

Miranda v. Arizona / Miranda and the Exclusionary Rule

Directions:

1. Read the background information about the exclusionary rule.
2. Answer the **Questions to Consider**.

In the United States, one of the ways that the judicial branch checks law enforcement is through the exclusionary rule. Under this policy, illegally obtained evidence is inadmissible as evidence in court. While this applies primarily to Fourth Amendment protections against illegal search and seizure, it also applies to the Fifth Amendment protections against self-incrimination. This means that if the police fail to inform a suspect of their right to remain silent before interrogation, and the suspect confesses, the confession cannot be introduced as evidence in the suspect's trial.

There has been a great deal of controversy over this, so in recent years, the Courts have relaxed the standard a bit for Fourth Amendment violations. For instance, courts now apply what is known as the "good faith" exception. Under this standard, if police believed, for instance, that a search warrant was legal, but later found out that it was technically flawed, the evidence obtained in the search would still be admissible.

In many democratic nations, violations of police procedure are handled quite differently. For example, in England, if the police violate criminal procedure, they are reprimanded; they might be punished or sued. However, the illegally obtained evidence is still admissible in court.

Questions to Consider

1. What is the purpose of the exclusionary rule?

2. What are some potential consequences of the exclusionary rule?

3. What is your opinion of how violations of police procedure are handled in England?

4. Should the U.S. Supreme Court overturn the opinions that established the exclusionary rule? Explain your answer.

5. Some criticize the exclusionary rule as only protecting guilty people. Critics argue that it does nothing, for example, to protect against an illegal search or a failure to give Miranda warnings that produce no evidence or confession. Do you agree or disagree with this criticism? Explain.