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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** | Law Enforcement I |
| **Lesson/Unit Title** | Miranda Warning |
| **TEKS Student Expectations** | **130.336.** **(c) Knowledge and skills**  (7) The student analyzes custody and interrogation as they relate to the U.S. Supreme court decision in Miranda v. Arizona. The student is expected to:  (B) explain the additional requirements above the Miranda warnings for juvenile suspects, offenders, and witnesses; and |
| **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:   * Define the Miranda warning * Explain the additional requirements above Miranda warnings for juvenile suspects, offenders, and witnesses |
| **Rationale** | Suspects, witnesses, and juveniles are entitled to the same constitutional rights as victims. The Supreme Court ruled in *Miranda v. Arizona* that all persons being interrogated are entitled to be read their constitutional rights; this was later called the Miranda warning. |
| **Duration of Lesson** | This lesson should take 1 hour. |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* |  |
| **Materials/Specialized Equipment Needed** | * Miranda Warning Scenarios Worksheet and Key * Computer with Internet access |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | * Supreme Court Decision: Miranda v. Arizona * Ask for student volunteers to recite the Miranda warning as they have heard it on television. See if the students can remember all of the rights. Discuss with the students when the Miranda rights must be read (*Note:* because students are often confused by what they see on television, provide them with an overview of what the Miranda warning really says). Use the Discussion Rubric for assessment. |
| **Direct Instruction \*** | I. Miranda v. Arizona (1966)  A. Ernesto Miranda was accused of the kidnapping and rape of an 18-year-old female  B. He was identified by the girl 10 days later  C. The police interrogated Miranda for two hours  D. The police obtained a written and signed confession  E. The confession was used at the trial  F. Miranda was found guilty  G. Miranda appealed the court’s decision  1. Miranda argued that he  a) Had not been told that he had the right to remain silent  b) Would not have confessed if he had been told about this right  2. The Supreme Court overturned the trial, giving Miranda a new trial without the use of the confession  3. Miranda was again convicted  H. The Miranda decision was then codified into the Texas Law in the Code of Criminal Procedure Article 38.22  I. Texas added that “you may terminate this interview at anytime”  II. Miranda requirements for juvenile suspects  A. [Child (Family Code Section 51.02)](http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.51.htm)  1. Ten years of age or older and under 17 years of age  2. Under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age  B. The Miranda warning must be issued by a magistrate prior to any statement  C. Admissibility of statements  1. Must be in writing  2. Must be signed in the presence of a magistrate without the presence of a bailiff, prosecuting attorney, or law enforcement officer  3. The magistrate must believe that the juvenile understood the Miranda warning and that the statement was given voluntarily; then the magistrate will sign the certification acknowledging that these occurred  4. The juvenile must intelligently, knowingly, and willingly waive their rights before and during their statement  D. [Federal Juvenile Delinquency Act 18 USC 5033](http://uscode.house.gov/download/pls/18C403.txt)  1. A juvenile taken into custody for juvenile delinquency must be informed in understandable language of his or her rights by the arresting officer  2. The Attorney General and parent or guardian must also be contacted and made aware of the juvenile’s rights and the alleged offense  3. Then the juvenile is to be taken before a magistrate  E. School settings  1. Juveniles that are interrogated in a school setting will be considered “in custody” for Miranda purposes  2. School officials are not bound by the Miranda warning and do not have to give the juvenile a warning unless they are acting as a direct agent for the police  III. Miranda requirements for suspects  A. The courts ruled that in order for the Miranda warning to be required, the circumstances had to meet a two prong test  1. The person was in custody, and  2. The person was interrogated  B. Suspects are considered in custody  1. When they are not free to leave  2. The court states  a) Being physically deprived of freedom in any significant way  b) Law enforcement has told the person he or she is not free to leave  c) Law enforcement creates a situation that would lead a reasonable person to believe that his or her freedom of movement has been greatly restricted  d) When there is probable cause to arrest and a law enforcement does not tell the person he or she is free to leave  C. Interrogation  1. Law enforcement asks the suspect(s) questions  2. If the suspect voluntarily offers information that is not in response to any question asked, even if he or she is in custody, the statement is admissible without the Miranda warning because the two-prong test of interrogation is not met  D. Waiver of Miranda rights  1. Suspects must make a knowing, intelligent, and voluntary waiver of rights after they have been read their rights  2. The court looks at two factors when allowing the waiver of rights:  a) To be voluntary it must be the product of a free and deliberate choice, and not the product of coercion, intimidation, or deception  b) Was it made by the defendant with full awareness of both the nature of the rights being abandoned and the consequences of the decision to abandon them  E. Who must give the Miranda warning?  1. Written statements – the warning must be given by a magistrate or the person to whom the statement is being made  2. Oral statements  a) Someone other than the person to whom the statement is being made can give the warning as long as they are on the recording  b) There must be an electronic recording of the statement: either video or audio or both  c) Prior to making a statement, the Miranda warning must be given on the recording  d) The defendant must waive his or her rights  e) The recording device must be capable of making accurate recordings and the operator competent; recording must be accurate and unaltered  f) All voices on the recording must be identified  IV. Miranda requirements for offenders  A. If the offender is in custody because of an offense other than the one he or she is being questioned about, the court says these factors must be considered when determining the need for the Miranda warning:  1. The language used to summon the offender  2. The physical surroundings of the interrogation  3. The extent to which the offender is confronted with the evidence of guilt  4. The additional pressure exerted to detain the offender or the change in surroundings of the offender which results in an added imposition on the offender’s freedom  5. The offender’s freedom to leave the scene and the purpose, place, and length of the questioning  V. Miranda requirements for witnesses  A. There is no legal requirement for Miranda when someone is a witness; witnesses are free to leave at any time  B. If you are arrested based on your statements as a witness, the Miranda warning would apply  C. As a witness, if the police determine you are obstructing justice, and charge you with such, the Miranda warning then applies |
| **Guided Practice \*** |  |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | 1. Miranda Warning Scenarios. Divide the students into groups and hand out the Miranda Warning Scenarios Worksheet. Have the students answer the scenario questions as a group. Use the Miranda Warning Scenarios Worksheet Key for assessment.  2. Miranda Warning Discussion. Do an Internet search for the following article: Supreme Court: Suspects must invoke right to remain silent in interrogations. Have the students read (or read to the students) the article. Then have a class discussion using the following questions.   * Should a suspect have to verbally say that they are “invoking” their right to remain silent? * Does the fact that the suspect has to “say something”, violate the purpose of that Miranda right? Use the Discussion Rubric for assessment. |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \*** | * Miranda Warning Scenarios Worksheet and Key * Discussion Rubric * Individual Work Rubric * Research Rubric |
| **References/Resources/**  **Teacher Preparation** | * Judge Erin Bakker * Federal Juvenile Delinquency Act 18 USC 5033 <http://uscode.house.gov/download/pls/18C403.txt> * Texas Constitution and Statutes <http://www.statutes.legis.state.tx.us/> * Do an Internet search for the following: Supreme Court: Suspects must invoke right to remain silent in interrogations |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | English/Language Arts Standards  IV. Listening  B. Listen effectively in informal and formal situations.  1. Listen critically and respond appropriately to presentations.  2. Listen actively and effectively in one-on-one communication situations.  3. Listen actively and effectively in group discussions. |
| **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) |  |
| **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)