

Sixth District Department of Correctional Services POLICY	Issue Date 01/16/09	Effective Date 01/25/20	Policy Number 166-20
Subject MIRANDA WAIVER		Review Month December	Author 0601 (GSC)
Rescinds 166-17	References	Miranda v. Arizona; 1966 Supreme Court Ruling RE: Miranda v. Arizona; Fifth Amendment, Iowa Code 804.5	

POLICY:

Subject(s) in custody are notified of their rights when they are placed in custody (arrested) for a new criminal offense.

DEFINITION:

1. Arrest (804.5) – Taking of a person into custody when and in the manner authorized by law, including restraint of the person or person’s submission to custody.
2. Voluntary – a subject made a free and deliberate choice to give up their rights. A voluntary waiver will not involve intimidation, coercion, or trickery, etc., by the arresting officer/agent.
3. Intelligent/Knowing – a subject was made fully aware of the nature of the rights being given up and the consequences of giving up those rights.
4. Interrogation - an interview of a suspect believed to have committed a crime with the goal being a confession. An interrogation is not the same as an interview in that a conclusion has already been reached by the law enforcement investigator and the goal is less focused on obtaining new information.

PROCEDURE:

1. Subjects are notified of their rights when they are placed in custody for a new criminal offense and going to be questioned.
2. If circumstances permit and the subject agrees; they sign a Statement, Acknowledgement and Waiver of Rights – Adult (166A) prior to any interrogation.

POLICY NUMBER 166-20
PAGE 2 OF 2

PROCEDURE: (continued)

3. In circumstances where obtaining a written notification of rights is not possible, the subjects rights need to be given verbally. Verbal instructions follow the same format as the Statement, Acknowledgement and Waiver of Rights – Adult form (166A).
4. When notifying a subject of his/her rights staff must also be aware that simply notifying a subject of their rights is not enough, the subject must understand that any waiver of Miranda rights is being done so voluntarily, intelligently, and knowingly.

BY ORDER OF:

Bruce Vander Sanden, District Director