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Police Prosecution Dilemma

Across the world, the police are tasked with the responsibility of maintaining security, law, and order in the society. In that regard, they trail and arrest criminal suspects to curb any criminal activities in their designated areas of jurisdiction. In addition, the law stipulates that the apprehending police should present the suspects before a court of law for prosecution. Judicial system advocates that the police must file tangible evidence against the suspect for a prosecution to succeed. This paper is a case study of several cases that highlight the dilemma that police encounter when administering law and order.

A recent survey indicated that some police arrest suspects without properly establishing their criminal responsibility. Beauregard, Deslauriers-Varin & St-Yves (2010) argue that police unlawful arrest is mainly due to corruption or malicious intends. Police, therefore, engage in unlawful interrogation means to coerce suspects to confess criminal responsibility. In most cases, the police use threats, force, torture, and deception in the coercion process. Fukurai & Kurosawa (2010) asserts that a confession automatically results in imprisonment, fines, or even execution provided the suspect is proven to be of sound mind (p. 120).

Selth (2012) avows that police maintaining coercion is necessary for any prosecution process. They further argue that no suspect can confess criminal responsibility willingly. Perhaps, it is, for this reason, the law states that suspects who plead guilty in the first reading of the case have to be taken to a medical facility for a medical check-up (Watson et al., 2010). Conventionally, the suspects are charged whenever they are healthy. As a result, they are charged if found healthy or relieved the charges on medical grounds. In addition, the public is aware of the penalties for criminal responsibility includes imprisonment, fines, or execution. Of course, no one would wish to be subjected to these fines willingly. According to the police

department, it is for this reason they use coercion in the quest for evidence of prosecution (Beauregard et al., 2010).

For decades, the public has questioned the authenticity of the evidence police present during persecution (Mccluskey & Terrill, 2007). Both public and private human rights groups and activists have come out to condemn police coercion procedures. In particular, they argue police often use fraudulent and unlawful means to obtain a confession from the suspects (Fukurai & Kurosawa, 2010). Lobby groups further assert that police require suspects to record statements in an attempt to coerce a confession. Should the evidence obtained be insufficient, the police use unlawful confession to gather the targeted evidence. Beauregard et al. (2010) indicate that a one-third of people behind bars based on an unlawfully obtained confession by the police (Watson et al., 2010). Activists forced or deceptive interrogation or confession is inhuman, unacceptable, and unjustifiable. They recommend judicial system should seek alternative techniques of collecting evidence for prosecution (Mccluskey & Terrill, 2007).

In U.S., several juries have imprisoned several suspect based on fraudulent coercion from the police. In that regard, many suspects have appealed against such rulings in the past (Leo & Liu, 2009). *Miranda v. Arizona* case in 1966 is one of the popular cases in the history of the forceful prosecution. The case was filed in 1963 when Earnesto Miranda, a Phoenix resident, was arrested and charged with robbery, kidnapping, and rape (p. 384). Miranda argued that the police engaged him in a two-hour interrogation session and recorded his confessions. He also reported that the prosecuting police did not seek his consent before the interrogation process and no counsel was present to represent him (Leo & Liu, 2009: p.386). In addition, Miranda argued that he had a mental instability history and was yet to complete his ninth grade. Later, the police

filed the evidence in a court hearing. Judges determining Miranda's case relied entirely on the evidence from the confession. Miranda was found guilty and imprisoned for 30 years (p. 385).

Miranda appealed and argued his case in Arizona Supreme Court. He told the appellate judge that the counsel who determined his case relied on the deceptive interrogation from police. In addition, the police had unconstitutionally obtained a confession from him without his consent (Reid & Buckley, 2011). The Arizona Supreme court disagreed with Maranda and upheld the conviction. He again appealed the case to the U.S. Supreme Court whose review came in 1966. The Supreme Court nullified the case because the police did not inform Miranda of his rights before confession (Selth, 2012). The court further ruled that before police interrogate any suspects, they must inform the suspects of their constitutional rights against self-incrimination before an attorney. The judicial system, thereafter, referred to the ruling as Miranda rights (Selth, 2012).

Moran v. Burbine case of 1986 is another popular case that involved false confession. Sources indicate that the police, in this case, cited Miranda rights but failed to inform Moran his Miranda attorney rights (Terrill et. al, 2011: p. 87). Burbine Court counsel in determining this case based their argument on the Miranda rights. First, the court argues that police must fully inform suspects of their Miranda rights before interrogation. Secondly, the police must also inform the attorney representing the suspects his or her attorney when they are ready to record the statement (p. 98). The court established that it was unconstitutional for the Burbine police to lie to the attorney representing Moran that they would not interrogate him. The court ruled that in determining waiver authenticity, the court must ascertain whether the suspect's decision to opt for Miranda rights waiving was non-coerced and free, and that the suspect clearly understood the impacts of waiving such rights in a court case.

In conclusion, the police encounter different forms of dilemma in their line of duty as summarized below. First, the public and the court have accused police of making arrest without properly establishing the criminal responsibility by the suspect. Secondly, the fact that if the suspect straightaway accepts criminal responsibility is attributed to probable mental health is a big dilemma to police prosecution. Thirdly, in some cases, the public tend do not trust the evidence that police present in court to aid in prosecution. Possible flatulent coercion with the police is a common dilemma as well. Finally, reports of false confession by witness in several cases jeopardies efforts of fair hearing. It is up to the court system and juries to accurately

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