

KNOW YOUR RIGHTS: Miranda Warnings

Police generally question persons they arrest. Prior to questioning, police will give some preliminary advice, called **MIRANDA WARNINGS**. This is what they are and what they mean:

(1) **“You have the right to remain silent.” This means that you are legally entitled to refuse to answer any questions at all.** You may think that if you refuse to answer questions, you will look guilty. The law protects you, however, because a refusal to answer questions cannot be admitted in court if you were under arrest at the time you refused. In other words, the jury will never know that you refused to answer questions so they can't hold it against you.

(2) **“Anything you say may be used against you in a court of law.” This means that anything you tell the police may be testified to in court.** If you say something damaging (incriminating), anyone who heard you say it will testify in court, repeating to the jury what you said to the police. This is why an oral statement can be as damaging to you as a written confession.

(3) **“You have the right to an attorney.” You do not need to be alone in the police station.** You are entitled to have a lawyer there with you during any police questioning. If there is someone else -- parent or a non-lawyer -- whom you want to be with you, ask the police if he or she may be present during questioning. The police do not have to agree, but if they don't, that is another good reason not to give a statement.

(4) **“If you cannot afford an attorney, one will be appointed for you.” If you are indigent, the police will call a Public Defender lawyer to be with you at the station.** Usually, a Public Defender lawyer is not appointed until your arraignment in court. However, if you do want to make a statement, or if you do not know whether you want to make a statement or not, the police will ask a Public Defender lawyer to come to the station to consult with you. If no Public Defender is available, wait until you get to court. Do not make a statement just because there is no lawyer available. If giving a confession would help you get a good deal now, which it usually will not, it will help you just as much or more later. The important thing to remember is that there is nothing you can do by yourself in the police station that a lawyer could not do as well or, more likely, better, since s/he is trained for this purpose. You can only hurt your case by giving a confession.

(5) **“You have the right to stop the questioning at any time.” If you begin to give a statement, or confession, you may stop answering questions at any time.** Just because you begin does not mean you are “stuck” with your decision. If you change your mind at any time or become unsure, stop answering questions. Occasionally, it may be true that giving a statement will help your case. In that event, a lawyer will insure that you give a statement which will help your case the most. It never hurts to have a lawyer with you, even while you are giving a statement to the police.

Another right, which the police may not tell you about, is the right to make a telephone call. You should always let someone know that you are in the police station under arrest. The best person to call is a lawyer. If you cannot afford a private lawyer, or do not know one to call, call the Public Defender Office to speak to a lawyer. If you cannot reach a lawyer, call someone whom you trust to call a lawyer for you. Make sure that the person you call knows exactly which police station you are being held at. If the person you call is going to telephone a lawyer for you, make sure he or she knows it is important that a lawyer come down to the station as soon as possible. If your lawyer is not available, call another one.

The police may ask you to sign papers in the police station. Some of these papers are not damaging, but it will be difficult sometimes for you to know which are damaging documents and which are not. The better rule is not to sign anything at all (except that you may want to sign an **INVENTORY** report which is a list of all items taken from your pockets when you were arrested; if you do not sign the report, it is possible you will not get your belongings returned to you). **Other than an inventory report, do not sign anything at all that relates to the police investigation of your case.** Never sign something you haven't completely read or do not fully understand. The police will probably ask you to sign something called a **RIGHTS FORM**; the police will tell you that signing it simply means that you understand your rights. Sometimes, however, that form has additional things printed on it. One common extra thing it may have is a statement saying, “I do not want a lawyer present.” Another common addition is, “I want to make a statement.” If you sign that you understand the Miranda warnings, you may be agreeing with those additional statements. You do not have to sign a Rights Form or a **WAIVER FORM**, no matter what the police tell you.