

MIRANDA RULING PLPS C

Where did Miranda go wrong? The purpose of this book is to identify and describe four problems with the implementation of the Miranda decision and to suggest remedies in order to have it achieve its original purpose. The four problems identified in the book are:

1. The justices, in placing restrictions of the questioning of suspects, limited these rights only to those suspects who were "in custody." The term "in custody" is legally vague as well as vague to the layperson. It permits the police to question suspects without giving them their Miranda rights in those settings where it is unclear whether custody is present. 2. The Miranda warnings may not be fully understood by many suspects. There is no country-wide standardization of what is said; there are literally thousands of different versions of "the" Miranda warnings in use by different police departments in the United States. 3. Police training manuals, while recognizing the right to a "Miranda warning," have developed many ways to circumvent giving the warnings or ignoring a response in which a suspect does decide to remain silent or ask for an attorney. 4. In the 40 years since the Miranda law was established, the Supreme Court and lower courts have made decisions eroding their application. Can the original goal of the authors of the Miranda law be salvaged? This book examines the state of interrogations and the state of the law before the Miranda decision was made, the purposes and nature of the decision, and proposes recommendations for reinstituting the original goals.

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