

	LANE COUNTY SHERIFF'S OFFICE POLICY	Number: G.O. 1.06
		Issue Date: March 21, 2005
		Revision Date: November 2, 2005; June 23, 2021, March 29, 2024
CHAPTER: Sheriff's Office Role and Authority		Related Policy:
SUBJECT: Constitutional Requirements		Related Laws: ORS 163.305, ORS 163.705, ORS 703.310, ORS 703.335

POLICY: The Sheriff's Office will conduct criminal investigations in a manner that will ensure an individual's constitutional rights are not violated and ensure that any statements or confessions given by a criminal suspect are legally obtained.

RULE: Deputies shall advise a criminal suspect of his/her constitutional rights as required by law and in accordance with guidelines provided by the Lane County District Attorney's Office.

PROCEDURE:

I. Non-Custodial Interview

- A. Deputies may question persons during on-scene gathering of facts related to a crime without advising them of their rights.
- B. Volunteered information and spontaneous statements provided by a criminal suspect, not in response to a question, implicating him/her in a crime are admissible and need not be preceded by advising of rights. Any follow-up questioning must be preceded by advising the suspect of his/her rights.

II. Custodial Interview

- A. Criminal suspects taken into custody or otherwise deprived of their freedom to leave must be advised of their rights.
- B. If, while advising the suspect of his/her rights or any time thereafter, the suspect asks to speak with an attorney, no further questioning shall take place.
- C. If, at some future time, the suspect initiates contact and wishes to speak with an investigator, the suspect must be re-advised of his/her rights.

III. Video or Audio Recorded Interview

- A. Refer to G.O. 5.19 Body-Worn Audio-Video Recording Devices for policies and procedures governing field interviews recorded via body-worn cameras.

- B. For all other recorded interviews, persons subject to video or audio recording shall be informed such recording is occurring. Such notice shall be included in the video or audio recording.
- C. The recording shall begin with the date and time of the recording, the location of the recording, persons present, a statement that the person being interviewed is doing so voluntarily, an acknowledgement by the person being interviewed that he/she has been advised of his/her rights and will end with the date and time the recording is over.

IV. Polygraph Instrument

A. General

This Sheriff's Office currently utilizes the Oregon State Police for polygraph examinations.

B. Criteria for Use

1. Consideration should be given to a person's state of mind, age, and the seriousness of the involved offense.
2. Prior to any juveniles submitting to a polygraph examination, a written waiver shall be obtained from the child's parent or legal guardian.
3. Persons with heart conditions may not be examined. They may be required to present medical documentation which states that they are capable of participating in a polygraph examination.
4. Per ORS 163.705, No Law Enforcement Officer shall require any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under ORS 163.305 to 163.575, to submit to a polygraph examination as a prerequisite to filing an accusatory pleading.

C. Request for Use

1. Requests for polygraph examinations will be made to the CIS supervisor.
2. The CIS supervisor will be responsible for contacting the Oregon State Police and scheduling the examination.
3. Once arrangements have been made, the CIS supervisor will notify the requesting Officer. The requesting Officer will notify the person to be tested of the scheduled time and date of the examination.

4. The investigating Officer shall provide a copy of the report to the CIS supervisor at the time the polygraph examination is requested.

D. Juveniles

Officers requesting a polygraph examination of a juvenile shall have the juvenile's parent or guardian sign an authorization form (attached) prior to scheduling an examination.

