



# Miranda Warning

Section: 1.407  
Effective Date: October 28, 2011  
Amended: April 14, 2016

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## 1.407 MIRANDA WARNINGS

### 1.407.02 Protecting Rights

- A. Whenever possible, use the ***Explanation and Waiver Of Rights*** (Appendix A) and/or the ***Miranda Rights*** card (Appendix B), when advising suspects or witnesses of their 5<sup>th</sup> Amendment's Constitutional rights to counsel.
- B. Since there are no facilities at the University of Baltimore any interrogations is to be handled at the Detective rooms at the Central District's Station house or in the Central Booking Facilities.

### 1.407.04 Custodial Interrogation

- A. A Custodial Interrogation exists whenever an individual is under formal arrest or their freedom of movement is restricted to the point they are not free to leave.
- B. An interrogation includes any express questioning by a law enforcement officer or any words or actions on the part of a law enforcement officer which are reasonably likely to elicit an incriminating response.

### 1.407.06 Explanation and Waiver of Rights

- A. University of Baltimore Police Officers (UPO) are to provide a written record of the explanation of constitutional rights (MI report or a supplement to an original report) and a waiver of counsel for each suspect or witness subjected to custodial interrogation.
- B. Prior to conducting a custodial interrogation it is mandatory to verify the person to be interrogated is able to read and write.

*NOTE: If the person in police custody requires the assistance of a foreign linguist or sign language interpreter, the Baltimore Police Communications Section (410) 396- 2284 is to be contacted for assistance.*

- C. Read each sentence (numbers 1-5) aloud;
- D. Ask if they understand each right;
- E. Have them initial each right;
- F. Read the **bolded** waiver statement;
- G. Ask if they are willing to sign the waiver statement.
  - 1. Rights may be waived orally if they refuse to sign.
  - 2. Any refusal to sign or providing an oral waiver must be documented on the form. .

- H. The officer's name, rank, unit number and report number are to be printed on the appropriate line on the form (Appendix A).
- I. When conducting a custodial interrogation:
  - 1. Consider the age, education, and mental/physical condition of the person in custody.
  - 2. Be convinced that the person in custody fully understands their Constitutional rights.
  - 3. **Immediately stop** if the person being interviewed or interrogated expresses a desire to stop or exercise their Constitutional right to an attorney;
  - 4. Do not give legal advice or attempt to answer any legal questions. (This does not conflict with the duty to advise a person in custody of their Constitutional rights.)
- J. Maintain the original form in the case folder.
- K. Immediately transport/make arrangements to transport the suspect to the Baltimore Central Booking and Intake Facility to see a District Court Commissioner within twenty-four (24) hours after arrest unless extraordinary circumstances are present. (Documentation must account for the suspect's time in custody.) Allow sufficient time for processing at the Baltimore Central Booking and Intake Facility.

*NOTE: All persons must be taken before a District Court Commissioner within twenty-four (24) hours of arrest unless extraordinary circumstances are present.*

#### **1.407.08      Communication of Policy**

- A. Supervisors shall be responsible for communication of this directive to their subordinates and to ensure compliance.
- B. This directive is effective on the date of publication.

#### **1.407.10      Juveniles**

- A. Juveniles (persons under 18 years of age) have the same rights regarding statements as do adults.
- B. Juvenile interrogations and interviews shall be conducted in the same manner as adult interrogations and interviews, with the following additional guidelines:
  - 1. The parent/guardian of a juvenile shall be notified of an interrogation when possible.
  - 2. Advance notification is not required, parental permission to interrogate is not required; however, should a juvenile request to speak with their parent/guardian prior to the interrogation, the request shall be honored or the results of the interrogation may be in jeopardy.
  - 3. The totality of the circumstances should be considered for parental notification, such as the age and maturity of the juvenile as well as circumstances surrounding the case.
  - 4. Regarding statements, a special effort shall be made to ensure that the juveniles understands their rights as well as the juvenile justice system, if applicable.
  - 5. The duration of the interrogation and the number of members engaging in the interrogation shall be considered as appropriate to the juvenile's age and the nature of the alleged offenses.
  - 6. The juvenile's personal information, pursuant to an investigation or a closed case, to anyone without a court order is NOT ALLOWED.
    - a. This applies to "juveniles charged as juveniles;"
    - b. For other cases consultation with the AG's Office may be in order.

7. For officer safety, if the suspect has not been frisked, that should occur first.



University of Baltimore  
Police Department  
Baltimore, Maryland

EXPLANATION AND WAIVER OF RIGHTS      CC# \_\_\_\_\_

NAME: \_\_\_\_\_

DATE & TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

YOU ARE ADVISED THAT:

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 speak with an attorney before or during any questioning. \_\_\_\_
4. If you cannot afford to hire an attorney, one will be appointed to represent you if you before questioning, if you wish. \_\_\_\_
5. You can decide at anytime to exercise these rights and not answer any questions or make any statements. \_\_\_\_

**I have been advised of and understand my rights. I freely and voluntarily waive my rights and agree to talk with the police without having an attorney present.**

Signature \_\_\_\_\_

\_\_\_\_\_  
Officer's Printed Name      Officer's Signature      Rank      Unit #

Witnesses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Appendix A**

**Appendix B**  
**Miranda Pocket Card**

MIRANDA WARNING

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 SPEAK WITH AN ATTORNEY BEFORE OR DURING ANY QUESTIONING.
4. IF YOU CANNOT AFFORD TO HIRE AN ATTORNEY, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING IF YOU WISH.
5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

WAIVER

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?

HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?