

Table of Activities in the Unit

Part 1: Exploring Crime and Justice (9 sessions)

Students consider definitions of *crime* and *justice*. They learn about the goals and components of the criminal justice system, the steps of the criminal justice process, and ways in which those steps attempt to balance public safety with individual rights.

Students are introduced to the unit project, during which they take on the roles of criminal defense lawyers, lawyers in the District Attorney's office, and paralegals, and prepare for an arraignment in a fictional homicide case. They learn about and apply relevant criminal laws to the case.

Activity 1A: Perceptions of Crime and Justice

Students create and share poems that reflect their perceptions of crime and justice. They are introduced to the components and goals of the criminal justice system.

Activity 1B: The Criminal Justice Process

Students construct a timeline of the criminal justice process. They discuss when and how the rights of victims and offenders are protected and how the criminal justice process attempts to balance the protection of individual rights with the preservation of public order and safety.

Activity 1C: Joining the Team

Students are introduced to the unit project, a case of apparent homicide, and to the professional roles they will play during the project.

Activity 1D: Working on a Legal Team

Student teams discuss the rationale for collaboration on legal teams. They identify the teamwork, leadership, and facilitation skills needed for successful collaboration. Students begin reviewing their case files, practice distinguishing between facts and inferences, and identify key information in the case file documents. Each team member is assigned a portion of the case file to read and analyze.

Activity 1E: The Facts of the Case

Legal teams meet to discuss the key facts of the case and construct a timeline based on information in the case file.

Activity 1F: The Role and Structure of Criminal Laws

Legal teams prepare for the felony arraignment by identifying the elements of a criminal law and distinguishing between a criminal act (*actus reus*) and criminal intent (*mens rea*). Teams identify cases in which all the elements of a criminal law are met and cases in which a required element is missing.

Activity 1G: Analyzing Homicide and Accomplice Scenarios

Students analyze criminal laws—homicide laws or accomplice liability laws. They apply the laws to fictional situations and decide which crime could be charged in each scenario.

Activity 1H: Identifying Possible Charges

Legal teams use evidence from their case files to determine what charges might apply to the defendant in their case.

Activity 1I: Creating a Theory of the Case

Students learn the purpose of and strategies for developing a “theory of the case.” Working in their legal teams, students develop a theory of the case on which they intend to base their plea negotiations.

Part 2: Preparing a Plea (5 sessions)

Students learn about different approaches to criminal defense, punishment, and sentencing. They consider sentencing goals and the extent to which particular forms of punishment achieve those goals. Legal teams decide which sentence would be most just in their defendant’s case.

Students reflect on the role that prosecutors and defense attorneys play in achieving justice and fulfilling the goals of the criminal justice system. Teams finalize their theory of the case in preparation for plea negotiations.

Activity 2A: Criminal Defenses

Teams discuss types of criminal defenses and how they are used to protect the rights of the accused. Students apply affirmative defenses to different scenarios and discuss which defenses might be valid in their unit project.

Activity 2B: Choosing a Defense

Students analyze fictional affirmative defense scenarios and determine whether defendants can claim self-defense or duress. For each defendant in the unit project, students discuss which defenses are supported by facts.

Activity 2C: Punishment and Sentencing

Students analyze sentencing guidelines in California and discuss the intended goals of particular forms of punishment. Teams decide which sentence to recommend for the defendants in their unit project.

Activity 2D: Capital Punishment and Justice

Students explore arguments for and against the death penalty and consider the debate in light of the goals of the criminal justice system.

Activity 2E: Finalizing the Theory of the Case

Legal teams finalize their theory of the case in preparation for plea negotiations in Part 3.

Part 3: Plea Bargaining and Arraignment (6 sessions)

After analyzing the role plea bargaining plays in the criminal justice system, students decide what plea would be most advantageous for their team in the unit project. The defense and prosecution teams for each defendant conduct plea negotiations with one another. After plea agreements have been reached, students reflect on whether plea bargaining promotes or inhibits justice, both in this case in particular, and in the criminal justice system in general. Students then conduct a role play of the arraignment hearing for their case, and they receive feedback on the effectiveness and accuracy of their presentations.

Activity 3A: Plea Bargaining

Students discuss the function of plea bargaining in the criminal justice system and whether it promotes or undermines justice.

Activity 3B: Preparing for Plea Negotiation

Students explore the purpose and techniques for effective negotiation and begin preparations for plea negotiations.

Activity 3C: Plea Negotiation

Each project team engages in plea negotiations with opposing counsel.

Activity 3D: Preparation for Arraignment

Students review the arraignment script and prepare for the arraignment role play.

Activity 3E: Arraignment

Students role-play an arraignment.

Activity 3F: Reflection on Criminal Justice Roles

Students reflect on the arraignment they conducted and the roles they played during the unit project. They explore the skills needed for jobs in the criminal justice field by reading and reflecting on selected career profiles.

Part 4: Is the System Just? (5 sessions)

Students reflect on the outcome of each client’s plea negotiation and arraignment and consider whether justice was served in each case. Students look at incarceration data and read excerpts written by convicted criminals in order to explore multiple perspectives on how the criminal justice process actually works, in contrast to how it’s designed to work in theory. Students consider whether the criminal justice process is implemented fairly across all populations. They return to the question of “What is justice?” and brainstorm ways in which the criminal justice system could be reformed to make it more just. Students reflect on the unit understandings and take the unit exam.

Activity 4A: Thinking Critically About Incarceration

Students consider the possible fate of each of their clients as a result of pleading guilty to the charges against them, and reflect on whether current punishments for criminal behavior accomplish their intended goals. Students look at data about incarceration rates and consider the implications for how the criminal process is implemented across all populations.

Activity 4B: The Human Side of Incarceration

Students read and respond to passages written by prisoners, and discuss the extent to which all voices and perspectives should be taken into account when assessing the effectiveness and fairness of the criminal justice system.

Activity 4C: Perspectives on Reform

Students reflect on the work they’ve done in the unit and assess how effectively different steps of the criminal justice process ensure justice for all. They consider one example of how the criminal justice system has been reformed in recent years, and they brainstorm other ways the criminal justice system could be improved.

Activity 4D: Unit Reflections

Students reflect on the unit activities and understandings.

Activity 4E: Unit Exam

Students complete the unit exam.