

Policy analysis

Law



How Miranda rights policies and procedures affect the operations and decision-making processes within law enforcement. Miranda rights were formulated from the United States Supreme Court case *Miranda v Arizona*. Miranda rights are meant to protect a suspect's rights under the Fifth Amendment, especially the right not to respond to self-incriminating interrogations. These rights do not take effect until the suspect is in police custody and once the suspect is in custody it does not matter where the interrogation occurs. The rights are intended to prevent forced confessions under police pressure (Ruschmann, 2007).

Where suspects are not read their Miranda rights, the courts will be forced to suppress any statements by the suspect provided the suspect did not waive their rights. Such statements are suppressed because they violate the Fifth Amendment and they are subject to the Miranda exclusionary rule. A waiver, in this regard, occurs when the suspect logically, knowingly and voluntarily waives his right. In order to determine the validity of the waiver, it is important to look at the circumstances and events resulting in the waiver. Where the suspect makes a spontaneous or voluntary statement before the rights are read, such statements can be admitted provided the statements were not prompted by interrogations. This position clearly shows that Miranda rights are only necessary when law enforcement intends to interrogate a suspect (Burgan, 2006).

Miranda rights, policies and procedures, therefore, greatly affect the operations and decision making process within law enforcement. The rights give the suspect protection against self-incrimination as well as providing appropriate guidelines for law enforcement in the manner they interrogate suspects. Miranda policies and procedures assist in determining whether

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suspects' statements can be admitted or suppressed in a court of law.

Reference list

Burgan, M. (2006). *Miranda V. Arizona: The Rights of the Accused*. Capstone.

Ruschmann, P. (2007). *Miranda Rights*. Infobase Publishing.