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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** | Impact of Supreme Court Cases on law Enforcement |
| **TEKS Student Expectations** | **130.336. (c) Knowledge and Skills**(6) The student explores the U.S. legal system and the requirements for law enforcement. (B) The student is expected to analyze the impact of Supreme Court decisions such as Mapp v. Ohio, Terry v. Ohio, and Tennessee v. Garner. |
| **Basic Direct Teach Lesson**(Includes Special Education Modifications/Accommodations and one English Language Proficiency Standards (ELPS) Strategy) |
| **Instructional Objectives** | The students will be able to:* Recognize the importance of a law enforcement officer’s responsibility to stay updated on case law affecting the performance of his or her duties.
* Identify relevant facts and issues of certain Fourth Amendment cases.
* Describe the applicability of three Supreme Court cases surrounding the Fourth Amendment.
* Teach the class about a trial.
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| **Rationale** | There are certain legal requirements and procedures that law enforcement officers are required to follow. Many of these requirements stem from decisions made by the US Supreme Court. It is important for students who want to pursue law enforcement careers to understand that developments in case law can impact how officers perform their jobs. |
| **Duration of Lesson** | 3 to 6 Hours |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | Criminal Procedure – The process followed by police and courts in the apprehension, litigation, and punishment of defendantsDeadly Force – The amount of force used by a law enforcement officer that would reasonably pose a high risk of death or serious injury to another personDue Process Clause – The provision in the Fourteenth Amendment of the US Constitution stating that no state shall deprive any person of life, liberty, or property without due process of lawExclusionary Rule – A provision that excludes any illegally obtained evidence by the government from being admissible in court proceedingsFourth Amendment – Constitutional provision that provides to citizens the freedom from unreasonable searches and seizuresFruit of the Poisoned Tree Doctrine – The doctrine holding that if evidence is initially obtained in an illegal way, all subsequent evidence gathered from the unlawful manner is “poisoned,” as well. If the tree is poisoned, so is the fruit coming from itSearch – The exploration or examination of an individual’s home, vehicle, or person by a law enforcement officer to obtain items that may be used by the government in court proceedings as evidenceSeizure – The taking, by law enforcement officers, of potential evidence in a criminal case. Also applies to the exercise of dominion over a person or thing because of a law violation (i.e. stopping, deterring, or arresting a person)Stop and Frisk – A police practice, based on reasonable suspicion, giving a law enforcement officer the ability to stop an individual in a public place, to ask questions to determine whether that person has or is about to commit a crime, and to frisk that person for weapons if the officer is reasonably concerned for his or her own personal safetyUse of Force – The degree of force to be used for a given situation |
| **Materials/Specialized Equipment Needed** | * Impact of Supreme Court Cases on law Enforcement Key Terms
* Fruit of the Poisonous Tree Doctrine Worksheet and Key
* Computer with Internet Access
* Computers with computer-based presentation software
* Video cameras (optional)
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | Recite the Fourth Amendment:*“The right of the people to be secure in their persons, houses, papers, and* *effects, against unreasonable searches and seizures, shall not be violated, and* *no Warrant shall issue, but upon probable cause, supported by Oath or* *affirmation, and particularly describing the place to be searched, and the* *persons or things to be seized.”*Ask the students the following questions to inspire a class discussion:* What words or phrases in the Fourth Amendment need to be clarified? (*unreasonable, searches, seizures, secure in their persons, houses,* *papers and effects, probable cause, violated*)
* Can an officer search for evidence in the trash that you put on the curb without a warrant? (*Yes, you don’t have a protected privacy in trash you* *put out on curb; Kentucky v. King*)
* Can an officer enter and search your house, without a warrant, after knocking and announcing when he or she smells marijuana burning and hears evidence being destroyed? (*Yes, since garbage bags that have* *been placed outside are “readily accessible to animals, children, scavengers, snoops, and other members of the public,” there should be no reasonable expectation of privacy when it comes to their contents; California v. Greenwood)*

Use the Discussion Rubric for assessment. |
| **Direct Instruction \*** | 1. Criminal Procedure
	1. Purpose
		1. Protect citizens
			1. Before arrests
			2. During arrests
			3. After arrests
		2. Protect law enforcement officers
			1. From liability
			2. In obtaining admissible evidence
		3. Specific methods and limitations
	2. Location
		1. Federal Statutes
			1. U.S. Code Title 18: Crimes and Criminal Procedure
		2. State Statutes
			1. Texas Code of Criminal Procedure (CCP, Art. 39.14)
		3. Case Law
			1. From federal court decisions
			2. From state court decisions

II. Fourth Amendment* 1. “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable reaches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”
	2. Search and Seizure
		1. Search – the exploration or examination of an individual’s home, vehicle, or person by a law enforcement officer to obtain items that may be used by the government as evidence in court proceedings
		2. Seizure – the taking, by law enforcement officers, of potential evidence in a criminal case. Also applies to the exercise of dominion over a person or thing because of a law violation (i.e. stopping, deterring, or arresting a person)
	3. When the Fourth Amendment applies
		1. An individual is stopped by an officer for questioning while walking down the street
		2. An individual is stopped by an officer in a vehicle for a traffic violation
			1. Search of vehicle
			2. Questioned by officer
		3. An individual is arrested
		4. An officer enters an individual’s residence to place him/her under arrest
		5. An officer enters an individual’s residence to search for evidence of a crime
		6. An officer enters a place of business to search for evidence of a crime
		7. An officer takes possession of an individual’s vehicle or personal property and places it under police control
	4. Requirements
		1. Search Warrant
			1. A written order issued by a magistrate and directed to a peace officer to look for property/evidence
			2. Peace officers must have probable cause to request search warrants
			3. Exceptions to search without a warrant (A COP IS ME)
			4. **A**bandonment
			5. **C**onsent
			6. **O**pen view/plain view
			7. **P**ublic place
			8. **I**nventory
			9. **S**earch incident to arrest
			10. **M**obile Doctrine
			11. **E**xigent Circumstances
1. *Mapp v. Ohio (1961)*
	1. Facts of the Case:
2. Police went to Dollree Mapp’s home to look for a bombing suspect thought to have bombed Don King’s home.
3. Ms. Mapp asked for the search warrant, which they did not have.
4. Police returned and forced their way into Ms. Mapp’s home.
5. Ms. Mapp asked to see the warrant.
6. Officer waived a piece of paper.
7. Ms. Mapp grabbed paper and put it down her shirt.
8. The paper was not a warrant, but police searched her house anyway.
9. They found the suspect but did not find any evidence pertaining to the bombing.
10. They also found pornography (which was illegal at the time).
11. She was charged with possession of obscene material (even though it did not belong to her).
12. Ms. Mapp was convicted and appealed the case to the US Supreme Court.
	1. Issue Addressed by the Supreme Court:
13. Did the exclusionary rule apply to the states? And may evidence obtained through a search in violation of the Fourth Amendment be admitted in a state criminal proceeding?
14. Exclusionary Rule – a provision that excludes any illegally obtained evidence by the government from being admissible in court proceedings
	1. Rule Established by the Court’s Decision:
15. The court found that "all evidence obtained by searches and seizures in violation of the Constitution is, by [the Fourth Amendment], inadmissible in a state court"
16. Using the Fourteenth Amendment, the court extended the exclusionary rule to all levels of government, not just the federal government
	1. Application of the Finding:
17. Any evidence obtained unlawfully is inadmissible in court
18. Fruit of the Poisonous Tree Doctrine
19. Established in *Silverthorne Lumber Co. v. US (1920)*
20. The doctrine holding that if evidence is initially obtained in an illegal way, all subsequent evidence gathered from the unlawful manner is “poisoned,” as well. If the tree is poisoned, so is the fruit coming from it.

IV. *Terry v. Ohio (1968)** 1. Facts of the Case:
		1. Plain-clothes police officer observed the Defendant and two other men suspiciously loitering near a store.
		2. Officer believed they were “casing a job, a stick-up”.
		3. Officer stopped the men and frisked them.
		4. Two of the men were armed.
		5. Defendant was convicted of carrying a concealed weapon.
	2. Issue Addressed by the Supreme Court:
		1. Did the warrantless search of the three men violate their Fourth Amendment protection against unreasonable searches and seizures?
	3. Rule Established by the Court’s Decision:
		1. The search was reasonable, and the weapons seized could be introduced as evidence
		2. The court found that "a reasonably prudent man would have been warranted in believing [Terry] was armed and thus presented a threat to the officer's safety while he was investigating his suspicious behavior"
	4. Application of the Finding:
		1. Stop and Frisk – a police practice, based on reasonable suspicion, giving a law enforcement officer the ability to stop an individual in a public place, to ask questions to determine whether that person has or is about to commit a crime, and to frisk that person for weapons if the officer is reasonably concerned for his or her own personal safety
		2. This type of search is known as a *Terry* stop

V. *Tennessee v. Garner (1984)** 1. Facts of the Case:
		1. Police went to answer a “prowler in the house” call.
		2. Upon arrival, the resident pointed in the direction where the suspect fled.
		3. Police saw no sign of the suspect having a weapon.
		4. Police called out for the suspect to halt.
		5. Suspect continued to flee by climbing over a fence.
		6. Police officer shot the suspect in the back of the head, which later killed him.
	2. Issue Addressed by the Supreme Court:
		1. Is the use of deadly force to stop a suspected unarmed fleeing felon unconstitutional?
	3. Rule Established by the Court’s Decision:
		1. “The Fourth Amendment prohibits the use of deadly force unless it is necessary to prevent the escape of a fleeing felon and the officer has probable cause to believe that the suspect poses a significant threat of violence to the officer or the community”
		2. Killing a fleeing suspect is a “seizure” under the Fourth Amendment
	4. Application of the Finding:
		1. The police may not “seize” an unarmed, non-dangerous suspect by shooting him dead
		2. Deadly force – the amount of force used by a law enforcement officer that would reasonably pose a high risk of death or serious injury to another person

*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 \*** | Fruit of the Poisonous Tree Doctrine Worksheet – Have the students complete the Fruit of the Poisonous Tree Doctrine worksheet. Guide a class discussion regarding the scenarios. Use the Discussion Rubric for assessment.“Search and Seizure: *Mapp v. Ohio*” Video Activity – Watch the video at: The Constitution Project: Search and Seizure – *Mapp v. Ohio* (25 min.) available from Annenberg Classroom: The video includes an interview from Dolly Mapp. Guide the students through Annenberg Classroom Video Study Questions Guide for Teacher. You may provide students with Video Study Questions to record answers obtained through discussion. Use Discussion Rubric 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 \*** | Group Video Presentation – Have the class divide into three groups. Assign each group one of the three cases from this lesson. Have the students conduct research and prepare a video presentation to educate the rest of the class about their cases. The video presentation may be a reenactment of the facts or a reenactment of the court proceedings. (The actual court proceedings may be heard using www.oyez.org.) Present the videos to the class. (If video cameras are not available, use a computer-based slideshow presentation instead.) Use the Presentation Rubric 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** | None |
| **Summative/End of Lesson Assessment \***  | * Impact of Supreme Court Cases on Law Enforcement Quiz and Key
* Discussion Rubric
* Individual Work Rubric
* Presentation Rubric
* Research Rubric

*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, students will define and illustrate key terms in a journal. Use the Individual Work Rubric for assessment. |
| **References/Resources/****Teacher Preparation** | * Del Carmen, Rolando V. *Criminal Procedure: Law and Practice*. (8th edition) Wadsworth, 2009.
* U.S. Code Title 18: Crimes and Criminal Procedure

[http://uscode.house.gov/browse/prelim@title18&edition=prelim](http://uscode.house.gov/browse/prelim%40title18%26edition%3Dprelim) * Texas Code of Criminal Procedure (CCP, Art. 39.14) <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.39.htm>
* <http://www.law.cornell.edu/>
* [www.oyez.org](http://www.oyez.org)
* <http://www.annenbergclassroom.org/>
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| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | **English/Language Arts Standards**1. Research
2. Formulate topic and questions.

 2 Explore a research topic.C. Produce and design a document.1 Design and present an effective product.2 Use source material ethically. |
| **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, students will research the following cases and how they impact the daily duties of law enforcement officers. Students will write a research paper about how those cases have shaped history and continue to impact us today.* *Miranda v. Arizona*
* *Katz v. U.S.*
* *Carroll v. U.S.*
* *Chimel v. California*
* *U.S. v. Ross*
* *Whren v. U.S.*

Use 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)