DEPARTMENT OF PUBLIC SAFETY

POLICY & PROCEDURE MANUAL	DATE: 02/15/2007	SUCCEEDS:

SUBJECT: FIFTH AMENDMENT RIGHTS WARNING	NUMBER: 26	PAGE: 1 OF 1

When the scope of a preliminary or follow-up investigation centers on a subject during an interview, the arresting officer must immediately advise the subject of his/her 5th Amendment Rights. The Miranda Warning Rights must be read to and acknowledged by the subject on the Acknowledgement and Waiver of Rights Form.

1. ***You have the right to remain silent.***

2. ***Anything you say can and will be used against you in a court of law.***

3. ***You have the right to talk to a lawyer and have him present with you while you are being questioned.***

4. ***If you cannot afford to hire a lawyer, one will be appointed to represent you before any questing, if you wish one.***

The use of the Rights Acknowledgement & Waiver Form WILL be used when advising a subject of their rights & included with the I.M.C. Report

If the subject agrees to submit to and answer questions around the circumstances and or situation being investigated, then proceed with the questioning.

When to repeat the warning

Anytime there is a delay or pause in the questioning, repeat the warning. For example, if a suspect is being questioned in the morning and there is a break for lunch and questioning is resumed two (2) hours later, the warning should be issued again. The same holds for questioning on separate days. If there is a failure to issue warnings each time the questioning is resumed, only the portion of questioning preceded by a rights warning will admissible in court.