

SHOULD YOU GIVE A STATEMENT TO A POLICE OFFICER?

Pursuant to the Fifth Amendment of the United States Constitution and also to the concurrent section of our Connecticut Constitution, every citizen of the United States has the right to remain silent.

What this means, is that if you, as a citizen, are either in custody or under suspicion of committing a crime, the police must inform you that you do not have to give a statement against yourself and you are not obligated to.

This is an important right in our society, since a person is innocent until proven guilty.

What this means in the context of the right to remain silent, is that citizens may not be compelled to give evidence against themselves in order to assist the police in investigating a case against them.

In other words, it is the obligation of the police to produce evidence independent of statements from the suspect in order to support charges against that suspect.

Criminal defense attorneys almost always tell defendants who become their clients, in any situation in which they might be suspected of a crime, not to talk to the police.

Although the police may say things like “tell me off the record what happened” or “we will go easier on you if you talk to us now”, the reality is that 99 times out of 100, the police are attempting to obtain a statement from a potential suspect in order to bolster their case against such suspect; not to help them in any way, shape or form.

Therefore, the best policy for this situation is to ask the police if they have not so informed you whether you are free to leave, and, if not, to exercise your right to remain silent. Additionally, both before and after you are informed of this right, if you feel like you might be under suspicion, the best policy is to inform the police or the law enforcement officer who is investigating the potential crime that you choose to remain silent and wish to consult with your attorney.

It cannot be stressed enough how important it is to act in such a manner.

Immediately thereafter, it is also highly recommended that you call your criminal attorney or find one by consulting with a friend or family member who knows a good criminal attorney, to discuss what you should do next.

In conclusion, the right to remain silent and not present evidence against yourself is a basic constitutional right in this country and you should invoke it if you are under criminal suspicion of any kind.

By: David K. Jaffee
July 17, 2011