



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 425	Effective Date: April 23, 2020
Subject: Interrogation Procedures	
Reference Standards: 50.1, 50.4	
Rescinds:	
Page 1 of 4	Attachments: 1- Macedon Police Department Rights Notification and Waiver Form, 2- Juvenile Rights/Waiver Form

I. Policy

- A. It is the policy of the Macedon Police Department to comply with constitutional guarantees governing custodial interrogation and to document the compliance on forms provided for that purpose.

II. Adult procedures

A. Notification and waiver form

1. At the beginning of any custodial interrogation (questioning initiated by a law enforcement officer after a person has been taken into custody or deprived of his/her freedom of action in any significant way), the person to be interviewed **must** be read his/her Miranda rights **exactly** as printed on a standardized Macedon Police Department Notification and Waiver form. (Attachment #1)
2. After the notification, the person to be interviewed may waive his/her rights, but must do so voluntarily, knowingly, and intelligently.
3. The request to waive will be read in the wording printed on the notification and waiver form, and the person's exact response must be printed on the form.
4. Miranda notification and waiver forms printed in Spanish are available and should only be used by Spanish speaking officers when necessary.
5. After the notification and waiver has been completed, the officer will complete the form. All notations on the waiver form must be completed in ink.
 - a. On the line titled "Education," the officer will indicate the grade/college level of education the person has received and if they can read and/or write.

- b. The interviewing officer should request the person being interviewed sign the form. A refusal to sign the form does not prevent an officer from interviewing the individual if they have waived their Miranda Rights. Said refusal to sign the form should be documented in the narrative of the report.
6. A defendant need only be notified of the Miranda warnings once each time he/she is taken into custody. It is not necessary for each officer who has contact with the defendant to repeat the warnings.
7. When the notification and waiver form is completed, it will be kept on file in the arrest jacket.
8. The use of a standard departmental Miranda notification and waiver form and the defendant's responses must be properly documented in the appropriate crime or investigative action report.

B. Miranda warnings are **not** required when:

1. An officer questions a motorist during a vehicle stop for a traffic infraction, however, if the motorist is in custody for a traffic offense, such as DWI, the warnings are required before interrogation.
2. An officer conducts a brief interview of a person temporarily detained in a "stop and frisk" situation, based upon reasonable suspicion, pursuant to New York Criminal Procedure Law §140.50.

C. Written voluntary statements

1. All written statements received by department personnel will be prepared on the appropriate form.
2. The body of the statement shall include:
 - a. Start and end time, and location of statement.
 - b. A transcript of the defendant's account of the crime in his/her words. Extreme caution should be used not to shorten a defendant's statement using the interviewer's terminology.
 - c. Each page shall be numbered (e.g., page _ of _).
3. Officers should read the statement aloud to the defendant or have the defendant read it aloud to them.
4. After the statement is read aloud, the officer will ask the defendant to correct any mistakes in the statement and give him/her the opportunity to make any changes desired. The defendant will be asked to initial any corrections or changes.
5. The defendant's signature will appear at the end of the statement as determined by the defendant. Officers shall request that defendant cross out any blank space between the signature and the body of the statement.

6. Witness signature(s) will be made and labeled as such after the defendant's signature.
7. If a defendant offers a verbal statement but refuses to give a written statement, the officer will complete a written synopsis of the verbal statement, which will be kept on file. If a defendant assists in the preparation of a written statement but refuses to sign it, the unsigned statement will be made a part of the case package.
8. Whenever a defendant gives a statement of any kind, whether oral or written, it **must** be documented using a 710.30 notice form. The prosecutor must give advance notice to the defense attorney any time a statement by a defendant is used in court. If proper notice is not given, the statement will be inadmissible. It is critical that officers note the existence of any statement.
 - a. In a violation or misdemeanor case, it must be noted in the accusatory instrument, in the crime report, or in an investigative action report
 - b. In a felony case, it must be noted in the accusatory instrument, a crime report or an investigative action report, and on the grand jury referral form in the space provided.

III. Juvenile procedures

A. When interviewing or interrogating juveniles, certain conditions must be complied with.

1. Interviewing of juveniles will only be conducted:
 - a. In a facility approved by the Wayne County Family Court. Approved areas in the Public Safety Building are the Interview room, or;
 - b. In the juvenile's residence
2. The consent of the juvenile is required. If at all possible, the consent should be given in the presence of the juvenile's parent and/or guardian.
 - a. Reasonable efforts must be made to notify the juvenile's parent and/or guardian prior to the interview and have that person present. Officers involved with the interview must document any efforts made to contact the parent or guardian and the reason, if any, for the non-appearance of such person.
 - b. In the event the officer is unable to locate or contact a parent or guardian for the juvenile, he/she should document the attempts on the proper report form. The interview may begin.
 - c. If a parent or guardian grants permission for an interview but is unable or unwilling to be present for same, a supporting deposition granting such permission should be obtained and signed by the person if possible. If telephone consent is obtained, it should be noted on the proper report form.

3. Prior to beginning the interview, the juvenile must be read his/her Miranda rights. A standardized Macedon Police Department Juvenile Rights/Waiver form must be used with juveniles. (Attachment #2)
4. The request to waive will be read in the wording printed on the notification and waiver form, and the juvenile's exact response must be printed on the form.
5. After the notification and waiver has been completed, the officer will complete the form. All notations on the waiver form must be completed in ink.
 - a. On the line titled "Education," the officer will indicate the grade/college level of education the juvenile has received and if they can read and/or write.
 - b. The interviewing officer should request the juvenile being interviewed to sign the form. A refusal to sign the form does not prevent an officer from interviewing the individual if they have waived their Miranda Rights. Said refusal to sign the form should be documented in the narrative of the report.
 - c. If a parent or guardian is at the interview, he/she will be requested to sign the form as a witness.
6. After the notification, the juvenile may waive his/her rights. In all cases, the waiver must be voluntarily, knowingly, and intelligently made

B. Juvenile statements

1. Juvenile written statements will follow the same procedures outline for adult statements in § II (C).
2. The juvenile's parent or guardian will be used as witnesses when possible.
3. All written statements taken will be turned over to the investigating officer assigned to the case for filing and distribution.

IV. Video recorded interviews and interrogations

- A. In lieu of written statements, officers may conduct audio and video recorded interviews and interrogations of adults and juveniles pursuant to the provisions of General Order 426.

By Order of the Chief of Police

John P. Colella

John P. Colella (Apr 23, 2020)

John P. Colella

Chief of Police

Dated this 23rd day of April, 2020