Exclusionary Rule Purpose Exceptions Costs and Alternative Remedies

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Abstract

The exclusionary rule evaluation paper details the exclusionary rule of the Fourth Amendment. Great details are analyzed throughout the paper. Many key points are detailed. The rationale and purpose of the exclusionary rule are analyzed. Exceptions to the rule are identified and analyzed. Costs and benefits of the exclusionary rule are stated, as well as alternative remedies. My opinion of the exclusionary rule is stated as well.

The exclusionary rule states that if a search and seizure completed by law enforcement officials violates the rights of an individual and is conducted unlawfully, the evidence obtained cannot be used in the courtroom to determine guilt. Probable cause must be established in order to prove a crime occurred. Probable cause also must be shown to ensure that a warrant is issued or the exclusionary rule will be used to ensure the evidence is admissible.

Rationale And Purpose Of Exclusionary Rule

The exclusionary rule was created in the 1900s to protect the citizens' Fourth Amendment rights. Before the exclusionary rule, the courts found all evidence admissible if the judge thought it was relevant to the case no matter how the evidence was obtained. No precautions or procedures were in play when it came to obtaining evidence. The exclusionary rule was first rejected in 1926. The rule was thought of as allowing criminals to go free because the constable had blundered. Since 1961, the Fourth Amendment has been held to apply against the states, and there is no opting out of the exclusionary rule(DelGallo, R. 1955). The exclusionary rule was brought about by a case such as United States v. Weeks, in which the evidence obtained was believed to have violated his constitutional rights. That particular evidence was excluded from the trial. The case of Silverthorne Lumber Company established the part of the exclusionary rule that any evidence obtained as part of an illegal search cannot be used in the trial. This part of the exclusionary rule was known as the "fruit of the poisonous tree." In this case, officials searched and seized documents and books without a warrant. The exclusionary rule was used, but the officials had already photocopied the evidence. The case went all the way to the Supreme Court, where the evidence was thrown out. The rationale of the exclusionary rule is to ensure that there are limitations on the government and its powers. The

purpose of the exclusionary rule is to ensure that the constitutional rights of citizens are protected. It also limits the misconduct of law enforcement officials. A warrant must be issued based on the evidence obtained, and it is important to ensure it is obtained lawfully (Exceptions to the Exclusionary Rule 2017).

Exceptions To The Exclusionary Rule

There are several exceptions to the exclusionary rule. The good faith exception is an exception established by the U.S. Supreme Court. The good faith exception stemmed from a case known as United States v. Leon, in which evidence was obtained but the warrant was deficient during the search. The police officers pursued the search and seizure in good faith with the belief that they complied with constitutional rights and acted within the limits of the law. The evidence can still be used at the trial to prove whether there is innocence or guilt. Another exception is the impeachment exception. The impeachment exception permits the use of illegally obtained evidence at trial to impeach the defendant's testimony. The impeachment exception arose from the case known as Walder v. United States in 1954. Walder was indicted on narcotics charges. The narcotics were excluded due to the unlawful search and seizure, after which the case was dismissed. Walder later testified that he never purchased, sold, or possessed narcotics. An officer who was part of the illegal search was called to impeach Walder's testimony (Kainen 1991-1992).

Costs And Benefits Of The Exclusionary Rule

In my opinion, there are some costs and benefits. The costs may be that sometimes a criminal may actually get away, but many times officers want to go off of instinct and there is no concrete evidence to ensure they have enough to put them away. There is definitely a deterrent for law enforcement because sometimes they cannot use the evidence obtained, or they may not be allowed to search certain areas because those areas may not be part of the search warrant, and that could cost them the case. It could also cause an officer to conduct himself or herself in a poor manner. Another cost is that criminals may be more inclined to commit crimes, especially if they feel they cannot be touched. All it takes is one mistake by an impatient officer, and the criminal files a lawsuit; then no one can get close to the criminal without repercussions. The benefits of the exclusionary rule keep officers and other law enforcement officials honest, respectful of their oath, and in line with proper procedures when it comes to search and seizure. The exclusionary rule also sets guidelines for how to approach the situation when it comes to searching and/or seizing. When things are done in the correct order and manner, the evidence can be used throughout the criminal proceedings and can end in conviction. Following the guidelines for the exclusionary rule shows great discipline for the government and the respect they have for the constitutional rights of citizens. Finally, the best benefit is the protection against the illegal arrest of a citizen by law enforcement and the protection of their rights.

Alternative Remedies

There are alternative remedies for citizens besides the exclusionary rule when it comes to the violation of their constitutional rights. An illegal search and seizure can lead to criminal action being taken, and officers undertaking one are subject to prosecution. Law enforcement officials who make an illegal search and seizure are subject to internal department discipline. Citizens who have been arrested illegally or whose privacy was invaded have the right to civil action; there can be financial compensation for the damages. The liability does not fall solely on the arresting officers but also on other state officials, supervisors, or other agents within that particular agency. Federal officers and others acting under color of federal law are not subject to this statute; the Supreme Court has held that a right to damages for violation of Fourth Amendment rights arises by implication and that this right is enforceable in federal courts (Edwards 1955).

My Position Of The Exclusionary Rule

I feel that the exclusionary rule is a highly controversial issue in the American judicial system. There are always parts of the exclusionary rule being reinterpreted. There are several cases where the exclusionary rule has been challenged, and some are more victorious than others. In the case Wolf v. Colorado, the exclusionary rule was not applied. In Mapp v. Ohio, the exclusionary rule was overruled. To me, the exclusionary rule has great respect for one's constitutional rights. Ignoring the exclusionary rule is like ignoring one's individual rights. The exclusionary rule helps and sometimes frees individuals who have been wronged by law enforcement officials. I also have great respect for the rule because it disciplines the judicial system by providing such guidelines. It helps with the prevention of corruption, which, in the long run, saves the state money. It keeps the officers who choose to obtain evidence illegally from going unpunished.

The exceptions added to the exclusionary rule do help as well. They help those officers who are doing their job to the best of their abilities keep their good faith, which is the exception in itself. The exclusionary rule is set in place to protect the people and their life, liberty, and property. It highlights their right to privacy. I like that parts of the exclusionary rule, such as the fruit of the poisonous tree, put a stop to loopholes that many corrupt officers often try to exploit. Also, just because the exclusionary rule is in effect does not mean that all perpetrators will be free to go, but on the downside, I do feel that due to the exclusionary rule, many offenders are let go. Although there are good and bad things to the exclusionary rule, it was created to protect our rights, and I completely stand behind it.

Conclusion

In conclusion, the exclusionary rule was developed to protect the people. The rule, as we know, is designed to deter police misconduct. It also enables courts to exclude incriminating evidence from

being introduced at trial. A search and seizure must be done solely based upon a warrant; probable cause has to be presented, and the warrant guidelines must be followed as well.

References

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