

TRANSCRIPT

Effective Communications with Law Enforcement Officers (Police)

Question 8: Miranda Rights

Michael Baer, Emergency and Public Communication Access Program Coordinator

Understood. We've been talking about interpreters, folks, and Chief Baran, you pointed out that if a person is taken into custody by the police and not free to leave, it's best to have an interpreter. The information that you write down to communicate with an officer can be used against you in a court of law. And maybe what you write down is not what you meant or the officer could misunderstand what you wrote and the situation could become worse. So, once taken into custody, ask for an interpreter. It may take several hours before an interpreter can arrive but best to protect yourself from any communication misunderstandings that could happen. Now, you know the Miranda Rights, the warning given by police to suspects in custody. For those of us who do not wholly understand, can you explain what the Miranda Rights are? When do the police read a suspect their rights and at what juncture? Are they read in specific situations? For example, are they read when a person is pulled over on the road? Or when a person is arrested? Would you mind talking about that so folks can have a better idea of what the Miranda Rights mean?

Chief Ted Baran, Director of Campus Security at Gallaudet University

The Miranda is one of the most misunderstood things in law enforcement, regardless of whether it's the Deaf Community or the Hearing Community. The Miranda is for you to understand your rights. That's for you to understand. So that's important. The key word is to understand. The Miranda is an advisement of your rights. For example, "You have the right to remain silent. You have the right to an attorney." That's what the Miranda is. You asked me when the Miranda is read. During a pull over on the road, it's not necessary because you're not in custody and being pulled over, you're not being interrogated. In order for the Miranda to be read, two conditions must be satisfied. First, you must be taken into police custody, which means the police have apprehended you and you are not free to leave. And second is when there is an interrogation, when the police are asking you about the crime, such as, "Where were you last night? Who were you with? Do you have an alibi?" That's an interrogation. So, custody and interrogation together warrants a reading of the Miranda Rights. Without an advisement of your rights, you can incriminate yourself. What you say can be used against you in a court of law, so you have the right to remain silent. Okay, so after being advised of your rights, most officers will have you sign off on a document, so it's important that you understand your

rights. Once the Miranda is read to you, then it's advised to get a lawyer because what you say can be used against you in court. But back to being pulled over. If there is no custody and there is no interrogation, or you have one without the other, you do not need the Miranda. Many people misunderstand that and automatically think if arrested, a person must be given the Miranda. That's not always true. If a person is arrested and there is no questioning, the Miranda is not necessary. For example, if the police witness a crime, the police do not need the person to tell them what happened because they witnessed the event themselves, so an arrest can be made without the Miranda. Also, you don't want to confuse the Miranda with booking information, like asking, "What is your name, address, and social security number?" That's not an interrogation. That's gathering routine information. So that doesn't count as an interrogation. But yes, the Miranda is very confusing for many people who are not involved in law enforcement.

