

# UW Whitewater Police



## Custodial Interrogation of Adults

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Special Instructions:

Approved By:  
Chief Kiederlen

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2

### I. Purpose

The purpose of this General Order is to provide officers with direction for interrogations of adult in custody.

### II. Policy

It is the policy of the UW-Whitewater Police Department (UWWPD) that all officers shall video and audio record all interviews or interrogations of adults for felony cases, including OWI cases that are felonies.

### III. Procedure

- A. If possible, officers should interview/interrogate adults at UWWPD in Interview Room 126B. Prior to entering Interview Room 126B, an officer will activate the video/audio recorder for Interview Room 126B.
- B. Prior to beginning the interview/interrogation, the recording requirement includes the period of time during "pre-statement" question and answers, including the reading of Miranda Warning and the Waiver of Rights.
- C. The officer will explain the recording requirement to the adult. Explain that it is required by law and it is done to protect the adult and to ensure that what the adult says is accurately captured.
- D. If an adult refuse to answer questions because of the recording requirement, fully document this refusal both on the Refusal of Recorded Statement form (Addendum A) and in your written report. Turn off the video/audio recorder and take the statement anyway.
- E. In addition to the recording the officer must summarize the substance of the interview/interrogation in a written report. The officer must include information about the recording including start and stop times, location, and persons present.
- F. If the interview/interrogation occurs at a law enforcement agency other than UWWPD, the officer shall utilize the video/audio recording equipment of that law enforcement agency and get a copy of the video/audio recording prior to leaving.
- G. If at a law enforcement agency other than UWWPD, and if an adult refuses to answer questions because of the recording requirement, fully document this refusal both on the

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Refusal of Recorded Statement form (Attachment A) and in your written report. Turn off the video/audio recorder and take the statement away.

- H. Prior to leaving UWWPD to interview/interrogate an adult at another law enforcement agency, the officer should take an audio digital recorder with them, in case the law enforcement agency is not equipped to take video/audio recordings, or their video/audio equipment is not functioning properly.
- I. If an officer begins an interview/interrogation without recording and later determines that they should have been recording, they should immediately turn on the video/audio recorder and make a notation on record that what was said earlier was true and correct, and that the statement by the adult was offered without being coerced.
- J. If the adult is subsequently transported to jail, officers should make a notation in their Arrest Report that the summary of the adult's interview/interrogation is "in substance" and not verbatim.
- K. Recording Exceptions:
  - 1. The adult refuses to be recorded and an audio, visual or written record is made contemporaneously.
  - 2. The statement was made during "routine processing".
  - 3. "Good faith" failure of the equipment, without the operator's knowledge.
  - 4. Spontaneous statements.
  - 5. Exigent public safety circumstances exist.
  - 6. Officer reasonably believes the offense was not a felony when interviewing/interrogating an adult.
  - 7. When in doubt – video and audio record the interview/interrogation.

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Attachment A

UW – Whitewater Police Department

## REFUSAL OF RECORDED STATEMENT

Officer \_\_\_\_\_ has informed me that Wisconsin State Statutes require and statements that I make to police are to be recorded. However, at this time I refuse to let the police record any statements I make to them. This is my choice and the police have not forced, threatened, or made any promises to not record my statements.

I give this permission on my own free volition without any promises, or threats being made to me.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ Time: \_\_\_\_:\_\_\_\_ am/pm

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Signature

Witnesses:

\_\_\_\_\_  
Name Printed

\_\_\_\_\_  
Signature