

BEING PRESUMED INNOCENT?

One of the core principles at the foundation of United States civil rights is the concept of being presumed innocent until proven guilty, by a preponderance of the evidence OR BETTER, in a court of law.

While this concept is central to American jurisprudence, that centrality is not reflected across the globe.

For example, in France, which is the closest cousin we Americans have in regards to civil rights, the legal standard IS THE OPPOSITE!! In France, you are required to PROVE YOURSELF INNOCENT, rather than the government being required to PROVE YOUR GUILT!!

The concept of innocence being the default legal condition and individual civil rights being based upon that default has several immediate implications and ramifications that need to be explored to properly comprehend the extent of the concept of being presumed innocent.

The top of that list of inherent implications is the treatment of citizens by law enforcement.

Law enforcement is the primary target of the concept of being presumed innocent!!! That is because it is law enforcement that is the point of contact service staff (for lack of a better description) for the government with its citizens. Law enforcement is the level where government and its citizens interact in everyday life and activities. So that is where, AND WHY, being presumed innocent becomes the most important element in that interaction!!

Two models of law enforcement interaction with private citizens –

1. "Excuse me, may I please see your ID?"
2. "Up against the wall and spread your legs. Spread them farther!!"

The first model is the model that displays the respect that is inherently required by the concept of being presumed innocent, and the second model displays an expression of personal ego and animosity towards a private citizen whose civil rights include being presumed innocent – with all the necessary respect and courtesy that such presumption inherently implies and invokes!!!!

At least, that is the essence of that principle as I was taught it and that my personal research has indicated it was designed to be implemented.

Now, the actual experience of interaction of private citizens with law enforcement is quite a different experience, is it not?

Law enforcement has a legal position that is unique beyond comparison.

Regardless of the courts attempts to suggest otherwise, law enforcement is NOT an entirely separate legal entity with no inherent connection to the courts. Law enforcement is the investigative and enforcement arm of the courts!!! The courts and law enforcement combine to create the entire body. The courts are the brain that sets the legal standards and law enforcement is the physical body that enforces those standards.

So follow this logic. The courts have the legal obligation to protect individual civil rights and to serve in the best interests of the public. That obligation to "protect and serve" not only applies to the courts, but thus by inheritance to the courts investigative body – law enforcement. Protect and serve the mantra that all citizens are presumed innocent until proven guilty.

And law enforcement has no authority to make any judgment calls, their responsibility is to collect evidence that is forwarded to the courts to be used in that forum, NOT for law enforcement to use ON THE STREET FOR ANY PURPOSE!!!

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Profiling is also excluded based on the presumption of innocence!!! If an individual is presumed innocent, then any profiling as if that individual is a perpetrator of any allegedly illegal act is strictly contrary to that presumption of innocence!! Even referring to a private citizen as a "perp" clearly indicates, constitutes and displays a lack of respect for that presumption. As well as leads to internal justification for any other illegal actions contemplated by law enforcement!!!

Once the concept of presumed innocent has been compromised in any manner, the so-called "slippery slope" becomes even more dangerous as it slides into abuse of authority by law enforcement that is rubber-stamped by the courts!!