


POLICY TITLE: MIRANDA WARNING		PAGE 1 OF 3
POLICY NUMBER: 9.8 - ACC		
CHAPTER 9: SUPERVISION AND CASE MANAGEMENT		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Adult Community Corrections	PROFESSIONAL STANDARDS:
	Approved by: <u><i>Martin Magnusson</i></u> Signature of Commissioner	See Section VII
EFFECTIVE DATE: October 2, 2006	LATEST REVISION:	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

Adult Community Corrections

III. POLICY

It is the policy of the Department of Corrections, Adult Community Corrections, to provide a Miranda Warning within the requirements of the law.

IV. CONTENTS

Procedure A: Miranda Warning, General
Procedure B: Documentation

V. ATTACHMENTS

Attachment A: Miranda Warning

VI. PROCEDURES

Procedure A: Miranda Warning, General

1. A Probation Officer shall read a Miranda Warning (Attachment A) to a person released from a departmental correctional facility to Supervised Community Confinement whenever the person is questioned or otherwise verbally encouraged to provide information about criminal conduct for the purpose of using the information or with the expectation that the information will be used, directly or

indirectly, in an investigation or prosecution of new criminal charges against the person.

2. A Probation Officer shall read a Miranda Warning to a person under supervision, whether on probation, parole, or supervised release for sex offenders, whenever the person is questioned or otherwise verbally encouraged to provide information about criminal conduct for the purpose of using the information or with the expectation that the information will be used, directly or indirectly, in an investigation or prosecution of new criminal charges against the person if:
 - a. the person has been placed under arrest, whether by a probation officer or a law enforcement officer, or the person otherwise could reasonably believe that he or she is not free to leave; or
 - b. the new criminal charges are already the subject of judicial proceedings (i.e., an indictment, complaint or information has been filed in court or the person has already appeared before a judge).
3. As each part of the Miranda Warning is read, the Probation Officer shall inquire as to whether the person understands and shall not encourage the person to provide information unless the person states that he or she understands the Warning as read or, if necessary, as further explained by the Probation Officer, and states that he or she is willing to answer questions. As necessary, the Probation Officer shall arrange for a sign language/foreign language interpreter to translate the Warning and repeat the statements of the person.
4. A Probation Officer need not read a Miranda Warning if the information is to be used only for revocation proceedings, regardless of whether or not the revocation proceedings have already been initiated, or if the questioning otherwise occurs in the normal carrying out of a Probation Officer's duties.
5. A Probation Officer need not read a Miranda Warning if a person volunteers information about criminal conduct that is expected to be used, directly or indirectly, in an investigation or prosecution of new criminal charges against the person and the Probation Officer refrains from any questioning or verbal encouragement to provide more information.
6. In any case in which a person under the supervision or in the custody of the Department of Corrections makes a statement to or in the presence of a Probation Officer which incriminates him or her in criminal conduct, the Probation Officer shall document in CORIS the statement and the circumstances under which it was given, including whether or not a Miranda Warning was read.
7. In any case in which any person not under the supervision or in the custody of the Department of Corrections makes a statement to or in the presence of a Probation

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.8 – ACC Miranda Warning	9. Supervision and Case Management	Page 2 of 3 10/2/06

Officer which incriminates him or her in criminal conduct, the Probation Officer shall document the statement and the circumstances under which it was given. The Probation Officer shall turn the documentation over to an appropriate law enforcement agency.

VII. PROFESSIONAL STANDARDS

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
9.8 – ACC Miranda Warning	9. Supervision and Case Management	Page 3 of 3 10/2/06