



**SPRINGFIELD TOWNSHIP POLICE DEPARTMENT**  
**Wyndmoor, Pennsylvania**

**Policy 1-03**

**Policy Title:** Constitutional Requirements

**Date of Issue:** December 1, 2022

**Rescinds:** None

**By Authority of:**

**Chief of Police**

**I. Purpose**

Constitutional requirements, both federal and state, are vital to the role and function of law enforcement in a free society. It is the purpose of this policy to ensure that all members of the Springfield Township Police Department comply with these constitutional requirements, thereby ensuring that all people are treated in a fair, legal, and equitable manner.

**II. Policy**

It shall be the policy of the Springfield Township Police Department to provide for, and promote, the delivery of police services corresponding to the provisions of this policy.

**III. Procedure**

**A. Interview and Interrogations**

**1. Interview**

- a. An interview is defined as a non-accusatory conversation in which, through questions and answers, the police interviewer tries to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim, or witness.
- b. Interviews may occur in a variety of circumstances and locations.
- c. Officers shall conduct interviews in the same manner as if they were engaging in any normal conversation.

- d. Officers conducting interviews shall be aware of the nature of questions, their location, the interviewed person's location, and the conditions present when conducting interviews so that the subject does not have any reason to believe that they are in custody.

## 2. Interrogations

- a. An interrogation is defined as an accusatory procedure designed to elicit from the subject an acknowledgement that they did not tell the truth during an initial statement, whether that person is a suspect who originally denied involvement in an incident, or a victim who fabricated the nature of the alleged offense.
- b. Officers shall consider the following criteria during non-custodial interrogations:
  - i. Miranda warnings are not required to be given to a subject by officers when the subject is being interrogated, but is not in custody.
  - ii. Non-custodial statements taken from victims, witnesses, and suspects shall be documented. The format of the actual statement will be in accordance with the Montgomery County District Attorney's Office Prosecutorial Guidelines.
- c. Officers shall consider the following during custodial interrogations:
  - i. The test for determining whether a person is being subjected to custodial interrogation, so as to require Miranda warnings, is whether they are physically deprived of their freedom in any significant way, or is placed in a situation in which a reasonable person would believe that their freedom of action or movement is restricted by such interrogation.
  - ii. Officers shall provide Miranda warning advisements whenever a person in custody is subjected to custodial interrogation or the equivalent.
  - iii. When providing Miranda warnings in writing during custodial interrogations, officers shall use the designated Miranda rights form.
  - iv. When obtaining written statements from detainees during a custodial interrogation, the format of the written statement shall be at the discretion of the investigator.
- d. All original completed rights forms and / or statements shall be submitted in accordance with the evidence submission portion of the Evidence and Property Control policy.

## B. Access to Counsel

- 1. Officers shall consider the following procedure when safeguarding a detainee's access to counsel during interrogation:
  - a. Right to Counsel

- i. When a subject has been placed under arrest by an officer, and the subject is being subjected to a custodial interrogation, the subject shall be advised of the right to speak to counsel through the Miranda warning advisement, and if they do not waive the right, thereafter be afforded the opportunity to speak to an attorney before any questioning occurs.
    - ii. When a detainee requests to speak to an attorney before or during a custodial interrogation, the interrogator shall cease questioning the detainee and provide the detainee the opportunity to confer with counsel.
  - b. Waiver of Right to Counsel
    - i. Detainees may waive their right to counsel following the Miranda warnings; however, interrogators shall document that the waiver was a knowing and intelligent waiver (e.g. that the detainee knew that they had a right to consult with counsel before answering questions and they freely chose to otherwise proceed with the interrogation without exercising that right).
    - ii. Documentation of a waiver shall be indicated in the investigative report. It is recommended that this waiver also be documented on the designated Miranda form.
    - iii. If the suspect waives their right to counsel after receiving the Miranda warnings, law enforcement officers are free to question them. But if a suspect requests counsel at any time during the interview, the interrogating officer shall not subject the person to further questioning until a lawyer has been made available or the suspect freely reinitiates conversation.
    - iv. The interrogating officer must ensure that the suspect unambiguously requests counsel. A suspect must articulate their desire to have counsel present sufficiently clearly that a reasonable police officer in the circumstances would understand the statement to be a request for an attorney. If the statement fails to meet the requisite level of clarity, interrogating officers are not required to stop questioning the suspect.

