

# [Rule of law](https://assignbuster.com/rule-of-law/)

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The paper " Rule of Law" is an outstanding example of a law assignment. The tendency or expectation to circumvent law during investigation arises from the need to control crime and have speedy convictions. The right of an individual or society to get legitimate protection from the state is often given as justification (Levesque, 2006, 2). However, such convictions can be challenged in a court of law and put undue strain on the criminal justice system. The tool of coercion or intimidation in the hands of police is not considered legitimate as it would violate the rights of the accused. Any involuntary confessions as a result of such practice will not be admissible in a court of law making it counterproductive (Bergman & Bergman-Barrett, 2007, p. 30). Unfortunately, even though intimidation, physical abuse, terrorization and other methods typically classified as “ third-degree” methods have largely been discontinued on moral grounds, other psychological and less detectable methods exist which continue to result in wrongful convictions (Lassiter, 2004, p. 3). Police are not expected to “ cut corners” to achieve their mission and this principle is covered by the “ Exclusionary Rule” of law which prohibits collection of evidence in violation of the constitution and Bill of Rights. Thompson explains this by tracing a history of case law (2006, 488-490) and shows that successive decisions by courts in the 20th century covered loopholes exploitable by the police. These decisions offer explanations and precedents to allow closer examination of methods of collecting evidence. In the current state, the only exceptions to this rule are “ honest mistakes”, commonly referred to as “ good faith” exceptions. The interpretation of the law by courts that allow a robust and due process of evidence collection has brought about greater professionalism in the police over the years. Rights of the accused are protected and it is possible to present stronger cases leading to a conviction. However, this same characteristic brings a counterbalancing view that it limits the rights of individuals to receive protection against crime. According to this view, police should have greater freedom to act and accountability of police actions can be implemented through internal processes relieving the courts of the burden to examine methods of extracting information.