Miranda Warnings and Limitations of the Criminal Justice System

Write an essay addressing the topic below. Your essay should be 750 to 1,000 words, 5-7 pages (not including cover page and reference page), double-spaced, with a font size of 10 to 12 pt. Your paper should comply with APA. Refer to the Grading Rubric PDF(opens in a new tab)  for essay grading standards. Submit your essay to your instructor.

In each of the criminal justice systems, describe the roles, duties, and responsibilities of those functions to ensure the rights of the accused are upheld and carried out. What are the implications if one or more of the functions fails to exercise these responsibilities? Use examples (such as case law) to demonstrate where a system failure has led to consequences and consider how society would operate if the Bill of Rights never existed.

The Rights of Suspects

In addition to protecting the personal freedoms of individuals, the Bill of Rights protects those suspected or accused of crimes from various forms of unfair or unjust treatment. The prominence of these protections in the Bill of Rights may seem surprising. Given the colonists' experience of what they believed to be unjust rule by British authorities, however, and the use of the legal system to punish rebels and their sympathizers for political offenses, the impetus to ensure fair, just, and impartial treatment to everyone accused of a crime—no matter how unpopular—is perhaps more understandable. What is more, the revolutionaries, and the eventual framers of the Constitution, wanted to keep the best features of English law as well.

In addition to the protections outlined in the Fourth Amendment, which largely pertain to investigations conducted before someone has been charged with a crime, the next four amendments pertain to those suspected, accused, or convicted of crimes, as well as people engaged in other legal disputes. At every stage of the legal process, the Bill of Rights incorporates protections for these people.

The Fifth Amendment

Many of the provisions dealing with the rights of the accused are included in the Fifth Amendment; accordingly, it is one of the longest in the Bill of Rights. The Fifth Amendment states in full:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor 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; nor shall private property be taken for public use, without just compensation."

For purposes of this lesson, we will discuss what is perhaps the most famous provision of the Fifth Amendment which is its protection against self-incrimination, or the right to remain silent. This provision is so well known that we have a phrase for it: "taking the Fifth." People have the right not to give evidence in court or to law enforcement officers that might constitute an admission of guilt or responsibility for a crime. Moreover, in a criminal trial, if someone does not testify in his or her own defense, the prosecution cannot use that failure to testify as evidence of guilt or imply that an innocent person would testify. This provision became embedded in the public consciousness following the Supreme Court's 1966 ruling in Miranda v. Arizona(opens in a new tab), whereby suspects were required to be informed of their most important rights, including the right against self-incrimination, before being interrogated in police custody.

However, contrary to some media depictions of the Miranda warning, law enforcement officials do not necessarily have to inform suspects of their rights before they are questioned in situations where they are free to leave.

Miranda Ruling
The Fifth Amendment to the United States Constitution(opens in a new tab) states that no person shall be compelled in any criminal case to be a witness against him or herself. Based on this right, the Supreme Court has determined that criminal suspects cannot be subject to custodial interrogations without first being informed of their constitutional rights to remain silent and to have defense counsel. When law enforcement takes a suspect into custody, the Miranda warnings must be given before any interrogation takes place.

The Miranda warnings are as follows:

You have the right to remain silent and refuse to answer questions. Do you understand?
Anything you do or say may be used against you in a court of law. Do you understand?
You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future. Do you understand?
If you cannot afford an attorney, one will be appointed for you before any questioning if you wish. Do you understand?
If you decide to answer questions now without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney. Do you understand?
Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present? (Miranda Rights, 2005)
As an additional review source, more information concerning the Miranda warnings can be found at Miranda Rights(opens in a new tab).

The primary purpose of the Miranda warnings is to ensure that an accused is aware of the constitutional right to remain silent before making statements to the police. Two conditions must be satisfied in order to invoke the warnings constitutionally required by Miranda. First, the suspect must have been in custody; and second, the suspect must have been subjected to police interrogation. The definition of interrogation extends only to words or actions on the part of police officers that the person being questioned should have known or was reasonably likely to elicit an incriminating response.

A custodial interrogation is defined as questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his/her freedom of action in any significant way. With this in mind, the Miranda warnings are not only necessary in the classic arrest situation, but they also serve to protect individuals from incriminating themselves in all settings in which their freedom of action is curtailed in any significant way.

The initial determination of custody depends on the objective circumstances of the interrogation, not on the subjective views harbored by either the interrogating officers or the person being questioned. Thus, the only relevant inquiry is how a reasonable person in the suspect's position would have understood the situation.

Keep in mind a few caveats. For instance, a noncustodial interrogation will not require Miranda warnings simply because the interrogation took place in a coercive environment. Otherwise, any interview of one suspected of a crime by a police officer would have coercive aspects to it, simply by virtue of the fact that the police officer is part of a law enforcement system that may ultimately cause the suspect to be charged with a crime. In addition, a noncustodial interview is not transformed into a custodial one simply because the questioning takes place in the station house or because the questioned person is one whom the police suspect.

Prior to Miranda v. Arizona 384 U.S. 436 (1966), police officers held a lot of power. They could arrest a suspect or get a confession using virtually any technique they chose. Miranda v. Arizona(opens in a new tab) changed the way police function forever. The amount of officer discretion has decreased tremendously since this case was argued and won. This case requires that officers read the Miranda rights to everyone they take into custody.

During 1963 in Phoenix, Arizona, police arrested Ernesto Miranda on rape and kidnapping charges. While at the police station, the person claiming to be the victim identified Miranda as being the perpetrator. The police then took Miranda to the interrogation room for about two hours and coerced him into signing a confession. At the top of the page was a paragraph stating that this confession was "voluntary, without threat or promises of immunity and with full knowledge of my legal rights, understanding that any statement made will be used against me" (Miranda Rights, 2005).

Miranda was not told that he could have an attorney present during questioning. The case states that, "One officer later explained that he read this paragraph to Miranda, but apparently only after Miranda had confessed orally" (Miranda Rights, 2005). This statement was later used in court, and Mr. Miranda was convicted of rape and kidnapping. The State Supreme Court affirmed the conviction.

However, the U.S. Supreme Court later ruled that Mr. Miranda's confession was, in fact, coerced and inadmissible for use against him. Chief Justice Warren delivered the opinion of the court. Four other justices joined this opinion.

This case was reviewed on two issues: (1) Whether the confession was voluntary, and (2) Whether interrogations are constitutional. As Chief Justice Warren stated, "The modern practice of in-custody interrogation is psychologically rather than physically oriented...Interrogation still takes place in privacy" (Miranda Rights, 2005). Police interrogations are meant to get people to confess in order to plead for a lower sentence. Warren suggested that, "Confessions [shall] remain a proper element in law enforcement. Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence" (Miranda Rights, 2005). Confessions are a great tool to use in cases like this when there is little physical evidence or when other people are involved.

Interrogations were also a key issue in this case. Chief Justice Warren wrote, "[By] custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of [his] freedom of action in any significant way" (Miranda Rights, 2005). Questioning takes place several times during an investigation. For example, when a police officer arrives at the scene of the crime, the officer needs to conduct an initial investigation to assess the situation. At this point, the officer does not have to read anyone his/her rights because the person is free to say whatever he/she wishes to say. Chief Justice Warren further stated, "General, on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process is not affected by our holding" (Miranda Rights, 2005). After an officer arrests a person and the person is not free to leave, then the officer must read the person his/her Miranda rights. In other words, when a person is arrested and put into the back of the police car, he/she is considered not free to leave. If the person confesses while in the back of the police car after having been read the Miranda rights, then he/she cannot refute what was said as involuntary.

Warren also stated that, "There is no requirement that police stop a person who enters a police station and states that he wishes to confess to a crime or a person who calls the police to offer a confession or any other statement he desires to make" (Miranda Rights, 2005). This simply means that police need to allow people to confess if that is their desire. The Ernesto Miranda case became a precedent case, changing the actions of law enforcement in this country. Ten years after this ruling, Ernesto Miranda was stabbed to death while playing poker at a bar (Katz & Walker, 2002). The two assailants responsible for the stabbing were arrested and given their Miranda warnings. These men had their victim to thank for the rights given to them. Because of the Miranda ruling, officers must use their discretion wisely in every circumstance. Today, interrogations are reviewed and must follow certain procedures.

As stated earlier in the lesson, the reading of the Miranda warnings is essential because if not, the defendant may claim a defense against the officer, rendering the confession or interrogation inadmissible in court. Therefore, officers usually carry the Miranda warnings on a small card in their pockets. Officers use this card after every arrest is made.

Officers everywhere understand that they must read Miranda warnings when arresting a person. However, when do you read Miranda warnings to a suspect under investigation who has not yet been arrested? In several cases, defendants claimed their Miranda warnings were not given to them at the proper time within the investigation. Two high-profile cases have dealt with this issue: Dickerson v. U.S. (2000) and Missouri v. Seibert (2004).

In Dickerson v. U.S. (2000), the FBI picked up Charles Dickerson and questioned him about an armed robbery in Virginia. The FBI did not inform the defendant of his rights when they first began to question him. Then, after the Miranda warnings were read, they questioned him again. The Supreme Court ruled that the Miranda warnings held in this case. The court decision was 7-2; this decision was significant because the Miranda case was 5-4. This affirmed that the Miranda warnings are essential in the interrogation process to prevent coercion.

In Missouri v. Seibert (2004), Patrice Seibert's 12-year-old son who had cerebral palsy died in his sleep. At the time of his death, he had bedsores, indicating that he may have been neglected. Because they were afraid their mother would be charged with neglect, Seibert's two sons and their friends decided that they would burn the family mobile home down with their brother's body inside. What they did not know was that Donald Rector, an 18-year-old with a mental illness lived with them, was still in the home. The police picked up Patrice Seibert and took her to the station. They proceeded to question her for 30 to 40 minutes without reading her the Miranda warnings. After the initial interrogation and subsequent confession, the police read her the Miranda warnings. After the Miranda warnings were read, they had her sign a written confession to the crime. The Court of Appeals affirmed the conviction.

Seibert then appealed to the State Supreme Court, which reversed the decision. Missouri was unhappy with the decision and appealed to the U.S. Supreme Court. The U.S. Supreme Court affirmed the previous decision. Justice Souter wrote the opinion of the court. Justice Stevens, Justice Ginsburg, and Justice Breyer joined him in his opinion. Justice Souter wrote, "According to the case, Miranda v. Arizona, the police are responsible to read anyone that they arrest, their Miranda warnings before the police interrogate the suspect. The Miranda warnings address "interrogation practices...likely... to disable [an individual] from making a free and rational choice" (p. 6).

In conclusion, the Miranda v. Arizona(opens in a new tab) case changed the field of criminal justice forever; however, it was not absent of criticism or controversy(opens in a new tab). Without this precedent case, the police would still be allowed to coerce anyone into signing a confession.

An overview of the Miranda v. Arizona can be viewed here - The Right to Remain Silent: Miranda v. Arizona, by Annenberg Classroom(opens in a new tab) (25:09)

These two articles are opinions from the NY Times and LA Times which offer thought and consideration of Miranda in today's criminal justice system.

Good guys, bad guys -- and Miranda(opens in a new tab)

Miranda's Value in the Trenches(opens in a new tab)

Miranda vs
Limits of Criminal Law
"Although it is unlikely a criminal will consider the text of the law before he murders or steals, it is reasonable that a fair warning be given the world, in language the common world will understand, of what the law intends to do if a certain line is passed."

O.W. Holmes

Criminal law is powerful. In fact, some people argue that this type of law is too powerful. Therefore, checks or limits are needed on this power. The power and the limitations of criminal law are the focus of the remainder of this lesson.

The legislative branch of government passes laws. With the system of checks and balances, the judicial and executive branches may limit the laws themselves or how the laws are enforced. For example, by law, police officers can electronically intercept private communications. The courts have set limits on how officers go about doing that. Furthermore, the law says that if you recklessly discharge a firearm and kill or injure someone, you can be prosecuted, but not if you are 6 years old. These are but a few examples of the limitations of the law.

The power of criminal law includes the ability to:

Define what crime is, as well as quasi-crimes of omission
Classify crimes by statutory scheme, evil, penalty, or jurisprudence
Grade crimes by seriousness or amount of social harm
Prohibit social control for the betterment of society, such as freedom of assembly
Punish, a power that allows a government to inflict pain on its own citizens
The following are limits on criminal law, in alphabetical order:

Adversary System:
A limitation on criminal law that controls the establishment of guilt. It guarantees the average citizen the right to have a prosecutor and a defense counsel oppose each other in a trial if he/she is unwilling or unable to dispose of the case prior to trial. The prosecution also has the burden of proof.

Bill of Attainder:
This refers to any legislative act that inflicts punishment without a criminal trial. It has been prohibited since 1867, and its original purpose was to eliminate lynching. In modern use, this most closely relates to government regulation of certain professions and the privileges of executive immunity. For example, a bill of attainder prohibits loyalty oaths to practice law and allows Presidents of the United States to refuse to turn over private documents to special prosecutors.

Bill of Rights:
The first 10 amendments to the Constitution limit the ability of government to define certain acts as criminal and influence the enforcement of criminal law.

Corpus delicti:
The Latin phrase "body of the crime" means that the prosecution must prove all elements of a crime. To do this, the prosecution must consult the specific statute of the state with jurisdiction. Although there are presumptions that the prosecution will also prove the identity of the accused and produce a victim, those factors are not technically part of the concept of corpus delicti. For example, the corpus delicti of burglary consists of six elements: (1) breaking, (2) and entering, (3) the dwelling, (4) of another, (5) at nighttime, (6) with the intent to commit a felony therein. In the law of homicide, however, one element is the death, and in this case, the ability to find or account for the body is part of the corpus delicti of homicide.

Corroboration of Confession:
The general rule is that a conviction cannot rest alone upon an accused's out-of-court confession. Admission of the confession is only permitted if proof of corpus delicti will be presented later.

Cruel and Unusual Punishment:
This is an Eighth Amendment protection where the words cruel and unusual have never been adequately defined. The courts have followed a piecemeal approach in which the distinction is made between ancient and modern forms of punishment with the assumption that ancient methods are unconstitutional and most modern methods are upheld. Recent issues have involved the question of proportionality, where habitual offenders with prior records receive stiffer sentences for the same crime than those committed by persons without prior records.

Double Jeopardy:
According to the Constitution, a person cannot be tried twice for the same crime. The interpretation of that amendment by the courts (judicial branch) and its application by the executive branch of government are somewhat different. For example, in the Oklahoma City bombing, Terry Nichols was found guilty and sentenced to life in prison by federal authorities. Oklahoma state officials wanted to try him for murder under state law in an attempt to get him the death penalty as his partner Timothy McVeigh received. A similar circumstance happened with the Los Angeles Police Department officers involved in the Rodney King incident. They were found not guilty in state court, which precipitated the riots, and were subsequently convicted of civil rights violations in federal court. The incident, the crime, and the players were all the same; what was different was the jurisdiction--state vs. federal and the current interpretation that it is not double jeopardy.

Due Process of Law:
This phrase found in the Fifth and Fourteenth Amendments as well as every state constitution forbids the government from taking life, liberty, or property without due process of law. At the fundamental level, due process ensures the right to fair notice and a fair hearing. On other levels, it guarantees certain inalienable rights and freedoms. On a practical level, various balancing tests pit the needs of the individual against the needs of the government to determine due process. The implied right to privacy also prohibits making crimes out of behavior protected by the right of privacy.

Equal Protection of Law:
The government cannot make a law applicable to only one sex, race, or religion, or treat one group of citizens differently from other groups without a rational reason. This idea relates to the notion of due process at the level of fundamental freedom, tying together fairness and inalienable right. The principle is that all persons must be treated alike, not only in law enactment but also in law enforcement. Historically, equal protection was used to strike down miscegenation laws. Contemporary examples include the "powder-rock" cocaine controversy for Blacks and sexual harassment statutes for women.

Ex Post Facto Laws:
Both federal and state governments are prohibited from altering the law in any way to be detrimental to an accused person retroactively. This can occur in many ways: (1) The legislature passes a new law, and someone is prosecuted for committing the act before the law was enacted (unless there is a savings clause in the statute); (2) The legislature increases the penalties for an existing law, and someone is punished under the new penalty when they committed the act while the old penalty was in effect; (3) The legislature decreases the burden of proof or in any way makes it easier for the prosecution to convict. Persons who committed a crime under the old system must be tried under the old rules. (Note: This does not apply to evidentiary rule changes.); and (4) The legislature adjusts the amount of good time credit or eligibility for parole to alleviate prison overcrowding and then restores the old formula once the overcrowding problem has been solved.

Jurisdiction:
The court system is organized according to jurisdiction, and three different types are person, place, and type of crime. Courts are limited by their jurisdiction for what cases they can hear.

Presumption of Innocence:
All the presumptions of law independent of evidence are in favor of the accused, and every person is presumed innocent until proven guilty. This concept closely relates to the reasonable doubt standard and the notion of moral certainty. Reasonable doubt is the last presumption of innocence in criminal procedure and actually an entitlement to the benefit of acquittal. Moral certainty is a term for the judgment call that remains after reasonable doubt has been eliminated.

Status Offenses:
The law cannot make being a certain kind of person a crime. This determination is made through analogy with a chronic medical condition: the law cannot criminalize having a common cold. Most cases of chronic alcoholism do not qualify, but drug laws criminalizing the status of being an addict do. In practice, the law has many kinds of status offenses (i.e., consuming alcohol is not illegal unless your status is being a minor).

Statute of Limitations:
This places a time limit on the period from the commission of the offense to filing of the criminal charges. The Supreme Court has decided that the statute of limitations only applies when the suspect is in custody. States are free to devise their own statutes of limitations, and widespread variation exists, but in general, misdemeanors usually have one year and felonies are longer. Two ways are possible to extend the statute of limitations: (1) An arrest warrant extends it indefinitely or for a specified period of time; and (2) Tolling the statute of limitations does not count the period of time equal to the accused's absence from the jurisdiction.

Void-for-Over Breadth Doctrine:
This makes a statute or ordinance unconstitutional if the manner in which it is written has an unnecessarily broad sweep and invades the area of protected freedoms. Overbroadness occurs when a prohibition overlaps on a prescription. That is, citizens avoid good behavior because they are afraid of accidentally committing criminal behavior. When First Amendment issues are at stake (an area guarded closely to prevent any crimes being made out of free speech), the courts must consider this doctrine in conjunction with the void for vagueness doctrine, but in many cases, the two doctrines are applied separately. Ordinances that prohibit panhandling, for example, are overbroad if they describe the offense as "annoying" passersby because what is annoying to some people does not annoy others.

Void-for-Vagueness Doctrine:
This requires legislatures to use clear and precise language so that the average person does not have to guess at the meaning of a law or its application. If the language of a statute or ordinance is vague, the law is unconstitutional and must be struck down. Sometimes, the doctrine is applied just to words, like "ill repute" or "lewd," and at other times, whether the law entraps citizens or is difficult for police to enforce is considered. A modern example is the racial profiling controversy