



Policy Summaries

The Search and Seizure policies represent a detailed area of policing practices including technical procedures followed by law enforcement officers. Please refer to the specific General Police Orders (GPOs) to gain a better understanding of the policies in place. There are 5 separate policies contributing to Search and Seizure. These policies can be found on the city website.

The 5 policies include:

Search and Seizure
Investigative Stops
Probable Cause Arrest
Miranda Rights
Detainee Searches

Miranda Rights

Criteria

- A suspect is in custody; AND
- The officer is to question or interrogate the individual

Miranda Warning

- “You have the right to remain silent.”
- “Anything you say can be used against you in court.”
- “You have the right to an attorney prior to and during and questioning.”
- “If you cannot afford an attorney, one will be appointed for you, if you wish.”
- “You can decide at any time to exercise these rights and not answer any questions or make any statements.”

Case Specific

Deaf or Hard-of-Hearing Individuals

- In the case of an individual who is deaf or hard of hearing or of Limited English Proficiency, the Miranda Warning shall be administered via a qualified interpreter consistent with General Police Order 1.3.38 on Communication with Limited English Proficiency (LEP) or Deaf/Hard of Hearing Individuals.

Individuals with Limited English Proficiency

- For LEP individuals, where possible, the officer shall use a “Your Rights” form that has been translated into the suspect’s primary language.

Juveniles

- Officers shall explain the Miranda Warning in an age-appropriate manner.
- To ensure the juvenile understands his or her rights, the officer shall ask the individual to explain the advisements in his or her own words.

Waiving Miranda Rights

- Once an officer has informed a suspect of his or her Miranda rights, that individual may waive those rights and consent to a custodial interrogation without an attorney present.
- Such a waiver must be knowing and voluntary – that is, the suspect must understand his or her rights, and any waiver must not be due to coercion.
- If a suspect waives his Miranda rights but subsequently states that he or she does not want to answer questions or wants an attorney present, all questioning shall cease immediately.



- If a suspect is vague in his/her response about whether he/she wants to have an attorney present, nor does he/she explicitly waive his/her right to an attorney, officers shall specifically determine whether the suspect wishes to have counsel present or if the suspect will waive his/her right to counsel.
- To make this determination, the officer shall ask the suspect to confirm, with a “yes” or “no” answer, whether the suspect is requesting an attorney.

Public Safety Exception

- Officers may temporarily forgo the Miranda Warning when necessary to secure their own immediate safety or the public’s safety.
- First determine that there is an objectively reasonable need to protect the police or public from an immediate danger associated with a weapon or other harmful objects.
- May question a suspect without the Miranda Warning as long as the questions asked are related to the danger and reasonably necessary to secure public safety.