


<p>RABUN COUNTY SHERIFF'S OFFICE</p>  <p>General Order Number: 5.07</p>	<p>Date of Issue</p> <p>2/23/2016</p>	<p>Effective Date</p> <p>2/23/2016</p>	<p>Revision Date</p>
<p>Subject: <b>Victim, Witness and Suspect Interviews</b></p>	<p>Amends:</p>		<p>Rescinds:</p>
<p>Index as:</p> <p>Criminal Procedure/Process Interviews</p>	<p>State Certification Standards:</p>		
<p>Special Instructions:</p>			

**PURPOSE**

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding victim, witness and suspect Interviews.

**STATEMENT OF POLICY**

It shall be the policy of the Rabun County Sheriff's Office that all victim, witness and suspect interviews be conducted in accordance with all Federal and State Statutes and in accordance with accepted law enforcement practices.

**DISCUSSION**

The effective use of interviews of victims and witnesses and interviews of suspects are often crucial in solving many types of crimes. Deputies should remember that by using innovative, yet proper methods, much valuable evidence could be obtained from victims, witnesses and suspects. A flexible and effective interview technique can obtain valuable evidence that might otherwise be lost.

## DEFINITIONS

**INTERVIEW** — A conversation between law enforcement deputies and persons who are thought to have knowledge sought by the deputies, whether those persons are victims, witnesses, suspects, or anyone who may have or possess relevant information. An interview may be relaxed and informal or highly structured and formal, depending on the circumstances. The term “interrogation” is rarely used because it has come to be associated with an element of intimidation or coercion in the public mind.

### I. BASIC PROCEDURES

All interviews (Victim/witness/suspect/etc) will be properly documented by one or more of the following methods: detailed note taking, written statements, videotaping and audio taping. The effective use of interviews with victims, witnesses and suspects are often crucial in solving many types of crimes. Access to basic necessities such as restrooms, water, and reasonable comfort breaks should not be denied.

### II. INTERVIEWS

#### A. Juvenile Victims

Before questioning a juvenile who is a victim or witness, every reasonable attempt will be made to first notify the parent or guardian. Such prior notification is not required under emergency circumstances when time is of the essence, when the parent or guardian cannot be notified, or when the child may be the victim/witness to an offense involving the parent or guardian as the suspect. During instances when deputies must take a parent or guardian into custody and their children are present, but there are no indications of abuse or neglect, the parent or guardian must be given a reasonable opportunity to arrange for the child’s appropriate care and supervision with friends or relatives. During circumstances when deputies must take adults into custody and other children are present and there are no indications of abuse or neglect the children will be questioned and their parents notified.

1. Any interview with a juvenile victim should be conducted in a child friendly environment.
2. The interview should never be conducted at the scene of the abuse or in the presence of the offender or non-supportive parent/guardian.
3. Forensic interviewers will commonly be used and interviews should be conducted at the Powerhouse.
4. All interviews will be properly documented by detailed note taking, written statements, videotaping and/or audio taping.
5. The below listed factors and information should be considered when interviewing young child victims:
  - a. Who was involved;
  - b. What occurred;
  - c. When did incident occur;

- d. Where did incident occur;
- e. How long did incident last;
- f. Number of times incidents occurred;
- g. Is child previous victim of abuse;
- h. **Who received the initial disclosure of abuse;**
- i. Avoid leading questions
- j. Make sure the child knows he/she can correct any misstatements the interviewer might make;
- k. Determine if the child knows the difference between truth and lie;
- l. Base questions on the child's knowledge and terminology;
- m. Have child state his/her name, age, address, school, grade, and further as needed;
- n. Use human figure diagrams or other drawings as needed.
- o. The child's non-offending parent or other comfort zone person may be allowed in the interview if the interviewer believes this will be beneficial to the interview process. This comfort zone person should only sit in on the interview and not participate.
- p. Law enforcement personnel conducting interview with children should be as non-threatening as possible. Firearms should not be worn during child interviews if the interviews are conducted in a secure location.

#### B. Victim/Witness Interviews

1. The trauma/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;
2. The age, physical limitations and credibility of witnesses should also be considered;
3. The use of written statements and diagrams, provided by the victim/witness, should be considered if they will assist the case.

#### C. Adult Offender Interviews

1. Every effort should be made to obtain a statement from the adult offender concerning the incident. Interviews with suspects are often crucial in solving the case. A flexible and effective interview technique can provide valuable information that might otherwise be unobtainable.
2. Interviews to obtain investigative leads can be very useful but all constitutional precautions must be taken and documented if the suspect interview is to be used later in court. If the suspect is in custody he must be advised of his Miranda Rights prior to the interview.

3. The interview must be properly documented by use of detailed notes, written statements, videotaping, and/or audio taping. The documentation should include the date, time location, deputies present, waiver of rights, times interview ended, etc.
4. Statement obtained during an interview must not be based on coercion, deprivation of counsel or other improper means.
5. Excessive number of deputies should not be present during the interview. When possible, no more than two (2) deputies should be present in an interview.
6. If the interview is conducted in a secure location, such as the Sheriff's Office or Detention Center, firearms should not be worn during the interview.
7. Constraint devices (handcuff, leg cuffs, etc.) will be kept in the CID storage closet for use if needed.
8. Deputies should not hesitate to use innovative yet proper methods such as minimization, blame shifting, etc. when interviewing suspects.
9. In many instances discussing the suspect's education level and level of mental alertness during the interview will alleviate court suppression issues.

#### D. Juvenile Suspect Interviews (10-01-07)

In addition to the above guidelines set for interviewing suspects, further precautions should be taken with juvenile suspects. When interviewing juvenile suspects, deputies must consider several important factors:

1. When conducting an in custody suspect interview with a juvenile offender, he/she must be advised of his/her juvenile Miranda Rights and departmental procedures as well as juvenile justice system procedures.
2. Statement obtained during an interview must not be based on coercions, deprivation of counsel or other improper means.
3. It is recommended that the juvenile's parent/guardian be present in the interview, but it is not a legal requirement. The deputy should offer to allow the parent/guardian to be present in the interview. If the parent/guardian chooses not to be present or cannot be located, the deputy may continue with the interview so long as the juvenile consents to the interview.
4. If the interview is conducted in a secure location, such as the Sheriff's Office or Detention Center, firearms should not be worn during the interview.
  - a. Admissions made by Juvenile offenders are scanned with more care and received with greater caution than that of an adult. Nine criteria are considered in determining whether the Miranda waiver of a juvenile was voluntarily and knowingly given:
  - b. Age of the accused;
  - c. Education of the accused;

- d. Knowledge of the accused as to both the substance of the charge and the nature of his rights to consult with an attorney and remain silent;
  - e. Whether the accused is held incommunicado or allowed to consult with relatives, friends or an attorney;
  - f. Whether the accused is interviewed before or after formal charges are filed;
  - g. Methods used in the interview;
  - h. Length of interview;
  - i. Whether the accused refused to voluntarily give statements on prior occasions;
  - j. Whether the accused repudiates an extrajudicial statement at a later date.
5. Excessive number of deputies should not be present during interviews involving juvenile suspects. When possible, no more than two (2) deputies should be present in an interview of a juvenile.

#### E. Mentally Ill Person(s) Interview

- 1. The following specific guidelines detail how to interact with a person who may have mental illnesses and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Deputies, while protecting their own safety and the safety of the person with mental illnesses should:
  - a. remain calm and avoid overreacting
  - b. continually assess the situation for danger; maintain adequate distance from subject
  - c. be helpful and professional; keeping in mind that the mentally ill person in a crisis situation is generally afraid
  - d. check for and follow procedures indicated on medical alert bracelets or necklaces
  - e. indicate a willingness to understand and help
  - f. speak simply and briefly, and move slowly
  - g. remove distractions and/or upsetting influences
  - h. understand that a rational discussion may not take place
  - i. recognize that the person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment
  - j. be friendly, patient, accepting and encouraging, but remain firm and professional

- k. be aware that their uniform, gun, and/or handcuffs may frighten the person with mental illnesses, attempt to reassure him or her that no harm is intended
  - l. recognize and acknowledge that a person's delusional or hallucinatory experience is real to him or her
  - m. announce actions before initiating them
  - n. gather information from family or friends
  - o. if the person is experiencing a psychiatric crisis, attempt to have a local mental health professional respond to the scene
- II. While each incident will be different, when dealing with a person who may have mental illnesses, deputies should be aware that their own actions may have an adverse effect on the situation. Actions that deputies should generally avoid include:
- a. moving suddenly, giving rapid orders or shouting
  - b. forcing discussion or giving multiple choices that increase confusion
  - c. direct, continuous eye contact
  - d. touching the person (unless essential to safety)
  - e. crowding the person or moving into his or her zone of comfort
  - f. expressing anger, impatience or irritation
  - g. assuming that a person who does not respond cannot hear
  - h. using inflammatory language, such as "mental" or "mental subject"
  - i. whispering, laughing or joking as it will increase suspicion and potential for violence
  - j. joining the behavior such as challenging delusional or hallucinatory statements; and misleading the person to believe that deputies on the scene think or feel the way the person does
- III. Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options deputies should consider when selecting an appropriate disposition. These options include the following:
- a. outright release.
  - b. release to care of family, caregiver or mental health provider.
  - c. refer to substance abuse services.
  - d. assist in arranging voluntary admission to a mental health facility, if requested.

- e. transport for psychiatric evaluation at the hospital emergency room, if the person's behavior meets the criteria for this action.
  - f. arrest, if a crime has been committed.
- IV. Deputies should remember that having a mental illness is not a crime. No individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking a person who has a mental illness into custody can occur only when:
- a. the individual has committed a crime
  - b. a person has threatened or attempted suicide or to inflict serious bodily harm on such person, or the person has threatened or attempted homicide or other violent behavior, or the person has placed others in reasonable fear of violent behavior and serious physical harm to them, or there is a substantial likelihood that such harm will occur unless the person is placed under involuntary treatment, then the person poses a "substantial likelihood of serious harm" for purposes of this title.
  - c. Authority of licensed psychologist or other mental health professional.

F. Non-Offending Parent/Guardian Interviews

Preferable interview the non-offending parent/guardian prior to the victims interview. The non-offending parent/guardian usually can provide information on the child's history, location of incidents, time frame of incidents, and other possible witnesses. In many cases the non-offending parent/guardian is the person receiving the initial disclosure of abuse. Many times personal information on the offender and past similar acts by the offender may be known to the non-offending parent/guardian.



By Order of the Sheriff: **Chad K. Nichols**  
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