

DEPARTMENT OF HOMELAND SECURITY
U.S. Coast Guard
UCMJ AND MIRANDA/TEMPIA RIGHTS
Article 31(B)

Instructions to the Interviewer...

This form shall be completed when anyone investigating an alleged offense(s) considers it desirable or necessary to **interview an individual** subject to the Uniform Code of Military Justice **who is**:

- a. **Suspected of an offense** under the Uniform Code of Military Justice, state, or other federal law; **or**,
- b. **In custody** (freedom of movement is limited in some significant way).

This warning is more extensive than the individual warnings required under either Article 31(b), UCMJ or the *Miranda* and *Tempia* line of court decisions. In a case in which both rights apply (a. & b. above), however, this form should be given to a military member by a military investigator or anyone acting on behalf of the military. This warning should be used at the preliminary investigation stage because no determination has been made as to the appropriate disposition of the alleged offense(s). This form may also be used in interviewing civilian suspects even though the warnings are more extensive than are required.

Other Warnings That May Be Required...

- 1. Under 10 U.S.C. § 1219, a military member must be advised that he or she is not required to make any statement relating to the origin, incurrence, or aggravation of a disease or injury. See, Administrative Investigations Manual, COMDTINST M5830.1 (series).
- 2. Under the Privacy Act, 5 U.S.C. § 552a, the subject of an investigation must be advised of his or her rights under the Privacy Act if required to provide protected personal information (such as social security number, home address, etc.). See, Administrative Investigations Manual, COMDTINST M5830.1 (series).

I, _____, _____, _____
[Suspect's Rate/Rank Name] [SSN or Military ID] [Unit]

have been advised by: _____ that he/she is investigating -
[Interviewer's Rate/Rank Name]

State briefly the matters/incidents being investigated:

I am suspected of committing the following offense(s) - *Plain language description of suspected offense(s):*

I understand that: [Suspect should initial each paragraph]

Suspect's Initials	Suspect's Rights
_____	1. I have the right to remain silent. I do not have to answer questions or make any statement.
_____	2. Before I decide whether I want to answer questions or make a statement, I may consult with a lawyer. If I decide to consult with a lawyer, the interviewer will stop the questioning. I may consult with a military lawyer provided without cost to me, or a civilian lawyer obtained at no expense to the government, if the government intends to continue questioning me. If I decide to consult with a lawyer, I have the right to have an appointed military lawyer, a civilian lawyer obtained at no expense to the government, or both, present during any further questioning.
_____	3. If I decide to answer questions or make a statement, anything I say may be used as evidence against me in any court-martial, nonjudicial proceeding, administrative proceeding, or civilian court.
_____	4. Even if I decide to answer questions or make a statement, I may at any time stop answering questions, refuse to make any further statements, or request to consult with a lawyer.
_____	5. I have carefully read the above. I understand my rights. Any questions I have asked concerning my rights have been answered to my satisfaction.

With full knowledge of my rights and the information contained on both pages of this form, I voluntarily make the following elections:

a. **I do not desire** to consult a lawyer.

c. **I desire** to consult a lawyer.

b. **I desire** to make a statement and/or answer any questions.

d. **I do not desire** to make a statement or answer any questions.

[Time and Date]

[Signature of Suspect]

[Signature of Witness]

Interview Instructions

1. If the suspect elects **either block c. or d., stop questioning**. Consult the servicing legal office before reinitiating any further questioning of this suspect concerning these suspected offenses.
2. If the suspect elects **both blocks a. and b.**, the interviewer **may continue questioning**.
3. Any **written statements** by the suspect should be **prefaced with** the following statement: *"With full understanding of my rights, I make the following statement freely, voluntarily, and without any promises or threats made to me."* The statement should be **signed and dated by the suspect and a witness**.