

Miranda Rights Analysis:
Relevancy of Miranda Rights

Abstract

The paper gives a detailed analysis of the Miranda Rights. It serves to look at differing opinions about the Miranda Rights.

The first section defines the Miranda Rights. It includes information about the Amendments the Miranda Rights protects. It includes the court case *Miranda v. Arizona* as the basis of the paper. The section goes on to explain the stipulations and exceptions associated with them. It explains what invoking/waiving one's rights mean. It explains the consequences of when police do not give the Miranda Rights. It includes what is admissible or inadmissible during a trial. Section one goes on to explore exceptions to Miranda Rights. It introduces controversies that arose from the creation of the Miranda Rights.

The second section compares opposing opinions to the Miranda Rights. It discusses the police department's initial views on the Miranda Rights. It includes Victim's Rights Groups reactions to these rights over the decades. It also includes the Supreme Court's view on Miranda Rights.

The concluding section includes a summary of the paper. It also includes my personal opinion about the topic.

You have the right to remain silent.

Anything you say can and will be used against you in a court of law.

You have the right to an attorney.

If you cannot afford one, one will be provided for you.

Anyone who has watched “Law and Order” knows these famous words. Yet, few know the full extent of these four simple statements. There is a rich history behind the Miranda Rights. There are also consequences when they are not communicated to suspects.

Maxwell gives a brief history on the famous *Miranda v. Arizona* case.

On March 2, 1963 Ernesto Miranda kidnapped and raped an 18-year old woman. A week later police arrested and interrogated him. After two hours, Miranda confessed and signed a statement outlining his crime. Although Miranda signed a confession, he did not know what his rights were. His lawyer argued that the police had not informed Miranda of his rights. As such, the court should not admit the confession. At the time, the police were not required to inform suspects of their rights. Thus, the courts admitted the confession into evidence. They convicted and sentenced Miranda to 20-30 years. In 1966, his case made it to the Supreme Court of Arizona. The American Civil Liberties Union hired lawyers on Miranda's behalf. They argued that the police should have informed Miranda of his rights. They questioned the admissibility of his confession. The Supreme Court agreed that he was not informed of his rights before confessing. Thus, they dismissed the confession. This case made history because now police needed to inform suspects of their rights. In the *Miranda v. Arizona* case, the Court provided very specific guidelines for police. (Banaszak, 2002, pp. 149) These guidelines are now known as the “Miranda Rights”.

The Miranda Rights protect some of the rights in the 5th, 6th, and 14th amendment. The

5th Amendment asserts that, “No person shall . . . be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law.” The 6th Amendment says, “In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defense.” The 14th Amendment asserts that, “No state shall . . . deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.” (National Center for Constitutional Studies, 2017)

Miranda Rights do have an exclusionary rule. It keeps the incriminating statements out of court. According to Gregory, the Miranda Rights protect people from self-incriminating statements. This only applies when they’re in custody during an interrogation. Admitting to a crime can be inadmissible if you are not Mirandized. But, according to Gregory, the specifics of the crime “the fruits” are admissible. If you admit to a crime and provide details of the crime, your confession will not be used, but your details will. In a court case, the prosecutor tries to use evidence to prove a person is guilty beyond reasonable doubt. In cases of improperly Mirandized interrogations, the confession cannot be used as evidence. Thus, police have to find new compelling evidence for the trial. Prosecutors can also use statements to prove that the suspect is lying under oath. The actual confession statements can’t be mentioned.

There are a few conditions and exclusions to Miranda rights. According to Gregory, you need to be in police custody and the police need to be interrogating you for Miranda to go into effect. The issue often comes up [with interrogation] It’s pretty easy to determine whether you are in custody. [It’s] a little murky when we are [considering] interrogation, because [it] has to be a government agent, questioning you to illicit an incriminating response. (Gregory, personal conversation, 2017)

Both Maxwell and Gregory explain that waivers have to be voluntarily and knowingly waived or invoked. When you waive your rights, all of your statements (including the fruits) are admissible in court. When you invoke your rights, the police cannot try to convince you to change your mind. You also have to be clear in expressing whether you are invoking or waiving your rights. Your intentions have to be obvious.

There are a small number of exceptions to the Miranda Rights. First, Gregory explains that they are not generally extended to children. A part of this is the fact that it is difficult to tell if a child understands what waiving their rights mean. Second, although it is rare, when there is a public safety issue police do not need to Mirandize the suspect. Third, when someone's life is at risk, the police are not required to Mirandize the suspect.

Before Miranda, violence during interrogations was common practice. Nowadays, if police violate the 14th amendment nothing is admissible. Neither the fruit, nor the statements can be used. Violence is no longer tolerated.

According to Banaszak, Miranda caused considerable controversy. The police force believed their investigations would become inhibited. During this time, confessions relied heavily on confessions. Criminals can also get away when police fail to read their rights. (Maxwell, 2016). Miranda violations can cause confessions to become inadmissible in court. Police and the victims of the crimes became increasingly frustrated. In the 60's and 70's confessions were often the most compelling evidence in a trial. When police had to regulate how they obtained confessions, tensions grew.

According to Mayers, the right to silence can't be equal in all the various situations. Victims of crimes would agree. Not everyone should enjoy the privilege of silence. The constitution focused on protecting the rights of the criminal rather than the victim. Many

advocates of Victim's Rights groups have changed this in the many decades since the Miranda decision.

Although empathetic, Gregory asserts that, "We protect everybody: the guilty and the innocent." She goes on to explain that scientific advances have changed how people feel about Miranda because instead of a confession, juries don't just want confessions, now they want [irrefutable] evidence. They want DNA. So it's not an important point anymore.

Miranda Rights are a four-part warning that police must give to during interrogations. They protect the 5th, 6th, and 14th amendment of all suspects regardless of innocence. A suspect must be clear when invoking or waiving their Miranda Rights. If a suspect is not Mirandized, incriminating confessions are inadmissible in court. The fruits of those confessions may be admitted. Police do not have to read the Miranda Rights to children. The police department and Victim's Rights Groups opposed the Miranda Rights at first. There was a concern that conviction rates would decrease. The Innocence Project supports Miranda Rights. They do not want innocent people to become convicted of crimes they did not commit. As technology advances, juries want more than a confession in convicting criminals. The need for confessions is not as high as it was in the 1960's/70's. Thus, there is less controversy over Miranda Rights

Opinion

Bibliography

Banaszak Sr., R. (Eds.). (2002). *Fair Trial Rights of the Accused: A Documented History*. Westport, CT: Greenwood Press.

Boland, M.L. (1997). *Crime Victims' Guide to Justice*. Naperville, IL: Sourcebooks.

Glenn, L. (1997). *Victims' rights: A Reference Handbook*. Santa Barbara, CA: ABC-CLIO

Gregory, M. (2017, January 19). Personal Interview.

Mayers, L. (1959). *Shall We Amend the Fifth Amendment?*. New York: Harper.

Maxwell, J. (2014, June 23). *NHD 2014 Washington State 1st Place Documentary - Miranda v. Arizona: Liberty and Justice for All*. [Video File]. Retrieved from <https://www.youtube.com/watch?v=Vfv0ksDreFw>

National Center for Constitutional Studies. (Accessed January 22, 2017). *Amendments to the US Constitution*. Retrieved from <https://nccs.net/online-resources/us-constitution/amendments-to-the-us-constitution>

New Mexico Department of Public Safety. (2016, Oct. 5). *Constitutional Law-Miranda*. [PDF]. Retrieved from <http://www.nmlea.dps.state.nm.us/legal/documents/Miranda.pdf> HYPERLINK
"http://www.nmlea.dps.state.nm.us/legal/documents/Miranda.pdf"