

Miranda Warnings

Vampire Squad Training Bulletin

Written by Officer C. Mason



Landmark Case

- ***Miranda v. Arizona*** 384 U.S. 436
(1966)

General Information

- **Miranda Warnings attach only when:**
- There has been a restriction of the persons freedom, rendering them "in custody".
- Questioning is initiated relating to the crime or criminal acts.

General Information

- **Factors to determine “in-custody”:**
- The manner the police summoned the subject.
- Purpose, place, and manner of interrogation.
- The extent the subject is confronted with evidence of his/her guilt.
- Whether the subject is informed that he/she is free to leave the place of questioning.

General Information

- **Example:**
- The defendant was not in custody when he drove himself to the sheriff's office, where he was questioned in a closed, but unlocked room.
- The detective told the defendant he was free to leave at anytime.

General Information

- **Note:**
- The Fifth Amendment provides that “no person shall be compelled in any criminal case to be a witness against himself.”

Waiver of Rights

- The accused may waive effectuation of these rights provided the waiver is made:
 - Voluntarily
 - Knowingly
 - Intelligently

Waiver of Rights

- **Courts will take totality of circumstances to examine factors of waiver including:**
- Manner in which the Miranda Rights were administered (including trickery)
- The subject's age, experience, background, and intelligence
- If subject was a juvenile, given opportunity to contact parents
- Whether questioning occurred in station house
- Whether police obtained a written waiver before interrogation

Invoking of Miranda Rights

- If the accused indicates or invokes in any manner
- At any stage of the interrogation
- That he/she wants to speak to an attorney
- Or does not want to answer questions
- Questioning must be stopped immediately

Invoking of Miranda Rights

- The fact that the accused has answered questions previously
- Does not prevent him/her from terminating the interview

Questions??