



Admissions & Confessions

Assertion of Right to Silence by In-Custody Suspect

- Cease all interrogation efforts immediately.
- No further interrogation efforts on anything until:

The suspect has been left alone by police for at least several hours, *Miranda* warnings are repeated, and waiver obtained,

or

The suspect initiates new discussion with police of involvement in criminal activity, *Miranda* warnings are repeated, and waiver obtained,

or

The suspect leaves custody whereupon there is no requirement of *Miranda* warning and waiver.

Assertion of Right to Counsel by In-Custody Suspect

Prior to approaching a suspect to initiate interrogation, determine whether the suspect has previously invoked *the right to counsel* while in custody or during a prior custodial interrogation. There must have been a 14-day break in custody since invoking the right to counsel.

- Cease all interrogation efforts immediately.
- No further interrogation efforts on anything until:

Legal counsel is actually present at any subsequent interrogation, *Miranda* warnings are repeated, and waiver obtained,

or

The suspect initiates new discussion with police of involvement in criminal activity, *Miranda* warnings are repeated, and waiver obtained,

or

At least 14 days have elapsed after release from custody, *Miranda* warnings are repeated, and waiver obtained.

Attachment of Sixth Amendment Right to Counsel by Charged Suspect

- No further interrogation efforts regarding the formally charged crime until:

Legal counsel is actually present, *Miranda* warnings are given, and waiver obtained,

or

The suspect initiates discussion with police regarding the formally charged crime, *Miranda* warnings are repeated, and waiver obtained.

Voluntariness and Coerced Statements

Independent of *Miranda* and the Sixth Amendment right to counsel, an incriminating statement must voluntary *beyond a reasonable doubt* and not compelled by coercion of any sort.