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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, & Security |
| **Course Name** | Law Enforcement I |
| **Lesson/Unit Title** | Civil vs. Criminal Courts |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skills**(6) The student explores the U.S. legal system and the requirements for law enforcement. (E) The student is expected to compare the characteristics of civil and criminal court systems |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | The student will be able to:* List the differences between civil and criminal law
* Explain why it is important for officers to know the difference
* Create and role play a simulated call involving civil or criminal issues
* Evaluate other students’ decisions made during the role play
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| **Rationale** | Police officers come across criminal and civil situations but can only legally enforce criminal laws. It is important for them to be able to distinguish the difference, so they are not overstepping their bounds. |
| **Duration of Lesson** | Teacher’s Discretion |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | * Poster boards and drawing materials or computer-based presentation software for student presentations
* Civil vs. Criminal Courts Exam and Key
* Civil vs. Criminal Courts Open-note Quiz and Key
* Discussion Rubric
* Presentation Rubric
* Research Rubric
* Role Play Rubric
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Use the following scenarios for a class discussion. Use the Discussion Rubric for assessment.* An officer responds to a call involving a customer stealing property from a store. Can the officer do anything about this? Why or why not?
* An officer responds to a call involving an upset customer. She claims she bought a product that she is not happy with. She wants the store to refund her money even though the store has a no refund policy. If they don’t refund her money she wants to file a theft report. Can the officer do anything about this? Why or why not?
* An officer responds to a call involving a friend who let another friend borrow a car but has not received it back. Can the officer do anything about this? Why or why not?
* O.J. Simpson was found not guilty in criminal court but guilty in civil court. Why?
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| **Direct Instruction \*** | 1. What are the types of laws?
	1. There are two types of laws:
		1. Civil
		2. Criminal
	2. Constables enforce both types
	3. Most other peace officers only enforce criminal law, but often encounter civil law cases
2. Why is it important to know the difference?
	1. Peace officers need to know the difference, so they are aware of when they can legally act on something
	2. Officers are oftentimes called out to civil cases but cannot enforce any laws
	3. In these cases, the officers are expected to maintain order and ensure no violence occurs, or make an arrest if an assault does occur
	4. These are often called civil standbys
	5. Examples of civil standbys are
		1. Child custody drop off or pick up situations
		2. Landlord and tenant disputes
	6. Officers cannot enforce any court orders related to these calls but can document for future court proceedings what occurred
	7. Officers can always be called to testify as witnesses at a civil trial, just like at a criminal trial
3. What is the difference?
	1. Civil law – concerns the private rights of individuals and organizations in which the government provides a public forum for the resolution of disputes.
		1. Deals primarily with individual or property rights
		2. Involves a concept of responsibility but not guilt
		3. Everyone involved is usually a private party
		4. A dispute is usually set out in a petition
		5. The court remedy is relief from or compensation for the violation of legal rights
		6. The burden of proof is considered to be a “preponderance of the evidence” which means more likely than not the person accused of the wrong did it
		7. The one bringing the case is the plaintiff or petitioner and the one defending is the respondent
		8. Can include private law and contract law
			1. Private law includes redress for non-criminal harm done to another
			2. Contract law regulates the varied legal transactions between groups and individuals
		9. The punishment is often monetary, which is paid to another person or institution
	2. Criminal law involves the violation of statutory laws in which the state (the government) is the prosecutor. Some examples are arson, rape, and armed robbery.
		1. Deals with public concepts, proper behavior, and morality as defined by law
		2. The case is initiated by a government prosecutor on behalf of the public
		3. Specific charges of wrongdoing are spelled out in a grand jury indictment or a writ of information
		4. On arraignment, the defendant enters a plea of guilty or not guilty
		5. Has strict rules of procedure that are used to evaluate evidence
		6. The state’s burden of proof is to prove a defendant’s guilt “beyond a reasonable doubt” which is a much higher standard than what must be proven in a civil case
4. The prosecutor brings the charges and the defendant defends themselves
5. Violations of statutory laws are called crimes
6. Serious crimes are called felonies and less serious ones are called misdemeanors
7. The punishment for criminal law could be monetary, time spent in jail or prison, probation, community service, or all the above, plus a report of it on a defendant’s criminal record if they are found guilty

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **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 \*** | * Have students complete the Civil vs. Criminal Courts Open-note Quiz.
* Have students divide into pairs and write a scenario involving a call that can be either a civil or a criminal matter. Have the students who write the scenario role play the individuals involved in the call, while a different pair of students role play the officers who decide whether it is legal for them to get involved. The officers must justify their decision to the class. Use the Discussion and Role Play Rubrics as needed for assessment.
* Have students imagine that they are an attorney who only deals with criminal or civil law. Then have the students create an advertisement that specifies their type of law by giving at least five common examples. The goal is to make clear to their potential clients what situations they deal with. Have the students present their advertisements. Computer-based presentation software or poster boards with drawing materials may be used. The Presentation Rubric may be used for assessment.

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| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \***  | * Civil vs. Criminal Courts Exam
* Civil vs. Criminal Courts Open-note Quiz

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*NONE |
| **References/Resources/****Teacher Preparation** | ISBN: 020547893X, *Criminal Justice*, James Fagin, 2006.ISBN: 111134471X, *American Government and Politics Today* (Texas Edition), Steffen W. Schmidt, Mack C. Shelley, Barbara A. Bardes, Lynne E. Ford, and William Earl Maxwell, 2011. |
| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** |  |
| **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 reinforcement, students will research the penal code, then list and explain a specified number of crimes they find. This is to help them recognize a criminal matter. Use the Research Rubric for assessment.For enrichment, students will research the different types of civil standby calls officers experience. Use the Research 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)