

DEPARTMENT TRAFFIC COORDINATOR
COUNTER-TERRORISM AND SPECIAL OPERATIONS BUREAU

NOTICE
16.2

July 8, 2015

TO: All Commanding Officers

FROM: Department Traffic Coordinator, Counter-Terrorism and Special Operations Bureau

SUBJECT: MIRANDIZING DRIVING UNDER THE INFLUENCE SUSPECTS

PURPOSE

The purpose of this Notice is to ensure Miranda procedures are consistent throughout the four geographic traffic divisions when a community member is arrested for driving under the influence (DUI).

BACKGROUND


It has been well established that officers are not legally required to Mirandize a suspect unless the suspect is in custody and the officer is going to interrogate the suspect. Although Volume 4, Section 202.10 of the Manual would suggest that officers are encouraged to Mirandize and interrogate suspects when not otherwise prohibited by Department policy or unless otherwise directed by their watch commander or commanding officer, further interrogation of a community member arrested for DUI is not required.


PROCEDURES

When a community member is detained for DUI and is subsequently arrested, officers should complete the Pre-Arrest Questions listed on the "Driving-Under-The-Influence Arrest Report," LAPD Form 05.02.05. These questions are considered investigatory in nature and do not require a Miranda Admonition to be provided. The City Attorney's Office and the Department of Motor Vehicles have indicated that the responses to these questions often assist in the subsequent criminal and administrative proceedings. Traffic personnel **are not** required to provide a Miranda Admonition to community members arrested for DUI. The decision to provide a Miranda Admonition will be at the arresting officer's discretion.

If you have any questions regarding this Notice, please contact Traffic Coordination Section, Emergency Operations Division, at (213) 486-0690.

APPROVED:


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