



Policy and Procedure

Number: 1111

Subject: Miranda Warnings During Suspect Interviews		
Date Issued: 9-24-82	Effective Date: 12-14-11	Revision Number: 3

POLICY:

Members of the Department, who conduct an in-custody interview, shall provide the suspect with the Miranda Warning. To ensure the least exposure for a legal challenge as to the validity of the Miranda Warning process, every attempt will be made to ensure that the warning is provided verbatim off of a card displaying the Miranda Warning or the Notification and Waiver of Rights Form (PP16).

PROCEDURE:
MEMBER:

Before conducting an interview of a suspect:

1. All felony custodial interviews and juvenile custodial interviews must be audio recorded (It is not mandatory to audio record custodial interviews pertaining to adult misdemeanors or ordinance violations). Audio recording is sufficient to satisfy the requirement; however, videotaping, when equipment is available, may provide an even more complete picture of what transpired during the interrogation. If practical the MVRE can be used for this purpose.
2. Prepare the Notification and Waiver of Rights Form (PP16) on all in-custody interviews. (A verbal Miranda Warning may be administered if necessary.)
3. Explain any portion of the notification that the suspect does not understand.
4. When using the form (PP16), ensure that you have the suspect sign the signature block at the lower end of the "Your Rights" portion of the form.
 - a. In the case of a verbal notification, document the witness information as well as the date and time of notification.
 - b. The suspect's signature at this point only indicates that he/she has been given the proper warning and understands the warning before interviewing; it does not indicate he or she has waived their rights.
 - c. If the subject refuses to sign the waiver form, the "refusal" should be noted by placing the word "refused" within or near the signature block.
5. After the Miranda Warning has been given, the suspect must willingly waive his or her rights before the questioning can begin. This may be accomplished by:
 - a. Using the form (PP16) and having the suspect read and sign the "Waiver of Rights" portion of the form, or
 - b. The subject verbally stating that he or she is willing to waive his or her rights and answer questions.
 - 1) In the case of a verbal acknowledgement and willingness to waive his or her rights, take note of the witnesses as well as the date and time.
 - 2) Make sure that the appropriate notations about the verbal waiver are placed in the narrative of any reports generated as a result of the interview process.
6. Stop the interview or questioning when the suspect:
 - a. Requests to remain silent.
 - b. Requests an attorney.
 - 1) Questioning may resume once the attorney is present.
 - c. Requests to stop the questioning anytime after he or she has waived their rights.
 - d. Document the request to remain silent or speak to an attorney in your reports.
7. If the circumstances surrounding the interview have not been placed in the narrative of an arrest header or incident report, complete a Supplementary Incident Report (PP95A), recording the circumstances (witnesses, times, consent, refusals, etc...) and information obtained during the interview.

8. A signed Notification and Waiver of Rights is a piece of evidence and shall be inventoried as such per Procedure #1201.
 - a. The original shall be marked with the complaint number and inventoried.
 - b. Scan the Notification and Waiver of Rights into Phoenix and attach the document to the appropriate complaint number.
 - c. Forward a copy of the Notification and Waiver of Rights to Records if you are unable to scan it into Phoenix.
9. Forward all related documents to your Supervisor for his or her review.

SUPERVISOR:

1. Review completed reports to ensure that the appropriate steps were followed with regards to the interview and any statements obtained.
2. Forward reports as required.

**RELATED
REFERENCES:**

Miranda v. Arizona, 384 U.S. 436 (1966)
State v. Hockings, 86 Wis 2d 709 (1979)
State v. Ross 95-1671-CR (1996)
State v. Coerper 94-2791 Wi. Supreme Ct (1996)

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