

Law and Social Justice

A-G Submission outline

April, 2016

Law and Social Justice, (a Career and Technical Education course) will have students analyze, evaluate, and learn the best practices within the criminal justice system in American society, while exploring possible career options in law enforcement, politics, and the courts. Students will explore in detail how laws are created in our local, state, and federal legislatures, how laws are enforced and investigated, how violators of law are prosecuted, and how those found guilty navigate the prison system.

1st SEMESTER

Unit I – Justice and Law (3 - 4 weeks)

Unit I will explore the essential questions:

- What is justice?
- Who defines justice?
- How is justice different than revenge?
- How is justice different in the U.S. from other societies around the world?
- How can American society balance the need to maintain law and order and the need to preserve the civil liberties of citizens?
- How are laws created in a democratic society?
- What laws are necessary to maintain law and order in a democratic society?

Unit I is an overview of two powerful ideas in American society: Justice and Law. Moreover, students will need an overview and exposure to how laws are created in the U.S. as most students will not have yet taken the required American Government course taught in 12th grade. Students will reflect and understand basic democratic theories, evaluating the tension between a free society and a secure society.

Key Assignment for Unit I - Students in groups will answer the question "What is a Just Law?" This work will begin by students reflecting on and defining justice. Students will continue by analyzing past and present law, and then creating their own just law. Student groups will present their laws to the class who will evaluate whether the law is necessary, how it will be enforced and funded, and finally, whether the law is just.

Unit II – Enforcing Law (7 weeks)

Unit II will explore the essential questions:

- How are police departments formed and funded?
- How do police departments operate on a daily basis?
- How are Citizen Review Boards created and how do they work with police departments?
- Who becomes a police officer? How are they trained? What are the minimum requirements? What **should** be the minimum requirements?
- What are the best practices in training of police officers and the tools and weapons they possess?
- What are the best practices in enforcing the law?

In Unit II, students will analyze the history of law enforcement in the U.S. and the current best practices. This will include understanding how police departments are formed, funded, and evolve overtime. Moreover, students will critique the need for law enforcement to exist in a democratic society, while acknowledging that police departments have not always performed in ways that uphold the individual rights of citizens guaranteed in the U.S. Constitution. Moreover, students will analyze the reasons why crime occurs and what causal techniques police departments can employ to keep crime under control.

Key Assignment of Unit II - Students will research and analyze multiple police departments throughout the United States, comparing and contrasting the hiring requirements, budgets, size, and philosophy of law enforcement. Additionally, students will evaluate other democracies throughout the world, evaluating such as in the U.K. whether police always need to be armed in order to be effective. This work will culminate in a "Case Study" of a police department, evaluating a specific police department in order to better understand the functions and operations.

Unit III – Juveniles and the Police (2-3 weeks)

Unit III will explore the essential questions:

- When do juveniles interact with the police and how are these interactions different than with adults?
- What is “juvenile delinquency” and why is a juvenile justice system necessary?
- When is it necessary to arrest a juvenile?
- How can police departments take on a proactive role with juveniles? How can School Resources Officers at high schools help with this goal?

Unit III is a pivot from the overarching criminal justice system to explore, evaluate, and critically analyze the traditional and historic relationship between juveniles and the police. Students will first explore the history of legally defining American citizens under the age of 18 as a minor. Work will continue to understand the role of parents and parental rights and responsibilities. The primary goal of the “mini-unit” is for students to understand how police and police departments interact with youth as they approach adulthood.

Key Assignment for Unit III – Students will learn basic methodologies in surveys and statistics. Groups of two to three students will develop a survey to be given to students to measure teen attitudes toward police officers. This information will be analyzed and report out at a final symposium to compare and contrast results.

Unit IV – Investigating the Violation of Law (7 weeks)

Unit IV will explore the essential questions:

- What are citizens' rights when being investigated for a crime? Where and how does the 4th Amendment apply?
- How does law enforcement effectively investigate violations of law while protecting citizens' constitutional rights?
- What exactly probable cause?
- How does race and class impact the investigation of law?
- What violations of the law take priority? How does this change depending on city / police department size?

Unit IV will take students from the moment that law enforcement acknowledges that a violation of the law has taken place, distinguishing between a misdemeanor or felony, through the process of investigating that violation, and eventually handing over that investigation to prosecutors. Specifically, students will critically analyze the tension between law enforcement's goal of maintaining order and American society's legacy of due process, civil liberties, and individual rights and freedoms. Furthermore, students will evaluate case law around 4th Amendment rights against unreasonable search and seizures, probable cause, and scope of warrants.

Key Assignment of Unit IV (and Semester I) - Working in groups of two to three, students will create their own Police Department. They will work with a budget in a fictional city to meet the needs of a specific heterogeneous population. Groups will have to decide the following:

- How many police officers will they need and can afford?
- What will be the required educational level?
- What support staff will they hire?
- What will be the salary and benefits of the force?
- What will be the physical layout of the police department? What is necessary for a properly functioning department?
- Given that police departments need to be staffed 24 hours per day, what will the typical shift and schedule of police officer look like?
- Will the police department need to work with a Civilian Review Commission? Who will police the police?

Groups will present their departments with a **visual** (PowerPoint, 3 dimensional model) and **summary report** to the class and to possible members of the community, including local law enforcement.

2nd SEMESTER

Unit V – The Pursuit of Justice: Prosecution of Law (7 weeks)

Unit V will explore the essential questions:

- How does the Constitution provide protections for people charged with a crime?
- How has the 5th and 6th Amendments impacted and influenced our court system?
- What are the limitations of Constitutional protections in criminal trials?
- When and how are grand juries used?
- Is justice in criminal trials equitable in terms of race and class?
- What constitutes a fair trial?
- How has the Criminal Justice System impacted by politics?
- How do professionals support the criminal trial process?

Unit V will have students analyze the shift in the enforcement of law by the police to the prosecution of law by district attorneys and representatives of the state. Additionally, students will evaluate the outcomes of a criminal trials considering the access to counsel, whether privately obtained defense attorney or publicly appointed defender. A specific assignment within this unit will be to evaluate the 1963 landmark case *Gideon vs. Wainwright* which set up the right to counsel in a felony criminal trial. This analysis will continue with evaluation of the difference in public defender systems between different cities and states.

Key Assignment of Unit V - Students will conduct a mock criminal trial. After reflecting on their own perceptions of the criminal justice system, students learn about the roles played by defenders and prosecutors in that system, and decide whether they would like to be part of a team of prosecutors or defenders for the case. Additionally, students will learn about peripheral yet crucial roles and careers within a criminal court system.

Students explore the code of conduct and ethical guidelines that lawyers must follow and how this code might guide their work in the role of criminal lawyers. They are then assigned to one of four legal teams and receive a case file containing documents related to their crime. After reviewing their case file and witness affidavits, legal teams begin to develop a legal strategy. They prepare a theory of the case, in the process learning about syllogisms and legal reasoning, and apply the law to the facts of their case. After learning about the qualities of effective opening statements, teams develop an opening statement for their trial. Students learn about effective direct and cross-examination, and identify general and leading questions. Legal teams prepare their arguments and questions for trial. They participate in workshops based on significant issues related to their case. After considering how the rules of evidence shape the evidence that a jury may see and hear, teams practice using them to enhance their case. Students consider different perspectives on the role of a jury and are assigned to play either jurors or courtroom staff for the other teams' case. Students conduct both trials with a judge presiding. After jury deliberations, students step outside their roles and reflect on ways in which access to resources, the role of the jury, and the difficulty of prosecuting certain corporate crimes shape the equity of the criminal justice system. If possible, attorneys and judges should be invited in to work with students on the mock trial.

Unit VI – Juveniles and the Courts (2-3 weeks)

Unit VI will explore the essential questions:

- What happens when a minor violates law designed for adults?
- When, if ever, should a juvenile be charged as an adult?
- What is “juvenile delinquency” and why is a juvenile justice system necessary?
- What are the current goals of the juvenile justice system?
- How much rehabilitation vs. punishment should be considered when minors violate the law?
- Do proactive strategies work better with youth than with adult offenders?
- What careers exist within the juvenile justice system?

Unit VI is a pivot from the overarching criminal justice system to explore, evaluate, and critically analyze juvenile interaction with the courts and juvenile detention centers. The unit will consider the new and evolving best practices regarding the traditional “juvenile hall”, evaluating how programs focus on rehabilitation vs. punishment alone. Additionally students will assess what populations of youth are more at risk of entering the juvenile justice system and what can be done to prevent youth from entering.

Students will additionally explore the careers in the juvenile justice system, including parole and probation officers and work within school systems that promote proactive and preventative strategies.

Key Assignment for Unit VI – Students will evaluate restorative justice and youth courts not only at local level, but other high schools in the immediate area. The key goal not only for this unit, but for the semester is for students to launch a Youth Court at Berkeley High where students who violate school rules are evaluated by other students instead of the traditional “detention” or “suspension” from school.

Unit VII – Conviction, Punishment, Rehabilitation (6 weeks)

Unit VII will explore the essential questions:

- How do theories of punishment and rehabilitation inform the U.S. correctional system?
- How do strategies used within the corrections system reflect different value systems and approaches to crime?
- Who is in prison? In terms of class? In terms of race?
- What impact do different sectors of the legal landscape have on the correctional system?
- How does funding (state vs. federal) impact the prison system and when do conditions deteriorate to levels declared unconstitutional?
- Do private prisons violate the Constitution?
- What is the legal precedent for "cruel and unusual" punishment? Should the death penalty be abolished?
- What are the best practices for prisoner re-entry into society and what can be done to limit recidivism rates?

In Unit VII, students will begin with the history of the prison system in the United States. Students will then critical analyze the current state of prisons, circulating around to the original question of the course: what is justice? Or more specifically, when is justice served?

Students will evaluate and discuss the goals of punishing and rehabilitating criminals and maintaining the social order inform the U.S. corrections system, the balance between them shifts according to changing political, social, and economic priorities. Students will additionally evaluate current case law pertaining to prison overcrowding and the legality of solitary confinement. Students will differentiate the correctional strategies, such as incarceration, probation, parole, health treatment, victim-offender dialogue, and capital punishment. Students will discuss how legal, legislative, public, and bureaucratic advocacy are all used to drive corrections reform efforts, but that perspectives and priorities vary among different stakeholders. Moreover, students will critically analyze prison reentry programs and procedures evaluating job and housing assistance programs, evaluating such policies as having the felony check box on job applications or the requirement to register as a sex offender after time is served.

Finally, students will analyze how professionals can engage in advocacy to make sentencing, probation, incarceration, parole, and re-entry more just.

Key Assignment for Unit VII - Working in groups of two to three, students will create their own “punishment and rehabilitation centers”, reimagining and redesigning a typical prison. They will work with a budget and with specific heterogeneous population. Groups will have to decide the following:

- What will the prison look like? How much land will be needed?
- What will budget look like?
- What physical components are necessary to maintain safety and control of inmates?
- How will your prison balance punishment and rehabilitation?
- What will your prison do to lower recidivism rates?
- How will inmates be arranged?
- As a state prison, how will your prison deal with the issues of solitary confinement and the death penalty?
- How will prison staff be trained?
- How will the physical and mental health of the inmates be taken care off?

Groups will present their prisons with a **visual** (PowerPoint, 3 dimensional model) and **summary report**.

Unit VIII – Topics & Issues in the Criminal Justice System (6 to 8 weeks)

Unit VIII will explore the essential questions:

- Who is responsible for assessing and responding to issues or problems in the criminal justice system?
- How can a focus on social justice influence strategies for improving the criminal justice system?
- What skills help youth and professionals develop innovative solutions to address problems in the criminal justice system?

Unit VIII, the last of the course, will culminate in students applying what they have learned throughout the year to:

- identify a criminal justice issue within the larger community
- identify the stake holders surrounding that issue
- work with each other and stake holders to brainstorm solutions and action plan to address the community issue

Students will communicate with policymakers, practitioners, advocacy groups, and individuals that have a role in developing and enacting reforms that make the criminal justice system more effective and just. Student will further envision and communicate a focus on social justice designed solutions to influence the policies and programs by addressing both causes and consequences of problems in the criminal justice system. Finally, students suggest strategies that youth and professionals can develop and innovative solutions to criminal justice problems by conducting thorough research, listening to community members, and designing and implementing an action plan that would ultimately affect the criminal justice system.

The Key Assignment for Unit VIII involves creating an innovative action plan to address a problem in criminal justice as identified by student teams. After selecting and researching their problem, students revisit the relationship between social justice and criminal justice, and consider how each perspective might inform their proposed action plan. Students continue exploring how advocacy organizations, professionals, community members, and individuals are currently engaged in addressing the problem they identified. Students discuss organizations that are working to address similar problems in the criminal justice system. They explore different types of innovations, learn about the requirements for the action plan, and design an innovation to address their chosen problem. Upon completion of their action plan, students prepare for a youth summit (either local, online, or both). They review materials and guidelines that will help them shape their presentation for their youth summit presentation.