

<b>Directive</b>	<b>Rights Advisal</b>	<b>600-15</b>	<b>1 of 2</b>
<b>Effective Date</b>	<b>January 1, 2010</b>		



## **Wilkesboro Police Department**

### **Electronic Written Directives Document**

#### I. PURPOSE

To set forth guidelines to insure compliance with all applicable constitutional requirements in regards to interview and interrogations, and access to counsel.

#### II. POLICY

It is the policy of the Wilkesboro Police Department to comply with all constitutional requirements in regards to interviews, interrogations, and access to counsel.

#### III. PROCEDURE

A. While specific requirements of the law must be adhered to, it shall be the policy of this agency to treat all suspects in a fundamentally fair and just manner without regard to any personal consideration or bias. The guidelines herein are not absolutes, nor a comprehensive review of all legal considerations, but are areas that often attract close Appellate Court scrutiny.

##### B. Legal Requirements During Criminal Investigations

###### 1. Coercion of Involuntary Nature of Confessions and Admissions

- a. Use of coercion, threats, or promises to solicit confessions or admissions are inadmissible and are not permitted.
- b. Excessively prolonged interrogation and interview without breaks for personal needs; food, rest, and use of toilet facilities is not permitted.
- c. Deception and trickery - misstatements relative to the elements of the crime or punishment must be avoided.
- d. Interrogation techniques must reflect consideration of the subject's age, mental capacity, drug or alcohol impairment, and health.

##### C. Delay and Arraignment

1. Agreeable to the provisions of North Carolina General Statute 15A-501, departmental personnel must, with respect to any person arrested without a warrant and, for the purpose of setting bond with respect to any person

<b>Directive</b>	<b>Rights Advisal</b>	<b>600-15</b>	<b>2 of 2</b>
<b>Effective Date</b>	<b>January 1, 2010</b>		

arrested upon a warrant or order for arrest, take the person arrested before a judicial official without unnecessary delay..

2. The Appellate Courts have held that a delay caused by furtherance of a legitimate investigative procedure is not unnecessary delay.

D. Informing a suspect of his/her rights

Prior to a custodial interrogation, Miranda Warnings must be given, and a signed waiver obtained if possible utilizing the Wilkesboro Police Department "Rights Advisal Form". A special form for persons under the age of 18 is available.

E. Right to Counsel

1. A suspect's request to consult with counsel and counsel's request to consult with their client will be honored while the suspect is under control of members of the Wilkesboro Police Department.
2. A request for counsel during the course of an interrogation will cause a suspension of questioning until contact is made with counsel.

IV. REFERENCES

N.C.G.S. 15A-401  
CALEA 1.2.3