

Research Report

For this report, I will examine two US Supreme Court landmark cases, *Miranda vs. Arizona* (1966) and *Terry vs. Ohio* (1968). Both cases have had a significant impact on how law enforcement interacts with the public, especially in the case of *Miranda vs. Arizona*. On March 13, 1963, police arrested Ernesto Miranda on charges of rape and kidnapping. Miranda ended up signing a written confession admitting to his crimes, and then he was sentenced to a maximum of fifty-five years in prison. Eventually, after appealing his case, in 1966 the Supreme Court ruled that Miranda's rights were violated. This would create the infamous "Miranda Rights" that we all know of today, which is essentially the right to remain silent when you are being arrested.

The four "Miranda Rights" that legally need to be stated to you when you are being arrested by law enforcement are: 1) You have the right to remain silent. 2) Anything you say can and will be used against you in a court of law. 3) You have the right to an attorney. 4) If you cannot afford an attorney, one will be appointed for you. This idea is derived legally from the fifth amendment of the constitution, which protects US citizens against self-incrimination in the court of law. A person cannot be forced to testify against themselves in a criminal case or in any matter. *Miranda vs. Arizona* also has a connection to the sixth amendment, which guarantees the right to an attorney in the court of law. The constitution protects US citizens by providing us with a fair trial, which starts with knowing your "Miranda Rights" because it also informs people that they can get a lawyer provided for them, if they cannot afford one.

For example, if a police officer arrests someone for alleged shoplifting, then the officer must inform the person of their "Miranda Rights." The police officer must explain that anything the suspect says can be used against them in court so the person does not self-incriminate. If the person that is being arrested cooperates with police officers and admits guilt afterwards, then the

police are not liable for violating the person's rights because they did their legal obligation.

However, if the police arrest a person to question them, without telling them their rights, then the case would be in violation of the 5th amendment and the 6th amendment. When a police officer arrests someone for a suspected crime and wants to question them, then the officer is required to read them their "Miranda Rights." If they do not do it, then the case can be dismissed.

Terry v. Ohio (1968) is a very different type of case, which has had a profound impact on how police and the public interact with each other. It all started on October 31, 1963, when Detective Martin McFadden frisked John Terry, along with two other men, and arrested two of them for carrying concealed weapons (2 guns). They were found guilty and John Terry appealed. In 1968, the Supreme Court affirmed the conviction, which means that the ruling stands. This would set a new precedent in law enforcement that allows police officers to question and frisk suspicious individuals without probable cause.

This case radically expanded police authority to investigate crimes, with the only requirement being to have reasonable articulable suspicion. If police officers and law enforcement can articulate reasonable suspicion that someone is about to commit a crime, or if they believe the person is "armed and dangerous," then they can stop someone to question and frisk them. Since the fourth amendment protects individuals against unreasonable searches and seizures, the Terry vs. Ohio case helped in establishing legal guidelines for law enforcement.

For example, a police officer notices someone acting in a manner that raises suspicion. He follows the suspect and notices they are looking into windows of homes and marking the floor. The officer can temporarily detain the person looking into other people's windows and to question them about their behavior, including frisking them. This preventive action is based on reasonable suspicion rather than probable cause. This allows for a limited search to prevent

potential crime. If the person does not cooperate, then sometimes police officers may want to cite them or find other grounds to arrest them.

References

Mackey, D. A. (2018). Terry v. Ohio, 1968 | US Law Case. Encyclopedia Britannica.

<https://www.britannica.com/event/Terry-v-Ohio>

Partida, M. G. (2022). Research Guides: A Latinx Resource Guide: Civil Rights Cases and Events in the United States: 1966: Miranda v. Arizona. Guides.loc.gov.

<https://guides.loc.gov/latinx-civil-rights/miranda-v-arizona>

Terry v. Ohio 392 U.S. 1 (1968, June 10). ACLU of Ohio, 2024.

<https://www.acluohio.org/en/cases/terry-v-ohio-392-us-1-1968>

United States Courts. (2022). Facts and Case Summary - Miranda v. Arizona, 1966. United States Courts.

<https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-miranda-v-arizona>