

UNITED STATES ARMY TRIAL DEFENSE SERVICE

WHAT YOU SHOULD KNOW ABOUT YOUR RIGHT TO REMAIN SILENT

1. This information paper describes your right to remain silent if you are suspected of committing an offense. You will know you are a suspect if you are read your rights or if you are apprehended by military police or CID.
2. THE BASIC RULE: REMAIN SILENT: You have the absolute right to remain silent. Do not talk to anyone about the offense under investigation until you consult with an attorney. You cannot be forced by anyone to talk about the offense.
3. WHAT TO DO IF YOU ARE QUESTIONED: If you are questioned, you should give your questioner (perhaps the police, your supervisor, someone in your chain of command) your name and unit and show them your ID card. You should then inform them 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. Do not lose your cool or otherwise be tricked into saying anything.
4. WHAT TO EXPECT: Once you ask for an attorney, all questioning must stop. 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.
5. WHEN YOU EXERCISE YOUR RIGHTS: When you tell your questioner that you do not want to talk to them without an attorney, all questioning must stop. Speak to an attorney as soon as possible. Usually an attorney at your local Trial Defense Service Office 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, if the police are involved, the attorney will usually 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. Ask the police to contact someone from your unit. 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, girl or boyfriends, and even your spouse. Most of these people can be forced to make statements against you, telling what you said, even if they do not want to.