

US Army Trial Defense Services Fort Campbell Field Office

KNOW YOUR RIGHTS

This fact sheet is for informational purposes only; it is not intended to constitute legal advice and is not a substitute for speaking with a defense attorney. For further information contact the Trial Defense Service at 270-798-4177

Know your rights if you are suspected of committing a crime, know what to expect, and how to respond effectively. If you are apprehended (arrested) or questioned by MPs, CID agents, civilian law enforcement or your chain of command and advised of your rights, you are a suspect.

THE BASIC RULE: REMAIN SILENT: You have the absolute right to remain silent. Do not talk to **anyone** about the offense(s) under investigation until you consult with an attorney. You cannot be forced by anyone to talk about the alleged offense(s).

The **only** statement you should make is the following: "I do not waive my right to silence. I want an attorney." If they wish to make a search without a Command Search Authorization or Search Warrant, say: "I do not consent to any searches."

WHAT TO DO IF YOU ARE QUESTIONED: If you are questioned, provide your name and unit information and show your ID card. You should then inform the person/people questioning you that you do not wish to talk to them without an attorney. When you do this, all questioning must stop. If questioning does not stop, continue to remain silent and to firmly ask to speak with an attorney. Do not become belligerent or combative, and do not be tricked into saying anything.

WHAT TO EXPECT: Though you have the right to remain silent, individuals may still encourage you to talk to them about the matter being investigated. Don't be swayed to say anything. Continue to insist on speaking to an attorney first.

WHEN YOU EXERCISE YOUR RIGHTS: Speak to an attorney as soon as possible. Usually an attorney at your local Trial Defense Service is readily available at no cost to you. He or she will discuss the matter under investigation with you in complete confidence. You can then decide whether it is best to make a statement and, the attorney can assist you in making a statement if you decide to give one. The attorney can also help to ensure you are interviewed fairly and will read any written statement you make to be sure it is accurate and does not contain any incriminating information.

If a military defense attorney cannot be reached, continue to remain silent. If you are released to your unit, do not discuss your case with anyone – this includes police, social workers, psychiatrists, chaplains, anyone in your chain of command, your co-workers, friends, roommates, girlfriends or boyfriends, and even your spouse. Most of these people could be forced to make statements against you even if they do not want to. Be sure to make an appointment to see a defense attorney as soon as possible.

Contact the Trial Defense Service if you have questions or need to speak to an attorney. Our telephone number is (270)798-4417

This fact sheet is not intended to constitute legal advice and is not a substitute for speaking with a defense attorney.



DO'S AND DON'TS: Below is an outline of guidelines that you must keep in mind if you are a suspect:

DO NOT:

- **Do not make statements to anyone about the case under investigation.** “Anybody” include “everybody”: CID agents, MPI, MPs, social workers, psychiatrists, your commander, your first sergeant, platoon leader, platoon sergeant, squad leader, section chief, coworkers, friends, roommates, drinking buddies, girlfriends or boyfriends, and even family. All of these people can be potential witnesses against you.
 - Statements are characterized in many ways; sworn or unsworn, written, oral, signed or unsigned, verbal and or physical (a nod of your head to answer a question is a physical statement).
 - Statements related to the offenses can be the following: Admissions of guilt; partial admissions of guilt; denials of guilt; comments about the circumstances of the offense. It can include statements that might establish a motive or intent for the offense.
- **Do not put your friends, family, girlfriend or boyfriend or roommate in the position of having to lie to protect you.** If you talk to these people, do not tell them anything incriminating and do not lie. If they ask you about the case, tell them your attorney advised you not to discuss the case.
- **Do not get into trouble while you are under investigation.** Do not give your commander a reason to limit your privileges or to put you into pre-trial confinement before the trial even commences. Engaging in misconduct while you are suspected or charged with offenses is devastating to your case. You must not do anything illegal or anything that even “looks” illegal.
- **Do not talk to victims of an offense or other persons who may be government witnesses.** It is a separate and serious offense to threaten, bribe, or make promises to witnesses. Let your attorney do the talking to all government witnesses.
- **Do not lie to your attorney or anyone else about your case.** If you do, it will haunt you later.

DO's:

- If anyone questions you about these offenses, tell them you wish to remain silent and to consult with an attorney.
- Draw up a list of people who may know about the incident under investigation. Think of the people who can testify about your character and duty performance. Give this to your attorney and provide your attorney with specific and accurate details of what you know.
- Do any tasks your attorney gives you to assist in your defense.
- Keep your attorney informed of any developments in your case.
- Your duty performance from now on should be outstanding! Allegations or pending charges against you, in effect, puts you under a microscope. Your chain of command will watch you closely. If you get a bad attitude, show disrespect, display poor duty performance, or neglect your appearance and military bearing, you may lose support from your chain of command. You may also risk pre-trial confinement, restriction, and additional charges.

Contact the Trial Defense Service if you have questions or need to speak to an attorney. Our telephone number is (270)798-4417