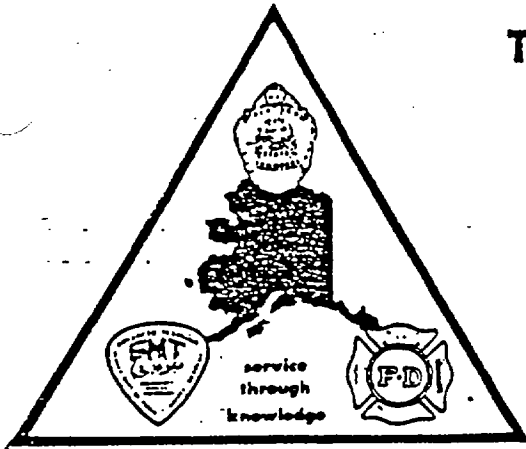


DEPARTMENT OF PUBLIC SAFETY

TRAINING ACADEMY

LEGAL BULLETIN NO. 62
December 29, 1982

STATEMENT TO PRIVATE SECURITY GUARD WITHOUT MIRANDA WARNINGS



Reference: Louis METIGORUK
v.
Municipality of
Anchorage

Alaska Court of Appeals
Opinion No. 186
655 P.2d 1317
December 17, 1982

FACTS:

A security officer saw METIGORUK remove an electric blanket and a woman's purse from the shelves of the Anchorage J.C. Penney's store and walk out without paying for them. The security guard stopped METIGORUK outside the store and placed him under arrest for trespassing and shoplifting.

METIGORUK was taken to the security office at which time the stolen merchandise was retrieved and tagged as evidence. While awaiting arrival of police, the security guard asked METIGORUK some questions about what he had planned to do with the stolen items and METIGORUK said he was going to sell them. The security guard did not advise METIGORUK of his Miranda rights prior to this questioning. The statements were used against METIGORUK during trial and he appealed arguing that store detectives should be held to the same strict Miranda standards as the police are.

ISSUE:

Does a private security guard who is not acting as an agent of the police need to give Miranda warnings prior to interrogating a suspect he has placed under citizen's arrest? (emphasis added)

HELD: No.

REASONING:

1. A statement is voluntary if it is free from duress, coercion or inducement.
2. Miranda establishes additional limitations on the admissibility of self-incriminating statements where someone in police custody is interrogated by law-enforcement officers (i.e., Miranda warning must be given).
3. Security guards, unless acting as a police agent, need not give Miranda warnings before questioning suspects.

NOTES:

There are several reasons not requiring store detectives to comply with Miranda:

- a. They do not enjoy the psychological advantage of official authority when they confront a suspected shoplifter.
- b. They believe they must act with greater circumspection to avoid costly civil suits than do police officers.
- c. They may only detain those who shoplift in their presence.
- d. If they engage in psychological or physical abuse or provide improper inducements, any resulting statements by a defendant would be involuntary and an exclusionary remedy would be available.