

The Mercury News

Opinion: Federal Miranda ruling reduces police accountability

Alli Wang

July 26th, 2022

For the past two years, Americans have been asking for police accountability. Californians want to be able to address police brutality, and to limit and punish misconduct against those whom police detain.

But the U.S. Supreme Court's recent 6-3 ruling on *Vega v. Tekoh* will loosen the requirement that police ensure Miranda rights, or essentially Americans' right to remain silent in police custody when questioned by police.

Under the new ruling, those who have been detained can't hold the police accountable for failing to read them their Miranda rights.

The American Civil Liberties Union and the Cato Institute filed a brief in support of Terence Tekoh, whose Southern California lawsuit made its way up to the Supreme Court. Warning that the decision will change the police's privilege over the public, they argued that the decision will take away guarantees in the Constitution and the Bill of Rights that safeguard people's rights to hold government officials accountable.

When there are no consequences for police who violate our rights, there is essentially no measure that prevents people — especially those of color — from facing years in prison for being convicted of false accusations. The government will no longer ensure that the Fifth Amendment, which prohibits self-incrimination, will protect Americans.

The civil rights of people of color are especially at stake. The 56-year old Miranda rights decision prohibited police from conducting questioning until a detainee has been informed of their right to remain silent. The case behind the ruling started with weak claims against a man of color who was coerced into a confession under police interrogation.

We've definitely seen in the past few years that police do not deserve protection from being sued for violating civil rights. In the past year, public safety advocates have documented many incidents of police brutality, along with uncounted incidents of racial profiling of Black and brown people.

The right to know one can "plead the Fifth" is an integral part of the Constitution that protects activists, marginalized groups, people of color and others.

California needs to enshrine Miranda. If our national government can't ensure the rights we've been promised, it is up to our state legislators to protect us.

