



# BRAINTREE POLICE DEPARTMENT

## Policy and Procedure

### INTERVIEWING COMPLAINANTS, VICTIMS, AND WITNESSES

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Chief Paul Shastany

Certification Standards: **1.2.3a; 55.2.2**

Accreditation Standards: **42.2.1b,d; 55.2.3b**

Optional Accreditation Standards: **42.2.2b; 55.2.1a,b**

### POLICY

It is the policy of the Braintree 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.

### PROCEDURES

#### I. CONDUCTING INTERVIEWS

- A. Immediately identify yourself or show your credentials (badge or identification) if not in uniform.
- B. Locate, identify and interview complainants, witnesses, and victims (collectively "interviewees") as soon as possible regarding the incident under investigation. **[42.2.1b; 42.2.1d]**

- C. Interview each interviewee **separately**, if possible, to ensure independent statements.
- D. Record the date, time and location of each interview.
- E. Obtain an interpreter, if needed.
- F. Make a reasonable attempt to establish a cooperative relationship with the interviewee.
- G. Consider the physical and emotional state of the interviewee.
- H. Obtain and document a full description of the incident if necessary.
- I. If possible, take notes or audio record the interview.
  - 1. 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.
  - 2. Before any interview is audio recorded, the interviewee must be told that the conversation will be recorded. M.G.L. c. 272 § 99. If any legal or other questions arise pertaining to the recording of an interview, consult with the District Attorney's office. **[1.2.3a]** Victims are **not** to be audio recorded.
- J. Ask specific questions to clarify each statement or to fill in any omissions.
  - 1. Observe and note, if possible, any emotional outbursts, inflections of the voice and nervous reactions which may indicate areas requiring further probing or clarification.
  - 2. Assess, if possible, each interviewee's objectivity or possible bias.
  - 3. Note, if possible, 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.

- K. Obtain a written statement from the interviewee (excluding the victim, victims do **not** write out statements), if possible.

## II. INTERVIEWS AT THE SCENE

- A. Interviewees shall be requested 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 police department.
- B. Obtain the names, addresses and telephone numbers of all persons present at the scene, if possible.
- C. 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.
- D. Paper may be given to a witness, **not** a victim, so that they may begin writing their descriptions of the incident before their interview.

## III. INTERVIEWS AT OTHER LOCATIONS

- A. AT THE STATION: A separate area to conduct initial or additional interviews with interviewees should be arranged to ensure privacy and a minimum of interruptions. **[42.2.2b]**
- B. VIA TELEPHONE: Officers are discouraged from conducting telephone interviews.

#### IV. TERMINATING THE INTERVIEW

- A. Interviews should 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.
1. Summarize what has been covered. Ask the interviewee if there is anything they wish to add or emphasize.
  2. Any written statements should be signed and dated by the interviewee and the investigating officer for authentication purposes. The time and place of the statement should be noted.
  3. 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.
  4. Provide a contact phone number for information about victim and witness assistance supplied by the Police Department. (See department policy on ***Victim/Witness Assistance.***) **[55.2.1a]**
  5. 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. **[55.2.1b]**
  6. 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 § 13B. If anyone attempts to do so, the interviewee should contact the police immediately. **[55.2.2; 55.2.3b]**
- B. Officer should thank the interviewee for his/her cooperation and impress upon him/her the value of his/her services.

## V. REPORT WRITING

- A. All information obtained from interviewees shall be passed on to the follow-up investigator, if any.
  
- B. All pertinent data, including recordings and written statements shall be included in the officer's official report and submitted in accordance with established departmental policy and procedures.

## VI. INTERVIEW TECHNIQUES

### A. USE OF INTERPRETERS

- 1. Before using any person at the scene as an interpreter, make a reasonable attempt to ensure that person chosen to serve as interpreter is reliable.
  
- 2. 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.

### B. CONSIDER PHYSICAL AND EMOTIONAL NEEDS OF INTERVIEWEES

- 1. Officers should try to calm the excited and emotionally upset interviewee. (If necessary, delay the interview until the person has regained composure).
  
- 2. Try to best create a favorable atmosphere under the circumstances for the interviewee to talk freely.
  
- 3. Conduct the interview in a quiet area, if available.
  
- 4. Maintain privacy to the greatest degree possible.

5. Try not to distract the interviewee or interrupt his/her story unnecessarily.
6. If possible, only one officer should conduct the interview. If possible, a second officer present should be taking notes, remain inconspicuous and should not interfere with the interview.

#### C. ESTABLISH COOPERATIVE RELATIONSHIP

1. Display a sincere interest.
2. Be patient, tactful and respectful.
3. Control personal feelings. Do not exhibit surprise or dismay at anything said by an interviewee.
4. Provide reassurance.
5. Encourage an un-talkative interviewee by asking appropriate questions.
6. 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.

#### D. CONDUCTING THE INTERVIEW

1. Do not take anything for granted and do not jump to conclusions.
2. Listen for and take notice of any obvious omissions or gaps in the statements made by an interviewee, or for any conflicting or inconsistent statements.
3. Officer should note any extreme nervousness or unusual behavior on the part of an interviewee or any unguarded or spontaneous remarks.
4. 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 or confusion, or the shifting of conversation to an unrelated subject may indicate that

information is being withheld. Nervous bodily reaction 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.

#### E. QUESTIONING INTERVIEWEES

1. 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.
2. Questions should be clear, definite and in plain language.
3. When possible, ask only one question at a time and wait for a complete reply.
4. Avoid leading questions that imply or suggest a particular answer.
5. Avoid rapid-fire questions that can confuse or bewilder.
6. Avoid questions that can be answered by "yes" or "no" which limit response.
7. Do not ask questions in a critical or derisive manner which could deter previously cooperative interviewees.
8. Do not correct the grammar or the language of the interviewee, which could cause resentment.
9. 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.