
CITY OF PHILADELPHIA
CITIZEN’S POLICE OVERSIGHT COMMISSION
PPD POLICY TRANSLATION FOR PUBLIC REVIEW



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On Friday, June 23rd, 2022, the Supreme Court delivered a ruling in the case of *Vega V. Tekoh*, which states that individuals whose Miranda rights are violated by law enforcement cannot sue the officer who violated their rights, even if they are found not guilty of a crime. The ruling comes in response to a suit filed by Terence Tekoh, who alleged that Los Angeles County Sheriff’s Deputy Carlos Vega violated Tekoh’s Miranda rights by isolating him in a small windowless room at Tekoh’s workplace, refusing anyone else to enter the room and not allowing Tekoh to leave. Tekoh claims Deputy Vega proceeded to interrogate him regarding a sexual assault and threaten Tekoh with violence and deportation if Tekoh did not cooperate. Tekoh stated Deputy Vega further violated his constitutional rights when he would not allow Tekoh to speak to a lawyer.¹

While the Supreme Court’s ruling removes the right for individuals to seek restitution for their constitutional rights being violated, it does not remove Miranda rights for citizens, nor does it relieve law enforcement officers from their legal obligation to issue and adhere to an individual’s Miranda rights when taking someone into custody and subsequently interrogating them. This document seeks to provide further explanation on what Miranda rights are, how they guide the actions of the Philadelphia Police Department (PPD) and how this ruling may affect individuals arrested and interrogated by PPD.

What are Miranda Rights?

Miranda rights ensure a constitutional requirement for police to provide warnings to a detainee once they are taken into custody prior to conducting an interrogation. These warnings preserve an individual's Fifth Amendment privilege against self-incrimination and their Sixth Amendment right to legal counsel.

Miranda warnings are the result of a 1966 Supreme Court ruling *Miranda v. Arizona* in which the Court ruled that a defendant can’t be questioned in a custodial interrogation until they have been made aware of their right to remain silent, consult with an attorney, and have said attorney present during any questioning. The Supreme Court defines a custodial interrogation as “questioning initiated by law enforcement after a person has been taken into custody or otherwise deprived of their freedom of action in any significant way.”

The Supreme Court’s ruling in *Miranda V. Arizona* also mandates that any statements made by a defendant prior to them receiving or waiving their Miranda warnings may not be admissible in a criminal trial. Furthermore, if an individual has waived their Miranda rights and agreed to a custodial interrogation,

¹ https://www.supremecourt.gov/opinions/21pdf/21-499_gfbh.pdf

they may still invoke their Miranda rights to remain silent, consult their attorney, or have their attorney present at any point in the interrogation.²

PPD guidelines regarding Miranda Rights

PPD Directive 5.23: Interviews and Interrogations – Rights of Individuals and Duties of Law Enforcement explicitly states that the PPD will act to preserve the constitutional rights of all individuals when conducting interviews and interrogations. This directive mandates that no custodial interrogation shall be conducted by the PPD without the issuance and/or waiving of Miranda warnings.

Directive 5.23 defines a person in custody of the PPD as being dependent upon whether the person is physically deprived of their freedom of action in any significant way or is placed in a situation in which they reasonably believe that their freedom of action or movement is restricted.

Under *Directive 5.23*, a person under interrogation may invoke their Miranda rights. PPD personnel are instructed to immediately terminate the interrogation upon a subject invoking said rights. Investigators may not question the subject again regarding the crime they are charged with, or any other crime until the subject has had the opportunity to consult with their attorney or their attorney is brought in and present for the interrogation.

If a person invokes their right to remain silent and PPD terminates the interrogation, investigators may not interrogate said individual again unless the suspect initiates new contact with the police completely on their own. If the suspect does initiate contact, Miranda rights must again be administered, and a waiver obtained before any questioning may take place.³

How will Vega V. Tekoh affect Philadelphia Residents?

As previously stated, the recent Supreme Court decision on *Vega V. Tekoh* will not infringe upon any Fifth or Sixth Amendment rights for any individual in the United States. All law enforcement agencies will still be required to ensure all detainees are given their Miranda warnings prior to beginning any custodial interrogation. Furthermore, those being interrogated will have the right to waive their Miranda rights or invoke them at any time during an interrogation. This applies to all individuals detained by the Philadelphia Police Department.

Vega V. Tekoh will not have any effect on the Constitution's Exclusionary Rule. Any statements made to police prior to an individual receiving and/or waiving their Miranda rights may be treated as hearsay and may be inadmissible in a criminal trial.

What *Vega V. Tekoh* does do however is remove a citizen's right to file a lawsuit and seek legal remedy against a law enforcement officer if their Miranda rights were violated. While all members of the PPD are to operate in compliance with *Directive 5.23*, it is possible for a member of the PPD to make an error in issuing and adhering to detainee's Miranda rights when conducting interrogations during criminal investigations. Under *Vega V. Tekoh* PPD officers may not be subject to lawsuits from those whose Miranda rights have been violated, even if the officer's actions lead to a criminal conviction.

While Philadelphia residents no longer have the right to file lawsuits against PPD officers who violate their Miranda rights, they do have the right to file a complaint against the officer, as the violation of Miranda rights is explicitly prohibited in PPD directives. While filing a complaint will not provide any sort of restitution by the officer, it may result in disciplinary actions being taken against said officer, which may prevent them from violating other resident's rights in future investigations. Residents who

² https://www.law.cornell.edu/wex/miranda_warning

³ <https://www.phillypolice.com/assets/directives/D5.23-InterviewsAndInterrogations.pdf>

wish to file a complaint with IAD may do so through the PPD's website directly at the following link: <https://phillypolice.com/forms/official-complaint-form/>

CPOC can also receive complaints against PPD officers and forward them to PPD Internal Affairs Division (IAD) for investigation. As CPOC begins to build its investigative capacities it will have the ability to directly investigate complaints against PPD officers in the future. Complaints can be filed through our website at: <http://www.phila.gov/CPOC>

Philadelphia residents can expect full compliance from PPD that all members will conduct interviews and interrogations within the scope of Department directives and the Constitution. However, residents should educate themselves on their Constitutional rights so they may better advocate for themselves in the event of a mistake made by the PPD or any law enforcement officer as they now have less protections of legal remedies in the event in which their Miranda rights are not adhered to.

Questions?

The mission of the CPOC is to review the policies, practices, and customs of the PPD, and help improve the relationship between the community and the police. The CPOC is always available to accept complaints and comments through our website, <http://www.phila.gov/CPOC>. Please contact us online or by phone, at (215) 685-0891 if you have any questions or concern about this topic of Miranda warnings or any other policing-related topic.