Miranda Rights

903.1 PURPOSE AND SCOPE
The policy of the Pasadena Police Department is to advise all suspects of their Miranda rights in accordance with Supreme Court decisions, when they are placed in a custodial setting and are going to be asked specific questions regarding the incident.

903.2 REQUIREMENTS

(a) Any suspect who is arrested, and is 18 years of age or older, that is warned of their rights, a waiver may be solicited and the suspect interviewed. Questioning and warning of rights should be deferred when the arresting officer is unfamiliar with the case. Examples: Warrant arrests, or arrests made pursuant to instructions. If a suspect is given their rights and a waiver obtained, he should be interrogated immediately.

(b) Juveniles (under 18 years of age) must be advised of their rights prior to being released from custody whether or not the juvenile is questioned. If there is no intent to question a juvenile fifteen years old or younger, a waiver should not be pursued at the end of the advisement. (i.e. Do not include the question, “Having these rights in mind, do you wish to waive your rights and answer my questions?”)
When questioning is intended, and the Juvenile is fifteen years old or younger, a consultation with legal counsel shall be arranged via telephone, video conference, or in person, prior to custodial interview or interrogation (Welfare and Institutions Code § 625.6).

(c) A suspect, after being warned of his rights, may knowingly and intelligently waive these rights and agree to answer questions or make a statement. An officer is required to determine that the suspect understands his/her rights and that an express or implied waiver is made before interrogation begins. If the suspect is 15 years of age, or younger, legal counsel shall be arranged prior to obtaining the waiver. At any time during the interrogation, the suspect may rescind his waiver. Any subsequent questioning should be done only if the suspect is willing to make further statements and those statements are not coerced. In all cases, however, any officer hearing a volunteered statement made by a suspect in a conversation initiated by the suspect, shall include such statements in any subsequent report.

(d) If a continuous questioning period follows the rights admonition, it will not be necessary to repeat the Miranda rights to the suspect. However, the suspect must be re-advised of his rights if there is a substantial time lapse between questioning periods.

(e) Statements indicating that the officer has complied with the foregoing, that the suspect appeared to be in a condition to understand and did, in fact, understand the rights given, and subsequently waived or refused to waive his or her rights, must be included in any resulting report. In lieu of copying the entire rights language in the report, officers may include the following: “Suspect was advised of his/her Miranda rights in accordance with the orally issued admonition This should be followed by: “The suspect waived (or refused to waive) his/her right.” If the suspect waived (or refused to waive)
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his or her rights, the words uttered to waive his or her rights should be included in the report.

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