

## **Exclusionary Rule: Viability in 1997**

Jeffrey A. Chudnow

The current interpretation of the 4th Amendment allows evidence obtained from improper searches to be suppressed and not used in trial. This practice, known as the Exclusionary Rule, prohibits the jury from hearing all evidentiary facts about the crime being tried and at times, allows a defendant to go free due to illegally obtained evidence. The Exclusionary Rule has been a part of criminal proceedings for 83 years and has been modified often since its inception. This research examines the current beliefs about the usefulness of the Exclusionary Rule among criminal justice professionals and possible alternatives as it pertains to the rights of individuals versus the safety of the general public. Results of surveys and interviews from this study indicate that the Exclusionary Rule is inseparable from the 4<sup>th</sup> Amendment and viable constitutional alternatives do not exist. Misunderstanding of the Exclusionary Rule and lack of training of police officers is the reason most often given for suppression of evidence by the trial court.