

HONOLULU POLICE DEPARTMENT

POLICY

LAW ENFORCEMENT ROLE, RESPONSIBILITIES, AND RELATIONSHIPS

April 24, 2015

Policy Number 1.02

CONSTITUTIONAL RIGHTS WARNINGS AND CUSTODIAL QUESTIONING

POLICY

Officers of the Honolulu Police Department shall be guided by this directive when questioning an adult or juvenile suspected of committing a crime.

PROCEDURE

I. GENERAL GUIDELINES

- A. Before questioning a suspect in a criminal case, the suspect shall be informed of his or her constitutional rights.
- B. Reasonable effort shall be made to ascertain that the party to be questioned is sober and coherent.
- C. The appropriate constitutional rights warning form should be used. If the form is not readily available, a verbal warning of these rights may be acceptable.
 1. Each item of the constitutional rights warning must be explained carefully. Reasonable effort should be made to determine that the person being questioned understands his or her rights.
 2. If the subject does not understand the constitutional rights warning, reasonable effort shall be taken by the investigator to assist the subject in understanding his or her rights.
 3. The behavior, apparent mental condition, and physical appearance of the person being questioned shall be documented in the police report.

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- D. The appropriate constitutional rights form should be signed by the party to be questioned to acknowledge that the constitutional rights have been fully understood. If the person being questioned is unable or refuses to sign, it shall be noted on the form's signature line.

II. CUSTODIAL QUESTIONING GUIDELINES

- A. Anyone who is taken into police custody must be warned of his or her constitutional rights before any custodial questioning can begin.
- B. If the subject requests the presence of an attorney, all questioning shall cease until the requested party is present.
- C. If the subject requests contact with an investigator, custodial questioning may begin or be reinitiated after the constitutional rights warning is administered.

Exception: If the subject requests a break during questioning, the investigator shall note the circumstances and the time that the break begins and ends.

- D. If the subject requests the presence of an attorney but indicates that he or she cannot afford one, reasonable effort shall be made to allow the subject to contact the Office of the Public Defender. All questioning shall cease until the attorney is present.

III. VOLUNTARY/UNSOLICITED STATEMENTS

If a person makes a spontaneous statement about involvement in a crime, the person should not be interrupted to be advised of any constitutional rights nor should the person be solicited for additional information.

IV. JUVENILES

- A. If an arrested juvenile requests the presence of a parent/guardian or legal custodian, all questioning shall cease until the party is present.
- B. In order to reduce the possibility of duress, no more than two officers should be present during an interview, and the interview should be of reasonable duration.

- C. The officer in charge of the investigation shall explain to the juvenile the procedures that will be followed as they relate to the custody, release, transport to another facility and/or detention hearing, and relevant juvenile justice system procedures.

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SUSAN BALLARD
Chief of Police

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board for one week

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