5-07/010.10 - Admonition Procedures

When a suspect is in custody and the deputy intends to question the suspect about a crime being investigated, he/she shall first advise the suspect of his/her constitutional rights (Miranda advisement) using the Admonition and Waiver of Rights card (SH-AD-477 card) as follows:

- “You have the right to remain silent. Do you understand?”
- “Anything you say may be used against you in court. Do you understand?”
- “You have the right to talk to an attorney during questioning. Do you understand?”
- “If you cannot afford an attorney, one will be appointed for you, before any questioning. Do you understand?”

  NOTE: If you desire an expressed waiver, ask a “yes” or “no” question, such as, “Do you want to talk about what happened?”

When taking **any** juvenile into custody **and** prior to initiating a custodial interrogation with a juvenile who is 15 years of age or younger, sworn personnel shall adhere to section 5-07/010.05.

The SH-AD-477 card is double sided and provides the Miranda advisement in both English and Spanish. The English version of the SH-AD-477 card shall be used when reading the Miranda advisement to English-speaking suspects. The Spanish translation shall be used only by Spanish-speaking sworn personnel for reading the Miranda advisement to Spanish-speaking suspects who do not speak or understand English. All line deputies shall have a SH-AD-477 card in their possession while on duty.

The deputy shall read the exact wording from the SH-AD-477 card to the suspect, shall show in his/her report that he/she did advise the suspect of his/her constitutional rights as enumerated, and shall indicate whether or not the suspect waived his/her rights. A Miranda waiver may be either expressed (preferable) or implied (acceptable).

If a suspect should elect to talk, he/she may exercise his/her right to remain silent or to request an attorney at any time during the questioning. Questioning shall stop until the suspect/juvenile makes it known to the investigator(s) that he/she would like to reinitiate contact. If during interrogation the suspect exercises his/her right to speak to an attorney, questioning shall stop until the suspect/juvenile has conferred with his/her attorney, or the suspect/juvenile initiates a request to resume the interrogation.

When an attorney is summoned, questioning may be conducted in his/her presence with the consent of both the suspect and the attorney.

If, after a Miranda advisement, the suspect does not request an attorney and elects to remain silent, questioning may resume at the voluntary request of the suspect.