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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 & Security |
| **Course Name** | Correctional Services |
| **Lesson/Unit Title** | Civil and Criminal Justice Systems/History of Crime and Corrections |
| **TEKS Student Expectations** | **§130.332. (c) Knowledge and Skills**  (7) The student recognizes constitutional laws and laws of correctional systems.  (B) The student is expected to explore the impact of the U.S. legal system on the correctional system.  (C) The student is expected to differentiate between the civil and criminal justice systems and explain how change impacts correctional services. |
| **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:   1. Explore the impact of the United States legal system on the correctional system 2. Define Key terms 3. Differentiate between the civil and criminal justice systems 4. Explain how change impacts correctional services |
| **Rationale** | Everything that happens in the criminal justice system ultimately impacts correctional services. The civil system also impacts correctional services in some situations. Sometimes the changes that occur in these systems change things in corrections for the better. However, many times these changes have negative impacts. Students need to be aware that these changes are affecting the correctional system. |
| **Duration of Lesson** | 2 hours |
| **Word Wall/Key Vocabulary**  *(ELPS c1a, c, f; c2b; c3a, b, d; c4c; c5b) PDAS II (5)* | * Alternative Service – a method of delivering to an uncooperative defendant * Answer – a defendant’s written reply to a plaintiff’s petition * Applicant/respondent – the party making application to the court or petitioning for some action * Citation – an official notice from a court of competent jurisdiction, issued to a defendant after a plaintiff’s petition is filed; the citation commands the defendant to answer and appear in court at a specific time * Contempt – proceedings held to determine whether a person has violated a lawful court order and to set punishment if a violation is found * Default judgment – can result when there is failure to perform some action required by law within a specified time. In a civil lawsuit, judgment by default may be rendered against a party who has failed to answer or appear as directed * Diligent effort – persistent activity, prudence, or care. Diligent effort is what is properly expected from a reasonable and prudent person under the circumstances * Judgment – the final order of a court in a civil suit which settles all disputed issues, determines the right of the parties regarding the subject matter of the suit, and which is subject to being forced by a writ * Orders – directions from a court or judge. A mandate or command * Petition – a document filed by the plaintiff with the court clerk which outlines the basis of the complaint against the defendant and the relief being sought from the court * Plaintiff – a party in a civil suit, mainly the one who initiates the suit by filing a petition * Process – all writs and official documents issued by courts in conjunction with pending suits * Respondent – the defendant, the person against which the suit is being brought * Service – the delivery of a writ, notice, injunction, etc. by an authorized person to a person who is thereby officially notified of some proceeding concerning him * Show cause – a notice to the defendant to either appear in court or prepare a written answer to show cause for failing to respond to a previous order of the court. It may also be known as a notice * Tort – a civil wrong alleging the plaintiff failed to perform a duty required by the defendant |
| **Materials/Specialized Equipment Needed** | * Civil and Criminal Justice Systems computer-based presentation (coming soon) * Civil and Criminal Justice Systems Key Terms Construction * paper or copy paper (color is preferred) * Markers * Internet * Computer * Projector |
| **Anticipatory Set**  (May include pre-assessment for prior knowledge) | **Constitutional Law Discussion Question**  Ask the students, what changes in the criminal or civil justice system have impacted correctional services? |
| **Direct Instruction \*** | Read the Freeman v. TDCJ lawsuit at <http://www.gpo.gov/fdsys/pkg/USCOURTS-txnd-7_12-cv-00085/pdf/USCOURTS-txnd-7_12-cv-00085-0.pdf>  Discuss the fundamental issues being addressed in this lawsuit. What was the outcome of the lawsuit and how did it impact the Texas Department of Criminal Justice (TDCJ)? Use the Discussion Rubric for assessment.  Direct Teach – Key Points:   1. National and International Policies 2. Drug Policies 3. The war on drugs – large scale operations to stop the flow and distribution of drugs 4. Increased arrests of drug offenders 5. Implementation of mandatory sentencing 6. Policies have created prison overcrowding 7. Leaves less space available for violent offenders 8. Sentencing Policies 9. Mandatory sentencing guidelines fill prison beds 10. More money must be spent to build more prisons which takes away from budgets for other programs and services within the prisons 11. Advocates for alternatives to incarceration for nonviolent offenders, such as probation and drug treatment programs; community supervision is then financially responsible for these offenders 12. Globalization Policies 13. Include labor, capital, goods, and services across borders 14. Creating multinational criminal organizations 15. Results in federal crimes, filling the Federal Bureau of Prisons 16. Lawsuits 17. Ruiz v. Estelle (1980) 18. Longest running lawsuit in U.S. history, costing the state and prison system millions 19. Class action lawsuit over dangerous and degrading living and working conditions 20. Ruiz claimed cruel and unusual punishment, a violation of the 8th amendment     1. Overcrowding – 2–3 inmates housed in a single cell     2. Security – too few guards; the prison was run by offenders known as “building tenders”     3. Inadequate health care – an insufficient number of professional healthcare workers, use of non-professionals to perform professional duties, and a lack of psychiatric care     4. Unsafe working conditions – lax safety procedures     5. Severe and arbitrary disciplinary procedures 21. Court ruling     1. Limited inmate population to 95 % capacity, thus creating a need for the construction of new prisons     2. Separated hardcore offenders that require a higher level of supervision     3. Hired more guards     4. Improved medical conditions 22. Statutory Laws 23. Executions 24. Hanging 25. The method of execution in Texas from 1819–1923 26. Were carried out in or by the county in which the crime was committed 27. Electric Chair 28. Texas authorized use of the electric chair in 1923 29. All executions were moved to Huntsville 30. The state became responsible for execution 31. The first 5 offenders were put to death on 2/8/1924 32. The last electrocution completed 7/30/1964 33. Electrocution was declared unconstitutional under the 8th amendment in 1972 34. Offenders on death row received commuted sentences; now housing offenders for life 35. Lethal Injection 36. Texas amended the Penal Code in 1973, reinstating the death penalty 37. The state adopted lethal injection as the method of execution in 1977 38. January 12, 1996 – close friends and relatives of victims are now allowed to witness executions 39. IV. Executive Intervention 40. Governor 41. Clemency – an act of mercy through the executive branch, lessening the punishment given to a defendant. It is not forgiveness of the crime 42. Ex – death penalty cases are usually commuted to life 43. Since 1976, 276 death row inmates have received clemency for “humanitarian reasons” 44. Humanitarian includes doubts about a defendant’s guilt or conclusion of the governor regarding the death penalty process 45. Commutation of Sentence–reduction of legal penalties,especially incarceration; often conditional 46. Pardon–to release a person from punishment, exempt themfrom penalty 47. Conditional pardon–imposes a lesser punishment orsome other obligation 48. Pardoning is an act of clemency 49. Restores civil rights 50. President – the constitution allows the president to commute sentences and issue reprieves 51. Reprieve–establishes a temporary delay in enforcement ofthe sentence imposed by a court, without changing the sentence or forgiving the crime 52. Courts 53. Stay of Execution–a court order to temporarily suspend theexecution of a court judgment or other court orders 54. Key Terms   **Alternative Service** – a method of delivering to an uncooperative defendant  **Answer** – a defendant’s written reply to a plaintiff’s petition  **Applicant/respondent** – the party making application to the court or petitioning for some action  **Citation** – an official notice from a court of competent jurisdiction, issued to a defendant after a plaintiff’s petition is filed; the citation commands the defendant to answer and appear in court at a specific time  **Contempt** – proceedings held to determine whether a person has  violated a lawful court order and to set punishment if a violation is found  **Default judgment** – can result when there is failure to perform some action required by law within a specified time. In a civil lawsuit, judgment by default may be rendered against a party who has failed to answer or appear as directed  **Diligent effort** – persistent activity, prudence, or care. Diligent effort is what is properly expected from a reasonable and prudent person under the particular circumstances  **Judgment** – the final order of a court in a civil suit which settles all disputed issues, determines the right of the parties with regard to the subject matter of the suit, and which is subject to being forced by a writ  **Orders** – directions from a court or judge. A mandate or command  **Petition** – a document filed by the plaintiff with the court clerk which outlines the basis of the complaint against the defendant and the relief being sought from the court  **Plaintiff** – a party in a civil suit, mainly the one who initiates the suit by filing a petition  **Process** – all writs and official documents issued by courts in conjunction with pending suits  **Respondent** – the defendant, the person against which the suit is being brought  **Service** – the delivery of a writ, notice, injunction, etc. by an authorized person to a person who is thereby officially notified of some proceeding concerning him  **Show cause** – a notice to the defendant to either appear in court or prepare a written answer to show cause for failing to respond to a previous order of the court. It may also be known as a notice  **Tort** – a civil wrong alleging the plaintiff failed to perform a duty required by the defendant   1. Civil vs. Criminal Law 2. Criminal Law 3. Laws for preventing harm to society    1. Let society know what conduct is prohibited    2. Prescribe the punishment to be imposed for prohibited conduct    3. Include the definitions of specific offenses and general principles of criminal responsibility    4. Ex: murder, assault, and criminal trespass 4. Laws to regulate the conduct of individuals through the threat of fines and imprisonment 5. The state brings the action against the defendant 6. The level of proof required in a criminal case is beyond a reasonable doubt 7. Judgments are guilty or not guilty 8. If guilty, a fine, community service, or a period of confinement will be assessed 9. Civil Law 10. The portion of the law which define     * + 1. The personal and property rights of individuals         2. The right of an individual to seek redress or to prevent a wrong         3. Any action other than criminal proceedings         4. Ex: divorce, child custody, injunctions, and personal damage 11. Actions by correctional staff can become civil liability actions commonly resulting in civil action: 12. Improper use of force 13. Wrongful death 14. Civil rights violations 15. Official misconduct 16. Sexual harassment 17. Discrimination 18. Civil law defines the legal significance of public and private acts and regulates conduct through injunctions and monetary damage awards 19. The level of proof required in a civil case is usually a preponderance of evidence 20. The level of proof also depends on what the injured party is asking for 21. The party found liable for a wrongful act must compensate the wronged party 22. Verdict rendered by 23. Judge or 24. Jurors (5 out of 6, or 10 out of 12) 25. Changes Affecting Corrections 26. Civil lawsuits 27. Offenders allege violation of civil rights or constitutional rights 28. The lawsuit is reviewed by the court and a judgment is rendered 29. Action is taken to remedy the situation if necessary 30. Civil Rights Act of 1983 suits: U.S. Code enacted to address violation of civil rights 31. Ruiz v. Estelle 32. Case Law 33. Ruffin v. Commonwealth, VA 1962 – an 1871 Virginia state court declared that “a convicted felon had ‘because of his crime, not only forfeited his liberty but also his personal rights; except those which the law in its humanity affords him.” 34. 1900s – incarcerated offenders were denied access to courts on any matter concerning treatment or incarceration 35. 1960s – courts interpreted the constitutional protections as extending to inmates 36. The Supreme Court rejected the “hands-off” approach 37. Legislation     * 1. Changes all aspects of services, programs, or treatment of offenders when laws are changed, added, or deleted       2. The federal Insanity Defense Reform Act of 1984, codified at 18 U.S.C. § 17, provides: “It is an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, because of a severe mental disease or defect, was unable to appreciate the nature and quality of the wrongfulness of his acts. Mental disease or defect does not otherwise constitute a defense.”       3. Mandatory sentencing guidelines       4. New laws enacted 38. Societal Views     * 1. 1950s – scholars and the public understood that social influences play a significant role in crime causation       2. Public scrutiny, along with state and national watchdog groups, affect sentencing, findings, and legislation 39. Prison Policies     * 1. Incidents within the prison dictate the need for change in policy to regulate such events for the future       2. Handling of incidents such as hostage situations, emergency disasters, and riots cause policy to be added or reformed based on previous performance       3. Policies change because of new trends. Ex: search procedures changed because of a large influx of cell phones into the correctional setting       4. Unethical behavior by staff members causes change in the prison. Staff members who are involved in inappropriate behavior or criminal offenses create a need for stricter guidelines and even legislation. It also changes staffing requirements which can be dangerous 40. Financial Impact     * 1. Current trends indicate that an economic recession tends to increase the number of property crimes committed, which ultimately creates a greater need in the prison       2. Federal, state, and local budget cuts and increases have an enormous impact on the programs and services offered within the prison. The funding also impacts staffing, construction of new facilities, and modernization of older ones       3. Lawsuits cost the government millions of dollars, which takes away from other services, programs, etc. Example: Ruiz v. Estelle lasted over a decade and major changes had to be implemented in the Texas prison system. This lawsuit overhauled the entire Texas prison system 41. Special Prison Populations 42. Offenders with special needs create a need to change the way offenders are treated and the programs and services that are made available to them. Special prison populations driving these changes include     * + 1. Young offenders         2. Violent offenders         3. Gang members         4. The elderly         5. Mentally ill/handicapped         6. Serious medical conditions         7. Substance abusers         8. Homosexuals   The student will research lawsuits and criminal court cases that have impacted the Texas Prison System. Remember, lawsuits are civil and will address a wrong that has been done, usually addressing civil rights violations. A criminal case will be based on a crime that has been committed. Use the Research Rubric for assessment. |
| **Guided Practice \*** | **Activities**  Justice Systems Scramble. Divide the students into teams of four. Students will need enough paper to record all steps of each system, preferably all the same paper color per team. Students will research the steps of a civil trial and a criminal trial. Students will need to record the steps of each system onto the sheets of colored paper, listing two steps per sheet. Students will then fold the paper in half and cut the two steps apart. Once the students have made flash cards for each system, have them mix up the cards (paper). Students then will race to see who can categorize their cards the fastest. You may use several options for this portion and do not have to do this as a race.  Option 1: Students will separate cards into civil steps and criminal steps  Option 2: Students will separate civil from criminal and then put them in the correct order under each system  Use the Individual Work Rubric for assessment. |
| **Independent Practice/Laboratory Experience/Differentiated Activities \*** | Students will research lawsuits and criminal court cases that have impacted the Texas Prison System. Remember, lawsuits are civil and will address a wrong that has been done, usually addressing civil rights violations. A criminal case will be based on a crime that has been committed. Use the Research Rubric for assessment.  Students will work in teams to create new legislation that will impact the Texas Prison System. The new law may be to change a practice that already exists or to enact something that is new to the standard practices. Students will create a proposal for their new law to share with the class. Involve the class by dividing them into two groups: The House and The Senate. Each group gets to discuss the new law and decide if changes need to be made. The two parties (House and Senate) will need to mediate with the writer of the law to make it agreeable to all. Use the Presentation Rubric and the Discussion Rubric for assessment. |
| **Lesson Closure** |  |
| **Summative/End of Lesson Assessment \*** | * Civil and Criminal Justice Systems Exam and Key * Civil and Criminal Justice Systems Quiz and Key * Civil Law Key Terms Quiz and Key * Discussion Rubric * Individual Work Rubric * Presentation Rubric * Research Rubric |
| **References/Resources/**  **Teacher Preparation** | * ISBN: 020547893X, *Criminal Justice*, James A. Fagin, Pearson Education, 2006. * Freeman v. TDCJ <http://www.gpo.gov/fdsys/pkg/USCOURTS-txnd-7_12-cv-00085/pdf/USCOURTS-txnd-7_12-cv-00085-0.pdf> * <https://deathpenaltyinfo.org/clemency> * Do an internet search for the following: * EHow 6593493 policies impact criminal justice system * Comprehensive crime control act of 1984 * US courts and prison reform Ruiz Estelle Helen Clark Molanphy * Answers topic stay of execution 2 * Criminal law us legal federal insanity defense reform act |
| **Additional Required Components** | |
| **English Language Proficiency Standards (ELPS) Strategies** |  |
| **College and Career Readiness Connection[[1]](#footnote-1)** | English/Language Arts Standards  V. Research  A. Formulate topic and questions.  2. Explore a research topic.  Cross-Disciplinary Standards   1. Key Cognitive Skills   E. Work Habits  2. Work collaboratively |
| **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) | Students will work in teams to create new legislation that will impact the Texas Prison System. The new law may be to change a practice that already exists or to enact something that is new to the standard practices. Students will create a proposal for their new law to share with the class. Involve the class by dividing them into two groups: The House and The Senate. Each group gets to discuss the new law and decide if changes need to be made. The two parties (House and Senate) will need to mediate with the writer of the law to make it agreeable to all. Use the Presentation Rubric and the Discussion 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)