



ACTON POLICE DEPARTMENT

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| DEPARTMENT MANUAL; P&P: Operations | | |
| POLICY & PROCEDURE # 1.06 | DATE OF ISSUE: 1/26/2024 | EFFECTIVE DATE: 2/9/2024 |
| SUBJECT: INTERVIEWING COMPLAINANTS, VICTIMS, AND WITNESSES | ISSUING AUTHORITY: Chief James Cogan | |
| REFERENCE(S): Massachusetts Police Accreditation Commission # 42.2.0; 42.2.1; 42.2.1; 42.2.2(b); 55.2.1(a); 55.2.1(b); 55.2.2; 55.2.3(b) | <input type="checkbox"/> NEW <input checked="" type="checkbox"/> AMENDS <input type="checkbox"/> RESCINDS | |

I. PURPOSE

The interviewing of a complainant, victim, or witness is a vital part of the criminal investigation procedure. It can lead directly to the identification, subsequent apprehension, and conviction of the guilty offender.

It is the task of a police officer to convince witnesses of the need for their testimony by appealing to their sense of civic responsibility and to their duty as citizens to ensure that the purposes of justice are effectively achieved.

Officers conducting the initial investigation and interviews should be aware that some criminals remain at the scene. If the officer begins to suspect that a person who claims to be only a witness or even a victim may actually be the perpetrator, the officer should be cautious in conducting any questioning. If the suspect is placed in custody, further questioning must be preceded by administration of the Miranda warnings.

II. POLICY

It is the policy of the Acton Police Department that:

- A. Officers shall attempt to identify and interview all complainants, victims, and witnesses of crimes; and
- B. Officers shall obtain a complete and accurate record of the complainant, victim, and witness statements as possible.

III. PROCEDURES

A. CONDUCTING INTERVIEWS [42.2.0(2A)]

1. Immediately identify yourself or show your credentials (badge or identification) if not in uniform.
2. Locate, identify, and interview complainants, witnesses, and victims (collectively "interviewees") as soon as possible regarding the incident under investigation.
[42.2.1 (2B)(2E)(2F)]

3. Interview each interviewee **separately**, if possible, to ensure independent statements.
4. Record the date, time, and location of each interview.
5. Obtain an interpreter, if needed.
6. Establish a cooperative relationship with the interviewee.
7. Consider the physical and emotional state of the interviewee.
8. Obtain and document a full description of the incident.
9. Take notes or tape record the interview.
 - a) If notes are taken, it should be accomplished in a manner that does not interrupt the interviewing process. Some interviewees are reluctant to talk if they notice that the officer is taking down every word they say. Brief notes can be made without deterring or distracting the interviewee. However, if a statement appears highly informative due to its nature and content, a verbatim account should be made.
 - b) Before any interview is tape-recorded, the interviewee must be told that the conversation will be recorded. G.L. c. 272, section 99. If any legal or other questions arise pertaining to the tape recording of an interview, consult with the District Attorney's office. **[42.2.0(2G)(2H)]**
10. Ask specific questions to clarify each statement or to fill in any omissions.
 - a) Observe and note any emotional outbursts, inflections of the voice, and nervous reactions that may indicate areas requiring further probing or clarification.
 - b) Assess each interviewee's objectivity or possible bias.
 - c) Note any relationship or connection the interviewee might have with the victim or perpetrator or the property or premises involved in the crime; the overall credibility of the interviewee; his/her opportunity to make observations; and his/her ability to recall details as opposed to general impressions, etc.
11. Obtain a written statement from the interviewee, if possible.

B. INTERVIEWS AT THE SCENE [42.2.0 (2B)]

1. Interviewees shall be instructed to remain at the scene until interviewed. Interviewees may be reluctant to talk freely in public; consider the advantage of taking him/her to the PSF.
2. Obtain the names, addresses, and telephone numbers of all persons present at the scene.

3. Interviewees shall be separated, if possible, to prevent them from discussing what has occurred among them before they are interviewed, which may taint individual recollections.
4. Paper may be given to each person so that they may begin writing their descriptions of the incident before their interview.

C. INTERVIEWS AT OTHER LOCATIONS

1. **At the Station:** Initial or additional interviews with interviewees should be arranged to ensure privacy and a minimum of interruptions.
2. **Via Telephone:** Officers are discouraged from conducting telephone interviews.

D. TERMINATING THE INTERVIEW

1. Interviews shall be ended in a courteous manner. Do not terminate the interview abruptly or dismiss the interviewee in a curt manner. This helps to assure further cooperation, particularly if the interviewee may be needed to testify at a later date.
 - a) Summarize what has been covered. Ask the interviewee if there is anything they wish to add or emphasize.
 - b) Any written statements shall be signed and dated by the interviewee and the investigating officer for authentication purposes. The time and place of the statement shall be noted.
 - c) Inform the interviewee that it is very important to contact the police if [s]he recalls or uncovers additional information about the crime or the criminal at a later time.
 - d) Provide a contact phone number for information about victim and witness assistance supplied by the Acton Police Department. **[55.2.1]**
 - e) Where appropriate, inform the interviewee of the phone number and location of the District Attorney's Victim/Witness Assistance office, especially if the interviewee has questions of a legal nature. **[55.2.1]**
 - f) Inform the interviewee that it is a criminal offense for anyone to threaten or intimidate a witness into altering or changing their testimony or to not testify. G.L. c. 268, section 13B. If anyone attempts to do so, the interviewee should contact the police immediately. **[55.2.2] [55.2.3(2B)]**

E. REPORT WRITING

1. All information obtained from interviewees shall be passed on to the follow-up investigator, if any.

2. All pertinent data, including notes, tapes, and written statements shall be included in the officer's official report and submitted in accordance with established departmental policy and procedures.

F. INTERVIEW TECHNIQUES

1. Use of Interpreters

- a) Before using any person at the scene as an interpreter, make sure that the person chosen to serve as interpreter is reliable.
- b) If possible, take the precaution of asking a second person who knows the foreign language to listen to the interpreter and notify the officer if the interpreter fails to translate any question or answer accurately and completely.

2. Consider the Physical and Emotional Needs of Interviewees

- a) Calm the excited and emotionally upset interviewee. (If necessary, delay the interview until the person has regained composure).
- b) Create a favorable atmosphere for the interviewee to talk freely.
- c) Conduct the interview in a quiet area, if available.
- d) Maintain privacy to the greatest degree possible.
- e) Do not distract the interviewee or interrupt his/her story unnecessarily.
- f) Only one officer should conduct the interview. A second officer present should be taking notes, remain inconspicuous, and not interfere with the interview.

3. Establish Cooperative Relationship

- a) Display a sincere interest.
- b) Be patient, tactful, and respectful.
- c) Control personal feelings. Do not exhibit surprise or dismay at anything said by an interviewee.
- d) Provide reassurance.
- e) Encourage an un-talkative interviewee by asking appropriate questions.
- f) Encourage interviewees to give a full description of everything that occurred with a minimum of interruption. When the conversation lags or stops, be patient and wait for the interviewee to volunteer additional information.

4. Conducting the Interview

- a) Do not take anything for granted and do not jump to conclusions.
- b) Listen for and note any obvious omissions or gaps in the statements made by an interviewee, or for any conflicting or inconsistent statements.

- c) Note any extreme nervousness or unusual behavior on the part of an interviewee or any unguarded or spontaneous remarks.
- d) It is important to not only listen to what is said but also to how it is said. Emotional outbursts and inflections of the voice may give a clue to sensitive areas of the interview. Sudden silence, uncertainty, confusion, or the shifting of conversation to an unrelated subject may indicate that information is being withheld. Nervous bodily reactions or facial characteristics may also signal that a sensitive area has been reached. By noting these things, an officer will know what portions of the statement may require further probing or clarification.

5. Questioning Interviewees

- a) Withhold any direct questioning until after the interviewee has given a complete account, then ask specific questions to clarify earlier statements or to fill in any omissions.
- b) Questions should be clear, definite, and in plain language.
- c) Ask only one question at a time and wait for a complete reply.
- d) Avoid leading questions that imply or suggest a particular answer.
- e) Avoid rapid-fire questions that can confuse or bewilder.
- f) Avoid questions that can be answered by "yes" or "no" which limits response.
- g) Do not ask questions in a critical or derisive manner which could deter previously cooperative interviewees.
- h) Do not correct the grammar or the language of the interviewee, which could cause resentment.
- i) Do not permit your own emotions, attitudes or opinions to distract the interviewee or to interfere with your evaluation of his/her response to your questions.

INTERVIEWING COMPLAINANTS, VICTIMS, AND WITNESSES INFORMATION

History: Manual I, Section III