

**Speak Up**

TO INVOKE YOUR RIGHT

TO REMAIN

**Silent**

# What are the “MIRANDA WARNINGS”?

**I**n 1966, in the case of *Miranda v. Arizona*, the Supreme Court held that the police must advise a suspect in custody of his constitutional rights before questioning that suspect. These rights – secured by the Fifth and Sixth Amendments to the Constitution – are:




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**YOU HAVE  
THE RIGHT  
TO REMAIN  
SILENT.**

Any statement you make can  
and will be used as evidence  
against you in court.



**You have the right to consult with  
a lawyer and to have the lawyer  
present during the interrogation.**

 **If you cannot  
afford a lawyer,  
a lawyer may  
be appointed to  
represent you, at  
no cost to you.**

**These are the so-called  
“Miranda rights” or  
“Miranda warnings.”**

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# When does MIRANDA APPLY?

**T**he police must administer the Miranda warnings when a suspect is taken into custody, prior to any interrogation.



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You do not have to be handcuffed and hauled off to jail or the police station in order to be “in custody.”

**A person is “in custody” when he is arrested or when his freedom of movement is significantly restricted,** to the degree associated with a formal arrest. This determination is made in light of all the circumstances surrounding the encounter with the police. If a reasonable person would not have felt free to walk away, then the suspect was in custody, and Miranda applies.



# How do you invoke your right TO REMAIN SILENT?

**S**ilence – even prolonged silence – is not enough to invoke your right to remain silent. You must speak up and unambiguously announce that you are not going to speak to the officers. No special words are required, but you must make your decision to be quiet plainly known.



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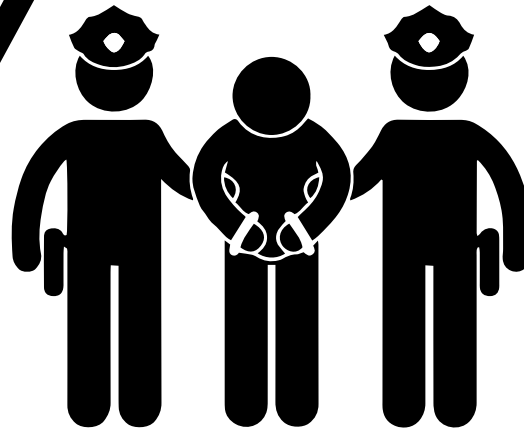
# YOU MUST SAY, FOR EXAMPLE:

**I wish to remain  
silent.**

**I have nothing  
to say.**

**I do not want  
to answer any  
questions.**

**I do not want to  
talk until I have  
spoken to a  
lawyer.**



# When should you ASSERT YOUR RIGHTS?

**T**he best time to assert your rights is immediately after the Miranda warnings are administered, before you answer any questions.

**You may, though, assert these rights at any time during police questioning,** even if you already have answered some questions or made other statements.





# What happens if the police FAIL TO ADMINISTER MIRANDA WARNINGS?

**I**f the officers fail to advise you of your rights, then the statements you make cannot be used as direct evidence against you in court.



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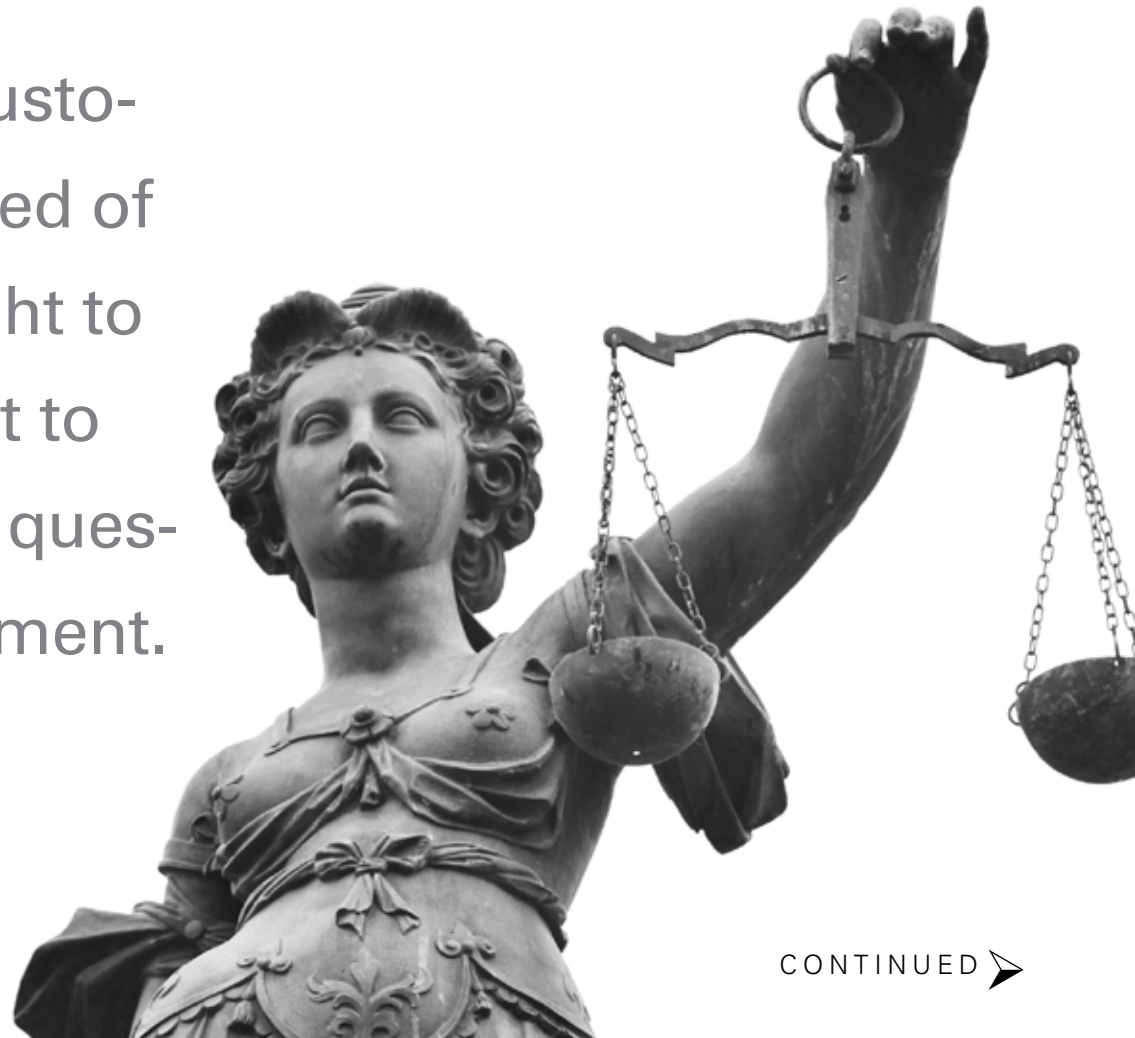


Moreover,

if the police uncover additional evidence (e.g., drugs or weapons) as a result of your statements, **that evidence is tainted by the officers' failure to advise you of your rights** and, therefore, also may be excluded from any court proceedings.

# SUMMARY

- If you are in police custody, you must be advised of your constitutional right to remain silent and right to counsel, before being questioned by law enforcement.



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- You are “in custody” when you are arrested or when your freedom is significantly restricted, such that a reasonable person in the same situation would not feel free to leave.
- You must speak up and affirmatively assert your right to remain silent.
- If the police fail to advise you of your rights prior to questioning you, your statements cannot be used against you in court. Any evidence found as a result of those statements also will be excluded.