|  |  |
| --- | --- |
| **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** | Federal Law Enforcement and Protective Services |
| **Lesson/Unit Title** | Civil Law |
| **TEKS Student Expectations** | **130.341. (c)** **Knowledge and Skills**  (5) The student analyzes the impact of ethical and legal responsibilities relevant to federal law enforcement and protective services.  (A) The student is expected to differentiate between civil and criminal law  (B) The student is expected to analyze the impact of legal issues relevant to federal law enforcement and protective services |
| **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:   * Differentiate between civil and criminal law * Analyze the impact of legal issues relevant to security services * Analyze specific federal, state, and local laws and regulations affecting government security operations * Summarize specific juvenile laws affecting security operations |
| **Rationale** | Responsibility is one of the key factors that affect the duties of security professionals. Not only do these professionals have to be aware of the safety of themselves and their clients, they also have a responsibility for the manner in which that they fulfill their security role. |
| **Duration of Lesson** | Teacher’s Discretion |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | Refer Civil Law in Security Services Key Terms |
| **Materials/Specialized Equipment Needed** | **Materials**   * Civil Law in Security Services Key Terms * Civil Law Crossword Puzzle * Civil Law Crossword Puzzle Key * Civil Law Venn Diagram handout * Civil Law Venn Diagram with possible answers * White board/chalk board * Discussion Rubric * Individual Work Rubric * Presentation Rubric * Research Rubric * Role Play Rubric |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Use the following questions for a class discussion. Use the Discussion Rubric for assessment.   * What constitutes a false arrest? * Under what circumstances may a business detain a suspected shoplifter? * When can a security officer detain an individual for arrest? * If a security officer uses excessive force in detaining or arresting an individual, what offense has he or she committed? |
| **Direct Instruction \*** | 1. Key Terms    1. **Civil Liability** –potential responsibility for payment of damages orother court-enforcement in a lawsuit, as distinguished from criminal liability which means “open to punishment for a crime”    2. **Tort** –a civil wrong for which a private party may sue the tort feasorfor restitution    3. **Tort Feasor** –an individual who commits a tort    4. **Duty** –the obligation not to injure another person or damage anotherperson’s property    5. **Wrongful Death** –a civil court action in which it is alleged that the tortfeasor, by his or her actions, caused the death of a person    6. **Intentional torts** –willful acts, even those acts that a person honestlybelieved he or she could lawfully commit    7. **Negligence Torts** –require a violation of a standard of care, or thebreech of a duty, proximate cause, foreseeability, and damages or injuries    8. **Strict Liability** –liability without fault that normally does not involvesecurity professionals    9. **Probable Cause** –apparent facts discovered through logical inquirythat would lead a reasonably intelligent and prudent person to believe that an accused person has committed a crime, thereby warranting his or her prosecution, or that a Cause of Action has accrued, justifying a civil lawsuit    10. **Malicious Prosecution** –an action for damages brought by oneagainst whom a civil suit or criminal proceeding has been unsuccessfully commenced without Probable Cause and for a purpose other than that of bringing the alleged offender to justice    11. **Invasion of Privacy** –intrusion into the personal life of another,without just cause, which can give the person whose privacy has been invaded the right to bring a lawsuit for damages against the person or entity that intruded    12. **Assault** –refers to intentionally causing fear, or imminent, harmful, oroffensive touching, but without touching or physical contact    13. **Battery** –intentionally harmful or otherwise offensive touching ofanother person. The touching does not have to be direct physical contact but may instead be through an instrument such as a cane or rock    14. **Defamation** –injuring the reputation of another by publicly makinguntrue statements. Slander is oral defamation, while libel is defamation through written words    15. **False imprisonment** –a restraint of a person in a bounded areawithout justification or consent. False imprisonment is a common-law felony and a tort. It applies to private as well as governmental detention    16. **Trespass** –the unauthorized physical invasion of property, orremaining on the property after permission has been rescinded    17. **Intentional infliction of emotional distress (IIED)** –a tort claim ofrecent origin for intentional conduct that results in extreme emotional distress. Some courts and commentators have substituted mental for emotional, but the tort is the same. Some jurisdictions refer to IIED as the tort of outrage   II. Probable Cause   * 1. Apparent facts   2. Discovered through logical inquiry   3. Would lead a reasonably intelligent and prudent person to believe that an accused person has committed a crime   4. Warranting prosecution, or that a Cause of Action has accrued   5. Justifying a civil lawsuit  1. Criminal Law    1. Crimes are generally offenses against the state    2. Cases are prosecuted by the state    3. The prosecutor files the case in court as a representative of the state    4. Criminal cases have jail time as a potential punishment    5. Crimes must generally be proven "beyond a reasonable doubt"    6. Criminal cases almost always allow for a trial by jury    7. A defendant in a criminal case is entitled to an attorney, and if he or she can't afford one, the state must provide an attorney    8. The protections afforded to defendants under criminal law are considerable (i.e. The Bill of Rights Amendments)   IV. Civil Law   * 1. Civil cases are typically disputes between individuals regarding the legal duties and responsibilities they owe one another   2. In civil cases, the wronged party files the case   3. Civil cases generally only result in monetary damages   4. Civil cases are proved by lower standards of proof such as "the preponderance of the evidence"   5. Many civil cases will be decided by a judge   6. A defendant in a civil case is not given an attorney and must pay for one, or else defend himself or herself   V. Categories of Civil Liability   * 1. Intentional Tort      1. The defendant, or tort feasor, committed an intentional act      2. The act was wrong      3. The plaintiff suffered injuries or damages   2. Negligence Tort      1. Existence of a duty      2. Foreseeability of the likelihood of the injury occurring      3. Failure to meet a reasonable standard of care      4. Proximate results of the injury      5. Injury or damages   3. Strict Liability      1. Held liable without the need to prove an intentional act or negligence      2. High standard of care      3. Dangerous activity   VI. Civil Liability Examples   1. Assault [(Texas Penal Code Section 22.01](http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.22.htm))    1. Intentionally causes fear of imminently harmful or offensive touching    2. Without touching or physical contact 2. Battery ([Texas Penal Code Section 22.01](http://www.statutes.legis.state.tx.us/SOTWDocs/PE/htm/PE.22.htm))    1. Intentionally harmful    2. Offensive touching    3. Of another person    4. Touching does not have to be direct physical contact    5. May be through an instrument such as a cane or rock 3. Trespass [(Texas Penal Code Section 30.05](http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm))    1. Unauthorized physical invasion of property    2. Remaining on the property after permission has been rescinded 4. False Imprisonment and Kidnapping ([Texas Code of Criminal](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.13.htm) [Procedures Article 13.12](http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.13.htm))    1. Restraint of a person    2. In a bounded area    3. Without justification    4. Without consent 5. Invasion of Privacy ([Texas Civil Practices and Remedies Code](http://www.statutes.legis.state.tx.us/SOTWDocs/CP/htm/CP.15.htm) [Section 15.017](http://www.statutes.legis.state.tx.us/SOTWDocs/CP/htm/CP.15.htm))    1. Intrusion into the personal life of another    2. Without just cause    3. Gives the person whose privacy has been invaded the right to bring a lawsuit    4. Damages against the person or entity that intruded 6. Malicious Prosecution ([Texas Civil Practices and Remedies Code](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.16.htm) [Section 16.002](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.16.htm))    1. An action for damages    2. Brought by one against whom a civil suit or criminal proceeding has been unsuccessfully commenced    3. Without probable cause    4. Purpose other than that of bringing the alleged offender to justice    5. Institution of original judicial proceedings by or at the encouragement of the defendant    6. Termination in the plaintiff’s favor    7. Malice    8. Lack of probable cause    9. Damage 7. Defamation [(Texas Civil Practices and Remedies Code Section](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.73.htm) [73.001](http://www.statutes.legis.state.tx.us/Docs/CP/htm/CP.73.htm))    1. Injuring the reputation of another    2. Publicly making untrue statements    3. Slander is oral defamation    4. Libel is defamation through written words 8. Intentional infliction of emotional distress (IIED) [Civil Tort Claim]    1. Intentional conduct    2. Results in extreme emotional distress    3. Some courts and commentators have substituted mental for emotional    4. Some jurisdictions refer to IIED as the tort of outrage   *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 \*** | 1. Have the class work in small groups to brainstorm and develop guidelines or procedures as to when a security officer may detain a customer on the grounds of shoplifting, illegal skateboarding, trespassing, etc. Afterwards, have the groups present and discuss their guidelines and/or procedures. Make sure to inform the students of situations where security observed the incident occurring vs. not observing the incident occurring. Also, alert students to issues that involve when a security officer can or cannot detain a customer, which connects with observing and not observing the incident. Use the Presentation Rubric and/or the Discussion Rubric as needed for assessment. 2. Have students role play incidents (based on Activity 1). Have several students act out a situation in which a “customer” commits an illegal activity on private property or in a store (example – shoplifting, skateboarding, trespassing), and have other students act as security officers. Afterward discuss the incidents as a class. Use the Role Play Rubric and/or the Discussion Rubric as needed 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 |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Have the class complete the Legal Issues: Civil Law Crossword Puzzle to become familiar with the key terms from this unit. Use the Civil Law Crossword Puzzle Key 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** |  |
| **Summative/End of Lesson Assessment \*** | Civil Law in Security Services Exam and Key  *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  For reinforcement, the students will create a Venn Diagram illustrating the similarities and differences between civil and criminal law using the Civil Law Venn Diagram handout. Use the Civil Law Venn Diagram with possible answers and the Individual Work Rubric for assessment. |
| **References/Resources/**  **Teacher Preparation** | Introduction to Private Security: Theory Meets Practice, Cliff Roberson & Michael L. Birzer  Introduction to Security (6th Edition), Robert J. Fischer & Gion Green Investigator/Officer’s Personal Experience  The Texas Criminal Code of Procedure <http://www.statutes.legis.state.tx.us/> |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | **Cross-Disciplinary Standards**  I. Key Cognitive Skills  C. Problem Solving  1. Analyze a situation to identify a problem to be solved  2. Develop and apply multiple strategies to solve a problem |
| **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, the students will write a research paper about specific cases regarding civil law and civil rights violations. The following website may be used to spark research. Use the Research Rubric for assessment.  <http://library.thinkquest.org/11572/cc/> |
| **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)