

## **Beheler Advisement**

### **429.1 PURPOSE**

The Beheler Admonition is considered a consensual encounter in which the person is free to leave at any time, and is thus considered a consent interrogation. It was named for the case of *California v. Beheler (1983)*.

The Beheler Admonition is a request made of someone who has been invited by a peace officer to discuss a matter, usually a crime. The person is not under arrest, although he or she may be a suspect. If the person voluntarily consents to the interview, he or she is not entitled to a Miranda warning.

### **429.2 ADVISEMENT PROCEDURE**

Police officers and Investigators, who are conducting an interview of a person suspected of being involved in criminal activity, but not under arrest, should be provided with a Beheler Admonishment before questioning. In these cases the following language can be used as a guide during the admonition:

I want to ask you some questions, but before I do, I want you to know:

- You are not under arrest.
- You do not have to answer my questions.
- You can stop answering my questions and are free to leave at anytime.
  - Do you understand?
  - Do you want to talk to me?

Note: When questioning a patient who is restrained to a bed but wants to talk, the admonishment will need to be adjusted to exclude “you are free to leave at anytime”. This shall be documented in your report.

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