

What Happens If The Police Don't Read Me My Miranda Rights?

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I get a lot of questions about Miranda Rights, and several "what if" scenarios. People always send us questions to our Ask-A-Cop section concerning these, so I figured I'd give a little information on it. However, since I'm not in the business of helping people "get off," or "beat the system," I've decided to keep it somewhat general.

Miranda Rights or Miranda Warnings, the legal terms that came from the case in *Miranda v. Arizona*, instructs officers to allow a person to remain silent when they are accused of a crime. There are specifics as to when to give it, when not to, and when its not necessary.

It started when defense attorneys began challenging their clients statements that were made to police while in custody.

In the past, police had no guidelines from the court as to how to obtain these statements, and as a result, some innocent people were making statements out of frustration, i.e. wanting to go home, hours of interrogation, etc. If the person admitted to a crime, it was a done deal. Their statements were used against them. Now however, courts have held that prosecutors cannot use statements resulting from custodial interrogation of defendants unless they (the police, prosecutor) can demonstrate the use of procedural safeguards "effective to secure the privilege against self-incrimination."

As a result, police officers now have to read you your rights when wanting to use your statements against you. However, on the other side of the coin, there are several loop holes where police don't have to read you your rights. In these areas, you are actually obligated to cooperate with police, or you could face more charges.

The Miranda Rights or Miranda Warnings are not word for word from state to state. However, their meanings are. Most would read as follows:

1. You have the right to remain silent, do you understand this?
2. Anything you do say may be used against you in a court of law. Do you understand this?
3. You have the right to consult an attorney before speaking to the police and to have an attorney present during that questioning. Do you understand this?
4. If you cannot afford an attorney, one will be appointed for you before any questioning. Do you understand this?
5. If you decide to answer questions now without an attorney present you will still have the right to stop the interview at any time. Do you understand this?
6. Knowing and understanding your rights as I have just explained them to you, are you willing to talk to me and answer my questions without an attorney present? You can get much more information at <http://www.realpolice.net> and post your question in our Ask-A-Cop section.