

XXXX Police Department

Roll Call Training Program

Category: Care and Custody of Prisoners

#: 11

Date: _____ **Presenter:** _____ **Shift:** _____

Issue/Scenario: You are transporting a prisoner to jail for a felony offense where he was arrested by another officer in the act of burglarizing a residence. You are not sure if the other officer has given the suspect his Miranda rights. However, you do not intend to question the suspect about the offense and so you do not give the suspect his Miranda rights. While driving to the jail, the suspect says "I'm sorry. I didn't mean to hurt anyone. Everything has just built up and I didn't have a choice."

What do you do?

Discussion: You are unsure if the suspect is talking about the Burglary or another offense where someone was injured. You should ask: "Are you talking about the Burglary?" in order to clarify what he is referring to.

If he says, "Yeah, the burglary," then you should advise him of his rights under Miranda in the proper method and ask if he wants to talk about it. It may be better to tell him that the detectives will talk to him about the offense and any cooperation will usually be beneficial to him.

If he says "No, the girl." Then you should stop the car, and advise the suspect of his rights and inquire about what he is concerned about. There may be an injured person somewhere that needs immediate assistance.

Contact a supervisor immediately and advise him of the situation and continue on to the jail.

Detail the conversation in a supplement report after booking, and advise detectives of his statements during transport.

Policy Reference:

TBP Reference: 7.04

Prepared By: