

# Impact to the Rights of the Accused



Justice Potter Stewart, Collection of the Supreme Court of the United States

## INTERROGATION OR SUBTLE COMPULSION

The Supreme Court's ruling in *Rhode Island v. Innis* (1980) addressed what constitutes an **interrogation** for the first time under *Miranda v. Arizona* (1963). This helped to define and clarify the term for lower courts and police officers. According to the Court, **"...whenever a person in custody is subjected to either express questioning or its functional equivalent. That is to say, the term 'interrogation' under Miranda refers not only to express questioning, but also any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect."**

The Court declared that Officer Gleckman's and Officer McKenna's conversation was **"subtle compulsion."** In the eyes of the Supreme Court, subtle compulsion does **NOT** count as an interrogation. The Court declined to further define "functional equivalent."

(Left) Portrait of Associate Justice Potter Stewart  
Collection of the Supreme Court of the United States  
Justice Stewart wrote the majority opinion for the Supreme Court that was joined by Chief Justice Burger, and Associate Justices Byron White, Harry Blackmun, Lewis Powell, and William Rehnquist.

Do you believe the Providence Officers' conversation should be considered *"interrogation"*?

## WHAT IS PRECEDENT?

In court, precedent has an important meaning and use. Precedent is a previous legal decision or ruling that serves as an example that helps determine future cases with similar facts or circumstances. A key part of precedent is "stare decisis" which emphasizes that courts should follow established precedent to create consistency in the legal system.

Precedent helps lawyers when they argue a case with similar facts and it helps judges by providing them with previous holdings to reference for future rulings. Precedent can also define rules and laws for the future.

## INNIS AS PRECEDENT

*Rhode Island v. Innis* serves as precedent in future legal cases. For example:

- *Edwards v. Arizona* (1981): The use of the petitioner's confession during trial violated his Fifth and Fourteenth amendment rights to have counsel present during custodial interrogation. This case created the **"Edward's Rule"** which applies to interrogations started by police after a suspect asks for a lawyer in the context of a separate investigation.
- *Arizona v. Mauro* (1987) A police-recorded conversation between a husband and wife after both requested counsel did not constitute interrogation or its functional equivalent under *Miranda* clarified by *Innis*. *"The purpose of Miranda and Innis is to prevent the government from using the coercive nature of confinement to extract confessions that would not be given in an unrestrained environment."*
- *Illinois v. Perkins* (1990): cited the *Innis* holding to confirm that conversations between undercover police officers dressed as inmates and suspects do not constitute an "interrogation" as the suspect doesn't know they are speaking to law enforcement.



## CASE REMANDED TO RHODE ISLAND SUPREME COURT



### Rhode Island v. Innis (1981)

After the Supreme Court of the United States ruled on the case, it was sent back down to the Rhode Island Supreme Court for reevaluation. This time, Justice Kelleher wrote for the majority rather than the dissent.

In the second review of the case, the Justices held that the appeal was sustained in part and denied in part. Mr. Innis' murder conviction was confirmed.



Rhode Island Supreme Court, Courtesy of the Rhode Island Supreme Court

*"Here, there is no question that Innis received and understood his Miranda rights...Although defendant was in custody, that status alone does not automatically make every statement made without the presence of an attorney inadmissible."*

-Justice Shea, Majority Opinion

The *Rhode Island v. Innis* case changed how much power police have during arrest. The Supreme Court decided that police don't have to directly question someone for it to count as "interrogation." This meant officers could say things that might make suspects talk—without breaking the rules. The decision gave the government more power and made it harder for suspects to stay silent.

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