



## U.S. Supreme Court: Police Officers not Liable for Failing to Mirandize

In [Vega v. Tekoh](#), the U.S. Supreme Court held 6-3 that police officers can't be sued for money damages for failing to recite Miranda rights. Miranda rights can be slightly different based on the jurisdiction, but they are essentially what police officers tell a suspect prior to questioning. They are generally stated as:

- You have the right to remain silent and refuse to answer questions.
- Anything you say may be used against you in a court of law.
- You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future.
- If you cannot afford an attorney, one will be appointed for you before any questioning if you wish.
- If you decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney.
- Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?

According to the Court, “[i]n *Miranda*, the Court concluded that additional procedural protections were necessary to prevent the violation of this important right when suspects who are in custody are interrogated by the police.” However, “at no point in the opinion did the Court state that a violation of its new rules constituted a violation of the Fifth Amendment right against compelled self-incrimination. Instead, it claimed only that those rules were needed to safeguard that right during custodial interrogation.”

Terrance Tekoh was tried for rape. The parties disagree about whether Deputy Carlos Vega used “coercive investigatory techniques” to obtain a confession from Tekoh, but the parties agreed Deputy Vega didn’t inform Tekoh of his Miranda rights. His confession was admitted into evidence and Tekoh was acquitted.

Tekoh then sued Deputy Vega under 42 U.S.C. Section 1983, claiming Vega violated his Fifth Amendment right against self-incrimination by not advising him of his Miranda rights.

The Fifth Amendment states that “[n]o person...shall be compelled in any criminal case to be a witness against himself.” Per Supreme Court precedent, the amendment “permits a person to refuse to testify against himself at a criminal trial in which he is a defendant” and also “privileges him not to answer official questions put to him in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate him in future criminal proceedings.”

In an opinion written by Justice Alito, the Court held that the failure to recite Miranda rights isn’t a basis for a Section 1983 claim.

\*This article is an edited reprint with permission from the [State and Local Legal Center](#), which filed an [amicus brief](#) in support of the officers.