***Miranda v. Arizona.***

*In a Courtroom or a Classroom*

**FLEXIBLE AGENDA**

*60-90 minutes in a Courtroom – 50-minutes in a Classroom*

**Part I Activity: Overview of *Miranda*** *(10 minutes)*

Volunteer attorneys present the *Miranda v. Arizona* facts and case summary.

* To stimulate critical thinking and share reflections, the attorneys use and/or modify the questions in the discussion starter
* The attorneys take apart the phrases in the *Miranda* warning and involve participants in a discussion of each element.

**Key Question**

Being in police custody, typically, is the prerequisite for receiving a *Miranda* warning. How does someone know if he/she is in police custody and, therefore, are entitled to their *Miranda* rights?

**Part II Activity: Factors for Establishing Police Custody**

*(40 minutes in a classroom or 90 minutes in a courtroom)*

Using the worksheet, the attorneys explain the factors that courts take into consideration when determining if someone is in police custody and, therefore, is entitled to a *Miranda* warning.

**Small Groups Identify Factors**

Participants form four small groups.

* Each group is assigned a case listed on the worksheet.
* Someone in each group volunteers to take notes and be the spokesperson who will report the small group’s findings to the large group.
* Within each small group, members take turns reading the paragraphs in their assigned case. As they go through the reading, they underline and discuss information that might constitute one or more of the factors courts might consider.

**Spokespersons Report Out to the Large Group**

When the small groups come back together, an attorney briefly tells the story of the first case. The group spokesperson for that case reports the factors his/her small group identified as indicators that the suspect was in police custody. The attorneys follow this pattern for the other three cases.

**Attorneys Use the Worksheet to Check for Understanding: Clarify and Summarize**

To clarify the factors, volunteer attorneys take participants through the worksheet and summarize the factors that courts considered when determining if someone is in police custody in each case.

**Attorneys Use the Optional Discussion Starter: Analysis of the Circuit Decisions**

***If the Program is in a Courtroom***

* A Judge enters and conducts a Q/A session and discussion with the participants.
* If there is time, the Judge and the attorneys for informal socializing with the participants.