

Winslow Township School District

Criminal Law

Unit 4: Criminal Justice Process - Pretrial, Trial, Sentencing, and Reform

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Overview: Students will examine the steps to the Criminal Justice Process from arrest to processing to sentencing with a focus on inequities within the system. Students will examine the pretrial process and study the grand jury/ preliminary hearing system. Students will analyze the bail system, current criticism of the system, and jurisdictions that have moved away from cash bail. The arguments for and against plea bargaining will be discussed. The process of jury selection will be examined and students will be asked to evaluate its fairness. Students will then take an in depth look at the trial system, studying the steps of a trial, practicing writing opening/closing statements, and preparing witnesses for direct examination. Students will showcase these skills in a mock criminal trial. The Sentencing process will be examined with a focus on theories of punishment and criticisms of mandatory minimum sentencing. Lastly students will examine racial disparities in the criminal justice system regarding racial profiling, sentencing, drug offenses, jury selection, bail, and the school to prison pipeline.

Overview	Performance Expectations	Unit Focus	Essential Questions
<p><u>Unit 4</u></p> <p><i>Criminal Justice Process-Pretrial, Trial, Sentencing, and Reform</i></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"> • List and describe the proceedings that occur before a criminal trial • Describe the plea bargaining process • Identify the due process rights that constitute a fair trial • Identify and discuss the jury in a sequestered • Identify the typical sentencing options available to the criminal court • Explain the factors that go into sentencing • Discuss the concept of prisoner's rights 	<ul style="list-style-type: none"> • What are the pretrial steps in the criminal justice process and why does each exist? • What are the criticisms of cash bail? Are current efforts at bail reform making the system more just while also protecting society from crime? • What are the arguments in favor and against the current use of “plea bargaining”? • How are jurors selected? Does this process result in an impartial jury and a fair trial? • What are the steps in a trial? • What are the rules of evidence in most

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		<ul style="list-style-type: none"> • Explain the difference between a prison and a jail • Discuss the various programs developed to deter juveniles from crime • Identify and evaluate the arguments for and against capital punishment • Analyze and discuss current Supreme Court rulings on Capital Punishment 	<p>courtrooms and how do you prepare for direct and cross examination while staying within the confines of the rules?</p> <ul style="list-style-type: none"> • What are the different philosophies of criminal sentencing? What are the different sentencing options? • What are the arguments for and against mandatory minimums? • In what ways is our criminal justice process unjust and how do we fix it?
<p><i>Unit 4: Enduring Understandings</i></p>	<ul style="list-style-type: none"> • After an arrest there are a number of procedures prior to a case going to trial. A felony case requires greater “due process” because of the risk of a more serious punishment. Defendants are given an initial hearing to determine whether they will be detained pretrial, a grand jury or preliminary hearing determines if there is enough evidence to indict a defendant, at an arraignment a defendant enters a plea, and other court hearings resolve issues pertaining to the trial. • Most jurisdictions require defendants to submit an amount of money in exchange for release prior to trial. The money is proportional to the seriousness of the crime. Critics point out the burdens this places on the poor who often are forced to sit in jail, while wealthy defendants are able to be released. Some 22 jurisdictions have done away with cash bail and use a risk assessment program to determine the likelihood of the defendant re-offending or failing to appear for trial. • Over 95% of cases result in a plea bargaining rather than a trial. Defendants often face prison sentences if found guilty as opposed to probation if they accept a plea bargain. Critics argue that harsh sentencing guidelines force defendants to plead guilty and deny them the opportunity of exercising their constitutional right to a trial. Supporters of plea bargaining point out that the courts do not have the 		

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capacity to give every defendant a trial.

- Prosecutors and defense attorneys question potential jurors who are selected randomly from tax records, lists of licensed drivers, or registered voters. Attorneys are entitled to remove a juror who has shown he or she cannot be impartial. Each side is also allowed a certain number of peremptory challenges to remove a juror for any reason. Though the Supreme Court has banned the removal of a juror because of race or gender, it is difficult to enforce
- Both sides are entitled to an opening statement. The prosecution calls witnesses and makes their case first, with the defense being able to cross examine witnesses. Once the prosecution rests, the defense may call witnesses, followed by closing arguments.
- The purpose of direct examination is for the witness to provide first hand knowledge regarding the case at hand. Therefore, to avoid any “coaching” of the witness, leading questions are forbidden. In general witnesses are not allowed to give an opinion, provide evidence that is hearsay, or speculate. During cross examination attorneys attempt to either discredit the witness or get the witness to confirm facts that help his or her case.
- There are different reasons for punishment from retribution to rehabilitation and the ebb and flow of these philosophies in American law. In making sentencing decisions, judges weigh a number of factors in determining the appropriate sentence, such as prior criminal record, intent, and cruelty.
- In the 1980s and 1990s there was a movement to get tough on crime. Legislators across the country wrote laws mandating long prison sentences for those convicted of particular crimes. This drastically increased the number of people in American prisons. Supporters argued this would mitigate racial disparities in sentences, deter would be criminals, and protect the public by incarcerating those who were a

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	<p>danger to society. Critics have argued that it has led to harsh sentences for one time offenders, forced defendants to take a plea deal rather than risk losing at trial, and taken discretion away from judges who were able to weigh the particular circumstances of a case when determining a sentence.</p> <ul style="list-style-type: none">• Though the American justice system purports to be color blind, the system is littered with racial disparities. Studies have shown significant racial disparities in the prison population, sentencing, police violence, and others. Proposed reform has been especially contentious, as seen with the recent Black Lives Matter protests in 2020. However there has been some successful efforts at reform, such as the 2018 First Step Act	
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Curriculum Unit 4	Performance Expectations		Pacing	
			Days	Unit Days
Criminal Justice Process - Pretrial, Trial, Sentencing, and Reform	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.	3	33
	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.	5	
	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.	2	
	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.	2	
	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.	4	
	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.	2	
	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		

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		regarding spending priorities, the role of government in the 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.	5	
	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.	2	
	6.1.12.CivicsPD.16.a	Construct a claim to describe how media and technology has impacted civic participation and deliberation.	3	
	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 4

Assessment Plan

1. Tests and Quizzes
2. Moot Court activities.
3. Teacher led question and response
4. verbal quizzes/ discussions

Alternative Assessments:

1. In groups students are assigned an area within the criminal justice system and read studies on racial disparities. They will summarize their findings and propose solutions in a presentation to the class. (see Washington Post 120 Studies on Racial Disparities below)
2. Create an illustrated flow chart of the Criminal Process from intake to trial.
3. Create a pre-sentencing report for a judge that includes a rationale for punishment, past criminal record, education, any mitigating or aggravating factors and what is in the best interest of society and the individual.

Resources

- Textbook, "Street Law"
<https://store.streetlaw.org/content/StreetLawSampler.pdf>
- Mock Trial Skills
<https://www.mocktrialstrategies.com/introduction-to-mock-trial/>
- Three Strikes Law Documentary
<https://www.nytimes.com/video/us/100000002579045/the-making-of-the-three-strikes-laws.html>
- Mandatory Minimums Debate
<https://idebate.org/debatabase/law-punishment/house-supports-mandatory-sentencing>

Activities

- Jury Selection Simulation- Students are assigned a persona and act as potential jurors while other students act as lawyers. The lawyers question the jurors and decide who to remove based on the assigned case. The class discusses the merits of using such a system to find an impartial jury.
- Mock Trial- Students are assigned roles (attorneys, witnesses, jurors) and participate in a mock trial involving a criminal case.
- Students will discuss the various types of sentencing options, as well alternative options to conventional sentencing choices and review cases to determine appropriate punishment. They are then asked to assess which "theory" of punishment they most adhered to.
- Debate: Students review criminal cases involving the death penalty and debate the moral, legal, financial, and social implications of the

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<ul style="list-style-type: none">• 120 Studies on Racial Disparities in Criminal Justice System https://www.washingtonpost.com/graphics/2020/opinions/systemic-racism-police-evidence-criminal-justice-system/• 2000 Sentencing Project Report on how to fix Racial Disparities https://pdfs.semanticscholar.org/4eb4/d601cab12c5dffc6b7649485bb5709de2d02.pdf• Criminal Justice Facts - Racial Disparities https://www.sentencingproject.org/criminal-justice-facts/• Brock Turner's Sentencing Revives Mandatory Minimums Debate https://www.npr.org/2016/09/03/492516923/brock-turners-sentencing-revives-mandatory-minimums-debate• Racial Disparities Summary and Possible Solutions https://www.prisonpolicy.org/scans/sp/Justice-for-All-Challenging-Racial-Disparities-in-the-Criminal-Justice-System.pdf	<p>death penalty versus alternate sources of punishment.</p> <ul style="list-style-type: none">• Watch the Nytimes documentary on Three Strikes Laws and research the arguments for and against mandatory minimums then have a debate evaluating these policies.
Instructional Best Practices and Exemplars	
<ol style="list-style-type: none">1. Identifying similarities and differences2. Summarizing and note taking3. Reinforcing effort and providing recognition4. Homework and practice5. Nonlinguistic representations	<ol style="list-style-type: none">6. Cooperative learning7. Setting objectives and providing feedback8. Generating and testing hypotheses9. Cues, questions, and advance organizers10. 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.