Interview and Interrogation

The goal of this training program is to provide law enforcement with the understanding of and confidence in applying relevant case law regarding the interview and interrogation of criminal suspects. This training will increase the effectiveness of officers in preparing, completing and reporting the circumstances under which various information is obtained.

This facilitation guide is intended to assist in the delivery of the video material in an interactive and thought-provoking manner. It provides suggestions to help facilitate most sections of the video; however, it is not a comprehensive guide for every aspect of the video. The videos do not necessarily depict a correct or incorrect way to handle a situation. The goal is for the students to engage in a discussion of the topic and how it relates to them and to their agency. The guide may be used by facilitators of all experience levels to help the students get the most out of the material.

This guide contains the following sections: 1) Video Viewing Options and Features; 2) a Brief Overview of the Scenarios with key learning points; 3) an Expanded Content Guide; and 4) a Student Study Guide Answer Key.

The Video Viewing Options and Features section describes how the video is formatted and organized for use by facilitators or individual trainees.

The Brief Overview of the Scenarios describes each scenario and lists the key learning points for each section. It can assist a facilitator in quickly getting up to speed with the material.

The Expanded Content Guide is designed for use in a traditional training session where more time is available to explore the subject in depth. The expanded guide contains the same information as the brief scenario overview, plus provides suggested questions to facilitate most sections of the video, sample learning activities for small groups, and additional learning points that are often found in the interview comments.

A Student Study Guide Answer Key, which is a completed version of the Student Study Guide, is included at the end of this document. To receive credit, individual students review their completed Student Study Guide with the designated training manager or supervisor.

The facilitator should view and become familiar with all the material and key learning points in this course before use with students. This video is intended as a guide for discussion. Scenarios do not necessarily depict correct responses or may not include a response at all. The goal is to create a venue for discussion and student interaction. The conclusion of the discussion should focus on the law and your specific agency policies.

This video is designed to give the facilitator different viewing options. The video may be watched in its entirety in a single session or broken up into shorter segments. Each video section is approximately 15 minutes long, making it ideal for facilitation in a briefing or roll call setting.
Video Viewing Options and Features

The video will open with two different viewing options: **Facilitated Group Course** or **Informational/Individual Viewing**.

**Facilitated Group Course:**
The Facilitated Group Course option should be selected when the video is being used in a classroom or briefing setting and an instructor or supervisor is present to facilitate the course. The material may be delivered in a single session or broken up over several days, such as delivery during briefing settings. The material is divided into tabbed sections that the facilitator may play in whatever order they feel best meets the training need. Once the material has been covered in its entirety, the supervisor or training manager (as designated by the department) may submit a completed training roster via EDI to POST for CPT credit for trainees who have completed the training.

**Informational/Individual Viewing:**
The Informational/Individual Viewing option should be selected when an officer is viewing the video alone or without an instructor or supervisor present to facilitate the delivery of the material. This option should not be used in a group training session. This option is intended for officers who work in a remote location or for a smaller agency that cannot readily access group training, or for an officer who is simply interested in viewing the video for informational purposes. The viewer will be guided through the video without facilitator interaction.

At the discretion of the department-designated training manager or supervisor, individual viewers may receive training credit for viewing this video. To receive credit, individual students must be provided with the student study guide that is attached as a PDF file on the DVD-ROM disc. The student watches the video and completes the study guide as they follow along. They then submit their completed study guide to the designated training manager or supervisor, who discusses the video and the student’s responses with them. Once the training manager or supervisor is satisfied that the student has demonstrated an understanding of the concepts of the video, the supervisor or training manager may submit a completed training roster via EDI to POST for CPT credit. Supervisors and/or training managers should contact POST’s Training Delivery and Compliance Bureau at (916) 227-7748 for questions about completing and submitting rosters for video viewing. A completed version of the student study guide (Student Study Guide Answer Key) is included at the end of this document.

**Navigating the Video:**
On-screen tabs appear across the bottom of each section of the video and allow the facilitator to select in what order the students will view the information. If in doubt about which tab to select, the information will flow logically if the tabs are selected in order from left to right. Once a facilitator is familiar with the content, they may find it more comfortable to deliver the material in an order of their own choosing.

**Scenario Tabs:**
Scenario tabs appear at the start of each section and indicate a video scenario that is used for that section.

**Task Tabs:**
Task tabs appear after scenarios or discussion tabs and are simply on-screen questions or statements available to use for group discussion.

**Discussion Tabs:**
Discussion tabs appear after each scenario. They show a sample facilitation of the scenario in a briefing setting. They are optional. If the facilitator feels comfortable delivering the key learning points of the material, they may do so on their own. If they are not comfortable with the learning points or their own facilitation skills, they may either view the sample facilitation in advance to help become familiar with the material, or show the sample facilitation to the class to help spur further discussion.

**Interview Tabs:**
Interview tabs appear after task questions. These are interviews with the Subject Matter Experts who provide additional discussion on the material. This commentary contains more information than what is delivered in the scenarios.

**Menu Tab:**
Selecting the menu tab at the bottom right of the screen will take the viewer from the specific section they are in and return them to the main menu of the video where all sections are listed.
Brief Overview of the Scenarios

Overview

- Law enforcement professionals are trained observers
  - You use your observation skills every day
  - Use those skills to your advantage to:
    - Start a dialogue
    - Continue a dialogue
  - Understanding when officers must Mirandize a suspect
- The more a suspect talks, the more information you acquire to move your case forward
  - Accurately recall and articulate all statements made by a suspect that you hear
  - All officers are part of the investigative team
- A poor confrontation (read “interrogation”) is one that you are not committed to
  - Avoid phrases like:
    - “I think…”
    - “You probably…”
- You conduct interviews and interrogations every day:
  - In the field
  - Over the phone
  - At your agency
- Some suspect statements are structured, while some statements are spontaneous
  - At the crime scene
  - During transport
  - During an interview or interrogation at the station
  - At the jail
  - After Miranda
- Interview and interrogation skills can be:
  - Developed
  - Improved
- Officers sometimes prematurely Mirandize suspects, prompting an invocation of rights when:
  - There is NO custody or
  - There is NO interrogation
    - They are being overly cautious
  - Know Miranda laws to avoid problems for future investigators, interrogators, detectives
    - Communicate this to detectives
- All officers are part of the investigative team
  - Understand the objectives of the investigation
- Decisions that can impact the end goal of a successful investigation:
  - Miranda
  - Getting statements
  - Any interaction with a suspect
Scenario 1
Goals and Objectives

A dispatcher sends a two-officer patrol car to an address to meet with homicide detectives who are requesting a marked unit for transport of a suspect to the police station. When the deputies arrive, they are met outside by two detectives and a handcuffed suspect. They are told to transport the suspect to the homicide unit. They help the suspect into the back seat of the police car. As they prepare to begin driving away, the suspect shouts something that would likely impact the investigation.

Key learning points

- Spontaneous statements
  - Unsolicited
  - Unprovoked
- Document any spontaneous statements
  - Miranda is not required before those statements
  - Documentation
    - Anything the suspect said
    - Anything you did or said prior to the spontaneous statement
    - Identify and document anyone who might have heard the statement
    - Check your department policy on whether one or both of you write a report
- Preparation prior to putting a suspect in a police car
  - Be prepared to document any statements
  - Be prepared to record the statement before or during transport
    - Personal or department digital recorder
    - Body camera
    - Notify the investigators as soon as possible
- The importance of recording immediately
  - Statements of suspects often change before court proceedings
  - Recordings in any case will aid prosecution
- The goal in any interview, be it victim, witness or suspect, is to get the most complete and accurate information possible
  - Law enforcement officers are fact finders
  - Don’t start an interview or interrogation thinking that you already know what happened
- Many things that a suspect says immediately following his/her arrest will be important at trial and may appear to be simple conversation
  - Don’t pass judgment
  - Have an open mind
- Suspects will be attuned to those feelings and could possibly “shut down”
  - Listen to what they have to say
  - Show a concern for what they have to say or for what they’re going through, no matter what feelings you may have
  - The goal is to have them talking
- Know your agency policy in reference to interviewing homicide suspects
  - Many agencies require homicide suspects to be interviewed by detectives
  - Most agencies have a policy that patrol officers and deputies document exactly what they did and what they heard at a homicide scene
• If a suspect has or has not invoked his or her right to counsel or to remain silent, it is important for detectives to know this
• Invoking one’s right to counsel is very different from choosing to remain silent
• The purpose of interrogation is to elicit truthful, incriminating information about a specific crime
  o Interrogation does not have to be confrontational
  o Interrogation can be conversational
  o Don’t accuse a suspect of something before giving them a chance to explain the situation in their own words
  o The truth never changes
  o Be wary of suspects who repeat your questions; this is often a tactic to buy time
• Remember that Miranda attaches when there is both custody and questioning
  o Not merely one or the other
• Start with open-ended questions designed to elicit a response
• Try to avoid closed-ended questions that encourage a simple “yes” or “no” answer
Scenario 2

Legal Considerations

A River City police officer makes an arrest on an in-field line-up of a 17-year-old female suspect. The officer transports the juvenile to the station for an interview. The transporting and interviewing officers interview the suspect after advising her of her Miranda rights. The juvenile speaks with the officers and admits to the criminal act. When the interviewing officer questions the suspect on a discrepancy in her story, the suspect invokes her right to counsel.

Key learning points

- General knowledge of relevant law regarding admissions and confessions through interviews and interrogations is very important for officers and detectives
- You may invalidate a suspect’s statement at any point if you:
  - Fail to fully give a Miranda warning
  - Give the Miranda warning but the suspect does not answer that he or she understands the rights
  - Give the Miranda warning but don’t get a proper waiver
  - Give the Miranda warning, but the suspect’s statement is deemed to be involuntary
- Navigating the legal steps of an interview or interrogation can be tricky
  - Know what constitutes “custody”
  - Knowing when and how to properly give Miranda warnings
  - Understanding the 5th Amendment
  - Understanding the 6th Amendment
- With juveniles, there are other significant issues
  - All custodial interrogations
  - Of minors 15 years of age or younger
  - Require that minors UNDER 16 years of age consult with legal counsel, either
    - In person
    - By phone
    - Video conference
    - BEFORE that minor can waive his/her rights
  - The minor may NOT waive his/her rights prior to this consultation
- Know your agency policy on when parents will be notified regarding cases involving their children
- Miranda was required in the case of this juvenile
  - She was in custody
  - She was being questioned about the crime
  - Your agency policy might require that you Mirandize all juvenile suspects
- Keep building rapport
  - Even if the suspect invokes his or her right to counsel or to remain silent
  - He or she might want to talk at a later date
- During an “investigative detention,” a person is still not free to leave
  - You can still handcuff someone as you investigate what happened without having to Mirandize them
- Detention is a 4th Amendment term
  - When a reasonable person would believe that they are under arrest
  - Factors include:
    - Age of the suspect
    - Questioned for a long period of time
    - Handcuffing them
• Being placed in the back of a police car
• Being taken somewhere in the back of a police car
• Being told that they are under arrest
• The number of officers around them
• The more aggressive, accusatory and hostile the questioning becomes

• Officers should not be reluctant to read Miranda rights when they are required
  o Officers should clarify non-verbal or soft-spoken answers to Miranda
  o Clarify after each question if you do not receive a clear and audible answer
  o It is best to read the Miranda warning from your department-issued card
    ▪ Know and follow your department policy on this point
  o Officers should always have their Miranda card with them
  o Officers should always bring it to court
  o Don’t trivialize their rights as you read them
  o Document exactly the response(s) given by the suspect
  o Be prepared by having your first questions ready to go
  o Move on to questioning

• Two types of waivers
  o Expressed waivers
    ▪ Read the Miranda warning
    ▪ Ask if they understand their rights
    ▪ Ask if they are willing to speak with you
    ▪ If they are willing, begin questioning
  o Implied waivers
    ▪ Read the Miranda warning
    ▪ Ask if they understand their rights
    ▪ If they indicate that they do understand their rights
    ▪ Begin questioning

• Invoking one’s right to counsel is very different from choosing to remain silent
• Special issues with juveniles
  o Juveniles might not feel as though they were free to leave, when adults in similar situations would
  o **Penal Code Section 26** - Juvenile under 14 years old – Do they know the difference between right and wrong?
  o You want to be able to show the court that the waiver by a juvenile is:
    ▪ Voluntary
    ▪ Knowing
    ▪ Intelligent
Scenario 3
Rapport Building

A two-officer unit decides to proactively check a neighborhood park that is of interest because of its location and criminal activity. As they approach the picnic area, they spot a subject who they believe was mentioned on a wanted bulletin earlier in the day as a sexual assault suspect. As they walk up to make contact, the subject flees on foot.

Key learning points:

- Rapport is a temporary relationship
  - It is something that needs to be maintained from first contact through prosecution
  - These are not people whom we would likely choose to become friends with
    - To patrol officers, building rapport might not feel like a top priority
- Building rapport is an extremely powerful tool used to gain cooperation from:
  - Suspects
  - Victims
  - Witnesses
- Recognizing the importance of rapport is easy
- Learning how to establish and maintain rapport in adversarial situations can be challenging
  - The relationship with law enforcement starts at this point
  - Patrol is the first point of contact
  - Helps establish potential success for later interviews with detectives
  - We either damage the relationship or make it easier for the detectives later
  - Sets the tone for others who might be watching when they have contact with law enforcement at a later date
- How to start building rapport
  - After a use of force
    - Speaking respectfully
  - Ensuring he or she is OK (e.g. “Are you OK to stand up?”)
  - Talking to him respectfully even though he may have committed a serious crime
- Officer’s demeanor
  - Consensual contact
    - Tried to use the lowest level of force
    - Even after the foot pursuit and take-down, demonstrated respect and built rapport
- What do we need to communicate to detectives?
  - He ran
  - He was taken to the ground
  - Document the use of force
  - Check for injuries
- What are our priorities in a foot pursuit?
  - Officer safety
  - Know your surroundings
  - What’s on the other side of the hill?
  - Did he have anything in his hands?
- How do we continue building rapport?
  - Be genuine
  - Treat him humanely, despite what he might have done
  - Let the legal process run its course
- Building rapport does not mean compromising on your officer safety
• Sometimes the first contact is a negative contact
  o They ran
  o They resisted
  o “Why did you run?” is far less effective than “Are you OK?”
  o Your contact with a subject is going to set the stage for future contacts with that subject
  o His/Her bad experience with you now becomes a bad experience with all police officers or all agencies
  o Being professional and courteous will pay dividends down the road
• Key to building rapport is not passing judgment
  o Rapport is evident in your body language
  o If your body language conveys that you’ve judged them, they will never confess to you
  o Being aware of your own non-verbal cues is not something we do naturally
• During your interview, are you actively listening?
  o Or are you more worried about taking notes?
  o Listen with your eyes and ears
Scenario 4
Strategies

Officers are dispatched to a report of a robbery in progress. As officers arrive, they see two suspects fleeing the store in opposite directions. One suspect is taken into custody at gunpoint but the other escapes. At the police station, two patrol officers prepare for their interview of the captured suspect. They have in-store video of the robbery and a positive ID of their suspect. They obtain prior criminal history and any known cases on their suspect. They enter the interview room, where the suspect is handcuffed to a table. The officers begin taking steps to establish rapport with the suspect and to promote the strategy they will employ as they begin to interview the suspect. After a short break in the interview, the officers return and employ another strategy with the suspect.

Additional scenario for this section

A detective walks into an interview room to speak with a subject. The detective thanks the subject for showing up. The detective begins the interview with casual conversation that does not appear to relate to the interview. He asks how the suspect arrived at the station. The subject says that he drove. The detective asks about the subject’s plans for later in the day. The subject says that he has to pick up his brother from school. The detective explains that the interview room door is closed because it can get loud in the station. The door is unlocked, however, and the subject is free to leave at any time. The detective also tells the subject that he does not have to answer any of the detective’s questions. The detective has the subject repeat what he was just told to demonstrate the subject’s understanding. The subject is then informed that officers have previously interviewed his cousin about the incident at the Corner Market.

Key learning points

- Preparation:
  - Have a plan before going into the room
  - If there is more than one interviewer, create a plan
  - Know the suspect’s criminal history
  - Having a good strategy for an interrogation starts with good preparation
    - Check your personal feelings at the door
    - Come in with the proper mindset
    - Show interest in the suspect as a person
    - Show patience for what could be a lengthy process

- Body language
  - One officer was much friendlier, and his body language appeared more relaxed
  - One officer was much harsher, and his body language demonstrated this by leaning forward in a more aggressive posture

- If you’re talking to someone who is guilty of a crime, you’re winning

- A common mistake in an interview
  - Too much talking
  - Not enough listening

- The longer the interrogation, the more chance for success

- Listen to everything they have to say while giving the impression that you believe them

- Why are themes important? Use them as a tool to build trust. “Parolees don’t get hired.”

- Admissions that might not seem like an admission
  - In the video, the suspect said, “Ain’t nobody giving anybody up”
  - This could imply that one suspect knew the identity of the other

- Beheler Admonishment
  - A non-custodial interview
  - Person is not in custody
Interview and Interrogation

- Person is not detained
- Person is free to go
- Person does not have to answer any questions
- Can be conducted at the police station

- It’s not about our state of mind
  - It’s about the suspect's state of mind

- When does an interview move from an interview to a detention?
  - Locking the door
  - Seizing property, such as keys, cell phone, etc.
  - Handcuffs

- What happens when/if the suspect confesses during a Beheler interview?
  - Finish the interview
  - Let him walk
  - Seek a warrant at a later date

- A suspect who tells you nothing but lies may still be helping you

- Visual cues:
  - No eye contact
  - Closed body posture
  - Repeating your questions before answering
  - Changing their story
    - Every time a suspect changes his story, he is getting closer to the truth
  - You should never quit an interview
  - When you think that it has gone on long enough, tell yourself, “Five more minutes”

- Don’t start an interview thinking that you already know what happened
  - Be able to anticipate possible defenses
  - Once you handcuff a suspect, his first words are probably going to be his defense
  - Always record interviews to avoid the defense, “I never said that”

- PC Section 859.5, references the recording of interviews
  - Includes both adults and juveniles
  - In homicide cases
  - You will record your interviews
  - Audio or video recordings will suffice
  - Allows the court to exclude any evidence of the suspect’s statements
    - If no video and audio recording is made and presented
  - Requires two detectives
  - Recording interrogations is a best practice
  - For electronic recording to be required, the interrogation must be a “custodial interrogation”
  - Required for arrested suspects, not detained suspects merely suspected of a homicide
Scenario 5
Techniques

Officers are dispatched to a loud family disturbance called in by a neighbor across the street. A male subject is stopped as he walks from the scene. He is pat-searched and then placed in the back of the patrol car. Another officer contacts the female subject at the residence. Each officer interviews one participant. A witness neighbor comes forward with cell phone video. The officer begins the interview/interrogation process at the scene with the suspect.

Key learning points:

- We should enter an interrogation considering all of the themes that might be used
  - We don’t know which theme will work
- Interrogation techniques should always be geared toward the prevention of an innocent person confessing to something that they didn’t do
- Interview/Interrogation techniques:
  - Themes
    - Why are themes important?
      - A theme is something that might explain why the suspect committed the crime
        - In a gang case, was it part of the initiation process?
        - Was it revenge for a perceived slight?
        - Was it to defend the gang’s territory?
  - Reciprocity
  - Re-enactments
  - Proximity
  - Baits
    - Baits and ruses are frowned upon by the courts
    - Classic bait question:
      - “Is there any reason why your DNA would show up at the crime scene?”
  - Ruses are more confrontational
    - Instead of “I might have your DNA,” a ruse would be, “I DO have your DNA!”
    - Ruses are high-risk/high-gain
    - If you employ a ruse that the suspect is certain is false, you will likely not get any more information from the suspect
    - You have now lost credibility
- If you use bait questions, ruses, or if you are untruthful in any way, document those in your report and explain your purpose in doing so
  - Juries do not like officers who lie
  - Even to suspects who allegedly committed horrific crimes
- Continue working toward discovery of the truth
- Non-verbal signs of deception
  - Gaps in the story, as if the suspect were making things up on the fly
  - A statement about being thrown over the couch when there is no damage to delicate items in the immediate area
  - Preoccupation with who called and a possible attempt to discover if there were any witnesses
- Non-verbal signs of truthfulness
  - No gaps in the story
  - Cooperation
  - The story makes sense
  - The story flowed from beginning to end
• Is there evidence at the scene to support one statement or the other?
  o Blood on the victim’s shirt
  o Witness cell phone video
  o Broken flower pot on the front porch
• Personal potential biases of domestic violence:
  o Men are usually the aggressor in domestic violence
  o Usually it is the suspect who flees the scene
• Building rapport during field interviews
  o “Are you injured?”
  o “Do you need medical aid?”
  o Understand the subject’s thought process
• Being a good interviewer means being a good listener
  o Head nods
  o Eye contact
  o Minimal note taking
  o If the suspect doesn’t accept one theme, be prepared to move to the next theme
• R.P.M. – All good themes do one of the three
  o Rationalize
  o Project
  o Minimize
Expanded Content Guide

Overview

- Law enforcement professionals are trained observers
  - You use your observation skills every day
  - Use those skills to your advantage to:
    - Start a dialogue
    - Continue a dialogue
  - Understanding when officers must Mirandize a suspect
- The more a suspect talks, the more information you acquire to move your case forward
  - Accurately recall and articulate all statements made by a suspect that you hear
  - ALL officers are part of the investigative team
- A poor confrontation (read “interrogation”) is one that you are not committed to
  - Avoid phrases like:
    - “I think…”
    - “You probably…”
- You conduct interviews and interrogations every day
  - In the field
  - Over the phone
  - At your agency
- Some suspect statements are structured, while some statements are spontaneous
  - At the crime scene
  - During transport
  - During an interview or interrogation at the station
  - At the jail
  - After Miranda
- Interview and interrogation skills can be:
  - Developed
  - Improved
- Officers sometimes prematurely Mirandize suspects, prompting an invocation of rights when:
  - There is NO custody or
  - There is NO interrogation
    - They are being overly cautious
  - Know Miranda laws to avoid problems for future investigators, interrogators, detectives
    - Communicate this to detectives
- All officers are part of the investigative team
  - Understand the objectives of the investigation
- Decisions that can impact the end goal of a successful investigation:
  - Miranda
  - Getting statements
  - Any interaction with a suspect
Additional learning points:

- What is your mindset before and during an interview/interrogation?
  - Timing – When/When not to Mirandize
  - Recognition of verbal/non-verbal cues
- We all have preconceived ideas
  - What happened
  - What is the truth
  - Let the evidence and the facts speak for themselves
- Your job is NOT to get a confession
- Your job is NOT to win
- Your job is to get to the truth of the matter
- Your job is to be a fact finder
Scenario 1
Goals and Objectives

A dispatcher sends a two-officer patrol car to an address to meet with homicide detectives who are requesting a marked unit for transport of a suspect to the police station. When the deputies arrive, they are met outside by two detectives and a handcuffed suspect. They are told to transport the suspect to the homicide unit. They help the suspect into the back seat of the police car. As they prepare to begin driving away, the suspect shouts something that would likely impact the investigation.

Key learning points

- Spontaneous statements
  - Unsolicited
  - Unprovoked
- Document any spontaneous statements
  - Miranda is not required before those statements
  - Documentation
    - Anything the suspect said
    - Anything you did or said prior to the spontaneous statement
    - Identify and document anyone who might have heard the statement
    - Check your department policy on whether one or both of you write a report
- Preparation prior to putting a suspect in a police car
  - Be prepared to document any statements
  - Be prepared to record the statement before or during transport
    - Personal or department digital recorder
    - Body camera
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- The importance of recording immediately
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- Don’t pass judgment
- Have an open mind
- Suspects will be attuned to those feelings and could possibly “shut down”
  - Listen to what they have to say
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• The purpose of interrogation is to elicit truthful, incriminating information about a specific crime
  o Interrogation does not have to be confrontational
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  o Don’t accuse a suspect of something before giving them a chance to explain the situation in their own words
  o The truth never changes
  o Be wary of suspects who repeat your questions; this is often a tactic to buy time
• Remember that Miranda attaches when there is both custody and questioning
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• Start with open-ended questions designed to elicit a response
• Try to avoid closed-ended questions that encourage a simple “yes” or “no” answer

Additional learning points:

• Informing suspects they are being detained, under arrest, or free to leave have legal and tactical considerations associated with each
  o Document the circumstances and clearly provide the foundation for any arrest and/or detention
  o Clearly document the circumstances if the suspect is free to leave
    o Ensure your documentation includes how or why the suspect would have known he or she were free to leave
  o Body cameras and other recording devices are outstanding tools and provide evidentiary confirmation of the circumstances
• Clarifies the circumstances to witnesses and bystanders as well
• Ongoing training in briefings
  o Roll call-type training
    ▪ Can be discussions
    ▪ Can be video critiques
    ▪ Can be scenario-based critiques
  o Policy reminders
    ▪ Body cameras
    ▪ Other recording devices
    ▪ Recent case law
Suggested facilitation questions and common responses:

If a suspect were to suddenly blurt out a confession to a criminal act in your presence, what are some of the important points to document in a police report?

- Spontaneous statements
  - Unsolicited
  - Unprovoked
- Document any spontaneous statements
  - Miranda is not required before those statements
  - Document:
    - Anything the suspect said
    - Anything you did or said prior to the spontaneous statement
    - Identify and document anyone who might have heard the statement
    - Check your department policy on whether one or both of you write a report

Suggested learning activity:

Divide the class into two-person “cars.” Allow five minutes for discussion. Have each pair of trainees articulate the logistics of if and when they would surreptitiously record a suspect in their presence. Track the answers on a whiteboard or easel chart. The instructor should facilitate a discussion where each “car” reports out on one item they listed. The instructor may facilitate an entire class discussion on any of the points raised as to their benefit, or potential pitfall, and continue around the room as time allows.
Scenario 2
Legal Considerations

A River City police officer makes an arrest on an in-field line-up of a 17-year-old female suspect. The officer transports the juvenile to the station for an interview. The transporting and interviewing officers interview the suspect after advising her of her Miranda rights. The juvenile speaks with the officers and admits to the criminal act. When the interviewing officer questions the suspect on a discrepancy in her story, the suspect invokes her right to counsel.

Key learning points

- General knowledge of relevant law regarding admissions and confessions through interviews and interrogations is very important for officers and detectives
- You may invalidate a suspect’s statement at any point if you:
  - Fail to fully give a Miranda warning
  - Give the Miranda warning but the suspect does not answer that he or she understands the rights
  - Give the Miranda warning but don’t get a proper waiver
  - Give the Miranda warning, but the suspect’s statement is deemed to be involuntary
- Navigating the legal steps of an interview or interrogation can be tricky
  - Know what constitutes “custody”
  - Knowing when and how to properly give Miranda warnings
  - Understanding the 5th Amendment
  - Understanding the 6th Amendment
- With juveniles, there are other significant issues
  - § 625.6 W&I Code
    - All custodial interrogations
    - Of minors 15 years of age or younger
    - Require that minors UNDER 16 years of age consult with legal counsel, either
      - In person
      - By phone
      - Video conference
      - BEFORE that minor can waive his/her rights
  - The minor may NOT waive his/her rights prior to this consultation
- Know your agency policy on when parents will be notified regarding cases involving their children
- Miranda was required in the case of this juvenile
  - She was in custody
  - She was being questioned about the crime
  - Your agency policy might require that you Mirandize all juvenile suspects
- Keep building rapport
  - Even if the suspect invokes his or her right to counsel or to remain silent
  - He or she might want to talk at a later date
- During an “investigative detention,” a person is still not free to leave
  - You can still handcuff someone as you investigate what happened without having to Mirandize them
- Detention is a 4th Amendment term
  - When a reasonable person would believe that they are under arrest
  - Factors include:
    - Age of the suspect
    - Questioned for a long period of time
    - Handcuffing them
    - Being placed in the back of a police car
• Being taken somewhere in the back of a police car
• Being told that they are under arrest
• The number of officers around them
• The more aggressive, accusatory and hostile the questioning becomes

• Officers should not be reluctant to read Miranda rights when they are required
  o Officers should clarify non-verbal or soft-spoken answers to Miranda
  o Clarify after each question if you do not receive a clear and audible answer
  o It is best to read the Miranda warning from your department-issued card
    ▪ Know and follow your department policy on this point
  o Officers should always have their Miranda card with them
  o Officer should always bring it to court
  o Don’t trivialize their rights as you read them
  o Document exactly the response(s) given by the suspect
  o Be prepared by having your first questions ready to go
  o Move on to questioning

• Two types of waivers
  o Expressed waivers
    ▪ Read the Miranda warning
    ▪ Ask if they understand their rights
    ▪ Ask if they are willing to speak with you
    ▪ If they are willing, begin questioning
  o Implied waivers
    ▪ Read the Miranda warning
    ▪ Ask if they understand their rights
    ▪ If they indicate that they do understand their rights
    ▪ Begin questioning

• Invoking one’s right to counsel is very different from choosing to remain silent
• Special issues with juveniles
  o Juveniles might not feel as though they were free to leave, when adults in similar situations would
  o Penal Code Section 26 - Juvenile under 14 years old – Do they know the difference between right and wrong?
  o You want to be able to show the court that the waiver by a juvenile is:
    ▪ Voluntary
    ▪ Knowing
    ▪ Intelligent

Additional learning points:

• CA Penal Code § 26 (2017)
• All persons are capable of committing crimes, except those belonging to the following classes:
  o Children under the age of 14 years old
    ▪ In the absence of clear proof that, at the time of committing the act charged against them, they
      knew its wrongfulness
• CA Welfare & Institutions Code § 625.6 (2017)
  o Prior to a custodial interrogation
  o And before the waiver of any Miranda rights
  o A youth 15 years of age or younger
  o Shall consult with legal counsel in person, by telephone, or by video conference
  o This consultation may not be waived
The court shall, in adjudicating the admissibility of statements of a youth, 15 years of age or younger made during or after a custodial interrogation, consider the effect of failure to comply with subdivision (a).

This section does not apply to the admissibility of statements of a youth 15 years of age or younger if both of the following criteria are met:

- The officer who questioned the youth reasonably believed the information he or she sought was necessary to protect life or property from an imminent threat
- The officer’s questions were limited to those questions that were reasonably necessary to obtain that information

- The Fourth Amendment to the United States Constitution
  - Prohibits unreasonable searches and seizures
  - Requires any search warrant to be judicially sanctioned and supported by probable cause
- The Fifth Amendment to the United States Constitution
  - One of the ten amendments to the United States Constitution that make up the Bill of Rights
  - Imposes restrictions on the government's prosecution of persons accused of crimes
  - Prohibits self-incrimination and double jeopardy and mandates due process of law
- The Sixth Amendment to the United States Constitution
  - Guarantees the rights of criminal defendants, including the right to a public trial without unnecessary delay
  - The right to an attorney
  - The right to an impartial jury
  - The right to know who your accusers are and the nature of the charges and evidence against you

Suggested facilitation questions and common responses:

What is the one main difference between an “expressed” waiver and an “implied” waiver?

- Expressed waivers
  - Read the Miranda warning
  - Ask if they understand their rights
  - Ask if they are willing to speak with you
  - If they are willing, begin questioning

- Implied waivers
  - Read the Miranda warning
  - Ask if they understand their rights
  - If they indicate that they do understand their rights
  - Begin questioning

Suggested learning activity:

Divide the class into small groups of three to six per group. The following process may be used for three groups and can be slightly altered and then assigned to larger classes with additional groups:

Ask each group to list, on an easel chart, situations relating to a Miranda warning that could result in an admission being disallowed in court. The instructor should allow a few minutes for discussion and work and can then ask each group to report out on one situation. The instructor can ask alternating tables for their ideas and facilitate an entire class discussion on each point.
Scenario 3
Rapport Building

A two-officer unit decides to proactively check a neighborhood park that is of interest because of its location and criminal activity. As they approach the picnic area, they spot a subject who they believe was mentioned on a wanted bulletin earlier in the day as a sexual assault suspect. As they walk up to make contact, the subject flees on foot.

Key learning points:

- Rapport is a temporary relationship
  - It is something that needs to be maintained from first contact through prosecution
  - These are not people whom we would likely choose to become friends with
    - To patrol officers, building rapport might not feel like a top priority
- Building rapport is an extremely powerful tool used to gain cooperation from:
  - Suspects
  - Victims
  - Witnesses
- Recognizing the importance of rapport is easy
- Learning how to establish and maintain rapport in adversarial situations can be challenging
  - The relationship with law enforcement starts at this point
  - Patrol is the first point of contact
  - Helps establish potential success for later interviews with detectives
  - We either damage the relationship or make it easier for the detectives later
  - Sets the tone for others who might be watching when they have contact with law enforcement at a later date
- How to start building rapport
  - After a use of force
    - Speaking respectfully
  - Ensuring he or she is OK (e.g. “Are you OK to stand up?”)
  - Talking to him respectfully, even though he may have committed a serious crime
- Officer’s demeanor
  - Consensual contact
    - Tried to use the lowest level of force
    - Even after the foot pursuit and take-down, demonstrated respect and built rapport
- What do we need to communicate to detectives?
  - He ran
  - He was taken to the ground
  - Document the use of force
  - Check for injuries
- What are our priorities in a foot pursuit?
  - Officer safety
  - Know your surroundings
  - What’s on the other side of the hill?
  - Did he have anything in his hands?
- How do we continue building rapport?
  - Be genuine
  - Treat him humanely, despite what he might have done
  - Let the legal process run its course
- Building rapport does not mean compromising on your officer safety
• Sometimes the first contact is a negative contact
  o They ran
  o They resisted
  o “Why did you run?” is far less effective than “Are you OK?”
  o Your contact with a subject is going to set the stage for future contacts with that subject
  o His/Her bad experience with you now becomes a bad experience with all police officers or all agencies
  o Being professional and courteous will pay dividends down the road
• Key to building rapport is not passing judgment
  o Rapport is evident in your body language
  o If your body language conveys that you’ve judged them, they will never confess to you
  o Being aware of your own non-verbal cues is not something we do naturally
• During your interview, are you actively listening?
  o Or are you more worried about taking notes?
  o Listen with your eyes and ears

Additional learning points:

• Rapport is for everyone
  o Witnesses who have a relationship with the suspect
  o Their impression of you should be that you want to get all sides of an incident and are working to get to the truth of the matter
  o Calling someone a liar gets you nowhere
  o It is the exact opposite of rapport building
  o Use social media. Find out whatever you can about a subject, his family, where he was raised, etc.
  o It is all information that you can use to build rapport
• Many officers believe that they can turn on the rapport switch when they get to the station
  o These are opportunities lost
  o You could have wasted a significant amount of time
  o It starts as soon as the suspect is contacted
  o Dust him off and start treating him/her in a humane way

Suggested facilitation questions and common responses:

Why is rapport such an important tool for a suspect whom you will be interviewing?

  o The importance of maintaining rapport
    ▪ The relationship with law enforcement starts at this point
    ▪ Patrol is the first point of contact
    ▪ Helps establish potential success for later interviews with detectives
    ▪ We either damage the relationship or make it easier for the detectives later
    ▪ Sets the tone for others who might be watching when they have contact with law enforcement at a later date.

What are some of the ways that rapport can be developed when the situation is adversarial?

• They ran
• They resisted
• “Why did you run?” is far less effective than “Are you OK?”
• Your contact with a subject is going to set the stage for future contacts with that subject
• His/Her bad experience with you now becomes a bad experience with all police officers or all agencies
• Being professional and courteous will pay dividends down the road
• Dusting him off
• “Are you OK?”
• “Are you OK to stand up?”
• Talking to him respectfully, even though he may have committed a serious crime

**Suggested learning activity:**

Divide the class into small groups of three to six per group. The following process may be used for three groups and can be slightly altered and then assigned to larger classes with additional groups:

Ask each group to list, on an easel chart, situations they have either seen or experienced where rapport was established even after a significant use of force situation. Ask each group to discuss and list ideas that address what the law enforcement professionals did to begin establishing that rapport. Another group can discuss and list ideas describing how the rapport building promoted a successful interview. Another group can discuss and list what steps were taken or said to minimize or gain rapport regarding the force that was used during the incident. The instructor should allow a few minutes for discussion and work and can then ask each group to report out on one situation. The instructor can ask alternating tables for their ideas and facilitate an entire class discussion on each point.
Scenario 4
Strategies

Officers are dispatched to a report of a robbery in progress. As officers arrive, they see two suspects fleeing the store in opposite directions. One suspect is taken into custody at gunpoint but the other escapes. At the police station, two patrol officers prepare for their interview of the captured suspect. They have in-store video of the robbery and a positive ID of their suspect. They obtain prior criminal history and any known cases on their suspect. They enter the interview room, where the suspect is handcuffed to a table. The officers begin taking steps to establish rapport with the suspect and to promote the strategy they will employ as they begin to interview the suspect. After a short break in the interview, the officers return and employ another strategy with the suspect.

Additional scenario for this section

A detective walks into an interview room to speak with a subject. The detective thanks the subject for showing up. The detective begins the interview with casual conversation that does not appear to relate to the interview. He asks how the suspect arrived at the station. The subject says that he drove. The detective asks about the subject’s plans for later in the day. The subject says that he has to pick up his brother from school. The detective explains that the interview room door is closed because it can get loud in the station. The door is unlocked, however, and the subject is free to leave at any time. The detective also tells the subject that he does not have to answer any of the detective’s questions. The detective has the subject repeat what he was just told to demonstrate the subject’s understanding. The subject is then informed that officers have previously interviewed his cousin about the incident at the Corner Market.

Key learning points

- Preparation:
  - Have a plan before going into the room
  - If there is more than one interviewer, create a plan
  - Know the suspect’s criminal history
  - Having a good strategy for an interrogation starts with good preparation
    - Check your personal feelings at the door
    - Come in with the proper mindset
    - Show interest in the suspect as a person
    - Show patience for what could be a lengthy process
- Body language
  - One officer was much friendlier, and his body language appeared more relaxed
  - One officer was much harsher, and his body language demonstrated this by leaning forward in a more aggressive posture
- If you’re talking to someone who is guilty of a crime, you’re winning
- A common mistake in an interview
  - Too much talking
  - Not enough listening
- The longer the interrogation, the more chance for success
- Listen to everything they have to say while giving the impression that you believe them
- Why are themes important? Use them as a tool to build trust. “Parolees don’t get hired.”
- Admissions that might not seem like an admission
  - In the video, the suspect said, “Ain’t nobody giving anybody up”
  - This could imply that one suspect knew the identity of the other
- Beheler Admonishment
  - A non-custodial interview
  - Person is not in custody
Person is not detained
Person is free to go
Person does not have to answer any questions
Can be conducted at the police station

• It’s not about our state of mind
  o It’s about the suspect’s state of mind
• When does an interview move from an interview to a detention?
  o Locking the door
  o Seizing property, such as keys, cell phone, etc.
  o Handcuffs
• What happens when/if the suspect confesses during a Beheler interview?
  o Finish the interview
  o Let him walk
  o Seek a warrant at a later date
• A suspect who tells you nothing but lies may still be helping you
• Visual cues:
  o No eye contact
  o Closed body posture
  o Repeating your questions before answering
  o Changing their story
    ▪ Every time a suspect changes his story, he is getting closer to the truth
  o You should never quit an interview
  o When you think that it has gone on long enough, tell yourself, “Five more minutes”
• Don’t start an interview thinking that you already know what happened
  o Be able to anticipate possible defenses
  o Once you handcuff a suspect, his first words are probably going to be his defense
  o Always record interviews to avoid the defense, “I never said that”
• PC Section 859.5, references the recording of interviews
  o Includes both adults and juveniles
  o In homicide cases
  o You will record your interviews
  o Audio or video recordings will suffice
  o Allows the court to exclude any evidence of the suspect’s statements
    ▪ If no video and audio recording is made and presented
  o Requires two detectives
  o Recording interrogations is a best practice
  o For electronic recording to be required, the interrogation must be a “custodial interrogation”
  o Required for arrested suspects, not detained suspects merely suspected of a homicide

Additional learning points:

• Legal considerations
  o Beheler Admonishment
    ▪ The Beheler Admonition
    ▪ Considered a consensual encounter
    ▪ The person is free to leave at any time
    ▪ Considered a consent interrogation
The Beheler Admonition is a request made of someone who has been invited by a peace officer to discuss a matter, usually a crime. The person is not under arrest, although he or she may be a suspect.

- If the person voluntarily consents to the interview, he or she is not entitled to a Miranda warning.

Beheler admonition example

- “You are the suspect of a police investigation.
- I want to ask you some questions, but before I do, I want you to know:
  - You are not under arrest,
  - You do not have to answer my questions,
  - You can stop answering my questions and are free to leave at any time.
  - Do you understand?
  - Do you want to talk to me?”

Suggested facilitation questions and common responses:

What are some suggestions for an officer or detective preparing to interview a suspect involved in a serious crime?

- Preparation:
  - Have a plan before going into the room
  - If there is more than one interviewer, create a plan
  - Know the suspect’s criminal history
  - Having a good strategy for an interrogation starts with good preparation:
    - Check your personal feelings at the door
    - Come in with the proper mindset
    - Show interest in the suspect as a person
    - Show patience for what could be a lengthy process

- Body language
  - One officer was much friendlier, and his body language appeared more relaxed
  - One officer was much harsher, and his body language demonstrated this by leaning forward in amore aggressive posture

- If you’re talking to someone who is guilty of a crime, you’re winning

- A common mistake in an interview
  - Too much talking
  - Not enough listening

- The longer the interrogation, the more chance for success
- Listen to everything they have to say while giving the impression that you believe them

Are there cases where a Beheler Admonition would be inappropriate?

- Legal considerations
  - Beheler Admonishment
    - The Beheler Admonition
    - Considered a consensual encounter
    - The person is free to leave at any time
    - Considered a consent interrogation
    - The Beheler Admonition is a request made of someone
    - Who has been invited by a peace officer to discuss a matter, usually a crime
    - The person is not under arrest, although he or she may be a suspect
    - If the person voluntarily consents to the interview, he or she is not entitled to a Miranda warning
• Beheler admonition example
  o “You are the suspect of a police investigation.
  o I want to ask you some questions, but before I do, I want you to know:
    o You are not under arrest.
    o You do not have to answer my questions.
    o You can stop answering my questions and are free to leave at any time.
    o Do you understand?
    o Do you want to talk to me?”

What are the requirements of Penal Code section 859.5 in reference to recording interviews of homicide suspects?

• PC Section 859.5, references the recording of interviews
  o Includes both adults and juveniles
  o In homicide cases
  o You will record your interviews
  o Audio or video recordings will suffice
  o Allows the court to exclude any evidence of the suspect’s statements
    ▪ If no video and audio recording is made and presented
  o Requires two detectives
  o Recording interrogations is a best practice
  o For electronic recording to be required, the interrogation must be a “custodial interrogation”
  o Required for arrested suspects, not detained suspects who are merely suspected of a homicide
Interview and Interrogation

Scenario 5

Techniques

Officers are dispatched to a loud family disturbance called in by a neighbor across the street. A male subject is stopped as he walks from the scene. He is pat-searched and then placed in the back of the patrol car. Another officer contacts the female subject at the residence. Each officer interviews one participant. A witness neighbor comes forward with cellphone video. The officer begins the interview/interrogation process at the scene with the suspect.

Key learning points:

- We should enter an interrogation considering all of the themes that might be used
  - We don’t know which theme will work
- Interrogation techniques should always be geared towards the prevention of an innocent person confessing to something that they didn’t do
- Interview/Interrogation techniques:
  - Themes
    - Why are themes important
      - A theme is something that might explain why the suspect committed the crime
        - In a gang case, was it part of the initiation process?
        - Was it revenge for a perceived slight?
        - Was it to defend the gang’s territory?
  - Reciprocity
  - Re-enactments
  - Proximity
  - Baits
    - Baits and ruses are frowned upon by the courts
    - Classic bait question:
      - Is there any reason why your DNA would show up at the crime scene?
  - Ruses are more confrontational
    - Instead of “I might have your DNA,” a ruse would be, “I DO have your DNA!”
    - Ruses are high risk/high gain
    - If you employ a ruse that the suspect is certain is false, you will likely not get any more information from the suspect
    - You have now lost credibility
- If you use bait questions, ruses, or if you are untruthful in any way, document those in your report and explain your purpose in doing so
  - Juries do not like officers who lie
  - Even to suspects who allegedly committed horrific crimes
- Continue working toward discovery of the truth
- Non-verbal signs of deception
  - Gaps in the story, as if the suspect were making things up on the fly
  - A statement about being thrown over the couch when there is no damage to delicate items in the immediate area
  - Preoccupation with who called and a possible attempt to discover if there were any witnesses
- Non-verbal signs of truthfulness
  - No gaps in the story
  - Cooperation
  - The story makes sense
  - The story flowed from beginning to end
- Is there evidence at the scene to support one statement or the other?
- Blood on the victim’s shirt
- Witness cell phone video
- Broken flower pot on the front porch

- Personal potential biases of domestic violence:
  - Men are usually the aggressor in domestic violence
  - Usually it is the suspect who flees the scene

- Building rapport during field interviews:
  - “Are you injured?”
  - “Do you need medical aid?”
  - Understand the subject’s thought process

- Being a good interviewer means being a good listener:
  - Head nods
  - Eye contact
  - Minimal note taking
  - If the suspect doesn’t accept one theme, be prepared to move to the next theme

- R.P.M. – All good themes do one of the three:
  - Rationalize
  - Project
  - Minimize

Additional learning points

- Suspects won’t often confess unless/until they believe that they have been caught:
  - Sometimes it will take a bait or a ruse
  - Baits and ruses are frowned upon by the courts:
    - Classic bait question:
      - “Is there any reason why your DNA would show up at the crime scene?”
  - Ruses are more confrontational:
    - Instead of “I might have your DNA,” a ruse would be, “I DO have your DNA!”
    - Ruses are high-risk, high-gain
    - If you employ a ruse that the suspect is certain is false, you will likely not get any more information from the suspect
    - You have now lost credibility

- If you use bait questions, ruses or are untruthful in any way, document those in your report and explain your purpose in doing so:
  - Juries do not like officers who lie
  - Even to suspects who allegedly committed horrific crimes
Suggested facilitation questions and common responses:

What are some non-verbal signs of deception? Of truthfulness?

- Non-verbal signs of deception
  - Gaps in the story, as if the suspect were making things up on the fly
  - A statement about being thrown over the couch when there is no damage to delicate items in the immediate area
  - Preoccupation with who called and a possible attempt to discover if there were any witnesses

- Non-verbal signs of truthfulness
  - No gaps in the story
  - Cooperation
  - The story makes sense
  - The story flowed from beginning to end

Suggested learning activity:

Divide the class into small groups of three to six per group. The following process may be used for three groups and can be slightly altered and then assigned to larger classes with additional groups:

Ask the first group to identify a possible ruse they would employ in a domestic violence felony crime situation. Ask the second group to identify a possible bait situation they would employ in the same situation. Ask the third group to discuss and report out on why courts and the public might react negatively to learning that law enforcement employed a ruse or a bait to gain a confession from a suspect.

The instructor should allow a few minutes for discussion and work and can then ask each group to report out on one answer from their situation. The instructor can ask alternating groups for their ideas and facilitate an entire class discussion on each point. The instructor may also turn to the group identifying why the courts and public may think negatively, asking this group to offer a response from the public on whatever was introduced from the first two groups.
Final thoughts

- Interviews are a privilege
- People might tell you something that they will never ever tell anyone again
- Get the best possible information, even though it might not seem important at the time
- Interviews and interrogations lead us to the truth
- Success is never about getting a confession. Success is about getting to the truth
- The most important contact with a suspect is that first contact with a patrol officer
- These are perishable skills
  - Know the case law
  - Read the legal updates
    - Laws are changing all the time
  - Attend Interview/Interrogation classes
  - Practice, practice, practice

Conclusion

This facilitation guide provides information needed to assist the instructor in delivering an interactive and goal-oriented training session. After completing this course, learners should have general and specific information on how to better conduct interviews and interrogations. Learners should have a stronger knowledge base of the laws that cover the interviews and interrogations of both adults and juveniles. Learners will understand their importance to the investigative team and why it is important to document any statements, both structured and spontaneous by suspects with whom they have contact.
Officers sometimes prematurely Mirandize suspects, prompting an invocation of rights. Officers are required to give a Miranda warning when:  
A. A suspect is in custody  
B. A suspect is about to be questioned  
C. A suspect is in custody and is about to be questioned  
D. Either A or B  

You can invalidate a suspect’s statement at any point:  
A. If you fail to fully give a Miranda warning  
B. If you give the Miranda warning but don’t fully explain the warnings or the suspect doesn’t understand the warnings  
C. If you give the Miranda warning but don’t get a proper and lawful waiver  
D. All of the above.  

Per California Welfare & Institutions Code Section 625.6, prior to a custodial interrogation, and before the waiver of any Miranda rights, a youth ____ years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. This consultation may not be waived.  
A. 18  
B. 17  
C. 16  
D. 15  

If a suspect confesses during a Beheler interview, you should do all of the following, except what?  
A. Finish the interview  
B. Arrest on the spot  
C. Let him/her walk  
D. Seek a warrant at a later date
Describe the elements of a Beheler Admonition. What is required, what should be said, and what conduct should be undertaken by the officer?

The suspect should be told he or she is the subject of a police investigation. They are not under arrest, they do not have to answer any questions and they are free to leave at any time. They should be asked if they understand this. It is recommended that officers ask them to describe this admonition back to the investigator in the suspect’s own words.

PC Section 859.5, references the recording of homicide suspect interviews. Which of the following are true? F
A. Includes both adults and juveniles
B. Audio or video recordings will suffice
C. Allows the court to exclude any evidence of the suspect’s statements if no video and audio recording is made and presented.
D. Requires two detectives
E. For electronic recording to be required, the interrogation must be a “custodial interrogation”
F. All of the above

Which of the following would cause an interview to be classified as a detention? D
A. Seizing the suspect’s property – Keys, cell phone, wallet, purse, etc.
B. Locking the door of the interview room
C. Placing the suspect in handcuffs
D. A, B or C
E. B or C

Building rapport is an extremely powerful tool used to gain cooperation from: D
A. Suspects
B. Victims
C. Witnesses
D. All of the above

What does the statement, “the truth never changes,” refer to?
This statement relates to comments made by suspects. The truth is always the truth. What is true today will still be true a month or a year from now. If a suspect lies to you during an interview, he now has to remember what he told and any accompanying details. This is much harder to do than simply remembering the truth.