



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-68 Effective: 11/18/2020 Review Due: 11/18/2021 Replaces: 07/09/2020

2-68 INTERVIEWS AND INTERROGATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- [2-8 Use of On-Body Recording Devices](#)
- [2-22 Juvenile Delinquency](#)
- [2-60 Preliminary and Follow-Up Criminal Investigations](#)
- [2-82 Restraints and Transportation of Individuals](#)

B. Form(s)

PD 1339 Advise of Constitutional Rights
PD 1385 Crime Scene Canvass & Witness Information

C. Other Resource(s)

N.M. Stat. Ann. § 29-1-16 Electronic Recordings of Custodial Interrogations

D. Rescinded Special Order(s)

None

2-68-1 Purpose

The purpose of this policy is to provide procedures to personnel who are completing interviews and interrogations.

2-68-2 Policy

It is the policy of the Albuquerque Police Department (Department) to ensure interviews and interrogations are conducted in accordance with federal and state constitutions and laws.

2-68-3 Definitions

A. Custodial Interrogation

Miranda warnings are required when an individual is subject to a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest; and when an officer asks questions of an individual that are reasonably likely to lead to an incriminating response.

B. Detention of Witnesses



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The detention of witnesses is a seizure as defined by the Fourth Amendment of the U.S. Constitution. This detention should be a reasonable stop, which interferes minimally with the liberty of the individual.

C. Exigent Circumstances

Emergency situation(s) requiring immediate action to prevent imminent danger to life, serious damage to property, to forestall the immediate escape of a suspect, or the destruction of evidence.

D. Witness

Any individual who sees, hears, or otherwise has information relevant to the investigation, such as audio or visual recordings, of a criminal act or major event. There is no reasonable suspicion or probable cause to believe these individuals are committing a crime.

7 2-68-4 Rules and Procedures

A. Officers/detectives conducting interviews of witnesses shall:

1. Wear their on-body recording device (OBRD), consistent with SOP Use of On-body Recording Devices.
2. Conduct a preliminary interview to determine if an individual has information pertinent to the investigation of the crime.
3. Ask witnesses if they are willing and able to remain on scene to provide information to investigators.
4. Attempt to obtain a written or recorded statement and contact information from witnesses who do not wish to remain on scene.
5. If witnesses refuse to give a statement, officers/detectives shall use the Crime Scene Canvass and Witness Information Form and complete the following:
 - a. Use a separate form for each person contacted and each location that contact is not made;
 - b. Attempt to obtain the witness's signature on the form;
 - c. Document in their report who they contacted and where; and
 - d. Provide detectives with all Crime Scene Canvass and Witness Information Forms immediately upon detectives' arrival at the scene.
6. Ask witnesses, who express a willingness to remain at the scene, not to discuss the incident with other witnesses, media or other citizens, including using their mobile communication devices to discuss the incident.



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a. Officers shall not seize the mobile communication devices from witnesses without probable cause and exigent circumstances.

7. Detectives shall make every attempt, as soon as possible, to accommodate witnesses who need to leave a scene before being interviewed.

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8. Physical Detention of Witnesses

- a. Unless articulable facts that the individual is both armed and dangerous exist, officers shall not pat down an individual.
- b. Officers shall not detain individuals unless they have reasonable suspicion that the person is involved in criminal activity.
- c. Officers may prevent witnesses or others from entering a crime scene that is secured or may remove witnesses from within a secure crime scene perimeter, as this does not constitute a detention in and of itself.
- d. Officers may transport witnesses to a substation or another location only upon their express consent. They may withdraw this consent at any time.
- e. Officers shall not detain witnesses within their own home without the consent of the witness. The witness may withdraw their consent at any time.

B. On-Scene Supervisor

- 1. Shall assign an officer to act as a liaison for these witnesses. The officer shall allow witnesses to access food, water, restrooms, and a telephone if at all possible, and provide updates to witnesses as they become available.
- 2. May request the Mobile Community Substation to respond to provide a comfortable place where witnesses may wait.
 - a. In the event there is a large number of witnesses, officers and detectives may request a secondary Mobile Community Substation or shall make an effort to secure a location for witnesses to wait for detectives if they so choose.

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C. Custodial Interviews and Interrogations

- 1. Department personnel shall:
 - a. Electronically record (audio/video) all custodial interrogations in their entirety;
 - i. If the location of the interview has video capability, officers shall record the interview with the location's recording equipment, as well as their OBRD;
 - ii. In the event the location does not have video recording capability, the officer shall use their OBRD to record the interview and or interrogations;
 - 1. In the event that there is no audio or video recording capabilities, officers shall notify their supervisor.
 - 2. Supervisors shall ensure the officer is provided with an appropriate location equipped with appropriate recording devices.



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- b. Give *Miranda* warnings to the individual prior to any custodial interrogation. Administration of the *Miranda* warning should be memorialized in Form Advise of Constitutional Rights;
- c. Tag the recorded interview into evidence; and
- d. Document in the report that the interview was electronically recorded.

D. General Security Concerns

1. The interview rooms shall be located in secured areas.
2. All arrestees/prisoners shall be searched prior to being brought into the interview room.
3. Only one (1) arrestee/prisoner at a time should be in the interview room. All arrestees/prisoners shall be handcuffed prior to entry of the interview room. Handcuffs may be removed at the discretion of the officer/investigator detective conducting the interview.
4. While an officer is conducting an interview or interrogation, a second officer should be present in the room or monitoring. If the interviewer needs assistance, they shall verbally and/or physically summon the officer monitoring the interview, or utilize the "emergency" key on their police radio.

E. Weapons Control

1. Officers may remove their firearm when conducting interviews in a secure location.

F. Interviews and/or Interrogations at Hospitals

1. Officers/Detectives shall not interfere with medical treatment and, when feasible, should be conducted during normal visiting hours.
2. If the individual is being treated in a limited access area (e.g., ICU/CCU), arrangements shall be made with the attending physician.