

 <p style="text-align: center;">University of Pittsburgh Police Department</p> <p style="text-align: center;">Rules &amp; Regulations Manual</p>	<b>Reference Number: (Chapter / Section)</b>	4 – 11 PLEAC 1.2.2a; 1.2.2b; 1.2.2c
	<b>Issue Date:</b>	04-09-09 Reviewed 12/2018
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	<b>Rescinds:</b>	All Previous
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<b>Title:</b>	 By Order of James K. Loftus, Chief of Police	

## **1.0    Policy**

It shall be the policy of the University of Pittsburgh Police Department to provide for and promote the delivery of constitutionally sound police practices.

## **2.0    Interviews and Interrogations**

A.    Interviews: A non-accusatory conversation in which through questions and answers, the police interviewer tries to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim or witness.

1.    Procedures:

- a.    Interviews may occur in a variety of circumstances and locations.
- b.    Officers shall conduct interviews in the same manner as if they were engaging in any normal conversation.
- c.    Officers conducting interviews shall be aware of the nature of questions, their location, the interviewed persons' location, and the conditions present when conducting interviews so that the subject does not have any reason to believe s/he is in custody.

B.    Interrogations: In accusatory procedure designed to elicit from the subject a confession, or an acknowledgment that s/he did not tell the truth during an initial statement, whether that person is a suspect who originally denied involvement in an incident, or a victim who fabricated the nature of the alleged offense. Officers shall consider the following criteria when initiating interrogations:

1.    Non-custodial interrogations

- a.    Miranda warnings are not required to be given to a subject by officers when the subject is being interrogated, but is not in custody.

- b. A statement form shall be used when taking non-custodial statements from victims, witnesses and suspects, when conditions permit.

2. Custodial interrogations

- a. The test for determining whether a person is being subjected to custodial interrogation, so as to require Miranda warnings, is whether s/he is physically deprived of his/her freedom in any significant way or is placed in a situation in which a reasonable person would believe that his/her freedom of action or movement is restricted by such interrogation.
- b. Officers shall provide, orally and/or written, Miranda warning advisements whenever a person in custody is subjected to custodial interrogation or its equivalent.
- c. When providing written Miranda warnings during custodial interrogations, officers shall use the department "Waiver of Rights" form, when conditions permit.
- d. When receiving written statements from detainees during a custodial interrogation, officers should use the Q & A format. Each page of the statement should be signed by the person giving the statement.

(PLEAC 1.2.2a)

3. Interrogation documentation

All original rights forms and written statement(s) received, shall be submitted with the investigation report and placed in the arrest folder or investigation file.

**3.0 Access to Counsel**

Officers shall consider the following procedure when safeguarding a detainee's access to counsel during interrogation:

A. Right to counsel

- 1. When a subject has been placed under arrest by an officer, and the subject is being subjected to a custodial interrogation, she/he shall be advised of the right to speak to counsel through the Miranda warning advisement. If they do not waive the right, the interrogation shall not proceed, unless the detainee waives the right at a later time.
- 2. When a detainee requests to speak to an attorney before, or during, a custodial interrogation, the interrogator shall cease questioning and provide the detainee the opportunity to confer with counsel.

(PLEAC 1.2.2b)

B. Waiver of right to counsel

- 1. Detainees may waive their right to counsel following the Miranda warnings, however, interrogators shall document that the waiver was a knowing and intelligent waiver, e.g., that the detainee knew of his/her right to consult with counsel before answering questions and s/he freely chose to proceed with the interrogation without exercising that right.

- a. Documentation of the waiver shall be on departmental rights forms and/or in an incident report filed by the interrogating officer.
2. If the suspect waives his/her right to counsel after receiving the Miranda warnings, law enforcement officers are free to question him/her. But if a suspect requests counsel at any time during the interview, the interrogating officer shall not subject him/her to further questioning until a lawyer has been made available or the suspect freely reinitiates conversation. Caution should always be used when a suspect freely reinitiates conversation. A call may be made to an ADA to determine if the interview shall continue.
3. The interrogating officer must ensure that the suspect clearly requests counsel. A suspect must articulate his desire to have counsel present sufficiently enough that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney. If the statement fails to meet the requisite level of clarity, interrogating officers are not required to stop questioning the suspect.

#### **4.0 Search and Seizure (in-custody)**

Officers should consider the following procedures when searching a person in custody and seizing property:

##### **A. Search**

1. All subjects taken into custody shall be searched by an officer or in the case of a female, a sworn female police officer, if available. When possible, a search will be conducted on scene. In the case that a subject who was not searched is turned over to another officer, that officer shall be informed that the subject was not searched. If circumstances on scene do not allow for a search to be conducted, one will be completed as soon as reasonable. If the subject is returned to the police station, a search will be conducted in the station prior to the start of processing, regardless of whether the subject has already been searched.
2. All efforts shall be made for a same gender search, a sworn male or female police officer for the subject in custody. When reasonable, officers from another department may be requested. Officer safety is always the primary consideration. If a same gender search is not possible, the search should be conducted in front of another officer/witness. When possible, the back of the hand should be used during the search, if it does not interfere with officer safety.

##### **B. Seizure**

1. All personal and non-evidentiary property, which will not be accepted by the Allegheny County Jail during housing, shall be seized from a person in custody and placed in the evidence lockers as recovered property. The officer shall inventory the property in their report and attached a copy of the report to the seized property as to identify the property taken. After release from housing and upon request by the owner for return of the seized property, the owner must sign the report as verification that the property was returned and accepted. The arresting officer will include a copy of the report in his arrest folder.
2. All contraband/evidence located on a subject searched shall be seized. The contraband/evidence shall be properly tagged and an evidence inventory form completed. The evidence shall then be secured in the evidence lockers, marked for proper storage and/or testing. (As per policies regarding handling of evidence).