



SUPERVISORY USE OF FORCE INTERVIEWS AND MIRANDA

Policy 300.9 requires a sergeant to respond to the scene of a use of force and conduct an administrative investigation of the incident. The focus of this investigation is as follows:

- Ensure all involved parties are offered and/or receive medical attention
- Determine the basic facts of the incident and identify any potential liability or risk management concerns
- Gather information regarding any involved employee's actions
- Obtain any witness statements and gather all audio/video recordings of the incident
- Determine and document if the subject was impaired during this incident (alcohol, drug, or mental)

Before initiating your interview, verify with the handling deputy/investigator that the subject has been read their Miranda rights and confirm whether the subject waived or invoked those rights. Regardless of whether the subject invoked or waived Miranda, the following lines of questioning and guidelines should be addressed:

- Was the subject injured? If so, how was the injury sustained?
- Was medical treatment offered and provided?
- Did the subject have any pre-existing injuries or medical conditions?
- What were the actions of the involved deputies or employees?
- Interviews of any kind are dynamic and there is no template for the directions they may take. In the event an opportunity presents itself, ask any questions necessary to ensure a thorough administrative interview.

If the subject waived Miranda, questions may be expanded to include those pertaining to the subject's actions.

If the involved subject denies injury and/or declines medical attention, this statement must be made directly to medical staff, captured via audio/video recording (when possible), and documented appropriately. All injuries, *or lack thereof*, shall be photographed/videotaped as specified by policy 300 and consistent with CPC 4030. As a reminder, the Crime Lab is available to take any required photographs. In order to avoid compromising the ongoing criminal investigation, ensure medical attention is provided; however, do not begin your administrative interview until you have conferred with the handling deputy/investigator and allowed them to complete their investigation.

Things to Remember:

- It is not the answer that triggers Miranda, but rather, the manner and type of question asked during the interview.
- Regardless of whether the subject has invoked or waived Miranda, questions should be asked regarding deputy/employee action(s) prior to, during, and after the use of force. These questions are administrative in nature and should not trigger Miranda as long as they do not address the actions of an invoked subject.
- During the course of the interview, if a subject who previously invoked their Miranda rights makes a spontaneously incriminating statement, the sergeant should document this statement in their supplemental report; however, no follow-up questions should be asked referencing that statement.
- It is not the sergeant's responsibility to investigate any associated crimes, e.g., CPC 69 or CPC 148(a)(1). This is the responsibility of the handling deputy or investigator.

