

# The exclusionary rule evaluation law constitutional administrative essay

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Exclusionary Rule Evaluation  
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Exclusionary Rule Evaluation  
Everyday ordinary citizens do realize that they have a right to privacy in today's world. They also believe that they are not subject to search and seizure unless a warrant been issued by the courts. However, some ordinary citizen are not aware that an exclusionary rule that protects and enforces this right under the law. The exclusionary rule clearly states " any evidence illegally obtained or seized by any local, state and or federal government officials cannot be introduced by the prosecution in a criminal case to determine the defendant guilt". The main reason behind the exclusionary rule is to ensure that law enforcement officials are not violating any individual Fourth Amendment rights. Officers are aware that in violating any part of this law can cause the court to quash the evidence and thrown it out as if it was never existed. When people think about abolishing the exclusionary rule, it is particularly noteworthy that everyone should take a good look and examine the law and it procedures of the law. It is also beneficial to examine the exceptions, cost, benefits and legal remedies if the exclusionary rule stays or abolished by the people. For the exclusionary rule to be applied in any case there must be at least three findings present as noted within the law. The first part is that any law enforcement officer, or an agent that works for a law enforcement agency, must have taken criminal action. The second part is that the law enforcement officer or its agent must obtained evidence, in question. The third part is that a there must be a clear connection between the evidence and criminal activity. However, there are some exceptions to the exclusionary rule, which known as the " Fruits of the Poisonous Tree"

Doctrine. Under this doctrine, which has three parts to it, are the inevitable discovery rule, attenuation relationship necessary qualifications, and the good faith exception. These exceptions occur whenever the "situation meets the three elements required for the exclusionary rule to apply, but the evidence allowable regardless". The first part of the doctrine occurs when evidence in the case been illegally obtained by law enforcement officials; however, it possible that the evidences in question found in a legitimate area and was not illegally connected by the search. This means that any evidence that obtained from any other person, but law enforcement considered being evidence in the case as it found by a third party. The Supreme Court decided that this exception does allow this exception and did not violate Fourth Amendment rights. This issue brought up for debate during the case of *Segura v. United States* back in 1984, when law enforcement officers illegally gained access to Segura's house where there was incriminating evidence that was in clear sight. The officers were eventually able to obtain a warrant based on the information they obtained before illegally entering the house. However, the United States Supreme Court ruled that any evidence obtained during the search in the case allowed because it obtained independent by a third party that was not a law enforcement officer during the illegal entry. Evidence is admissible in a case, where the inevitable discovery rule applies, when the evidence obtained illegally by a third party or independent person. This exception has brought up for debate in court. Back in 1977 in the case of *Brewer vs. Williams*, the court ruled that when the police discovered a female body, the court considered that it was not admissible in court because its finding based on an interrogation that considered

unconstitutional. However, the case brought back into court in 1984 after several debates of this case and another case called Nix vs. William. The court ruled that ruled that the confession of Mr. William was inadmissible. However, it decided that the location of the body was permissible because the body could be discovered during a two and a half miles radius search done by a search party. This means that the search party would have certainly found the body regardless of the information that obtained during a confession because its location was in the area the search party instructed to search. However, under the attenuation relationship part of the law, states that any " evidence derived from an illegal, or unconstitutional source is permissible when, for some reason, the link between the primary illegality and the evidence sought to be introduced has become so weak or vague that the " fruits" have become " untainted"". For example in the case of Wong Sun vs. United States, various narcotics officers had illegally entered an apartment, in hopes that there are some drugs inside the residences after obtaining during questioning. However, during the search it found that there were no drugs in the apartment. The Supreme Court decided that evidence obtained during the questioning was inadmissible because it was the tainted. Mr. Wong Sun released from police custody. Several days later Mr. Sun had given officers an incriminating statement since this statement was voluntary it deemed acceptable by the Supreme Court, due to it connection to his prior arrest; which makes it difficult to keep the questioning dissipate as tainted. However, when it comes to the good faith part of the law, it clearly states that any " evidence obtained by law enforcement officers could become acceptable based on a search warrant even if the search warrant later

deemed invalid" This ruled added as an exception rule due to the case of United States v. Leon. The court ruled that the main purpose of the exclusionary rule is to "impede law enforcement officials from violating a person's Fourth Amendment rights, and under the good faith exception there is no wrongdoing from law enforcement". Therefore, any evidence obtained during the search warrant is admissible in court and under the law. When it comes down to understanding the costs and benefits of the exclusionary rule, any person must decide whether or not to discontinue its use under the law. However, one reason to support this is because of its deterrent effect. The rule adopted because it was belief that the primary reason behind the exclusionary rule is the assertion in suppression of illegally seized evidence, which will prevent police officers from conducting illegal searches of individuals and their effects. Another advantage is its educative effect. When it comes to the value in keeping the exclusionary rule seen some researchers had concluded that the rule can be removed from the law, due to the exceptionally low percentages of cases affected by this rule. This means that police officers and law enforcement officers are adhering to the rules, when it comes to search and seizures. However, some people would like to keep in the rule in place to help deterred the police from misusing it powers. There are three types' remedies under the exclusionary rule. These remedies known to be reparation, disgorgement, and deterring future wrongdoing. Reparation in place to help the disabled individual to the position he or she was at before the injury". Disgorgement in place to "raise the criminal in a level that is no better than the position he or she had before committing the unlawful act". The third remedy is to "detering future wrongdoing aims to

strengthen the public by placing the public in a better condition than it would be in if deterrence not undertaken". The Supreme Court has used these three theories of remedies to support the use of the exclusionary rule. It's determined that the overall rationale and purpose of the exclusionary rule is good to have on the books. It been determined that the use of exceptions to rule, the costs and benefits of the rule, and alternative remedies is good to help ensure that law enforcement officers are doing their job in today's society. Even, with some people that want to destroy the exclusionary rule that put in place by the United States Supreme Court, this effort to abolished it should not occurred under any circumstances. Its determined that this rule created outside of the United States Constitution because the court saw that this ruled could be beneficial to all parties and needed at the time, and the ruling placed into law.