

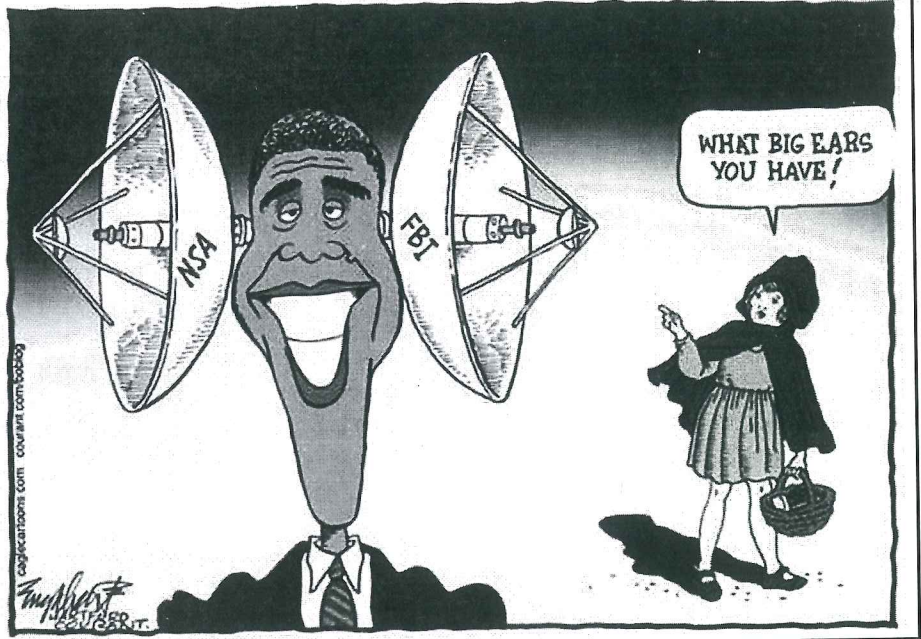
MONDAY

BR

BELLRINGER: What is overall meaning & which technique used?

Small slip + Learning Lotto Jar

Symbolism
Analogy
Exaggeration
Labelling
Irony



← Lunch stains

New LT = All week + ...and 2nd to last LT !!!

Due Process / Criminal Procedure Protections

"4th Amendment"

3.3 - Explain and compare the several due process/legal protections of the Fourth, Fifth, Sixth, Seventh and Eighth Amendments as well as the impact of significant/historical SCOTUS cases, modern issues and cases related to those protections.

Menu:

- 1) Watch Search/Seizure video
- 2) WTP text + 5 ?s
- 3) PAIRS - Student Search/Seizure ?s + Scenarios
- 4) EXTRA TIME? Work on Guns Timeline? Or Guns 2POV Comic?

Do
3.3a VIDEO/WTP Text Intro

www.goo.gl/til0Qm



WATCH ↓

ANSWER ↓

On own paper

- **After watching the video, please answer the 5 questions below (pages 224-228 of WTP text) on a sheet of notebook paper inside your binder:**
- 1) (224) Define "SEARCH" and define "SEIZURE".
- 2) (224-5) Define "GENERAL WARRANTS" and Describe why they cause problems.
- 3) (224) Besides prohibiting "General Warrants", what 3 things did 4th Amendment do?
- 4) (226) Describe "PROBABLE CAUSE" (read into the 2nd Paragraph HINT: "more than" & absolute"...)
- 5) (226-7) Describe "EXCLUSIONARY RULE" & how it protects citizens from powerful gov't.
- **AFTER A REVIEW, YOU WILL BE ALLOWED TO "PAIR UP" FOR THE NEXT TASK...**

Do (Copy in Green Folder)
3.3b Bill of Rights Institute HANDOUT

- **You may pair up and complete the next task:**
- 1) There is an (EDITED) "Background Essay" on the 4th Amendment and its application in public schools with 3 open ended ?s.
- 2) There is a chart with 9 examples of evidence that you and your partner need to **EVALUATE** and **DECIDE** if the "EXCLUSIONARY RULE" applies to each scenario.
- **STAND UP/HAND UP/PAIR UP** for the 9 examples???

Bill of Rights Institute Education Through Principles of the Constitution

Handout C: Should Law Expect Privacy?

Directions: Imagine your friend is being charged with a crime. The police have evidence against her which they claim is relevant to the case. For each example, decide whether you believe the government should be able to use that evidence if they do not have a warrant when they seized it.

Illustration described without a warrant	Should police be able to use this evidence against her?	Why or why not?
1. Evidence from her public school locker.		
2. Evidence that she visited on her home computer.		
3. A record that she went to a bank.		
4. Information from her Facebook page including email updates and pictures with friends and other people tagged.		
5. Her movements by car on public streets.		
6. The contents of her cell phone.		
7. Things she said on a land-line phone conversation she had at home.		
8. Things she has done that her family had placed in a garbage can by the curb.		
9. Something in her second hand truck, not visible from the street.		



How Have the Protections of the Fourth Amendment Been Interpreted, Applied, and Enforced?

The Founders knew that some of the most vulnerable people in our society are those suspected of crimes. Suspected criminals tend to be disliked, and almost all lack the vast resources of government. The Fourth Amendment was added to the Constitution to protect the rights of accused persons - and all citizens - from abuse by government.

Due process protections are evident in the Fourth, Fifth, Sixth, Seventh, and Eighth Amendments to the Constitution. The principle of due process means that, in going about the business of enforcing laws, government must follow established rules and procedures that respect all citizens' rights. (In other words, it is not enough for the laws to be followed. The principle of due process requires that laws themselves are constitutional.) The Fourth Amendment's warrant requirement provides for one of the most important individual protections: freedom from unreasonable searches and seizures. If the police want to search someone, they must first get a warrant by convincing a court that there is probable cause to believe that an individual has committed a crime. If the court agrees, they will give the police the okay to act.

(.....NOTE: MAJOR SECTIONS WERE SKIPPED.....)

How Does the Fourth Amendment Apply in Public School?

Public schools have long been considered by the Supreme Court as a special place. The Fourth Amendment does protect you in school, but at a much lower threshold than would be the case for adults in the "real world."

Tracy was a high school student in New Jersey, and exited the girl's bathroom smelling like smoke. A teacher took Tracy to the principal's office, where an Assistant Vice Principal searched her purse, finding not only cigarettes, but rolling papers, a pipe, and other evidence of marijuana use. In *New Jersey v. T.L.O.* (1985), the Supreme Court upheld the constitutionality of the search, adopting a lower standard than is applied to police in criminal situations. The court held that school officials only needed "reasonable suspicion" to search students.

While the Court found this lower standard met in *T.L.O.*, it found in 2009 that Arizona school officials went too far in strip-searching a 13 year old student who they thought might be distributing ibuprofen (Advil). In *Safford Unified School District v. Redding* (2009), the Court ruled that while schools have search authority to root out contraband, the search cannot be "excessively intrusive," in light of the age & sex of the student, and the nature of the items being searched for.

Drug tests can also be a kind of "search," and the Supreme Court has weighed in on the use of them by public schools. In the 1995 case of *Vernonia School District v. Acton*, the Court ruled that schools may force athletes to submit to random drug tests. In *Board of Education of Ponawatomie County v. Earls* (2002), students fought a school rule that required drug testing for all extra-curricular activities, not just sports. The drug test was even a condition to take courses such as band or choir. The Court upheld the policy because it "reasonably serve[d] the School District's important interest in preventing drug use among students."

1. How does the Fourth Amendment's warrant requirement protect you?
2. How has the Supreme Court applied the Fourth Amendment to public school officials? How have they ruled with regard to drug testing in schools?
3. Do you agree with these rulings? WHY or WHY NOT (SUPPORT)?

Handout C: Should You Expect Privacy?

Directions: Imagine your friend is being charged with a crime. The police have evidence against her which they found in several different ways. For each example, decide whether you believe the government should be able to use that evidence if they didn't have a warrant when they seized it.

Item/location searched without a warrant	Should police be able to use this evidence against her?	Why or why not?
1. Evidence from her public school locker.		
2. Websites that she visited on her home computer.		
3. An email that she sent to a friend.		
4. Information from her Facebook page, including status updates and pictures with locations and other people tagged.		
5. Her movements by car on public streets.		
6. The contents of her cell phone.		
7. Things she said on a land-line phone conversation she had at home.		
8. Trash from her home that her family had placed in a garbage can by the curb.		
9. Something in her fenced backyard, not visible from the street.		