

LESSON PLAN FOR CONDUCTING A UNIT OF INSTRUCTION IN
MIRANDA v. ARIZONA

“YOU HAVE THE RIGHT TO REMAIN SILENT”

Law Enforcement Services I / 10th – 12th Grade

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LESSON OVERVIEW:

To have the student understand the significance *Miranda v. Arizona* has had and will continue to have on law enforcement.

STANDARDS:

Unit B: Demonstrating the ability to communicate in written form

1. Complete Miranda Waiver

Unit D: Analyzing the impact of the U. S. Constitution on current criminal justice and protective services issues

1. Analyze U.S. Constitutional Amendments 4, 5, 6, 8, and 14 as they pertain to select United States Supreme Court cases.

Unit E: Demonstrating understanding of criminal justice

1. Apply the law to a given scenario.

LESSON OBJECTIVES:

Upon successful completion of this lesson of instruction, the student will:

1. Define the 4 mandates of the Miranda warnings.
2. Explain Miranda triggers / dual principles
3. Relate *Miranda v. Arizona* to Fifth Amendment of U.S. Constitution
4. Analyze the future of law enforcement and Miranda warnings.

LESSON LEARNING PLAN:

A. Method of Instruction

1. Lecture
2. Discussion
3. Scenarios

B. Instructional Aids

1. Miranda warnings / Advice of rights form
2. Laptop / projector
3. White board and markers

C. Student Material

1. Text
2. Pencil
3. Paper

D. Assessment

1. Students will be required to recite the Miranda Warnings according to the scenarios presented to them.

E. Time Allotted

1. Lesson, 45 minutes to 1 hour and 15 minutes.
2. Scenarios, 15 minutes

EQ: What “common” warning is used to protect one’s Fifth Amendment right against self incrimination?

OUTLINE

“If you are arrested, do the police have to read you your rights?”

“What are your rights?”

“Did you know there are only four mandates of the Miranda warning?”

“Did you know two things have to take place before Miranda rights are required to be given?”

A. Miranda v. Arizona, 1966

In 1963, **Ernesto Miranda** was arrested in Phoenix, Arizona for stealing \$8 from bank worker and charged with armed robbery. He already had a record for armed robbery, and a juvenile record including attempted rape, assault, and burglary. While in police custody he signed a written confession to the robbery, and to kidnapping and raping an 18-year-old woman 11 days before the robbery. After the conviction, his lawyers appealed, on the grounds that Miranda did not know he was protected from self-incrimination.

The case, **Miranda v. Arizona**, made it all the way to the Supreme Court, where the conviction was overturned. In a landmark ruling issued in 1966, the court established

that the accused have the right to remain silent and that prosecutors may not use statements made by defendants while in police custody unless the police have advised them of their rights, commonly called the **Miranda Rights**. The case was later re-tried; Miranda was convicted on the basis of other evidence, and served 11 years. He was paroled in 1972, and died in 1976 at the age of 34, after being stabbed in a bar fight. A suspect was arrested but chose to exercise his right to remain silent, and was released.

B. Are the police required to advise you of your Miranda rights when they arrest you?

The Answer is NO.

1. You must be in custody / under arrest. AND
2. The police must be questioning you about what you have been arrested for.

C. When these two events occur you are to be advised of your Miranda rights.

D. When else do the police use Miranda warnings?

1. When interviewing a suspect...
2. When interrogating an accused...

E. What situations allow for Miranda warnings not to be given?

1. Anytime. So long as the TWO requirements are not present.
2. Does a drunk driver have to be given Miranda warning when asked if he/she has been drinking? Are they in custody at the time? Can they comprehend the warning?

F. Can police use statements made against you?

1. Yes, if you have already been advised of your rights and you “waive” them.
2. Spontaneous utterances.
Ex. Domestic – “yeah I hit her, so what?”
3. If it is a specific answer to a general question.
Ex. What happened? Someone says, “I shot him.”

G. Why read the warning? Why the same way every time?

1. Standardization
2. Reliability / Integrity / credibility in court.

H. What are the Miranda rights?

1. You have the right to remain silent.
2. Anything you say can be used against you in court.
3. You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning.
4. If you cannot afford a lawyer, one will be appointed for you before questioning if you wish.

SUMMARY:

The Police only have to advise someone of their rights when what has occurred?

What are the four advisements of the warning?

The future of the Miranda warning is questionable. A Recent challenge was rejected and *Miranda v. Arizona* was upheld. However, lower courts are increasingly finding that Miranda warnings are “common knowledge.” The courts have also said that most convicted felons know their rights and statements made by them without warning will not be automatically thrown out.

Do you know your rights?

Miranda rights: The set of rights that a person accused or suspected of having committed a specific offense has during interrogation and of which he or she must be informed prior to questioning, as stated by the U.S. Supreme Court in deciding *Miranda v. Arizona* and related cases.

Miranda triggers: The dual principles of custody and interrogation, both of which are necessary before an advisement of rights is required.

Miranda warnings: The advisement of rights due criminal suspects by the police prior to the beginning of questioning. Miranda warnings were first set forth by the U.S. Supreme Court in the 1966 case of *Miranda v. Arizona*.

Miranda v. Arizona

Assessment

Read each scenario carefully and decide whether or not Miranda Warnings are required. Indicate yes or no along with a brief explanation for your response.

1. While investigating a burglary you make an arrest of John Doe for the burglary. He is handcuffed and placed in your patrol car. You sit down in your patrol car and start to ask him specific questions pertaining to the burglary and his involvement. Prior to the questioning are you required to advise him of his Miranda Warnings and why or why not?
2. You are dispatched to a call involving a shooting and possibly a deceased victim. Upon your arrival you encounter a subject with a gun in the driveway at the residence. You inform the subject to drop the weapon, which he does and he begins to tell you how he shot his wife. Do you need to advise him of his Miranda Warnings, why or why not?
3. You stop a vehicle for a possible DUI during the investigation you ask the driver several questions about how much they had to drink and where they had the drinks, etc. Are you required to advise the driver of his Miranda Warning, why or why not?
4. Write the Miranda Warnings and waiver as it would appear on an Advise of Rights Form.