



SPHERE Fostering Civil Discourse and Diverse Viewpoints for Every Classroom

Role of Police in Society

BY KELLY YOUNG-RAYMORE

GRADE LEVEL: UPPER-MIDDLE AND HIGH SCHOOL

Overview

The role of police in our society is complex but is pivotal to understanding the US criminal justice system and our society at large.



Objectives

- Explore the purpose and legal responsibility of police in society, beyond the motto to “*protect and serve*”
- Evaluate the extent to which police have a legal duty to serve and protect

Essential Questions

- What is the role of police?
- Do the police have a legal duty to serve and protect?

Vocabulary

- Law enforcement
- Community police
- Due process and the Fourteenth Amendment
- Qualified immunity

Materials

- Butcher or chart paper
- Markers

Pework (about 30 minutes)

This can be completed the day before or just before starting the lesson.

Step 1: Go over the vocabulary words for the lesson.

Step 2: Students should complete the *History of Police Forces* reading and reflection/ comprehension questions below. This may be done in groups for students to work together to read through the article.

- What were the challenges posed in early forms of policing that stemmed from colonial America?
- How did policing systems differ regionally in the United States in the 19th century and early 20th century? What factors contributed to this difference?
- How did early policing differ from today's policing system in the United States?

Step 3: Via cold call or whip-around calling on each student, have students share responses to questions.

Warm-Up (about 10 minutes)

Step 1: Explain to students that since the class has already discussed the origin of police forces in the United States, the students are going to explore the role of police in American society by analyzing court cases and court rulings.

Step 2: Spend three to five minutes asking students to consider the essential question, What is the role of police? Students should record their responses.

Step 3: Spend three to five minutes doing a whip-around. Ask a few students to share their responses. Record the class responses on a whiteboard or blackboard. Circle or star responses that are repeated multiple times to identify a few collective responses.

Lesson Activities

ACTIVITY 1: CASE REVIEW (RECOMMENDED FOR HIGH SCHOOL) OR ARTICLE JIGSAW (RECOMMENDED FOR MIDDLE SCHOOL) (ABOUT 30 MINUTES)

Depending on your class, you may choose to do a case review or an article jigsaw to have students learn more about the essential questions. While the cases are essential to the question regarding a police officer's duty to protect, the cases do go into details about abuse, neglect, and murder. Therefore, you will want to choose the option that best suits the maturity level of your students.

For the case activity:

- Organize students into four groups. If you need to duplicate cases to accommodate more students, you can double up.
- Assign each group one case to review.
- Students should analyze the case documents and conduct additional research on their assigned case.
- Each group should prepare a summary of their case and answer these essential questions based on what they believe and using evidence to support their claims. What is the role of the police? Does the law require police to protect and serve?
- Each group will share their summary/poster presentation.

Case options:

- *Atwater v. City of Lago Vista*
- *DeShaney v. Winnebago County Department of Social Services*
- *Castle Rock v. Gonzales*
- *Kelsay v. Ernst summary (at the end of the lesson)*

For the article jigsaw:

- Organize students into groups of four.
- Assign each student a section of the article from the American Bar Association titled Police Function, which they will then summarize for the group. Provide students with sections excluding the archived content.
- Have students discuss these essential questions: What is the role of the police? Does the law require police to protect and serve?
- Reconvene as a whole class and have each group share their thoughts.

ACTIVITY 2: SOCRATIC SEMINAR (ABOUT 15–25 MINUTES, AND MAY BE DONE AS A LONGER DAY-TWO LESSON)

Step 1: Watch (Clark's video on policing insert link when we have it)

Step 2: Have students watch "[DOJ Issues Scathing Review of Failed Police Response to Uvalde School Shooting](#)" from PBS NewsHour (tip: use the unit toolkit for information on how to approach this topic with students).

Step 3: Hold the Socratic seminar to explore the essential questions of this lesson and record the students' responses to the essential questions after reviewing cases and watching the video. Be sure to have students discuss any shifts in their perspectives.

Optional Extension Activity

Step 1: Review "[Police as Community Caretakers: Caniglia v. Strom](#)"

Step 2: Have students create a presentation to explain the concept of police as community caretakers in their own words.

Step 3: Hold a mock city council hearing where students argue for or against the concept of police officers as community caretakers, using evidence from the article and from their own research.

ACTIVITY 2: CASE SUMMARY: *SESSIONS V. DIMAYA*

Step 1: Read "Justice Gorsuch on Overcriminalization and Arbitrary Prosecution" and Case Summary: *Sessions v. Dimaya*

Step 2: Create a list of criminal offenses that might be affected by this ruling.

***Kelsay v. Ernst* summary:**

This federal case from 2019 asked whether police were required to compensate an alleged victim whom they had thrown onto hard concrete, fracturing her collarbone.

Melanie Kelsay was at a swimming pool in Wymore, Nebraska with her three children and Patrick Caslin, a family friend. Police arrived pursuant to a witness call alleging that Caslin had assaulted Kelsay. Kelsay was uninjured. She told the officers that Caslin had just been playing around, and the only threat he'd made was a threat to push her into the pool.

Police arrested Caslin anyway, even as Kelsay continued to protest outside the police vehicle where Caslin was being held. Then Kelsay overheard her 13-year-old-daughter arguing with the woman who had summoned the police. She moved towards her daughter, prompting Officer Ernst to grab Kelsay's arm and warn her to "get back here." But Kelsay insisted that she needed to check on the situation. Ernst then released her arm and slammed Kelsay onto the parking lot in front of her children.

Kelsay complained of an intense pain in her shoulder, saying that she was no longer able to move her arm. Officers refused her pleas to take her to the hospital, instead forcing her into handcuffs. Kelsay, the alleged assault victim officers had been dispatched to protect, was taken to jail and charged with disturbing the peace and obstructing government operations. When she finally did receive medical attention, an x-ray revealed that Officer Ernst's takedown maneuver had fractured her collarbone. She required extensive surgery, including the insertion of a plate and several screws into her shoulder.

Officer Ernst claimed he didn't have to pay for Kelsay's injury because of **qualified immunity**—a doctrine the Supreme Court invented to shield police officers from liability. Qualified immunity protects police (and other public officials) from legal liability if they haven't violated "clearly established law."

The "clearly established law" standard required Kelsay to find another, prior court case in the federal Eighth Circuit—not, say, in the Seventh Circuit, which governs the neighboring states of Wisconsin, Illinois, and Indiana—where police were held to have violated the Constitution by injuring someone in nearly the exact same way Officer Ernst had injured Melanie Kelsay. Generally, the standard requires a high degree of factual similarity, and it would not be enough for Kelsay to simply point to a prior case where a court in the Eighth Circuit had ruled it was unconstitutional for an officer to injure a nonthreatening person. In this case, the Eighth Circuit held that Kelsay wasn't entitled to compensation because "In none of the decisions cited by the district court or Kelsay involved a suspect who ignored an officer's command and walked away, so they could not clearly establish the unreasonableness of using force under the particular circumstances here."