

SUBJECT: UNDERSTANDING THE ADJUDICATION PROCESS

LESSON NAME: YOU HAVE THE RIGHT TO REMAIN SILENT

Overview	
Time Needed	50 minutes
Materials Needed	<p>Facilitator’s Aids:</p> <ul style="list-style-type: none"> • Miranda Warnings/Advice of Rights Form • Laptop/Projector • White board and markers <p>Participants Material:</p> <ul style="list-style-type: none"> • Text • Pencil • Paper
Learning Objectives	<p>Participants will be able to:</p> <ol style="list-style-type: none"> 1. Define the 4 mandates of the Miranda Warnings 2. Explain Miranda triggers/dual principles 3. Relate Miranda v. Arizona to Fifth Amendment of U.S. Constitution 4. Analyze the future of law enforcement and Miranda Warnings
Common Core Standards Met	<p>Grade 9</p> <p>www.corestandards.org/read-the-standards/</p> <p>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.</p> <p>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.</p> <p>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</p>

	<p>them.</p> <p>Integration of Knowledge and Ideas:</p> <p>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.</p> <p>CCSS.ELA-LITERACY.RH.9-10.8 Assess the extent to which the reasoning and evidence in a text support the author's claims.</p> <p>CCSS.ELA-LITERACY.RH.9-10.9 Compare and contrast treatments of the same topic in several primary and secondary sources.</p>
<p>Step By Step</p>	
<p>Anticipate</p>	<p>Participants may not fully understand the concept of Miranda Rights. Distribute pre-test at the beginning of class and post-test at the end of class to show improvement of comprehensive knowledge attained during lesson.</p>
<p>Explain</p>	<p>“If you are arrested, do the police have to read you your rights?” “What are your rights?” “Did you know there are only four mandates of the Miranda Warning?” “Did you know two things have to take place before the Miranda rights are required to be given?”</p> <p>A. Miranda v. Arizona, 1966 In 1963, Ernesto Miranda was arrested in Phoenix, Arizona for stealing \$8 from a bank worker and charged with armed robbery. He already has a record for armed robbery, and a juvenile record for attempted rape, assault and burglary. While in police custody, he signed a written confession to the robbery, and to kidnapping and raping an 18-year-old woman 11 days before the robbery. After the conviction, his lawyers appealed, on the grounds that Miranda did not know he was protected from self-incrimination. The case, Miranda v. Arizona, made it all the way to the Supreme Court, where the conviction was overturned. In a landmark ruling issued in 1966, the court established that the accused have the right to remain silent, and that prosecutors may not use statements made by defendants while in police custody unless the police have advised them of their rights. This is commonly known as the Miranda Rights. The case was later re-tried; Miranda was convicted on</p>

the basis of other evidence, and served 11 years. He was paroled in 1972, and died in 1976 at the age of 34, after being stabbed in a bar fight. A suspect was arrested but chose to exercise his right to remain silent, and was released.

B. Are the police required to advise you of your Miranda Rights when they arrest you? The answer is NO.

1. You must be in custody/under arrest AND
2. The police must be questioning you about what you have been arrested for.

C. When these two events occur you are to be advised of your Miranda Rights.

D. When else do the police use Miranda Warnings?

1. When interviewing a suspect...
2. When interrogating the accused...

E. In what situations are Miranda Warnings unnecessary?

1. Anytime. So long as the TWO requirements are not present.
2. Does a drunk driver have to be given Miranda Warning when asked if he/she has been drinking? Are they in custody at the time? Can they comprehend the warning?

F. Can police use statements made against you?

1. Yes, if you have already been advised of your rights and you "waive" them.
2. Spontaneous utterances
Ex: Domestic- "yeah I hit her, so what?"
3. If it is a specific answer to a general question
Ex: What happened? Someone says, "I shot him."

G. Why read the warning? Why the same way every time?

1. Standardization
2. Reliability /Integrity/credibility in court

H. What are the Miranda rights?

1. You have the right to remain silent.
2. Anything you say can be used against you in court.
3. You have the right to talk to a lawyer for advice before we ask you any question, and to have a lawyer present with you during questioning.
4. If you cannot afford a lawyer, one will be appointed to you before questioning if you wish.

	<p>SUMMARY: The police only have to advise someone of their rights when that has occurred? What are the four advisements of the warning?</p> <p>The future of the Miranda Warning is questionable. A recent challenge was rejected and <i>Miranda v. Arizona</i> was upheld. However, the lower courts are increasingly finding that Miranda Warnings are “common knowledge.” The courts have also said that most convicted felons know their rights and statements made by them without warning will not be automatically thrown out.</p> <p>Do you know your rights?</p> <p>Miranda Rights: The set of rights that a person accused or suspected of having committed a specific offense has during interrogation and of which he or she must be informed prior to questioning. This is stated in the U.S. Supreme Court decision <i>Miranda v. Arizona</i> and related cases.</p> <p>Miranda triggers: The dual principles of custody and interrogation, both of which are necessary before an advisement of rights is required. Miranda Warnings: the advisement of rights of criminal suspects by the police prior to the beginning of questioning. Miranda warnings were first set forth by the U.S. Supreme Court in the 1966 case of <i>Miranda v. Arizona</i>.</p>
Discussion	Various scenarios and case laws and observe participants for understanding.
Activity	<p><i>Miranda v. Arizona</i> Assessment</p> <p>Read each scenario carefully, and decide whether or not Miranda warnings are required. Indicate Yes or No along with a brief explanation for your response.</p> <p>While investigating a burglary, you make an arrest of John Doe for the burglary. He is handcuffed and placed in your patrol car. You sit down in your patrol car and start to ask him specific questions pertaining to the burglary and his involvement. Prior to the questioning, are you required to advise him of his Miranda warnings? Why or why not?</p> <ol style="list-style-type: none"> 1. You are dispatched to a call involving shots fired and a possible a deceased victim. Upon your arrival you encounter a subject with a gun in the driveway. You inform the subject to drop the

	<p>weapon, which he does, and he begins to tell you how he shot his wife. Do you need to advise him of his Miranda Warnings? Why or why not?</p> <ol style="list-style-type: none"><li data-bbox="656 317 1552 464">2. You stop a vehicle for a possible DUI during the investigation you ask the driver several questions about what they had to drink, and where they had drinks, etc. Are you required to advise the driver of his Miranda Warning? Why or why not?<li data-bbox="656 474 1552 537">3. Write the Miranda Warnings and waiver as it would appear on an Advise of Rights Form. <p>**The lesson was adapted in its entirety from: https://www.pabar.org/public/education/lawday/Miranda-Lesson-SC-Bar.pdf</p>
Close	Video: Miranda v. Arizona https://www.youtube.com/watch?v=hYDeWC9ADYA