



DIRIGO SAFETY, LLC

PUBLIC SAFETY ADVOCATES

Course Title: 7.06 MLEAP Miranda – The Constitutional Implications of Custodial Interrogation

Time: 1 hour

Course Description: This course covers the basics of the Supreme Court's decision that prohibited a suspect's statements from being used as evidence unless the suspect has been advised of his or her rights to remain silent. Students learn about the 5th Amendment right against coerced confessions and the 6th Amendment right to a lawyer, and how the right to a lawyer is essential to guarantee the right to silence.

This course meets Level 2 MLEAP training requirements.

Learning Objectives:

- Overview of Miranda v. Arizona case.
- What Miranda is and when it is required and the consequences of not providing a Miranda warning.
- Overview of the Fifth and Sixth Amendment relating to Miranda.
- When Miranda Rights are required to be given to an individual.
- Definition of custody.
- Miranda and how it relates to Juveniles.
- Understanding the difference between custody and not in custody
- Definition of interrogation, admissions, and volunteered statements.
- Special considerations when Miranda is not required.
- Understanding what and when an individual waives his right to Miranda.

Course Outline Sections:

- Introduction
 - The Role of Confessions in Policing
 - Balancing the Constitution and Law Enforcement



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- Constitutional Foundations
 - United States Constitution
 - Fifth Amendment
 - Sixth Amendment
 - Maine Constitution
 - Section 6
- Basic Requirement for Admissibility
- Miranda Rule
- Miranda Warning Requirement
- Purpose of This Training
- Video/ Introduction
- Voluntariness
 - What Makes a Confession Voluntary?
 - How Courts Assess Voluntariness
 - Example of Not Voluntary
 - *State v. Mikulewicz*, 462 A.2d 497, 501 (Me. 1983)
 - Example of Voluntary
 - *State v. Theriault*, 425 A.2d 986 (Me. 1981)
 - Understanding Coercion in Custodial Interrogations
 - Police Brutality
 - Threats of Violence
 - Unreasonable Deprivation of Basic Physical Necessities
 - Extended Periods of Incommunicado Interrogation
 - Police Overreaching in Cases of Suspects with Impaired Mental Conditions
 - Police Trickery That Rises to the Level of Coercion
 - Constitutional Fairness in Interrogation
- Miranda
 - Miranda v. Arizona
 - Miranda Rule (Established by the Court)
 - Court's Rationale



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- Consequences for Violations of Miranda
 - Statements from Custodial Interrogation Without Miranda Warnings
 - Use of Statements for Impeachment
 - Silence Cannot Be Used Against a Defendant
 - Involuntary Statements
- Custody
 - Formal Arrest
 - Definition of Custody
 - Not Under Arrest, Still in Custody?
 - Objective Factors Considered by the Court
- What is Not Considered Custody by the Courts
 - Situations Not Considered Custody
 - Traffic Stops
 - Roadside Field Sobriety Tests
 - Terry Stops
 - Persons Incarcerated for Unrelated Crimes
 - Not in Custody Example
 - *State v. Perry*, 2017 ME 74, ¶ 16, 159 A.3d 840
 - In Custody Example
 - *State v. Lowe*, 2013 ME 92, ¶ 19, 81 A.3d 360
- What Counts as Interrogation?
 - Definition
 - Psychological Ploys & Compelling Influences
 - Words or Actions Not Usually Considered Interrogation
 - Words or Actions That Usually Are Considered Interrogation
 - Statements or Questions Not Considered Interrogation
 - Volunteered Statements
 - Clarifying Questions
 - Spontaneous Questions
 - Administrative/Booking Questions



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- Providing Identity
- Undercover Officers or Informants
- Public Safety Exception to Miranda
- Example from New York v. Quarles
- Interrogation After Unwarned Admission
 - “Two-Step” Interrogation Tactic
 - Legal Standard for Admissibility
 - Key Case Law Foundations
 - Oregon v. Elstad, 470 U.S. 298 (1985)
 - Missouri v. Seibert, 542 U.S. 600 (2004)
 - State v. Nightingale, 2012 ME 132, ¶ 29, 58 A.3d 1057
 - Practice Guidance for Officers
- Miranda Warning
 - Foundational Rule
 - Application Regardless of Crime Severity
- Miranda Waiver
 - Two Requirements for a Valid Waiver
 - Voluntariness
 - Full Awareness
 - Supporting Case Law
 - *Berghuis v. Thompkins*, 560 U.S. 370, 382–83 (2010)
 - *Moran v. Burbine*, 475 U.S. 412, 421
 - *State v. Hopkins*, 2018 ME 100, ¶ 39, 189 A.3d 741
 - Types of Waiver
 - Express Waiver
 - Implied Waiver
 - General Waiver – Not Crime-Specific
- When to Reissue Miranda
 - General Rule
 - Factors Considered by Courts
- QUIZ: Miranda Rights