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| **TEXAS CTE LESSON PLAN**[www.txcte.org](http://www.txcte.org) |
| **Lesson Identification and TEKS Addressed** |
| **Career Cluster** | Law, Public Safety, Corrections, and Security |
| **Course Name** | Federal Law Enforcement and Protective Services |
| **Lesson/Unit Title** | Constitutional Issues in Private Security |
| **TEKS Student Expectations** | 130.341. (c) **Knowledge and Skills**(5) The student analyzes the impact of ethical and legal responsibilities relevant to federal law enforcement and protective services.(B) The student is expected to analyze the impact of legal issues relevant to federal law enforcement and protective services(D) The student is expected to analyze the connections between constitutional and federal laws, federal law enforcement, and private security operations by referencing relevant constitutional amendments(I) The student is expected to analyze the importance of the Fourth Amendment with respect to security officer powers of arrest, search, and seizure(J) The student is expected to summarize the due process rights granted to individuals by the Fifth Amendment during an interrogation(K)  The student is expected to analyze the impact of the Fourteenth Amendment as it relates to due process and equal protection of the law |
| **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 impact of legal issues relevant to security services
* Analyze the connections between constitutional law and private security operations by referencing relevant constitutional amendments
* Analyze the importance of the Fourth Amendment with respect to the security officer powers of arrest, search, and seizure
* Analyze and summarize the due process rights granted to individuals by the Fifth Amendment during an interrogation
* Analyze the impact of the Fourteenth Amendment as it relates to due process and equal protection of the law
* Analyze the rules of evidence
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| **Rationale** | This lesson provides the background needed to prepare for certification in security services with a focus on security measures used to protect lives, property, and information. |
| **Duration of Lesson** | Teacher’s Discretion |
| **Word Wall/Key Vocabulary***(ELPS c1a,c,f; c2b; c3a,b,d; c4c; c5b) PDAS II(5)* | See Handout |
| **Materials/Specialized Equipment Needed** | **Materials*** Key Terms
* *Katz v. United States* Reflection Handout
* Discussion Rubric
* Writing Rubric
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| **Anticipatory Set**(May include pre-assessment for prior knowledge) | As a class discuss the following questions:* What civil and criminal liability issues can impact private security?
* What are the Regulations of Private Security?
* What is meant by “The Protection of Others” under constitutional law?

Use the Discussion Rubric for assessment. To extend the activity have the students use the Internet to research and answer these questions. |
| **Direct Instruction \*** | 1. Legal responsibilities of private security professionals
	1. Follow state and federal law
	2. Understand their duties in light of U.S. Constitutional Amendments
		1. The Fourth Amendment is about privacy and security
			1. Protects the right of people to be secure in their person, house, and papers
			2. Protects against unreasonable search and seizure
			3. Not absolute – a person loses the right to privacy if there is a strong, justifiable reason to invade that privacy
			4. Private security professionals may ensure the public’s safety against individuals who would use their privacy to harm others
		2. The Fifth Amendment is about protection against self-incrimination
			1. Protects against forced confessions
			2. Raises fundamental questions about how to balance individual liberties with society’s need for security

c. Protection extends beyond the courtroom to custodial interrogation; however, these rules do not apply to on-the-scene questioning* + - 1. The Fourteenth Amendment is about due process and equal protection of the law
				1. No person is above the law
				2. The guilty have the same constitutional rights as the innocent
	1. An illegal action by a security professional could be both a criminal act and a private tort (civil)

II. Rights and responsibilities of private security professionals* 1. The right to arrest and detain
		1. “Citizen’s arrest authority” is the recognized authority of private individuals to detain an actor of a crime for the police; however, it does not provide the authority for search and seizure of personal property
			1. Arrests made by private security professionals are normally considered arrests by private persons
			2. An arrest by a private person requires that the crime for which the arrest is made has been committed or attempted in the presence of the arresting person
			3. When an arrest is made, the person making the arrest must

inform the arrested person of the reason for the arrest1. Most private arrests by security professionals are in response to shoplifting and employee thefts
	* 1. General rules for security personnel to detain
			1. Security professionals may temporarily detain an individual suspected of shoplifting or entering a property without proper authority or consent
			2. They can arrest someone who commits a felony or misdemeanor in their presence, however they must report it to the police immediately; prolonged detainment may be in violation of civil rights
	1. Avoid felonious restraint – restraining another unlawfully and/or exposing him to risk of serious bodily injury may result in civil and criminal liability
	2. Application of proper evidence handling techniques are vital— improper handling of evidence may result in contamination of a crime scene, impact on an arrest, and loss of pending legal cases or trial
2. Right to conduct searches
	* 1. Individuals not connected with a law enforcement agency are considered private citizens, and may not have the power to search unless under the posted authorization by the employer an or property owner- for example, a government building or hospital
		2. In most situations, if the individual does not agree to allow you to look in his or her pockets, it is wise to detain the individual and request law enforcement assistance. However, the security officer may direct the person to leave the property or area for noncompliance
		3. Avoid excessive force; private security professionals have an obligation not to injure another person or damage property
3. Rights regarding due process during interrogation
	* 1. Interrogation is an expected part of security personnel’s job when a criminal is detained
		2. Probable cause is required before interrogating
	1. Many court cases have allowed on-the-scene questioning without being subject to the Fifth Amendment; however, forcing a confession is not good practice (i.e. *prevent further* *harm to a person or damage to property, prevent further loss of property, ensure safety, avoid escalation of a terrorist attack,* etc.)
		1. If a crime has been committed, request law enforcement assistance immediately
4. Rights regarding due process and equal protection of the law
	* 1. Both the Fifth and the Fourteenth Amendments protect people from being deprived of life, liberty, or property without due process of law
		2. The security professional’s job is to protect people and companies from being deprived of life or property
			1. If a criminal is unlawfully taking property or threatening the lives of others, it is the security professional’s duty to intervene
			2. The security professional must remember that “equal protection of the law” applies to the potential criminal as well as the security professional’s employer
5. Right to use of force to protect property
	* 1. Security professionals have only limited authority to use force
		2. The force must be reasonable under the circumstances
6. Security professionals may use deadly force only when it is reasonably necessary to protect a life
7. If the force used is excessive, the action will be considered an assault or battery, or both

*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 \*** | 4th Amendment Rights, Schools, and Private Security – have the students imagine that a security officer takes one of the effects that they have with them during class (for example, a notebook). Have them further imagine that a police officer comes in and wants to read the notebook. Have the students write their answers to the following questions:* Does the security officer have the power to search and seize in a school environment?
* Do you, as the student who owns the notebook, expect that what you wrote will remain private?
* Do you, the class, think that what is written is reasonable to keep private and disallow the security officer the search? Why?

After the students have completed the writing assignment. Use the following questions for a class discussion:* What are the values that are important in keeping the notebook private? (Here are some potential answers: *privacy, autonomy,* *creativity, individuality, freedom,* etc.)
* On the other side, what are the reasons a police officer might want to read it? Think about the notebooks released by the Columbine massacre students. What if there was a concern about violence in the schools? (Here are some potential answers: *to find evidence of a* *crime, to find reasons to suspect you.*)
* If security officers do not have any real reason to suspect you, should you have a reasonable expectation of privacy?

For an extended discussion ask the students the following questions:* Instead of an item (like a notebook, backpack, or book), what about the expectation of privacy you have in what you say to each other? Should you have an expectation that what you say will remain private?
* Which of the following seems like a situation that would give you the most privacy?

– A conversation between two people loudly yelling in a packed school auditorium– A conversation between two people speaking in a normal tone alone in the bathroom– A conversation between two people whispering on stage in the school auditorium– A conversation between two people whispering in class– A conversation between two people in the middle of the football field with no one around* Why are your answers different? Is it where you are when you are talking or how you are talking that should control your “expectation”?
* Or take another slightly different example. Think about the conversations you have on the phone – do you have a reasonable expectation of privacy that what you say on the phone will remain private? The Supreme Court addressed such an issue in a criminal case called *Katz v. United States*.

*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 \*** | U.S. Supreme Court Case Reflection – have students read about *Katz v.* *United States* and then complete the *Katz v. United States* ReflectionHandout. (A copy of the case summary can be found by doing an Internet search for the following: Findlaw Katz v United States. The answers should be the students’ opinions. 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 |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \***  | Constitutional Issues in Private Security Exam and KeyConstitutional Issues in Private Security Quiz and Key*Individualized Education Plan (IEP) for all special education students must be followed. Examples of accommodations may include, but are not limited to:*For reinforcement, the student will define and illustrate key terms and training activities in a journal. Use the Writing Rubric for assessment. |
| **References/Resources/****Teacher Preparation** | 9780205592401, *Introduction to Private Security: Theory Meets Practice****,*** Roberson & Birzer, Prentice Hall, 2010.*Our Rights*, David J. Bodenhamer, Sunnylands Classroom, 2008.<http://www.sunnylandsclassroom.org/Asset.aspx?Id=1329Private>*Security & Police Officers Arrest Powers: TX Department of Public Safety* <http://www.txdps.state.tx.us/psb/testing/leveltwo_review.htm>Do an Internet search for the following: * Findlaw Katz v United States
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| **Additional Required Components** |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | **Cross-Disciplinary**I. Key Cognitive SkillsA. Intellectual curiosity* 1. Engage in scholarly inquiry and dialogue.
	2. Accept constructive criticism and revise personal views when valid evidence warrants.
1. Reasoning
	1. Consider arguments and conclusions of self and others.

2. Construct well-reasoned arguments to explain phenomena, validate conjectures, or support positions. |
| **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 may be assigned pre-reading of summarized versions of Private Security Officer Training, U.S. Constitutional Issues applicable to General Requirements related to the search and seizure authority in Texas and other jurisdictions. 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)