

MIRANDA WARNINGS ARE NOT REQUIRED FOR ROUTINE TRAFFIC STOPS

As to the statements made by the driver before his arrest, the Court found the statements admissible. The Berkemer Court recognized that the statements made before the driver's formal arrest raised the question "whether the roadside questioning of a motorist detained pursuant to a routine traffic stop should be considered custodial interrogation." Berkemer, 468 U.S. at 435, 104 S.Ct. at 3148, 82 L.Ed.2d at 331. The Supreme Court in Berkemer found that although the driver was not able to leave the scene, he was not in custody for purposes of Miranda. Berkemer, 468 U.S. at 440–42, 104 S.Ct. at 3150–52, 82 L.Ed.2d at 334–36. Noting the fact that traffic stops were usually brief and in public, the Court found that such stops did not significantly prevent an individual from exercising his privilege against self-incrimination. Berkemer, 468 U.S. at 437–39, 104 S.Ct. at 3149–50, 82 L.Ed.2d at 333–34. Berkemer held that a motorist detained as the result of a roadside stop could be questioned without being given Miranda warnings, provided the stop was brief and public. Berkemer, 468 U.S. at 437–40, 104 S.Ct. at 3149–50, 82 L.Ed.2d at 333–35.

In so holding, the Court reasoned that the typical traffic stop is more analogous to a Terry stop (Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968)) than to the kind of custodial interrogation addressed in Miranda. The Berkemer Court noted that various features of the traffic stop distinguish it from custodial interrogation, including the fact that the typical traffic stop is relatively brief, it is exposed to public view, and the detained motorist is typically confronted by one or two officers. Berkemer, 468 U.S. at 438–39, 104 S.Ct. at 3149–50, 82 L.Ed.2d at 334. The non-coercive nature of ordinary traffic stops supports the conclusion that persons temporarily detained as the result of a traffic stop are not "in custody" for purposes of Miranda. Berkemer, 468 U.S. at 440, 104 S.Ct. at 3150, 82 L.Ed.2d at 335.

People v. Briseno, 343 Ill. App. 3d 953, 958, 799 N.E.2d 359, 362–63 (2003)

If a motorist who has been detained pursuant to a traffic stop thereafter is subjected to treatment that renders him "in custody" for practical purposes, he will be entitled to the full panoply of protections prescribed by Miranda. See Oregon v. Mathiason, 429 U.S. 492, 495, 97 S.Ct. 711, 714, 50 L.Ed.2d 714 (1977) (per curiam)

Berkemer v. McCarty, 468 U.S. 420, 440, 104 S. Ct. 3138, 3150, 82 L. Ed. 2d 317 (1984)