

## **Miranda v. Arizona / Miranda and the Exclusionary Rule—Answer Key**

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### **Directions:**

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

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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?

The purpose of the exclusionary rule is to prevent the executive branch from using unreasonable and unconstitutional tactics to gather evidence while pursuing a case.

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

One consequence is that the police must adhere to certain procedures before taking certain actions. For instance, before searching premises, the police should get a search warrant. This could take time that allows for a criminal to dispose of evidence. The police must inform suspects of their Miranda rights, which may make it more difficult for the police to get a confession or information that leads to solving the crime. If evidence or a confession is gathered before the rights are understood, it may result in the exclusion of the evidence at trial.

3. What is your opinion of how violations of police procedure are handled in England?  
[Student answers will vary.](#)
4. Should the U.S. Supreme Court overturn the opinions that established the exclusionary rule?  
Explain your answer.  
[Student answers will vary.](#)
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.  
[Student answers will vary.](#)