remain cognizant of officer safety during these escorts and the need to search rooms prior to and after the person's visit to ensure weapons and contraband are not accessed or discarded.

h. Standard Operating Procedure. Commands maintaining an interview/interrogation room should develop standard operating procedures to address critical operating procedures.

OFFICE OF THE COMMISSIONER

OPI: 065

THIS PAGE INTENTIONALLY LEFT BLANK