

12-02: Circumstances Under Which an Inmate Must be Given Miranda

Case: Howes v. Fields, 132 S. Ct. 1181 (2012).

Date: February 21, 2012

Subject: The circumstances under which an inmate must be given *Miranda* warnings prior to questioning

FACTS: A corrections officer escorted a state prisoner from his cell to a conference room, where two armed deputies asked him about crimes that were unrelated to the inmate's incarceration. The deputies never threatened the inmate or restrained him in any way. The interview lasted approximately six hours, during which the conference room door remained open for part of the time. On multiple occasions, the prisoner was told he was free to leave and return to his cell. Although the prisoner indicated that he no longer wanted to talk to the deputies, he never asked to return to his cell.

RULING: It is unnecessary to read *Miranda* warnings to an inmate before asking him about events unrelated to his incarceration, as long as (1) the interview occurs in a well-lit, non-intimidating room, (2) the inmate is offered food or water, (3) he is not threatened or physically restrained, and (4) he is clearly advised that he can end the interview at any time.

DISCUSSION: *Miranda* warnings must be read prior to starting a "custodial interrogation." Although a prison may seem like a "custodial" environment, interviews are only custodial when a reasonable person would not feel free to end the interview. In other words, inmate interviews, just like all other interviews, are custodial only when a suspect reasonably feels compelled to remain with his interrogators. In this case, the inmate was taken to a conference area that was fairly open and well lit. There, the inmate was given food and water, and he was neither handcuffed nor shackled. Moreover, the suspect was told at least twice that he could end the interview and return to his cell if he so desired. In these circumstances, a reasonable person would feel that he could end the interview whenever he wanted. Therefore, the interrogation was non-custodial, and no *Miranda* warnings were needed.

Although the Court held that this interview was non-custodial, the Court emphasized that jailhouse interviews may still require *Miranda*, depending on how the interview is conducted. If the inmate is never advised that he can end the interview, then *Miranda* warnings will almost certainly be needed. Likewise, *Miranda* should also be read to an inmate who is handcuffed or otherwise restrained.

David H. Margolis
Regional Legal Advisor
Florida Department of Law Enforcement
Orlando Regional Operations Center

Officers should consult with their agency legal advisors to confirm the interpretation provided in this Update and to determine to what extent the case discussed will affect their activities.