

6.11: Current Issues - Accountability

One of the most significant issues with police accountability is knowledge of the job of a police officer. If a person is ignorant about policing policies, procedures, rules, regulations, and how police operate, then there is going to be a disconnect when the media portrays police in different situations. All too often citizens get their knowledge of how the police operate through television shows. *Miranda* admonition is a classic example. The television show 'Law and Order' is notorious for showing the actors playing detectives, giving *Miranda* to a suspect, every single time; they place a suspect under arrest. The classic clip shows the hand-cuffs 'click, click' going on, and then as the detectives walk the suspect to their vehicle, they are verbalizing, from memory, *Miranda*. In reality, this could not be further from the truth.

Police have a considerable amount of power. Due to the temptation to abuse assigned power police must ascribe to a higher standard than someone in a non-policing profession. However, members of the public cannot appropriately identify police misconduct at all levels. "Most citizens possess an incomplete and incorrect understanding of what it entails. Often...American citizens frequently believe the police guilty of misconduct when, in fact, they are not...Dirty Harry is a hero of sorts to many Americans. When a Dirty Harry-type officer engages in curbside justice aimed at a local bully, for example, people tend to be very supportive of this type of misconduct. ^[1]

Miranda Misconceptions

Thanks to the CSI Effect, Miranda is misunderstood by the general population. Shows such as Law and Order, show the detectives slapping the hand-cuffs on the suspect, after the investigation is completed, and immediately verbalizing the Miranda requirements aloud to the suspect. This is not how Miranda is applied. The Miranda decision requires officers to read certain statements when those officers plan on INTERROGATING a suspect. If the suspect is NOT free to leave and the officer wants to question the suspect, in an attempt for the suspect to make incriminating statements, the suspect must be read Miranda admonishments AND must understand the admonishments. If an officer sees a person break the law, the only time that officer needs to read Miranda prior to interrogating the suspect, is if the officer wants to question the suspect. If the officer sees the crime, there generally is no need to question the suspect about the crime, therefore Miranda is not required. For instance, if an officer is using a radar gun and sees a vehicle speeding 40 mph in a 25 mph speed zone, the officer does not need to read the driver of the vehicle Miranda, unless that officer wants to interrogate the driver. The officer can write the driver a citation without reading Miranda and in some states the officer can arrest the driver for speeding without reading Miranda (in Oregon, speeding is a traffic violation, therefore, drivers cannot be arrested for speeding, this is not true for all states, in some states traffic violations are misdemeanors).

1. Perez, D.W. (2011). *The paradoxes of police work*. Florence, KY: Cengage Publ. ←

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