|  |  |
| --- | --- |
| **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** | Victims’ Rights |
| **TEKS Student Expectations** | 130.336. (c) **Knowledge and Skills**  (9) The student analyzes law related to victims and witnesses.  (A) The student is expected to analyze the rights of victims of crimes and witnesses to crime laws such as the Victim and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Victims Rights and Restitution Act, the Child Victims Bill of Rights of 1990, and the Victim Rights Clarification Act of 1997 |
| **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   * analyze the rights of victims of crimes and witnesses to crime laws, such as the Victim and Witness Protection Act of 1982, the Victims of Crime Act of 1984, the Victim’s Rights and Restitution Act, the Child Victim’s Bill of Rights of 1990, and the Victim Rights Clarification Act of 1997; and * research state and federal laws related to the witness protection program. |
| **Rationale** | Students in law enforcement will encounter victims of crime and need to be able to relay the rights afforded them under state and federal laws. |
| **Duration of Lesson** | 3 hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | See outline for vocabulary |
| **Materials/Specialized Equipment Needed** | * Computers with Internet access * Brochure materials (computers with desktop publishing software or paper, colored pencils, etc.) |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | Essential Question  What rights are afforded to the victims of crime?  Engage  Show students the Victim’s Voices- Constitutional Amendment Video at <http://archive.org/details/gov.doj.ncj.213808>.  Use the following questions for a class discussion   1. What is the importance of victims’ rights? 2. What are the main points of the video? 3. Why is it important for victims to have a voice? 4. Does the Criminal Justice system favor victims or offenders?   Lead students to discuss the injustices discussed in the video.  Upon completion of the discussion above, divide the class into two groups to debate the following question: Should the U.S. Constitution be amended to address/regulate victims’ rights, or should each state be allowed to adopt its own victims’ rights laws? Use the Discussion Rubric and Debate Rubric as needed for assessment. |
| **Direct Instruction \*** | **Key Points**   1. Laws Affecting Victims’ Rights   A. Victim and Witness Protection Act of 1982   * + 1. Protects and assists victims and witnesses of federal crimes        1. Allows for Victim Impact Statements at sentencing, including information about the financial, psychological, or physical harm suffered by the victim        2. Provides restitution for the victims        3. Prevents victims or witnesses from being intimidated by threatening verbal harassment        4. Establishes penalties for retaliation against testifying        5. Provides victims with notification of criminal proceedings           1. Arrest of accused           2. Times of court appearances           3. Release and detention of accused           4. Victim’s opportunity to address sentencing court        6. Consultation of victims at proposed dismissals and plea negotiations     2. No disclosure of name and address of witnesses and victims  1. Victims of Crime Act of 1984    1. Created federal victims’ compensation account funded by fines assessed in federal criminal convictions    2. Established provisions to assist state programs that compensated victims of crime    3. Established crime victims’ fund collected through U.S. convictions    4. Distributed U.S. funds to the states    5. Losses not covered       1. Stolen or damaged property       2. Pain and suffering       3. Crime scene cleanup       4. Relocation       5. House payments       6. Rent       7. Utilities       8. Food or clothing costs       9. Tuition reimbursement       10. Monetary losses from investment schemes    6. Created crime victims’ legal assistance grants       1. Director may issue grants to institutions to develop, establish, and maintain programs for enforcement of crime victims’ rights to the following entities          1. States          2. Tribal and local prosecutor’s offices          3. Law enforcement          4. Courts          5. Jails and correctional institutions    7. Established crime victims’ rights – the right to       1. Be reasonably protected from the accused       2. Reasonable, accurate, and timely notice of public proceedings involving the crime, or any release or escape of the accused       3. Not be excluded from any such public proceeding       4. Be reasonably heard at any public proceeding involving release, plea, or sentencing       5. Confer with the attorney for the government in the case       6. Full and timely restitution as provided by law       7. Be free from unreasonable delay in proceedings       8. Be treated with fairness and respect for the victim’s dignity and privacy 2. Victims’ Rights and Restitution Act of 1990    1. Was introduced in a session of Congress, but was not enacted    2. Requires all federal law enforcement agency officers and employees to make their best efforts to accord victims of crime with the right to       1. Be treated with fairness and respect for the victim's dignity and privacy       2. Be protected from their accused offenders       3. Notification of court proceedings       4. Attend public court proceedings related to the offense under certain conditions       5. Confer with the government attorney assigned to the case       6. Restitution       7. Information about the conviction, sentencing, imprisonment, and release of the offender    3. Directs federal law enforcement agency heads to designate the persons responsible for identifying the victims of a crime and providing certain services to such victims such as       1. Informing them where to receive medical care and counseling       2. Arranging protection from an offender       3. Keeping the victim informed of developments during the investigation and prosecution of the crime and after the trial such as the arrest of a suspected offender or an escape of a convicted offender    4. Revises federal criminal code provisions regarding orders of restitution    5. Requires federal courts to order convicted criminals to pay restitution to cover the full amount of the victim's losses without consideration of the economic circumstances of the offender or the fact that a victim has received or is entitled to receive compensation with respect to a loss from other sources (currently orders of restitution are discretionary)    6. Authorizes federal courts to order restitution for any person who, as shown by a preponderance of the evidence, was harmed physically, emotionally, or pecuniarily by the unlawful conduct of the defendant during the crime    7. Amends the federal bankruptcy code to prevent orders of restitution from being discharged as a result of bankruptcy   D. Child Victims’ Bill of Rights of 1990 – the right to   * 1. Have proceedings explained in simple terms   2. Have a victim’s advocate present at prosecutorial or defense interviews (if the child is a victim of sexual assault, violent crimes, or child abuse)   3. A secure waiting area and a support person during court   4. Not have name, address, or photo released to any agency outside of the criminal justice system   5. Allow an advocate to inform the court of the child’s ability to   understand the proceedings   * + 1. Allow the advocate to make a recommendation to the prosecutor about the child’s ability to cooperate with the prosecution and the potential effects of the prosecution upon the child     2. Provide information and referrals to agencies to assist the child and the family in dealing with the emotional impact of the crime and legal proceedings     3. Allow an advocate to be present in court to provide emotional support for the child during testimony     4. Inform the court as to the need to have other supportive persons present during the child’s testimony     5. Allow law enforcement agencies to enlist the services of other professional staff trained to interview child victims   1. Victim Rights Clarification Act of 1997 (VRCA)      1. Clarifies the existing federal law that allows victims to attend a trial and appear as an impact witness during the special sentencing phase for capital and noncapital crimes      2. The victim cannot be prevented from attending a federal criminal trial based on the fact that he or she is expected to testify at the sentencing phase of the trial      3. The victims of crimes can include family members of deceased victims, and permits certain family members to be present during capital trials   2. Crime Victims’ Compensation Act      1. Accrues money from the following sources         1. State court costs         2. Parole fees of $8/month         3. Donations         4. Subrogation         5. Federal Victims of Crime Act grants         6. Restitution      2. Benefits payable up to $50,000 with an additional benefit of $75,000 for permanent disability      3. Eligibility         1. Crime occurs in Texas         2. Victim resides in Texas         3. Crime must be reported within a reasonable amount of time         4. Victim must file for benefits within 3 years of the date of the crime         5. Claim may be reduced/denied if the victim has not cooperated with the investigation/criminal proceedings  1. Witness Protection Program    1. Introduced in 1970 in the Organized Crime Control Act    2. Relocation and protection of witness(es) or potential witness(es) 2. Protected against intimidation before they testify, or criminal retaliation after they testify 3. Relocated and provided with new identities and documents 4. Protection provided by U.S. Marshals for the security, health, and safety of the witnesses 5. Protection provided for the witnesses and their immediate dependents 6. Testimony against drug traffickers, terrorists, organized crime, and other major crimes 7. Amended by the Comprehensive Crime Control Act of 1984 8. Relocated persons can have no contact with persons from their past 9. U.S. Code Title 18, Part II, Ch 224, Sec 3521 Witness Relocation and Protection (http://uscode.house.gov/download/pls/18C224.txt)    1. Administered by the Attorney General    2. Persons protected       1. Provides relocation and protection for the federal and the state government       2. Protects witnesses to organized crime, serious offense of violence directed at witness in Offenses under Ch. 73, and state offenses similar in nature       3. Protection and relocation of the witnesses and their immediate families or persons otherwise closely associated, or persons who may be endangered on account of the participation of the witnesses in the judicial proceedings    3. Provisions       1. Provide suitable documents to enable a person to establish a new identity or otherwise protect the person       2. Provide housing       3. Provide transportation of household furniture and other personal property to the new residence       4. Provide payment of basic living expenses       5. Provide employment assistance       6. Provide payment of medical expenses/care       7. Provide job training       8. Provide other service necessary to assist the person in being self-sustaining    4. Disclosure       1. Weigh the danger against the benefit of disclosure before disclosing the location/identity of the protected person       2. With a court order, and without delay, disclosure to officials includes          1. Identity          2. Location          3. Criminal records          4. Fingerprints       3. A request is made because       4. The protected person is under investigation or       5. Has been arrested/charged with a crime of violence or       6. Has been arrested/charged with an offense punishable by more than one year in prison    5. Provide the confidential identity/location of the person who is subject to the regulation requirements as a convicted offender 10. Prior to protection, the Attorney General obtains information to determine the suitability of the person for the program     1. Criminal history     2. Psychological evaluation     3. Written assessment        1. Need for the testimony is weighed against the risk of danger        2. Alternatives to protection are evaluated        3. Determine if testimony from other sources can be secured        4. Determine the importance of the testimony        5. Weigh whether or not protection would infringe upon the relationship between a child being relocated and his or her parents not being protected        6. Will not protect if the potential for harm to innocent victims outweighs the need for a person’s testimony     4. Prior to program entry a memorandum of responsibilities is presented to the witness. A memorandum is completed for each person 18 years of age and older        1. The witness must agree to the following:           1. To testify and provide information to law enforcement           2. To commit no crime           3. To take all of the necessary steps to avoid detection by others           4. To comply with all reasonable requests of the government providing the protection           5. To comply with legal obligations and civil judgments           6. To designate another to be an agent for service of the process           7. To make a sworn statement of all legal obligations, including child custody and visitation           8. To disclose any parole and probation responsibilities   To inform the government of activities and current address   * + - * 1. The government may provide temporary protection if the threat of harm is imminent         2. The government may terminate the protection for a breach of the memorandum  1. Texas Laws for Witness Protection    1. Address Confidentiality Program (ACP)       1. Keeps the address confidential       2. Provides a substitute PO Box and free mail forwarding       3. Allows the PO Box address to be used for Driver’s license, voter registration, and school registration       4. Agencies that are not required to accept ACP addresses          1. Banks          2. Credit companies          3. Private utilities companies    2. Eligibility requirements       1. Victims of family violence, sexual assault, or stalking       2. A member of the participant’s household       3. Must keep the address confidential       4. Victim must meet with the advocate to develop a safety plan       5. Must be a Texas resident or a victim that is relocating to Texas    3. The application process       1. The victim must meet with a local domestic violence shelter, sexual assault center, law enforcement agent, or prosecutor to discuss the safety plan       2. The safety plan is a checklist used to assess the risk and identify the actions that increase safety for the victims          1. The safety plan includes             1. Important telephone numbers for law enforcement, help lines, and community resources             2. An outline with specific strategies for avoiding the offender and for getting help when needed          2. Must be renewed every three years          3. Must notify the Office of the Attorney General of an address change 10 days prior to moving    4. Disclosure of address       1. Law Enforcement       2. Department of Family Protective Services       3. Department of State Health    5. Cancellation of benefits       1. Knowingly makes a false statement on the application       2. Forwarded mail is undeliverable at least four times       3. If the name or the true residence address is changed and notification is not sent 10 days prior to moving   *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. Video Discussion (optional). Watch and discuss videos related to Victims’ Rights. To find videos do an Internet search for the following:    * 2009 NCVRW Theme video    * Witness Protection Program video   **Accommodations for Learning Differences**  For reinforcement, students will research each of the laws discussed to gain a better understanding of each of them. Students may create a timeline establishing the progression in Victims’ Rights. Use the Writing 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 \*** | 1. Victim Impact Statements. Have students read about Victim Impact Statements (VIS) at http://www.ncvc.org/ncvc/Main.aspx. Then have students research and select a crime and then write a VIS based on the crime they choose; whose voice they write it from is optional. Then have the students read their VIS to the rest of the class who will act as jurors. The students acting as jurors will make a sentencing judgment based on the VIS presented to them. Use the Victim Impact Statement: Persuasive Essay Rubric for assessment. 2. Witness Protection Program Brochure. Have students research state and federal witness protection programs. Then have each student create a brochure outlining the Witness Protection Program. Have students imagine that their brochure will be given to victims who are in danger and need to be placed in the program. It should be informative and reassuring. Use the Witness Protection Program Brochure 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** | Have students present Witness Protection Program Brochures. Lead students to discuss the presentations. |
| **Summative/End of Lesson Assessment \*** | **Assessments**   * Victims’ Rights Exam and Key * Victim Impact Statement: Persuasive Essay Rubric * Witness Protection Program Brochure Rubric * Debate Rubric * Discussion Rubric * Writing Rubric   *Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*  none |
| **References/Resources/**  **Teacher Preparation** | Missouri Department of Public Safety  [www.dps.mo.gov/dir/programs/cvsu/voca.asp](file:///C:\Users\Michelle\Downloads\www.dps.mo.gov\dir\programs\cvsu\voca.asp)  National Criminal Justice Reference Service  <https://www.ncjrs.gov/ovc_archives/ncvrw/2008/pdf/landmarks.pdf>  H.R. 5368 (101st): Victims’ Rights and Restitution Act of 1990  <http://www.govtrack.us/congress/bills/101/hr5368>  Voices of Victims: Constitutional Amendment (9:48 minutes)  <http://archive.org/details/gov.doj.ncj.213808>  Do an Internet search for the following:   * library index victims of crime federal actions * Child Victims Bill of Rights; Kitsap County, Washington * Andrew Alpert * legal dictionary free * 2009 NCVRW Theme video * Witness Protection Program video |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | **English/Language Arts Standards**   1. Research   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 write their own Victims’ Rights law that will impact Victim’s Rights as we know them. The new bill needs to include a specific need of the victims and address how that need can be resolved. Use the Writing 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)