×		DURE/WAIVER CERTIFICA 30; the proponent agency is QDCSOPS	ATE .	•
, <u> </u>	DATA REQUIRED E	BY THE PRIVACY ACT		•
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UTHORITY: Title 10, United States (
	and law enforcement officials with m mber is used as an additional/alternate			
	hoer is used as an additionaryaitemate I Security Number is voluntary.	ineans of mentification to racinta	te ming and retrieval.	
	i Secondy Multiper is voluntary.		•	
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2214	7. GRADE/STATUS		-	•
		NON-WAIVER CERTIFICATE	······································	
ction A. Rights	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	• .	· · · · · · · · · · · · · · · · · · ·
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e investigator whose name appears below told me that he/she is wi	ith the United States Army	·	·····	
			ut the following offense(s) of which	
	of detrimees;		anduct cent	econing
ore helshe asked me any questions about the offense(s), however,	heishe made it clear to me that I have the	following rights:		Concriment
I do not have to answer any question or say anything.				Conspiracy
Anything I say or do can be used as evidence against me in a c	and the second se			· · · · ·
(For personnel subject othe UCMJ have the right to talk prive	•			
during questioning. This lawyer can be a civilian lawyer l arran	ge for at no expense to the Government or a	a military lawyer detailed for me at no e	expense to me,	
or boilt.	and a second state of the second s	and the second	and a share of the second s	an an an an adampana an an an a' an an an
		- 10 -		
(For civilians not subject to the UCMJ) I have the right to talk	privately to a lawyer before, during, and aft	ter questioning and to have a lawyer pr	esent with	•
	1 I I			
me during questioning. I understand that this lawyer can be one	e that I arrange for at my own expense, or i			
me during questioning. I understand that this lawyer can be one will be appointed for me before any questioning begins.	a that I arrange for at my own expense, or i			
will be appointed for me before any questioning begins.		if I cannot afford a lawyer and want on	e, a lawyer	
	n, with or without a lawyer present, I have a	if I cannot afford a lawyer and want on	e, a lawyer	
will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation	n, with or without a lawyer present, I have a	if I cannot afford a lawyer and want on	e, a lawyer	
will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation speak privately with a Jawyer before answering further, even if	n, with or without a lawyer present, I have a	if I cannot afford a lawyer and want on	e, a lawyer	
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PART U - RIGHTS V	WARNING PROCEDURE		
	WARNING		
• • •			
WARNING - Inform the suspect/accused of:	can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no		
a. Your official position.	expense to you, or both."		
b. Nature of offense(s).	OF -		
c. The fact that he/she is a suspect/accused.	(For civilians not subject to the UCM.)) You have the right to talk privately to a lawyer before, during, and		
RIGHTS - Advise the suspect/accused of his/her rights as follows:	after questioning and to have a lawyer present with you during questioning. This lawyer can be one you		
"Before I ask you any questions, you must understand your rights."	arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed		
a. "You do not have to answer my questions or say anything."	for you before any questioning begins."		
b. "Anything you say or do can be used as evidence against you in a criminal trial."			
(For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before,	d. "If you are now willing to discuss the offensels) under investigation, with or without a lawyer		
c. during, and after questioning and to have a lawyer present with you during questioning. This	present, you have a right to stop answering questions at any time, or speak privately with a		
lawyer	lawyer before answering further, even if you sign a waiver certificate."		
	Make certain the suspect/accused fully understands his/her rights.		
THE	WAIVER		
•	• •		
Do you understand your rights?"	"Do you want a lawyer at this time?"		
f the suspect/accused says "no," determine what is not understood, and if necessary repeat the	If the suspectfaccused says "yes," stop the questioning until heishe bas a lawyer. If the suspectfaccused		
ppropriate rights advisement. If the suspect/accused says "yes," ask the following question.]	says "no," ask him/her the following question.)		
tert men alle annennen i ein andenstannen mela. Lori men me menneniit denstamit.	· ·		
Have way appretation a lawyor after barran and your riskta 28	"At this time, are you willing to discuss the offense(s) under investigation and make a statement without		
Have you ever requested a lawyer after being read your rights?"			
t the suspect/accused says "yes," find out when and where. If the request was recent <i>(i.e., fewer than 30</i>	talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop		
ays ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if	the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other		
ne prior request was not recent, ask him/her the following question.)	side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the		
	waiver certificate on the other side of this form 1		
·			
SPECIAL IN	NSTRUCTIONS		
	•		
	2. If the suspect/accused was questioned as such either without being advised of his/her rights or some		
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives	cuestion exists as to the propriety of the first statement, the accused must be so advised. The office of		
s/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make			
otations on the waiver certificate to the effect that he/she has stated that he/she understands his/her	the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights		
ghts, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the	advisal.		
aiver certificate.	· · · · · · · · · · · · · · · · · · ·		
WAIVER GERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in		
e completed as soon as possible. Every effort should be made to complete the waiver certificate before any	the comment section on the waiver certificate and initialed by the suspect/accused.		
uestioning begins. If the waiver certificate cannot be completed at once, as in the case of street			
terrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.			
	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE		
RIOR INCRIMINATING STATEMENTS:	INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting		
Contraction of the second s	counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that		
	point, you may question the suspect/accused only concerning whether he or she desires to waive counsel:		
	The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For		
1. If the subsect/accused has made shortaneous incriminating statements before being properly	j example, do not make such comments as "It you dion i do anything wrong, you shouldn't need an attorney. I g		
 If the support/accused has made spontaneous incriminating statements before being properly advised of his/her rights belobe should be told that such statements do not obligate him/her to 	example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an atlorney.)		
advised of his/her rights he/she should be told that such statements do not obligate him/her to	example, do not make such commants as "It you dign t do anything wrong, you showon t need all attorney. J		
•	example, do not make such comments as "It you dign t do anything wrong, you showon (need all attorney. J		
advised of his/her rights he/she should be told that such statements do not obligate him/her to	example, do not make such comments as "It you dion t do anything wrong, you showon (need all attorney.) T		
advised of his/her rights he/she should be told that such statements do not obligate him/her to	example, do not make such comments as it you dion t do anything wrong, you shokkin t need all attorney. J		
advised of his/her rights he/she should be told that such statements do not obligate him/her to	example, do not make such comments as in you dion t do anything wrong, you shokkin (need an autothey.)		
advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	example, do not make such comments as in you dion t do anything wrong, you shokkin (need an attorney.)		
advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	example, do not make such comments as in you dion t do anything wrong, you shokkin (need all attorney.)		
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advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	example, do not make such comments as in you dion t do anything wrong, you shouldn't need an autothey. T		
advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. MIMENTS <i>(Continued)</i>			

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