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| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections, and Security |
| **Course Name** | Court Systems and Practices |
| **Lesson/Unit Title** | Entry Into the System—The Arrest |
| **TEKS Student Expectations** | **130.340. (c) Knowledge and Skills**(6) The student explains the structure and provisions of the U.S. Constitution and the Bill of Rights and how they impact the criminal trial process. (E) The student is expected to analyze the effect of landmark cases such as Miranda v. Arizona, Weeks v. United States, Mapp v. Ohio, Douglas v. California, and Escobedo v. Illinois on individuals entering the criminal justice system |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** |

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| The student will be able to: |
| 1. Describe when an arrest takes place |
| 2. Explain how probable cause is determined and what factors are |
| used in determining it |
| 3. Identify the rights provided in the Miranda Warning |
| 4. Explain when a person should be told his or her Miranda Rights |
| 5. Explain possible outcomes in a criminal case when the Miranda |
| Warning is not given at the time of arrest |

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| **Rationale** | In this lesson, students will apply their understanding of the duties and responsibilities of law enforcement during arrests of suspects as required be established criminal procedure and case law. |
| **Duration of Lesson** | 4-6 hours |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | **Arrest –** Taking a person suspected of committing a crime into custody and curtailing theindividual’s freedom to leave, until the person can be brought before a judge to answer the charges against him or her.**Arrest Warrant –** A court-ordered document giving law enforcement the authority to arrestsomeone on a specific charge.**Due Process –** The constitutional rights of citizens against government actions that threatenthe denial of life, liberty, or property. In criminal cases, arrests and trials must meet certain minimum standards of fairness, and laws cannot violate constitutional rights.**Reasonable Suspicion –** Warranted suspicion that a person may be engaged in criminalconduct. Not quite to the level of probable cause.**Probable Cause –** Reasonable suspicion or belief that a crime has been committed and thata person committed that crime.**Miranda Warning –** The warning given to suspects by law enforcement advising suspects oftheir legal rights to counsel, to refuse to answer questions, to avoid self-incrimination, and other privileges. Named after the landmark case of *Miranda v. Arizona* (1966).**Fifth Amendment –** The right to a grand jury for a capital or serious crime; protectionagainst double jeopardy; protection against self-incrimination; prohibition of the taking of life, liberty, or property without due process of law.**Self-incrimination –** Giving evidence and answering questions that would tend to subjectone to criminal prosecution.**Right to Counsel –** The right to be represented by an attorney at critical stages of thecriminal justice system. |
| **Materials/Specialized Equipment Needed** | * Entry Into the System: Arrests computer-based presentation
* Entry Into the System: Arrests Key Terms handout
* Attorney-Client Role Play Activity Instructions
* Attorney-Client Role Play Activity Client’s Story
* Legal pads
* Computers
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Divide the class into two groups. The teacher will determine which side will argue that US citizens (those authorized to be in the US, but involved in terrorist acts) 1) Should or 2) Should NOT be read their Miranda Rights upon arrest. Have students discuss among their group members for approximately 15 minutes. Have the groups come back and write their best arguments on the board. Guide the class discussion as issues are raised.Use the Discussion Rubric for assessment.Note: For an article and a video on this topic do an Internet search for: Holder defends decision to read Miranda rights to Shahzad. |
| **Direct Instruction \*** | I. Review Key Terms for Word WallII. Arrest* 1. Without Arrest Warrant
		1. Officer observes crime being committed
		2. Officer establishes probable cause to arrest an individual
			1. Responds to a call
			2. Person at scene identified by a witness
	2. With Arrest Warrant
		1. After investigation
		2. Sufficient evidence of probable cause
1. Miranda Warning
	1. Right to remain silent
	2. Any statements can and will be used against the arrested person in a court of law
	3. Right to an attorney
	4. If someone cannot afford an attorney, one will be provided

IV. Consequences of no Miranda Warning1. Statement/Confession cannot be used against person in court
2. Evidence discovered based on statement/confession will likely be suppressed

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, students will list terms and explain how each term relates to the arrest process. Use the Individual Work Rubric for assessment. |
| **Guided Practice \*** | *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*None |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Attorney-Client Role Play: Divide students into small groups. Hand out a copy of the instructions sheet to each group. Assign roles to students: two clients in each group (one playing the role of a good and cooperative client; the other playing a difficulty and uncooperative client); one legal assistant for each group (to take notes); and the remainder of students are attorneys. Have students read the instructions. First, the students will come up with questions to ask their “client.” Second, the students will question each client. Use this as an opportunity to reinforce the idea that lawyers and clients work together for the benefit of the client. Remind students of confidentiality in the lawyer-client relationship, and why it is important. Teams question the difficult client first. Teams question the cooperative client next. The students should figure out that some violations of rights occurred. Have groups share their answers to discussion questions at the end of the activity.The “lawyers” should be able to determine from the easy client that a Miranda rights violation occurred. However, the difficult client will not disclose that information. The uncooperative client has not shared many of the important details with the lawyer (like the illegal search and not reading the Miranda rights) that will make evidence inadmissible at trial. If your lawyer doesn’t know about things like this, she can’t do her job as well, and can’t help her client as much. Also discuss the importance of being observant if you are ever arrested. There will also be a search and seizure violation; see if the students catch that too! Use the Role Play Rubric for assessment.*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*None |
| **Lesson Closure** | Review key points and vocabulary. Ask students to identify a new term and definition that they learned. |
| **Summative/End of Lesson Assessment \***  | * Arrest and Miranda Warning Quiz and Key
* Discussion Rubric
* Essay Rubric
* Individual Work Rubric
* Role Play Rubric

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| **References/Resources/****Teacher Preparation** | * <http://www.mirandawarning.org/>
* The Courts and Criminal Procedure, Instructional Materials Service, Trade, and Industry Education
* *Criminal Courts: Structure, Process, & Issues* (2nd Edition), Dean J.Champion, Richard D. Hartley, & Gary A. Rabe, ISBN 0131189794
* Our Rights (1st Edition), David Bodenhamer, ISBN 0195325672
* <http://www.sunnylandsclassroom.org/Asset.aspx?Id=1329>
* The Annenberg Classroom <http://www.annenbergclassroom.org>
* Justice Learning <http://www.justicelearning.org>
* Do an Internet search for FindLaw
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| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** | None |
| **College and Career Readiness Connection[[1]](#footnote-1)** | College and Career Readiness StandardsSocial Studies StandardsV. Effective CommunicationA. Clear and coherent oral and written communication1. Use appropriate oral communication techniques depending on the context or nature of the interaction.
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| **Recommended Strategies** |
| **Reading Strategies** |  |
| **Quotes** |  |
| **Multimedia/Visual Strategy****Presentation Slides + One Additional Technology Connection** |  |
| **Graphic Organizers/Handout** |  |
| **Writing Strategies****Journal Entries + 1 Additional Writing Strategy** |  |
| **Communication****90 Second Speech Topics** |  |
| **Other Essential Lesson Components** |
| **Enrichment Activity**(e.g., homework assignment) | For enrichment, students will research *Dickerson v. United States* (2000) and *Yarborough, Warden v. Alvarado* (2004). Students will apply *Miranda* to each case by making a chart divided into similarities and differences between the cases. Students will write short essays to the following questions:1. Do you agree with the Court’s ruling in each case? Why or why not?
2. How did the Supreme Court apply the precedent of *Miranda* to *Dickerson*?
3. How did the Supreme Court apply the precedent of *Miranda* to *Yarborough*?

Use the Essay Rubric for assessment. |
| **Family/Community Connection** |  |
| **CTSO connection(s)** | SkillsUSA |
| **Service Learning Projects** |  |
| **Lesson Notes** |  |

1. Visit the Texas College and Career Readiness Standards at <http://www.thecb.state.tx.us/collegereadiness/CRS.pdf>, Texas Higher Education Coordinating Board (THECB), 2009. [↑](#footnote-ref-1)