

Exclusionary Rule? Get Rid Of It!

Contributed by Steve Gillman
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The exclusionary rule is supposed to protect us from the police, but it really just prevents the truth from coming out. There is a better way.
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The exclusionary rule need to be thrown out! This body of law basically says that evidence obtained illegally cannot be used in a criminal prosecution. The idea is that this will prevent the police and the justice system in general from illegally searching our homes and otherwise violating our rights, since they won't be able to use any evidence obtained in these ways. Unfortunately, in reality it prevents the truth from being presented in court. There is a better way.

{bot_wrgoogle}By the way, before thinking this is from some political slant, you should know that I have been labeled a "right-winger," a "bleeding heart liberal" and more. Forget the labels. This is about what works!

Why We Should Get Rid Of The Exclusionary Rule

We understand the motivation for excluding evidence obtained through illegal searches. In a free society we want to protect all people's rights, including those accused of breaking a law. It is also easy to imagine the following scenario: There is a murder, the killer has the gun, with the victims blood on it, as well as photos of the victim and more evidence - all in his house. This evidence is seized by police who decide to ignore the need for a search warrant. Thus it cannot be used as evidence in court, so the killer goes free.

I have a question about this very realistic situation: Why can't the truth be the truth just because of how it was obtained? Anything that is evidence should always be allowed in a prosecution (and a defense). Why penalize the truth for the actions of an officer?

Naturally we are concerned about the rights of people who are subjected to illegal searches. This is a violation of their rights, after all. But why not penalize the violators, rather than the truth and the public which needs to be protected. It's a simple solution, but I think if we regularly put police officers in jail for such violations of rights, they might reconsider such action.

In fact, we might be better protected from such violations, Consider a real-life scenario that sometimes happens now. Frustrated (or just bad) police officers break open a suspect's door and find good evidence of a crime. An officer waits with the criminal and evidence while another goes to get a warrant. They then produce a story that makes it all seem legal.

The police don't have the right to commit crimes, even if they do it from a desire to catch criminals. However, under the current system, if such a plan is discovered, they'll often get suspensions, while the criminal goes free because under the exclusionary rule the evidence can't be used. And just a suspension for the offending officers?

A better system is one that puts police who do such things in jail! Then officers will rarely commit such crimes. In the meantime, we this system wouldn't exclude evidence and ignore the truth in the case of the criminal - let him go to jail too! Let ALL who commit crimes be held fully responsible and we can safely get rid of the exclusionary rule.

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