



# Court Systems and Practices

<b>Primary Career Cluster:</b>	Law, Public Safety, Corrections, & Security
<b>Consultant:</b>	Sloan Hudson, (615) 532-2839, <a href="mailto:Sloan.Hudson@tn.gov">Sloan.Hudson@tn.gov</a>
<b>Course Code:</b>	6150
<b>Prerequisite(s):</b>	<i>Criminal Justice I</i> (5987)
<b>Credit:</b>	1 or 2*
<b>Grade Level:</b>	11-12
<b>Graduation Requirements:</b>	This course satisfies one or two* of three credits required for an elective focus when taken in conjunction with other Law, Public Safety, Corrections, & Security courses.
<b>Programs of Study and Sequence:</b>	This is the capstone course in the <i>Legal and Correction Services</i> program of study.
<b>Aligned Student Organization(s):</b>	SkillsUSA: <a href="http://www.tnskillsusa.com">http://www.tnskillsusa.com</a> Tracy Whitehead, (615) 532-2804, <a href="mailto:Tracy.Whitehead@tn.gov">Tracy.Whitehead@tn.gov</a>
<b>Coordinating Work-Based Learning:</b>	Teachers are encouraged to use embedded WBL activities such as informational interviewing, job shadowing, and career mentoring. For information, visit <a href="https://tn.gov/education/topic/work-based-learning">https://tn.gov/education/topic/work-based-learning</a> .
<b>Available Student Industry Certifications:</b>	None
<b>Dual Credit or Dual Enrollment Opportunities:</b>	There are no known dual credit/dual enrollment opportunities for this course. If interested in developing, reach out to a local postsecondary institution to establish an articulation agreement.
<b>Teacher Endorsement(s):</b>	590, 750
<b>Required Teacher Certifications/Training:</b>	None
<b>Teacher Resources:</b>	<a href="https://tn.gov/education/article/cte-cluster-law-public-safety">https://tn.gov/education/article/cte-cluster-law-public-safety</a>

\*Standards marked with an asterisk (\*) serve as extension standards to be taught if course is offered for two credits.

## Course Description

*Court Systems and Practices* is the fourth and final course in the *Legal and Correctional Services* program of study for those students who are interested in the legal aspects of law, public safety, and corrections. This course can be taught for one or two credits, at the discretion of the instructor. Upon completion of this course, proficient students can identify careers in legal and correctional

services, evaluate legal documents as they pertain to the rights of citizens outlined in the U.S. Constitution, and analyze the criminal court system process from arrest to parole.

## Program of Study Application

This is the fourth and final course in the *Legal and Correctional Services* program of study. For more information on the benefits and requirements of implementing this program in full, please visit the Law, Public Safety, Corrections, & Security website at <https://tn.gov/education/article/cte-cluster-law-public-safety>.

## Course Standards

### Careers in Legal Services and Corrections

- 1) Research careers within Legal and Corrections Services; identify educational requirements as well as applicable licensure or credentialing requirements for specific occupations. Compare the range of skills, competencies, and professional traits required of professionals in Legal and Corrections Services.
- 2) Prepare a career profile for at least one occupation in each of the four career areas in the cluster, using print, online, and/or personal interview sources to capture at minimum the following:
  - a. Job description
  - b. Essential knowledge and skills needed for the career
  - c. Program or path of study to reach occupational goals, beginning with high school and proceeding through postsecondary
  - d. Licensure and credentialing requirements
  - e. Non-educational job requirements such as physical fitness tests, minimum age, and psychological evaluations
- 3) Using real-time and projected labor market data, identify local, state, and out-of-state employment opportunities and potential earnings. Investigate occupations within the pathways that are projected to experience growth. Explore postsecondary education and training options for positions in the field.
- 4) Compare and contrast specific laws and rules of ethics that govern relationships among the accused and the professionals with whom they interact in the legal and corrections systems. Explore one issue (such as confidentiality, conflicts of interest, advertising, referral fees, barratry, solicitation, failure to disclose exculpatory evidence, and bribery), developing claim(s) and counterclaim(s) to craft an argument about current practices impacting public safety professionals.
- 5) \*Evaluate factors that contribute to effective communication between professionals and their clients, including demonstrating sensitivity to privileged conversations, language barriers, cultural differences, and individuals with special needs. Compare effective practices appropriate for an office, police station, or classroom setting.

## Overview of Courts and the Criminal Justice Process

- 6) \*Construct an argumentative essay developing a claim about how the U.S. Constitution, the Bill of Rights, and landmark cases such as *Miranda v. Arizona*, *Weeks v. United States*, *Mapp v. Ohio*, and/or *Escobedo v. Illinois* have affected the criminal justice system and legal professionals in particular.
- 7) Review the history of American court systems and create a graphic organizer illustrating the role of the courts at the local, county, state, and federal levels.
- 8) Describe the functions of the state, federal, and military court systems in criminal proceedings; compare and contrast the subject matter jurisdiction of each system, identifying where the systems overlap; explain venue and how it is determined.
- 9) \*Explore the different ways public opinion and elected officials can affect the criminal justice process; construct a hypothetical case that includes several examples of how public opinion and/or the decisions of elected officials impacted the outcome or deliberation of professionals involved in the case.

## Legal Process

- 10) \*Define temporary detention; discuss the circumstances law officers must identify to detain an individual as well as to conduct a frisk. Review the Landmark Supreme Court decision *Terry v. Ohio* and debate the “stop and frisk” tactics used over the last decade by the New York Police Department.
- 11) Identify the individual protections provided by the Fourth Amendment and describe in an informative narrative what can be considered a “reasonable expectation of privacy.”
- 12) \*Review the Exclusionary Rule and explain in an oral argument or written narrative how it applies to the Fourth Amendment (*Mapp v. Ohio*) and the Fifth Amendment (*Miranda v. Arizona*). Describe the relationship of the fruit of the poisonous tree doctrine to the exclusionary rule (*Silverthorne Lumber Co. v. United States*).
- 13) Explore the landmark case *New Jersey v. T.L.O.*, and discuss in groups the expectations by students of privacy on school property with respect to search and seizure.
- 14) \*Identify rights provided in the Miranda warning and the circumstances under which officers and other corrections authorities are required to read them to an arrested person. Analyze the possible outcomes in a criminal case in the event the Miranda Warning is not given at the time of interrogation. Explore situations in which rights may be delayed or waived, for example, if the suspect is considered an “enemy combatant.”
- 15) Define what constitutes an arrest. Based on provided fact patterns, identify the exceptions to the constitutional requirement of obtaining an arrest warrant.
- 16) Analyze how technological advances are changing the landscape of police surveillance and discuss potential legal and ethical issues that could arise as technology continues to evolve.

## Pre-Trial Proceedings

- 17) Explain the sequence of court proceedings that comprise the pre-trial process (e.g., booking, arraignment, bail reviewed/set, complaint filed/grand jury indictment, preliminary hearing, pre-trial discovery, challenges to evidence, pre-trial hearing). Select several steps to simulate in the classroom and assign the role of the accused, prosecutor, judge, defense attorney, and police for role-play or debate.
- 18) Define the role of a Grand Jury in felony cases; locate the instructions provided to citizens summoned for Grand Jury duty in your county/state; review the Handbook for Federal Grand Jurors; write a narrative contrasting the role of Grand Jurors with the role of a Trial Juror.
- 19) \*Review the procedures associated with plea bargains and identify the types of pleas. In groups, argue the advantages and disadvantages of negotiating a plea bargain from both the defendant's and prosecutor's viewpoints, developing claim(s) and counterclaim(s) with data, evidence, and sound reasoning.
- 20) Describe the bail process, identifying types of bonds, factors that influence bail amount, and factors that permit the denial of bail. Explore alternatives to bail including options made possible by advances in technology.

## Trial

- 21) Review and identify the types of evidence that can be presented in a criminal trial. Differentiate among the various types of evidence and identify which party (defense or prosecution) has the burden of proof, including the defendant's burden to prove the defense claimed.
- 22) Explain in a narrative the purpose and types of motions and challenges to evidence, including the different elements of a motion and how they are organized. Draft an example of a motion to suppress evidence.
- 23) Describe how a jury is selected for a criminal case. Explain in a narrative the *voir dire* process, providing examples of situations in which a juror can be dismissed for cause and describing how an attorney might use his or her peremptory challenges to benefit the client.
- 24) Research and identify Supreme Court decisions (such as *Batson v. Kentucky*) related to a line of rulings barring the use of race, ethnicity, and other characteristics as a basis for excluding potential jurors. Debate as a class the advantages and disadvantages of the "jury of your peers" system in America.
- 25) Describe the role of witness testimony in a criminal trial, including such areas as exchange of information/communication between attorneys, the rules of discovery, and the laws and/or rules of ethics governing communication between witnesses and attorneys.
- 26) Investigate news media and professional commentary on how the "CSI Effect" (televised forensic science) has affected the criminal justice system, including a juror's decision making. Debate in groups whether or not the differences between the portrayal of the justice system

in popular media and how the system actually operates have impacted the system's ability to function effectively.

## **Sentencing**

- 27) Prepare an informative narrative describing the range of sentencing options in criminal trials at the federal and state levels. Identify the roles of the judge and jury in the decision-making process for each of the options noted.
- 28) Argue the pros and cons of indeterminate sentencing; research current sentencing trends in Tennessee and their perceived or documented effects on prisoner behavior.
- 29) Explain the options for alternative sentencing in criminal case convictions and identify the length of sentences available for alternative sentencing in Tennessee.
- 30) \*Research Tennessee legislative activity over the past decade with respect to juvenile offenders. Identify major legislation passed and analyze what these trends signify for the local justice system.
- 31) Identify landmark Supreme Court decisions that have addressed issues of racial discrimination and sentencing. Explore the effects of at least one decision on the sentencing outcome of a criminal case.

## **Appeals**

- 32) Define what constitutes an appeal, who can file it, and at what point it can occur; explain the right to an appeal and which court decisions, at what level, are eligible for appeal. Differentiate between a traditional and interlocutory appeal.
- 33) \*Construct a graphic organizer to demonstrate the appeals process in the state or federal court system, identifying the roles of the appellant and appellee, the role of the appellate brief, and the stages of review.
- 34) Review the components of an appellate brief and draft an outline for a brief based on a fact-based scenario.

## **Punishment**

- 35) Outline the common models of corrections used in the U.S. since 1900, identifying recurring trends and major reform movements in the 21st century.
- 36) Through research, identify the offense with the highest percentage of convicted criminals currently incarcerated in Tennessee's prison system. Identify the average sentence length and analyze trends in incarceration rates in Tennessee over the past decade.
- 37) \*Calculate the costs associated with investigating, arresting, prosecuting, sentencing, and housing someone who has committed a felony.

- 38) \*Research and evaluate the effects of public policy organizations such as the Innocence Project on public perception of the criminal justice system and the importance of DNA evidence in criminal investigations, and the ability of organizations outside the legal system to drive reform of the legal system.

### **Detention**

- 39) Prepare a chart of the federal and state prisons and county jails in Tennessee, detailing special services or populations served and the level of security at each. Choose one institution (such as the women's state prison or the federal prison) and compare and contrast services provided at that institution to those provided at other prison facilities.
- 40) \*Explain the structure of the juvenile detention system in Tennessee; explore efforts underway in the state to address the problem of disproportionate confinement.
- 41) Search for interview transcripts, video documentation, or other published primary and secondary sources detailing first-hand testimony of contemporary prison culture and determine how it is affected by the size and security level of the prison or the types of crimes committed by inmates.
- 42) Cite example cases whose decisions affected the rights incarcerated individuals. Describe basic prisoner rights protected by the Constitution.
- 43) \*Investigate the Rules of the Tennessee Corrections Institute related to correctional facilities inspection and explain some of the minimum standards for local jails and detention facilities, addressing categories such as security, discipline, administration, medical services, and food services.
- 44) \*Research at least three issues county correctional facilities in Tennessee are currently facing; identify contributing factors for each issue and debate a range of policy changes that could potentially mitigate current areas of concern. Example topics could include state reimbursement issues and support for individuals with mental health conditions.

### **Parole and Probation**

- 45) Explore the origins of parole, probation, intermediate sanctions and community corrections. Define each term and explain the interrelationship of the concepts, addressing both law enforcement and social issues in criminal justice. Debate contemporary issues in the field including growing caseloads for probation officers, use of evidence-based practices, and the changing landscape of community corrections.
- 46) \*Investigate data resources available through government and nonprofit sources on issues related to parole, probation, and intermediate sanctions; review research data available from the Bureau of Justice Statistics and analyze trends and success rates in the overall community supervision population.
- 47) Describe the purpose of post-release/re-entry programs and provide specific examples of programs available in Tennessee to assist ex-offenders as they return to society. Select one

program and study its impact (both advantages and disadvantages) on former prisoners and communities over the past 5-10 years.

### **\*Capstone Project**

**A mock trial** offers students the opportunity to role-play what might take place in a trial court. Typically, teams of students work together to prepare presentations from provided case materials. Students study the materials, develop their case, prepare witnesses for examination, and draft opening statements and closing arguments. The students assume the roles of attorneys and witnesses and are prepared to argue either side of the case. Professionals from the legal field often serve as judges. Most commonly, students are evaluated on the ability to make a logical, cohesive, and persuasive presentation. This experience hones a student's critical thinking, research, writing, and public speaking skills in addition to strengthening his or her ability to work effectively in teams. In this course, the **Pre-trial** and **Trial** section topics offer the most practical opportunities to integrate a mock trial experience. *The capstone project requires synthesis and demonstration of course knowledge and skills and includes research, analysis, reflection, and revision opportunities required for meeting all of the grade 12 TN Reading and Writing standards.*

### **Standards Alignment Notes**

\*\*References to other standards include:

- P21: Partnership for 21st Century Skills [Framework for 21st Century Learning](#)
  - Note: While not all standards are specifically aligned, teachers will find the framework helpful for setting expectations for student behavior in their classroom and practicing specific career readiness skills.