

“CUSTODY” IN CUSTODY: REDEFINING *MIRANDA* RIGHTS IN PRISON

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I. INTRODUCTION

In *Miranda v. Arizona*, the Supreme Court held that, in order to safeguard the Fifth Amendment privilege against self-incrimination, police must inform suspects of their “*Miranda* rights” when subjecting them to custodial interrogations.¹ Courts normally determine custody for *Miranda* purposes by asking whether a reasonable person would feel free to leave.² But what happens when suspects are in prison and cannot leave? When is someone who is in custody “in custody”? That is a question that the Supreme Court has explicitly refused to answer, until now.³

Recently, in *Howes v. Fields*, the Sixth Circuit took a bright line approach to defining “custody” in custodial settings, ruling that when police separate inmates from the general population and question them regarding an incident occurring outside the prison, the inmate is per se “in custody” for the purposes of *Miranda*.⁴

This Note argues that the Supreme Court should affirm the Sixth Circuit’s holding in *Howes v. Fields* and create a bright line rule requiring law enforcement to read inmates their *Miranda* rights when police move inmates from the general population and isolate them for the purpose of interrogating them regarding a crime that occurred outside the prison. Part II of this Note examines the application of *Miranda* in custodial settings and explores the circuit split created by *Fields*.⁵ Part III argues that the Court should affirm the *Fields* holding because separating inmates from the general population satisfies the coercive pressure and restraint on movement requirements necessary to trigger *Miranda* protections.⁶ Finally, Part IV concludes that the bright line rule articulated in *Fields* is necessary to safeguard the rights of inmates and should be affirmed in

1. See 384 U.S. 436, 444-45 (1966) (holding that statements taken during a custodial interrogation are inadmissible to establish guilt unless the accused was provided a full and effective warning of their rights and then knowingly, voluntarily, and intelligently waived those rights).

2. See *Thompson v. Keohane*, 516 U.S. 99, 100 (1995) (holding that the reasonable person analysis in determining custody for *Miranda* purposes is a mixed question of law and fact and qualifies for independent *habeas* review).

3. See *Illinois v. Perkins*, 496 U.S. 292, 299 (1990) (noting that custody alone may not always require a warning but refusing to visit the issue).

4. See *Howes v. Fields*, 617 F.3d 813, 823 (6th Cir. 2010), *cert. granted*, 131 S. Ct. 1047 (Jan. 24, 2011) (No. 10-680).

5. See *infra* Part II (describing the cases interpreting *Miranda* custody issues in a custodial setting).

6. See *infra* Part III (arguing that *Fields* was correctly decided under *Maryland v. Shatzer*).

order to provide more guidance to the courts.⁷

II. BACKGROUND

A. *Miranda*, *Mathis*, and *More*.

The Fifth Amendment provides that no person “shall be compelled in any criminal case to be a witness against himself”⁸ The writers of the Constitution included the Fifth Amendment in order to protect against the exercise of arbitrary power and guard against an inquisitorial system of justice.⁹ But safeguarding the constitutional rights of citizens against overzealous police requires additional prophylactic measures; so, the Supreme Court endeavored, beginning with *Escobedo v. Illinois*, to ensure that the rights given by the Constitution did not become merely a “form of words.”¹⁰

In *Miranda v. Arizona*, the Court proclaimed that the constitutionally founded privilege against self-incrimination was, and had always been, “as broad as the mischief against which it seeks to guard.”¹¹ The Court explained that any safeguards and constitutional principles would be “empty formalities” if the police could simply undermine citizens’ free wills and compel them to speak against themselves.¹² In order to safeguard the rights of suspects, the Court in *Miranda* devised a system of warnings that police are required to read to suspects whom police interrogate in custody.¹³

When police inform suspects of their *Miranda* rights, it empowers the suspects with the knowledge that their interrogators are prepared and required by law to recognize their rights, as well as warns suspects of the severity of the situation and the consequences of waiving their rights.¹⁴ These periphery functions of *Miranda* warnings are so important that the

7. See *infra* Part IV (concluding that the Supreme Court should adopt the Sixth Circuit’s bright line rule).

8. U.S. CONST. amend. V.

9. See generally *Brown v. Walker*, 161 U.S. 591, 596-97 (1896) (detailing the common law roots of the Fifth Amendment).

10. See 378 U.S. 478, 480 (1964) (acknowledging that the Sixth Amendment is extended to the States by the Fourteenth Amendment).

11. See *Miranda v. Arizona*, 384 U.S. 439, 459 (1966) (identifying the requirement that the government treat its citizens with dignity and integrity as the foundation for the adversarial processes).

12. See *id.* at 471 (concluding that a warning is an “absolute prerequisite” in overcoming the inherent pressures of an interrogation atmosphere).

13. See *id.* at 470-74 (establishing that police must inform suspects of their right to remain silent, the consequences of waiving it, their right to an attorney, and, if indigent, their right to have an attorney provided to them).

14. See *id.* at 468-69 (describing how procedural safeguards require that when suspects invoke their rights they will be “scrupulously honored”).

Court stated that circumstantial evidence of a suspect's subjective knowledge of her rights, no matter how great, cannot replace *Miranda* warnings.¹⁵ While some subsequent cases considered a suspect's objective reasonableness in defining custody, *Miranda* requires safeguards any time the Fifth Amendment is in jeopardy.¹⁶

The Supreme Court considered the issue of whether police were required to read an inmate his *Miranda* rights in *Mathis v. United States*.¹⁷ The inmate was serving a state prison sentence when a government agent questioned him regarding his tax returns.¹⁸ The government argued that because the officers who interrogated the inmate were not the officers who put him in custody and that there was no link between the custody and interrogation, the coercive pressures that *Miranda* sought to guard against were not present, and therefore, it did not entitle the inmate to hear his *Miranda* rights.¹⁹ The Court concluded that the distinctions that the government was drawing were "too minor and shadowy" to excuse the police from the prophylactic measures extended to suspects "*held in custody*."²⁰

B. Sixth Circuit in the Out Fields

I. Cervantes and the Other Circuits

The Ninth Circuit, in *Cervantes v. Walker*, was the first circuit court to consider whether *Mathis* created a bright line rule regarding an inmate's *Miranda* rights.²¹ In the case, an inmate was switching cells after a physical altercation with another inmate.²² Before being moved, a corrections officer directed the inmate to gather his belongings and took

15. See *id.* at 471-72 (realizing that suspects must understand the consequences of waiving their rights in order to appreciate and intelligently exercise them).

16. See *id.* at 478; see also *Berkmer v. McCarty*, 468 U.S. 420 (1984) (applying an objective reasonableness standard in determining custody); *California v. Beheler*, 463 U.S. 1121 (1983) (finding that the ultimate determination for custody is whether there is a restraint on freedom of movement of the degree associated with a formal arrest).

17. See *Mathis v. United States*, 391 U.S. 1, 5 (1968) (rejecting the argument that *Miranda* did not apply because there was no relationship between the interrogation and the reason for custody).

18. See *id.* at 3 (rejecting the argument that tax investigations are immune from *Miranda* requirements).

19. See *id.* at 4 (dismissing the argument that the questions posed were part of a routine tax investigation and did not amount to an interrogation).

20. See *id.* at 2 (emphasis added) (declining to "narrow" the scope of *Miranda* to cases where the reason the person is being interrogated is related to the reason they are in custody).

21. See 589 F.2d 424, 428 (9th Cir. 1978) (requiring that an inmate's freedom of movement be further diminished for *Miranda* to apply).

22. *Id.* at 426.

him to the prison library to wait for the shift commander.²³ However, after the corrections officer found marijuana during the routine search of the inmate’s belongings, he went into the library and questioned the inmate, who immediately made an incriminating statement.²⁴

The Ninth Circuit differentiated between on-the-scene questioning and questioning in a traditional custodial setting, ultimately holding that *Mathis* was not broad enough to deem all questioning in a jail or prison to be per se in custody.²⁵ Instead, the court substituted a totality of the circumstances test in determining whether a reasonable person would believe that there had been “a restriction of his freedom over and above that in his normal prisoner setting.”²⁶

Several Circuits have followed *Cervantes* in defining custody where the basis of the interrogation is a crime occurring on the prison premises.²⁷ Some courts have gone further, extending *Cervantes* to cases where the subject of the interrogation was a crime arising outside of the prison, such as in *United States v. Menzer*.²⁸ The Seventh Circuit reasoned that the inmate was not in custody because the inmate knew the substance of the interrogation ahead of time, attended the interrogation voluntarily, did not have added physical restraints imposed on him, and was told that he could leave.²⁹ In total, seven circuits have applied the holding in *Cervantes* or explicitly adopted a totality of the circumstances test.

2. *Maryland v. Shatzer*

The Supreme Court, in *Edwards v. Arizona*, held that under *Miranda*,

23. *But see id.* at 429 (Blaine, J., dissenting) (suggesting that the interview in the library was intended as interrogation regarding the earlier altercation and rejecting the majorities holding).

24. *See id.* at 417 (majority opinion) (noting that the corrections officer only asked the inmate one question before the inmate incriminated himself).

25. *See id.* at 428 (rejecting a broad interpretation of *Mathis* as disrupting prison administration and investigations).

26. *See id.* (articulating the four factors as: (1) the language used in summoning the inmate; (2) the physical surroundings of the interrogation; (3) the extent to which the inmate is confronted with evidence of his guilt; and (4) any additional pressures exerted to detain him).

27. *See United States v. Conley*, 779 F.2d 970, 973 (4th Cir. 1985) (reasoning that when the corrections officer took an inmate to a conference room primarily to await medical treatment, the inmate was not in custody); *United States v. Chamberlain*, 163 F.3d 499, 502 (8th Cir. 1998) (citing *United States v. Griffin*, 922 F.2d 1343, 1347 (8th Cir. 1990)) (developing a totality of the circumstances test based on the six factors set out in *United States v. Griffin*).

28. *See 29 F.3d 1223*, 1232 (7th Cir. 1994) (requiring an added imposition on the inmate’s freedom of movement or compulsion above and beyond imprisonment for *Miranda* to apply).

29. *Id.* at 1232 (embracing the prison’s registrar’s testimony that interviews were optional); *accord Georgison v. Donelli*, 588 F.3d 145 (2d Cir. 2009) (holding that the inmate was not in custody because the police did not impose additional restrictions, the inmate agreed to the meeting, and the interrogation occurred in the visiting room).

statements made as a result of police interrogation are presumed involuntary, and therefore, inadmissible when elicited after a suspect invokes his right to an attorney.³⁰ The Supreme Court in *Shatzer* considered whether *Edwards* barred the admission of an inmate defendant's incriminating statements when the inmate invoked his right to an attorney under *Miranda* two and a half years before the interrogation, where he made the incriminating statements.³¹ After creating a fourteen-day "break in custody" exception to the *Edwards* bar on police interrogation, the Court instructed that, in applying *Edwards*, courts must first determine whether the suspect was in *Miranda*-custody in order to trigger the *Edwards* protections, and then simply repeat that inquiry for the time between interrogations.³² The Court applied this new test and concluded that Shatzer was in custody during all three of his interrogations, but not while he was in the general prison population.³³

3. *Howes v. Fields*

Fields was being held for disorderly conduct when a corrections officer, without informing Fields of where he was being taken or for what purpose, escorted him from his jail cell to a locked conference room, where two officers questioned him for approximately seven hours regarding an unrelated allegation occurring outside the prison.³⁴ During those seven hours, the police did not inform Mr. Fields of his *Miranda* rights, but did tell him that if he did not want to cooperate he was "free to leave the conference room at any time."³⁵ Mr. Fields did not ask for an attorney or to go back to his cell; however, he repeatedly told the officers that he did not want to speak with them anymore.³⁶ While Mr. Fields initially denied the allegations, he eventually gave an incriminating statement, which the trial court later refused to suppress on *Miranda* grounds.³⁷

30. See *Edwards v. Arizona*, 451 U.S. 477, 485 (1981).

31. See 130 S. Ct. 1213, 1217 (2010) (creating a "break in custody" exception to *Edwards* once a suspect is out of custody for fourteen days, reasoning that all coercive effects would sufficiently dissipate in two weeks).

32. See *id.* at 1224-25 (speculating that the subsequent detention of inmates in the general prison population is "relatively disconnected" from any potential prior unwillingness to cooperate with an investigation).

33. See *id.* at 1224 (explaining that while all forms of incarceration meet the restriction on freedom of movement element of custody, that condition alone is not sufficient to trigger *Miranda* protections).

34. See *People v. Fields*, No. 246041, 2004 WL 979732, at *1 (Mich. Ct. App. May 6, 2004) (noting that the interview began around eight or nine in the evening, but did not end until around midnight), *cert. granted*, 131 S. Ct. 1047 (Jan. 24, 2011) (No. 10-680).

35. See *id.* (noting that Mr. Fields was being held for an unrelated domestic assault).

36. *Id.*

37. *Id.*

III. ANALYSIS

A. Simpson and Fields Properly Held that an Inmate Removed from General Population and Isolated for the Purposes of an Interrogation Regarding a Crime Occurring Outside the Prison Is in Custody for Miranda Purposes Because the Situation Is Inherently Coercive.

Mathis and *Fields* are factually indistinguishable because the police in both cases interrogated isolated inmates about crimes occurring outside the prison, so it follows that both defendants were in custody for *Miranda* purposes.³⁸ While the facts of *Mathis* lend support to the holding and bright line rule applied in *Fields*, *Mathis* did not explicitly define or create a rule for defining custody in a prison setting; therefore, the controlling precedent for defining custody is *Miranda*.³⁹ *Miranda* requires a two-step inquiry in determining custody. First, there must be a restraint on the suspect's freedom of movement. Second, there must be the presence of coercive pressures. Both of these elements existed during the seven-hour interrogation of Mr. Fields.

1. Incarceration Satisfies the Restraint on Freedom of Movement Necessary for Miranda to Apply, and No Additional Restraint on Movement is Necessary.

Incarceration satisfies the restraint on movement test because, even in lowest level security prisons, inmates cannot leave without permission. While many inmates may make phone calls, write letters, and even receive visitors, they are essentially cut off from the outside world. *Shatzer* clearly states that all forms of incarceration meet the restraint on freedom of movement test.⁴⁰

Some courts have required additional restraints on the freedom of movement of inmates in order to meet this element of custody.⁴¹ Those courts are attempting to follow the reasoning in cases taking place outside of a custodial setting, which look at how an objective reasonable person might feel in a given situation.⁴² But that inquiry is irrelevant in a prison setting, and that line of reasoning is flawed because the environment *Miranda* guards against is blaringly present; interrogation of incarcerated

38. See *Mathis v. United States*, 391 U.S. 1, 5 (1968) (failing to distinguish custody as an inmate generally versus custody upon isolation).

39. See *id.* at 4 (deferring to *Miranda* for the definition of custody).

40. See *Maryland v. Shatzer*, 130 S. Ct. 1213, 1224 (2010) (explaining that an expansion of *Edwards* would not decrease wrongful convictions).

41. See *Cervantes v. Walker*, 589 F.2d 424, 428 (9th Cir. 1978) (requiring a restriction of freedom above and over that of an inmate's normal prison setting).

42. See *Gorgison v. Donelli*, 588 F.3d 145, 155 (2d Cir. 2009) (citing *Berkmer v. McCarty*, 468 U.S. 420 (1984)) (applying an objective reasonableness test).

persons results in an incommunicado interrogation of individuals in a police dominated setting. *Miranda*'s preoccupation with secrecy and privacy is not based on subjective or objective measures, but flowed from the reasoning that privacy results in secrecy that in turn produces a gap of knowledge as to what police do in interrogation rooms, and the danger that they may arbitrarily use or abuse their power.⁴³ While inmates are not isolated from the public at all times, the reality of prison life lends itself to the danger of police misconduct, and consequently, incarceration alone meets the freedom of movement requirement.⁴⁴

2. The Isolation of an Inmate from the General Population for the Purpose of an Interrogation Regarding a Crime Occurring Outside the Prison Satisfies the Coercive Pressure Necessary for Miranda to Apply.

Fields does not hold that inmates are in custody at all times, but instead, identifies one circumstance where the atmosphere is so clearly coercive that a bright line rule is necessary to ensure the protection of Fifth Amendment rights. Removing an inmate from the general prison population for the purpose of an interrogation immediately transforms the restrictive nature of incarceration into a coercive one. Since correction officers regulate inmates' day-to-day activities, further isolation multiplies the coercive effect. When police initially take a suspect into custody, there are usually third parties that know about the suspect's predicament, and regardless of whether they are interested or able to help, the custody is not a secret. Conversely, in a custodial setting, it is possible that no one other than the inmate and the interrogators know what is happening. Not only is the inmate prevented from reaching out to friends or family, but also, the public is altogether unaware of the situation.⁴⁵

The coercive effect of this police-dominated, incommunicado interrogation does not dissipate simply because an inmate is familiar with his surroundings.⁴⁶ Additionally, since corrections officers regulate all aspects of prisoners' lives, it is reasonable for inmates to believe that their cooperation with an interrogation may directly and immediately adversely affect them, whether or not their interrogators have any power over their

43. See *Miranda v. Arizona*, 384 U.S. 436, 447 (1966) (citing police manuals that maintain that isolation is the principal psychological method of interrogation).

44. See *Shatzer*, 130 S. Ct at 1233 (Souter, J., concurring) (pointing out the troubling circumstances that police could exploit such as no need for formal arrest).

45. See *Miranda*, 384 U.S. at 463 (recognizing that the compulsion to speak is heightened in a police station as compared to in the courts or other official investigations where there may be impartial observers to guard against intimidation and trickery).

46. See *Orozco v. Texas*, 394 U.S. 324, 326 (1969) (holding that a suspect was in custody in his own home despite his comfort and familiarity with the surroundings because of the coercive, incommunicado, and police dominated atmosphere).

fate.⁴⁷ In fact, an inmate’s cooperation may be considered when determining parole.⁴⁸ Because inmates are uniquely vulnerable to the actions of corrections officers, who cooperate with police officers and other interrogators, the coercive atmosphere is more severe regardless of who is doing the interrogating.⁴⁹ In *Fields* a corrections officer escorted the suspect to an isolated area without informing him where he was taking him or why, furthering the appearance that the interrogator was either in control and did not inform the corrections officer of the situation, or that the two were working together against the suspect.⁵⁰

Interviewing incarcerated suspects allows police officers more freedom in their investigation than they have with suspects living in the community. Police can interview incarcerated suspects whenever they want without having reasonable suspicion to stop them or probable cause to formally arrest or hold them.⁵¹ Accordingly, police do not need to finish investigations in a timely manner, thus avoiding the protections triggered by formal proceedings.⁵² This lack of protection for inmates, and potential for abuse, further demonstrates the danger and coercive nature of isolated interrogations in custodial settings and highlights the need for prophylactic measures.⁵³

3. Telling an Inmate He is Free to Leave Does Not Negate the Coercive Nature of an Interrogation, and is Not a Sufficient Substitute for Miranda Warnings.

While some courts have considered whether interrogators told inmates they were allowed to leave in determining if those inmates were in custody for *Miranda* purposes, such an instruction does not negate coerciveness.⁵⁴

47. See *Shatzer*, 130 S. Ct at 1220 (acknowledging that compulsion is likely when there is the “appearance” that the interrogators may control an inmate’s fate).

48. See MD. CODE REGS. 12.08.01.18(A)(3) (1995).

49. See *Leviston v. Black*, 843 F.2d 302, 303 (8th Cir. 1988) (refusing to assess the credibility of the inmate who denied initiating contact with the police-interrogator and claimed that he was told by a corrections officer that if he refused to go, he would be handcuffed and taken to the interview room).

50. Cf. *United States v. Menzer*, 29 F.3d 1223, 1232 (7th Cir. 1994) (considering the fact that the suspect knew the subject of the interrogation, including a list of questions to be addressed in deciding that he was not in custody during the interrogation).

51. Cf. *Shatzer*, 130 S. Ct at 1218 (noting the defendants surprise in response to the interrogation since police had closed the case two and a half years earlier).

52. See *Riverside v. McLaughlin*, 500 U.S. 44, 56 (1991) (requiring that if a suspect is arrested without predetermined probable cause, they have the right to be arraigned within forty-eight hours of their arrest).

53. Cf. *Shatzer*, 130 S.Ct at 1217 (observing that during the suspect’s first interrogation, he was confused and was under the impression that the interrogator was an attorney appointed to help him in his current case).

54. See *Miranda v. Arizona*, 384 U.S. 436, 454 (1966) (observing how police psychologically condition suspects by creating the allusion of fairness).

Because inmates by the very nature of their incarceration have gone through the criminal justice system, an assumption that inmates know their rights would eliminate *Miranda* in prisons all together.⁵⁵ Additionally, *Miranda* specifically described interrogation techniques where police tell suspects that they may leave or remain silent as a method for cajoling confessions.⁵⁶ Consequently, the claim that interrogators told inmates that they were free to leave only lends support to the claim that *Miranda* applies and that prophylactic measures are necessary to safeguard the rights of prisoners. In *Fields*, the claim that the atmosphere was not coercive due to the officer telling the suspect that he was free to leave is unsupported, if not entirely contradicted, by the fact that the police did not scrupulously honor the suspects repeated request to be left alone as would have been required by *Miranda*.⁵⁷

Miranda rights also protect against coercion by orienting suspects to the severity of their circumstances and assuring them that their interrogators are required to abide by the law, neither of which is accomplished by telling inmates they may leave the interrogation.⁵⁸ The inmate in *Shatzer* waived his *Miranda* rights while under the impression that his interrogator was his attorney, but upon learning otherwise quickly invoked the rights' protection—something he may not have been able to do if the officer did not read them to him. Accordingly, because of the uniquely vulnerable circumstances that inmates face, as outlined above, only *Miranda* rights would be sufficient to safeguard the rights of inmates who are isolated for the purposes of interrogation.

B. The Supreme Court Should Affirm the Bright Line Approach in Fields Because it will Provide Lower Courts Direction in Applying Miranda in Custodial Settings.

The Ninth Circuit, in *Cervantes*, reasoned that in order to reconcile *Mathis* with *Miranda*, an additional restriction on freedom was required and further extrapolated that a more liberal interpretation of *Miranda* would “totally disrupt prison administration.”⁵⁹ But the facts in *Cervantes*,

55. See *id.* at 478 (mandating *Miranda* warnings as an absolute prerequisite in overcoming coercive pressure and discarding any evidence of the suspect's knowledge regarding their rights as irrelevant).

56. *Id.* at 454.

57. See *People v. Fields*, No. 246041, 2004 WL 979732, at *1 (Mich. Ct. App. May 6, 2004) (noting that the interview lasted about seven hours), *cert. granted*, 131 S. Ct. 1047 (Jan. 24, 2011) (No. 10-680).

58. But see *Georgison v. Donelli*, 588 F.3d 145, 157 (2d Cir. 2009) (rationalizing that the inmate was not in custody since he refused to answer questions, ended the interrogation, and left the visitor's room).

59. See *Cervantes v. Walker*, 589 F.2d 424, 427 (9th Cir. 1978) (admitting that *Mathis* narrowed the range of situations where on-the-scene-questioning in prisons was precluded by *Miranda*).

where the officer briefly questioned the inmate about marijuana he had found moments before and steps away, are more parallel with an on-the-scene investigation, explicitly excluded by *Miranda*.⁶⁰

Respectively, the holding in *Fields* is neither adverse nor applicable to *Cervantes* or similar cases where corrections officers immediately question inmates about crimes occurring on prison grounds.⁶¹ Because *Fields* only pertains to crimes occurring outside the prison and to instances when inmates are isolated for the purpose of interrogation, the line of inquiry required for resolving cases involving a crime committed within the prison is outside the scope of the issue before the Supreme Court in this case.⁶²

While *Cervantes* dealt with a crime occurring within the prison, some courts applied its holding to crimes occurring outside the prison. The Seventh Circuit, in *Menzer*, relied on *Cervantes* and *Conley* in concluding that *Miranda* protections did not apply, but failed to distinguish *Menzer*, even though *Miranda* would not disrupt prison administration in that instance.⁶³ In fact, *Mathis*, *Shatzer*, *Fields*, *Donelli*, and *Menzer*, all involve officers isolating an inmate for the purposes of interrogating them about a crime occurring outside the prison; but, *Menzer* and *Donelli* are the only cases to conclude that the suspects were not in custody.⁶⁴ The Second Circuit, in *Donelli*, emphasized that the corrections officer first asked the inmate whether he was willing to speak to detectives, but failed to examine the relationship between the inmate and the corrections officer and the coercive objective appearance described above.⁶⁵

IV. CONCLUSION

The reading of *Miranda* rights is more than just an empty formality; it informs interrogated persons not only of their rights, but also that if ever they wished to exercise those rights, that time is now. The attenuated

60. See *Miranda*, 384 U.S. at 477 (excluding on-the-scene-questioning in order not to hamper police investigations where the suspects were not “under restraint”).

61. See *Garcia v. Singletary*, 13 F.3d 1487, 1491 (11th Cir. 1994) (finding that when the corrections officer, immediately after extinguishing a fire in the inmates cell, asked the inmate why he set the fire, the inmate was not in custody).

62. Compare *United States v. Conley*, 779 F.2d 970 (4th Cir. 1985) (finding that an inmate was not in custody when officers took him into the conference room to await medical treatment), with *United States v. Chamberlain*, 163 F.3d 499 (8th Cir. 1998) (applying a totality of the circumstances test in determining custody different than the one articulated in *Cervantes* and concluding the inmate was in custody).

63. See *United States v. Menzer*, 29 F.3d 1223, 1231 (misconstruing a bright line rule as providing more protections to inmates than people in the public).

64. See also *Leviston v. Black*, 843 F.2d 302, 303 (8th Cir. 1988) (reasoning that because the inmate instigated communication with police regarding the crime in question the atmosphere was not coercive).

65. See *Maryland v. Shatzer*, 130 S. Ct. 1213, 1217 (2010) (noting that the inmate assented to the second and third requests for interviews).

distinctions trending away from *Mathis* that some cases have attempted to draw are too “minor and shadowy.” While *Fields* leaves some questions open—such as the definition of “custody” in custodial settings—the Sixth Circuit’s bright line rule clarifies a common circumstance where police should read inmates their *Miranda* rights and clarifies the remaining issue of on-the-scene interrogations within the prison. Accordingly, the Supreme Court should affirm *Fields* and create a bright line rule requiring police to read inmates their *Miranda* rights when police isolate them for the purposes of interrogating them regarding a crime that occurred outside the prison. Doing so would breathe new life into *Miranda*, provide guidance to the lower courts, and temper some of the mischief the Fifth Amendment was specifically designed to guard against.