

Teacher Notes



The Fourth Amendment: The Issue of Search and Seizure

Activity 3 Have “Due Process” Rights Been Violated?

Activity at a Glance

- ◆ **Subject:** Social Studies
- ◆ **Subject Area:** Civics/Government
- ◆ **Category:** Due Process Rights
- ◆ **Topic:** Search and Seizures in Schools
- ◆ **Grade Level:** 10 - 12
- ◆ **Prerequisites:** Students should have a basic understanding of the differences between the criminal justice system and civil law. Prior to this lesson student should have discussed the basic rights that we have in this country and be able to identify our core democratic values. For this activity students should have a clear understanding of their Fourth Amendment Rights and how they work.
- ◆ **Total Teaching Time:** 120 minutes

Materials

- ◆ TI-83 Plus
- ◆ TI External Keyboard
- ◆ LearningCheck™ application installed on each student’s TI-83 Plus
- ◆ LearningCheck™ Creator software installed on the teacher’s computer
- ◆ TI Presenter™ or another overhead projector connected to the teacher’s computer
- ◆ TI Connectivity Cable and TI Connect™ software or TI-Navigator™ Classroom Network
- ◆ Resource File: **SearchSeizure.edc**
- ◆ Student Work Sheet: **Has There Been a Violation of Due Process Rights?**
- ◆ Teacher Guide: **Rubric for Essay**

Activity Overview

This activity requires students to write a persuasive essay using the information they have been given in class. It is important to review the components of a persuasive essay so that the students will know what is expected of them.

Tip

Inform students that they must support their arguments with evidence from the cases that were used in Activity 1. This will make their arguments more persuasive, and it will help them when the class comes together at the end of the activity for a substantive conversation.

Directions

Before the Activity Begins

Make sure that each student has a TI-83 Plus loaded with the LearningCheck™ application.

Distribute the LearningCheck™ file, **SearchSeizure**, to each student's TI-83 Plus. There are a couple ways to do this.

If you use a TI-Navigator™ system, you can use it to distribute the file to the class as follows.

1. Start the TI-Navigator™ software and then select LearningCheck™ Creator. Make sure that the students have their devices connected to the system.
2. Open the resource file. Click the **Send to Class** icon to send the file to the student devices.

If you do not have the TI-Navigator system, you can use the standalone version of LearningCheck™ Creator to transmit the file to the students. To do this:

1. Start the LearningCheck™ Creator software. Attach one end of a TI Connectivity cable to the computer and the other end to the TI-83 Plus handheld.
2. Open the resource file. Click the **Send to Class** icon to send the file to the student's device.
3. When the transfer is completed, have the student unplug his or her device from the cable and have another student attach his or her device. Repeat Step 2.

Note: When a student has the file on his or her device, they can copy the file to another student's device using the unit-to-unit cable. If the students help with file distribution, it will speed the entire process.

Distribute copies of Student Work Sheet, **Has There Been A Violation of Due Process Rights?**, to the students. This work sheet contains the same instructions and scenario that are presented in the LearningCheck™ resource file, but using the work sheet as a reference may be valuable while explaining the assignment.

During the Activity

Explain to the students that this activity will require 120 minutes of class time, broken down into two 60-minute sessions. For the first session, they are to research and write a persuasive essay to determine if there has been a search and seizure violation for the scenario provided in the LearningCheck™ file. They will write this essay in the LearningCheck™ file, and when it is completed, they will submit it electronically for evaluation.

For the last 60-minute session, the class will come together as a group, and the students will discuss the issue in the form of a "Substantive Conversation" in trying to better their understanding of their Fourth Amendment rights.

Answer any questions the students have about this assignment, and then let them get started. While the students work, circulate and monitor their progress.

Have students send the answers to Part 1 of the file to your computer using the same method by which the file was distributed. If necessary, provide technological assistance to the students.

After the Activity

When the persuasive essays are completed and submitted, have the students prepare for a "substantive conversation" by using the cases that were supplied in class. This preparation can be a homework assignment so that the students will be prepared for the discussion. If your school uses a "block" format for classes (and your class period is double the more common 50-60 period), then allow the students 5-10 minutes to review the prior cases in this lesson before beginning the discussion.

Student Work Sheet

Name: _____

Has There Been A Violation of Due Process Rights?

Date: _____

Read the following scenario and decide whether there has been a violation of the Fourth Amendment. In this assignment, you are to act as if you are a judge reviewing this case. Your job will be to write the brief that will explain your decision in the case. Remember to design your brief like the examples read in class; include a brief overview of the facts, relevant case history, and your own actual opinion.

When reviewing whether there has been a Fourth Amendment violation, you are to discuss each section of the Fourth Amendment that we discussed in class. Your discussion should include the following:

- ◆ Was the search valid?
- ◆ If there was a seizure, did the officer have probable cause?
- ◆ Did the officer need a warrant?

DO NOT simply give your opinion about these areas of interest, but instead use direct information from the cases that we discussed in class.

Once you have reviewed and organized your material, you are to write a brief describing whether there was a Fourth Amendment violation. This brief should be written in the same format as the cases we have read in class. Remember that you are the judge chosen to write the opinion of the case. The purpose of this essay is to test your knowledge about the Fourth Amendment and to discover how it affects you as a citizen of the United States.

Your "brief" (persuasive essay) is to be written directly in the LearningCheck™ file, **SearchSeizure**, so that we can discuss different points of view by utilizing the overhead projector. We will use these essays to form a "substantive conversation" about the scenario.

Scenario

After receiving an anonymous tip, the local Sheriff's department went to Individual X's house regarding the issue of a stolen television. While knocking on the door, Officer Johnson was able to observe through an open window a large amount of what he thought was narcotics. After knocking on the door for over five minutes, Officer Johnson examined the property and determined that no one was currently present at the house.

Officer Johnson then entered the house and seized what he thought were illegal narcotics. Once he was in the house, he opened the closet and found the stolen television about which he had received the anonymous tip. Officer Johnson seized the television and the alleged drugs. As Officer Johnson was getting ready to leave, Individual X pulled into the driveway. Officer Johnson arrested Individual X for the possession of drugs and for the possession of a stolen television.

It was later discovered that the drugs Officer Johnson had seized was in fact baking powder that had been spilled by Individual X's dog while Individual X was away at work.

Assume that you are the judge on this case, and write a persuasive essay discussing the Fourth Amendment implications of it. After reviewing all the material, decide if you think Officer Johnson made an illegal search and seizure that violated Individual X's right to due process.

Teacher Guide**Rubric for Essay**

Benchmark	Score:			
	1	2	3	4
Students will identify, analyze, interpret, and evaluate sources and examples of citizens' rights and responsibilities.	Identifies at least one Fourth Amendment issue and decides whether the Officer was justified in the case.	Identifies at least two Fourth Amendment issues and decides whether the Officer was justified in the case.	Identifies more than two issues involving an individual's Fourth Amendment due process rights and discusses whether the officer was justified.	Identifies all four components of a search and seizure violation and discusses whether their was violation of due process.
Students will examine persistent issues involving the right, roles, and status of the individual in relation to the general welfare.	In addition to at least one issue of a violation, at least one case is cited in support of position.	Cites more than one case as support for a position and has identified more than two Fourth Amendment issues.	Identifies more than two issues involving the Fourth amendment with support from cases for all issues identified.	Identifies all aspects of a legal search and seizure and uses case to support all the issues identified. Furthermore, the student draws a conclusion using all relevant material.