

Winslow Township School District
Criminal Law
Unit 3: Criminal Investigation

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Overview: This unit explores the rights of an individual suspected of a crime and the limitations placed on police when investigating a crime. A large focus is placed on search and seizure case law. Students will study the text of 16 the 4th amendment and the meanings of “reasonable suspicion” and “probable cause”. Police tactics such as stop and frisk will be examined and evaluated according to their effectiveness and constitutionality. Police use of force and the development of the “Black Lives Matter” movement will be discussed. The development of the “trespass test” and “reasonable expectation of privacy test” will be examined and applied to recent cases. Students will participate in a moot court activity looking at how new technology raises new questions about the protections of the 4th amendment. The NJ v. TLO case establishing the 4th amendment rights of students in schools will be examined. The 5th amendment right against self incrimination and 6th amendment right to an attorney will also be discussed

Overview	Performance Expectations	Unit Focus	Essential Questions
<p>Unit 3</p> <p>Criminal Investigation</p>	<ul style="list-style-type: none"> • 6.1.12.CivicsPI.14.a • 6.1.12.CivicsPI.14.b • 6.1.12.CivicsPI.14.c • 6.1.12.CivicsPI.14.d • 6.1.12.CivicsCM.14.a • 6.1.12.CivicsCM.14.b • 6.1.12.CivicsPD.14.a • 6.1.12.CivicsDP.14.a • 6.1.12.HistoryCA.14.b • 6.1.12.HistorySE.14.a • 6.1.12.CivicsPD.16.a • 6.1.12.CivicsPR.16.a 	<p>Students will be able to:</p> <ul style="list-style-type: none"> • Identify the key parts of the 4th Amendment • Identify all vocabulary related to the 4th Amendment • Read and analyze an affidavit for a search warrant • List common situations in which a search warrant is not needed • Analyze situations in order to determine if a search is lawful or unlawful • Discuss the Exclusionary Rule and the Mapp v. Ohio case • Explain the parts of the fifth Amendment: due process, double jeopardy, eminent domain, right to 	<ul style="list-style-type: none"> • What protections does the 4th amendment provide and where does it originate from? • What is the difference between reasonable suspicion and probable cause? • Is “stop and frisk” a constitutional and effective policy for preventing crime? What are the best policies for preventing crime? • What is the issue regarding police excessive force and how do we fix it? • How does the court determine whether the police have performed a search requiring a warrant? • Do students in schools have the same

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		<p>remain silent and grand jury</p> <ul style="list-style-type: none"> • Identify the constitutional rationale behind the case of Miranda v. Arizona • List and explain each of the protections set out in the Miranda hearings; 	<p>4th amendment rights as adults?</p> <ul style="list-style-type: none"> • What limits does the right against self-incrimination impose on the police? Under what circumstances has a person been “coerced” to be a witness against themselves? • Does the current public defender system adequately protect individuals accused of a crime?
<p><i>Unit 3: Enduring Understandings</i></p>	<ul style="list-style-type: none"> • The 4th amendment protects against unreasonable searches and seizures and requires a warrant that specifies the place, time, items pertaining to a search. An officer must, under oath, provide evidence of probable cause. The amendment is meant to protect the privacy of individuals from an intrusive government and originated out of colonial grievances pertaining to British writs of assistance in the 18th century. The Supreme Court has ruled that evidence obtained illegally may not be used against a defendant. • Reasonable suspicion and probable cause are standards of evidence to determine if the police can stop, arrest, or search a suspected criminal. Reasonable suspicion is the lower of the two standards and is required in order to temporarily seize someone suspected of committing a crime. Probable cause requires more evidence and is required in order to make an arrest or perform a search. • Police in major cities, including New York up until 2014, have used stop and frisk as a way to prevent crime. Critics have pointed out that the police unconstitutionally target racial minorities undermining relations between the community and law enforcement. • The killing of unarmed black men by police has sparked mass protests. Black Americans are up to 3 times more likely to be killed by police than whites. Protesters have called for reforms of law enforcement agencies such as de-escalation training, the demilitarization of police, civilian review boards etc. • Originally in the early 20th century The Supreme Court defined a 		

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search as the police trespassing onto your property. As technology was developed that allowed the police to gather information on a suspect without physically touching their property the court developed a new test, asking if the person had a reasonable expectation of privacy, to determine if a warrant is necessary.

- In NJ v. TLO the Supreme Court ruled that students do not have the same 4th amendment rights as adults. The courts had to weigh schools' responsibility to protect the wellbeing of students and the need to maintain discipline on school campuses against protecting the rights of individual students. Therefore schools must only meet a "reasonableness" test in order to perform a search. This differs from law enforcement outside of school who must meet the probable cause standard.
- Confessions to the police must be voluntary. The court has ruled that suspects who have been arrested and are being questioned in police custody must be made aware of their rights in order for a confession to be admissible in court. Additionally, the court has not established a defined standard for when interrogations become coercive, beyond the failure to notify a person of their rights or the infliction of physical torture.. The courts look at an interrogation in its totality, including the length of the interrogation and the mental capacity of the suspect in order to determine if an interrogation has overwhelmed a person's free will.
- The 6th amendment guarantees the right to an attorney. The Supreme Court has ruled individuals incapable of hiring an attorney shall have one appointed by the court. However, public defenders^{3 18} are overworked and under-resourced leading to poor defendants being forced into plea deals that may not be within their best interest.

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Curriculum Unit 3	Performance Expectations		Pacing	
			Days	Unit Days
Criminal Investigation	6.1.12.CivicsPI.14.a	Draw from multiple perspectives to evaluate the effectiveness and fairness of the processes by which local, state, and national officials are elected.	1	32
	6.1.12.CivicsPI.14.b	Use case studies and evidence to evaluate the effectiveness of the checks and balances system in preventing one branch of national government from usurping too much power during contemporary times.	4	
	6.1.12.CivicsPI.14.c	Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.	3	
	6.1.12.CivicsPI.14.d	Use primary sources representing multiple perspectives and data to determine the effectiveness of the federal government in addressing health care, income equality, and immigration.	3	
	6.1.12.CivicsCM.14.a	Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual and evaluate the impact on public policies.	2	
	6.1.12.CivicsCM.14.b	Use a variety of evidence, including quantitative data, to evaluate the impact community groups and state policies have had on increasing the youth vote.	4	
	6.1.12.CivicsDP.14.a	Draw from multiple perspectives and cite evidence to determine the extent to which nongovernmental organizations, special interest groups, third party political groups, and the media affect public policy.	3	
	6.1.12.CivicsPD.14.a	Draw from multiple perspectives and cite evidence to explain the conflicting ideologies and actions of political parties regarding spending priorities, the role of government in the	3	

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		economy, and social reforms.		
	6.1.12.HistoryCA.14.b	Create an evidence-based argument that assesses the effectiveness of actions taken to address the causes of continuing racial tensions and violence.	1	
	6.1.12.HistorySE.14.a	Explore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have met contributed to the American economy, politics and society.	4	
	6.1.12.CivicsPD.16.a	Construct a claim to describe how media and technology has impacted civic participation and deliberation.	1	
	6.1.12.CivicsPR.16.a	Analyze government efforts to address intellectual property rights, personal privacy, and other ethical issues in science, medicine, and business that arise from the global use of new technologies.	2	
	Assessment, Re-teach and Extension			

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Unit 2	
Core Ideas	Performance Expectations
Civic and political institutions address social and political problems at the local, state, tribal, national, and/or international level.	6.1.12. CivicsPI.14.a Draw from multiple perspectives to evaluate the effectiveness and fairness of the processes by which local, state, and national officials are elected.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.b Use case studies and evidence to evaluate the effectiveness of the checks and balances system in preventing one branch of national government from usurping too much power during contemporary times.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.c Analyze how the Supreme Court has interpreted the Constitution to define and expand individual rights and use evidence to document the long-term impact of these decisions on the protection of civil and human rights.
Constitutions establish a system of government that has powers, responsibilities, and limits that can change over time.	6.1.12.CivicsPI.14.d Use primary sources representing multiple perspectives and data to determine the effectiveness of the federal government in addressing health care, income equality, and immigration.
An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic identity and values in one place are different in other places, is essential.	6.1.12.CivicsCM.14.a Analyze how the Supreme Court has interpreted the Constitution to define the rights of the individual and evaluate the impact on public policies.
An understanding of the role of an individual as a member of a state, the rights and responsibilities of citizens, how civic values are determined and practiced, and examples of how civic	6.1.12.CivicsCM.14.b Use a variety of evidence, including quantitative data, to evaluate the impact community groups and state policies have had on increasing the youth vote.

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identity and values in one place are different in other places, is essential.	
Personal interests and perspectives impact the application of civic virtues, democratic	6.1.12.CivicsDP.14.a Draw from multiple perspectives and cite evidence to determine the extent to which nongovernmental organizations, special interest groups, third party political groups, and the media affect public policy.
Civic deliberation requires civic dispositions, attentiveness to multiple perspectives, and understanding diverse perspectives.	6.1.12.CivicsPD.14.a Draw from multiple perspectives and cite evidence to explain the conflicting ideologies and actions of political parties regarding spending priorities, the role of government in the economy, and social reforms.
Evidence from multiple relevant historical sources and interpretations can be used to develop a reasoned argument about the past.	6.1.12.HistoryCA.14.b Create an evidence-based argument that assesses the effectiveness of actions taken to address the causes of continuing racial tensions and violence
Historical sources and evidence provide an understanding of different points of view about historical events.	6.1.12.HistorySE.14.a Explore the various ways women, racial and ethnic minorities, the LGBTQ community, and individuals with disabilities have met contributed to the American economy, politics and society.
Civic participation and deliberation are essential characteristics of productive citizenship.	6.1.12.CivicsPD.16.a Construct a claim to describe how media and technology has impacted civic participation and deliberation.
Historical, contemporary, and emerging processes, rules, and laws/policies address a variety of civic issues requiring interpretations as societies change in an effort to promote the common good and protecting citizens' rights.	6.1.12.CivicsPR.16.a Analyze government efforts to address intellectual property rights, personal privacy, and other ethical issues in science, medicine, and business that arise from the global use of new technologies.

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Unit 3

Assessment Plan

1. Tests and Quizzes
2. Moot Court activities.
3. Stop and Frisk: Case Study of New York City
4. Unit Court Cases/ Discussion

Alternative Assessments:

- Video analysis
- Group Discussions/ student responses
- Search warrants: a look a real-life examples
- Survey Monkey: student responses

Resources

- Textbook, “Street Law”
<https://store.streetlaw.org/content/StreetLawSampler.pdf>
- “Search and Seizure: Did the Government Go too Far,” Mini DBQs in Civics Education. DBQ Project.
- Stop and Frisk <https://www.washingtonpost.com/news/the-fix/wp/2016/09/21/it-looks-like-rudy-giuliani-convicted-donald-trump-that-stop-and-frisk-actually-works/>
<http://www.nationalreview.com/article/352533/stop-and-frisk-works-editors>
http://www.nytimes.com/2013/08/13/nyregion/stop-and-frisk-practice-violated-rights-judge-rules.html?_r=0
<https://www.nytimes.com/roomfordebate/2012/07/17/does-stop-and-frisk-reduce-crime/to-see-its-value-see-how-crimerose-elsewhere>
- List of sources relating to racial profiling and police excessive force <https://educators4sc.org/topic-resources/teaching-about-police-brutality/>

Activities

1. Analyze the scenarios from Problem 12.4 on page 141 in the street law textbook and apply the standards of reasonable suspicion and probable cause
2. Use articles listed in the resources section and discuss the efficacy and constitutionality of the stop and frisk policy in New York City from 2002-2014.
3. Apply the “reasonable expectation of privacy test” to the facts in the following cases: California v. Greenwood, Kyllo v. United States, and United States v. Jones.
4. Discuss- should the police need a warrant in order to access your cell phone? Washing Post Article “Supreme Court requires warrants for cell phone searches on arrest”
5. Moot Court- Do high school drug tests of students constitute an unreasonable search/seizure?
6. Moot Court - Do the police need to acquire a warrant in order to acquire a person’s cell phone location data?

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<ul style="list-style-type: none"> • Police brutality cases9 Unit 5 Criminal Justice Process - Pretrial, Trial, Sentencing, and Reform 21 https://www.npr.org/tags/127890138/police-brutality • Monk, Linda R. "Amendment IV." The Words We Live By: Your Annotated Guide to the Constitution. New York, Hachette Books, 2015. • Confession by a minor case - Brendan Dassey https://www.isonline.com/story/news/2016/08/12/dassey-wins-ruling-teresa-halbach-murder/88632502/ b 	
Instructional Best Practices and Exemplars	
<ol style="list-style-type: none"> 1. Identifying similarities and differences 2. Summarizing and note taking 3. Reinforcing effort and providing recognition 4. Homework and practice 5. Nonlinguistic representations 	<ol style="list-style-type: none"> 6. Cooperative learning 7. Setting objectives and providing feedback 8. Generating and testing hypotheses 9. Cues, questions, and advance organizers 10. Manage response rates

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9.1 Personal Financial Literacy - Income And Careers & 9.2 Career Awareness, Exploration, And Preparation - Career Awareness & 9.4 Life Literacies and Key Skills

9.2.12.CAP.5: Assess and modify a personal plan to support current interests and postsecondary plans.

9.4.12.CI.2: Identify career pathways that highlight personal talents, skills, and abilities (e.g., 1.4.12prof.CR2b, 2.2.12.LF.8).

9.4.12.CT.2: Explain the potential benefits of collaborating to enhance critical thinking and problem solving (e.g., 1.3E.12profCR3.a).

9.4.12.DC.3: Evaluate the social and economic implications of privacy in the context of safety, law, or ethics (e.g., 6.3.12.HistoryCA.1).

9.4.12.TL.4: Collaborate in online learning communities or social networks or virtual worlds to analyze and propose a resolution to a real-world problem (e.g., 7.1.AL.IPERS.6).

The implementation of the 21st Century skills and standards for students of the Winslow Township District is infused in an interdisciplinary format in a variety of curriculum areas that include, English language Arts, Mathematics, School Guidance, Social Studies, Technology, Visual and Performing Arts, Science, Physical Education and Health, and World Language.

Additional opportunities to address 9.1, 9.2 & 9.4:

Philadelphia Mint

<https://www.usmint.gov/learn/kids/resources/educational-standards>

Different ways to teach Financial Literacy.

<https://www.makeuseof.com/tag/10-interactive-financial-websites-teach-kids-money-management-skills/>

How to Become a Lawyer

<https://njsbf.org/wp-content/uploads/2017/03/How-to-Become-a-Lawyer.pdf>

Legal Occupations

<https://www.bls.gov/ooh/legal/home.htm>

Law Today

<https://www.law.com/njlawjournal/?slreturn=20220615105106>

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Modifications for Special Education/504

Students with special needs: The students' needs will be addressed on an individual and grade level using a variety of modalities.

Accommodations will be made for those students who need extra time to complete assignment. Supports, Accommodations, and Modifications must be provided as stated in IEP, 504 Plan, or CST Intervention Plan, and may include (but are not limited to) the following:

Presentation accommodations: Listen to audio recordings instead of reading text Learn content from audiobooks, movies, videos and digital media instead of reading print versions Use alternate texts at lower readability level Work with fewer items per page or line and/or materials in a larger print size Use magnification device, screen reader, or Braille / Nemeth Code Use audio amplification device (e.g., hearing aid(s), auditory trainer, sound-field system (which may require teacher use of microphone) Be given a written list of instructions Record a lesson, instead of taking notes Have another student share class notes with him Be given an outline of a lesson Be given a copy of teacher's lecture notes Be given a study guide to assist in preparing for assessments Use visual presentations of verbal material, such as word webs and visual organizers Use manipulatives to teach or demonstrate concepts Have curriculum materials translated into native language

Response accommodations: Use sign language, a communication device, Braille, other technology, or native language other than English Dictate answers to a scribe Capture responses on an audio recorder Use a spelling dictionary or electronic spell-checker Use a word processor to type notes or give responses in class Respond directly in the test booklet rather than on an answer sheet.

Setting accommodations: Work or take a test in a different setting, such as a quiet room with few distractions Sit where he learns best (for example, near the teacher, away from distractions) Use special lighting or acoustics Take a test in small group setting Use sensory tools such as an exercise band that can be looped around a chair's legs (so fidgety kids can kick it and quietly get their energy out) Use noise buffers such as headphones, earphones, or earplugs

Timing accommodations: Take more time to complete a task or a test Have extra time to process oral information and directions Take frequent breaks, such as after completing a task

Scheduling accommodations: Take more time to complete a project Take a test in several timed sessions or over several days Take sections of a test in a different order Take a test at a specific time of day

Organization skills accommodations: Use an alarm to help with time management Mark texts with a highlighter Have help coordinating assignments in a book or planner

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Modifications for At-Risk Students

Formative and summative data will be used to monitor student success. At first signs of failure, student work will be reviewed to determine support. This may include parent consultation, basic skills review and differentiation strategies. With considerations to UDL, time may be a factor in overcoming developmental considerations

- Increase one on one time
- Teachers may modify instructions by modeling what the student is expected to do
- Oral prompts can be given.
- Using visual demonstrations, illustrations, and models
- Give directions/instructions verbally and in simple written format.

English Language Learners

All WIDA Can Do Descriptors can be found at this link:
<https://wida.wisc.edu/teach/can-do/descriptors>

- Grades 9-12 WIDA Can Do Descriptors:
 - Listening Speaking
 - Reading Writing
 - Oral Language

Students will be provided with accommodations and modifications that may include:

- Assist with organization
- Use of computer
- Emphasize/highlight key concepts
- Teacher Modeling
- Peer Modeling
- Label Classroom Materials - Word Walls

Modifications for Gifted Students

Students excelling in mastery of standards will be challenged with complex, high level challenges related to the topic.

- Students can complete extended research outside of the classroom
- Inquiry-based instruction
- Independent study
- Higher order thinking skills
- Adjusting the pace of lessons
- Interest based content
- Project Based Learning
- Real world scenarios
- Student Driven Instruction
- [Gifted Programming Standards](#)
- [Webb's Depth of Knowledge Levels and/or Revised Bloom's Taxonomy](#)
- [REVISED Bloom's Taxonomy Action Verbs](#)

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Interdisciplinary Connections

CCSS.ELA Standards

CCSS.ELA-LITERACY.RH.9-10.1- Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

CCSS.ELA-LITERACY.RH.9-10.2-Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

CCSS.ELA-LITERACY.RH.9-10.3-Analyze in detail a series of events described in a text; determine whether earlier events caused later ones or simply preceded them.

CCSS.ELA-LITERACY.RH.9-10.4-Determine the meaning of words and phrases as they are used in a text, including vocabulary describing political, social, or economic aspects of history/social science.

CCSS.ELA-LITERACY.RH.9-10.5-Analyze how a text uses structure to emphasize key points or advance an explanation or analysis.

CCSS.ELA-LITERACY.RH.9-10.7-Integrate quantitative or technical analysis (e.g., charts, research data) with qualitative analysis in print or digital text.

CCSS.ELA-LITERACY.RH.9-10.8-Assess the extent to which the reasoning and evidence in a text support the author's claims.

CCSS.ELA-LITERACY.RH.9-10.9-Compare and contrast treatments of the same topic in several primary and secondary sources.

CCSS.ELA-LITERACY.RH.9-10.10-By the end of grade 10, read and comprehend history/social studies texts in the grades 9-10 text complexity band independently and proficiently.

Integration of Computer Science and Design Thinking NJSL 8

8.1.12.DA.5: Create data visualizations from large data sets to summarize, communicate, and support different interpretations of real-world phenomena.