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2007 Volume II: Across the Curriculum with Detective Fiction for Young People and Adults

Police Investigative Challenges: To Snitch or Not to Snitch, That is the Unanswered Question

Curriculum Unit 07.02.09, published September 2007

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Introduction

Robin Brown, reporter for *The News Journal* in Wilmington, Delaware, posted this article on Sunday, November 12, 2006:

Phillip Reid, 18, of the 500 block of N. Clayton Street was shot and killed while riding his bicycle. Reid's killing was the 20th homicide in Wilmington this year, three more than the total for last year and one fewer than the record set in 1996. No suspected motive has been disclosed in Reid's death, and police continued to seek tips and witnesses Saturday night. Detectives worked through the night and into the early afternoon hours today investigating leads as they developed, Elliott said. (The News Journal, 2006)

Because of constant news articles like this, readers become desensitized to the continued loss of life in American society. Phillip Reid could have been anyone's son or brother. In fact, Phillip Reid was someone's son and someone's brother. This young man was not "just another" statistic of a youth being killed in an American urban community. He was also a special friend to many students and faculty, including me, at Howard High School of Technology. Phillip Reid was a young man whom I had the pleasure to meet and see at school each day.

In many cases like Phil's, it becomes a challenge for detectives to investigate and solve cases of murder, rape, robbery, assault and other criminal offenses. Such challenges arise in part because witnesses are reluctant to provide information to detectives. In this curriculum unit, I will explore the question (not a simple one), why are people hesitant to be a witness? Ordinarily, if a person has knowledge of a crime, he or she is eager to share such information to ensure that the perpetrator is removed from the streets. However, there are individuals in today's society who do not believe they should divulge information about a crime to a detective because if they do, they will be viewed as a *snitch*. A snitch is defined in modern terms as one who turns into an "informer"¹, but the harsh reality in many communities is that a snitch is not considered an informer or a witness, but a person who betrays social allies to social enemies. This term evolved from words like "stool pigeon", "rat", and "sellout". The irony of this reality is that the same individuals who refuse to assist in solving a crime want justice to replace the injustice committed within and against their communities. Some communities actually perpetuate the idea of being an uncooperative witness and label those who do come

forth as snitches. Being classified as a snitch is a very powerful deterrent, and, in some cases, extremely dangerous.

The real question that is unanswered here is why someone would withhold pertinent information about a crime. Is the implication of being depicted as a snitch so powerful that a person would allow a known offender to walk free with the potential of committing another crime? Perhaps as a result of the experience of this curriculum unit, the answers to such questions will not satisfy the exclusively rational sense of what is right and wrong, but in a culture where unwritten principles or a street code dictate what is acceptable and what is not, we will hopefully gain more insight into the rationale for withholding information without approving of it, at least in nearly all cases.

Rationale

Howard High School of Technology is an urban school located in Wilmington, Delaware. The demographic of my school is 54% African American, with 35.2% White and other ethnicities in the lower percentile demographically.² As we are a vocational technical school, I teach students who are interested in pursuing a career in the legal field. I teach in the Legal Administrative Assistant Career Program. The current curriculum consists of an instructional *Task List* in civil and criminal law (See Appendix A). This program also maintains an articulation agreement with the local junior college. This articulation agreement affords students at the high school level the opportunity to earn three college credits for Introduction to Criminal Justice.

The Introduction to Criminal Justice course revolves around many discussions related to the entire criminal justice system, including law enforcement, courts and corrections. When I pose hypothetical questions to my students about sharing vital information to solve a crime, the students have stated they too do not care to be viewed as a snitch, even though they agree that something should be done to eliminate criminal elements in their neighborhoods. They subscribe to the unwritten principle that you do not snitch on anyone, especially when law enforcement is involved. If you see something, you keep quiet. One reason why a person would not like to be labeled as a snitch is the high probability of retaliation by negative elements in the community. Many people argue that the police hold some responsibility for this attitude because of police corruption, which forces witnesses to identify someone whom they know, but is not responsible for committing a crime just to solve the case. This suspicion may be due in part to the "*us vs. them*" mentality pitting urban communities against the police, and the police against the community. This dual mistrust as a perspective will be explored in this curriculum unit.

Because I am a vocational teacher, one of my responsibilities is to teach my students the expectations of the workplace, as well as the information required for the trade. The legal community expects a student who is pursuing a career in the legal field to be taught the curriculum. Specifically, this instruction includes employability skills. As a vocational instructor, I need to make sure each student has a current resume, can fill out an employment application, understands interview techniques, appropriate business attire, etc. With all this emphasis on professionalism, the issue of my students not wanting to help the police with a crime investigation has concerned me. It is my position that if my students are to eventually work in the legal field as legal assistants or paralegals, they should cultivate better legal and ethical standards. In the legal field, these students will encounter detectives and other investigative officials in civil and criminal cases. Wanting to withhold pertinent information in any jurisprudence would be, in my view, unethical. When a witness refuses

to offer important information related to a crime, the wrong person could be convicted and the culprit could walk free. A witness's voice in helping to establish the truth must be heard by a judge or jury in order for there to be due process of law. If no witness comes forth, the pursuit of justice is flawed.

It was also important to me to devise a curriculum unit where students could objectively learn more about the techniques and challenges of solving crime when there is an uncooperative witness. It is important for the students to totally understand the ethical and practical stakes of doing the right thing if ever faced with such a situation. I knew that being "tagged" as a snitch was a very powerful disincentive, but discovering the root of this stigma was vital. Using crime fiction can help in this endeavor. It will give the students an opportunity to walk in the shoes of the detective and better understand the many challenges associated with uncooperative witnesses when trying to solve a crime. For those students who may not have the perceptual bias I am discussing, I hope this curriculum unit will enhance their knowledge base and offer them a broader opportunity to learn more about policing through fictional characters and events.

Objectives

Teacher and Student Objectives

The teacher's objective is to teach a comprehensive curriculum unit on the problems and repercussions associated with uncooperative witnesses. This curriculum unit will focus on the definition of snitching and the elements of police investigation as it relates to locating a witness to a crime, together with the legal aspects of witness intimidation, statutory provisions for witness intimidation, ethnic and social perspectives in policing, witness protection and police corruption. The ultimate goal in developing this curriculum unit is to introduce positive aspects of detective investigation through crime fiction and to remove the stigma of being a snitch when a person comes forth to help solve a crime. The idea here is to teach tenth and eleventh graders at a vocational school the many facets of the investigative process, with the understanding that many crimes are not solved because of reluctant witnesses. It is further my objective to teach employability skills, especially to the eleventh graders, as these relate to ethics in the legal field as well as in the workplace.

Many students whom I teach have not been introduced to the genre of crime fiction at all, or in any case do not realize that such fiction can help them to identify clues that may be hidden and connected to real life situations. The students will come away from this curriculum unit with a better understanding of how an author's writing portrays semblances of themselves within a novel, or cleverly hides information within a plot that directly relates to the events of today and yesterday.

The students' objectives are to gain insight into police procedures as they relate to crime investigation and investigating witnesses. I am also hopeful that the students learn that upholding legal and ethical standards is weighed extremely heavily and is required of them in the field of law. They should be able to intelligently analyze both sides of the snitching dilemma in order to make sound judgments. The students' objectives are to be empowered by hopefully coming forth to share information about a crime and to accept the challenge of speaking up in spite of social and community pressures. It is important for students to leave the lesson knowing they should not be viewed as a snitch, but be regarded as an upstanding citizen who contributes to the protection of their community.

Police Investigation

When a crime occurs, it is the duty of the detective to investigate the crime. Police investigative techniques include collection of evidence by crime scene analysis, fingerprints, photography, witness interview, interrogation and more. Ordinarily, witnesses may be approached at or near the crime scene or be asked to come to the police station to give their statement. During a police investigation, and usually prior to pretrial hearings, witnesses are reluctant to speak to the police because they fear exposure. Victims and witnesses with criminal records or active parole and probation restrictions may be particularly hesitant to provide information to the police. Also, witnesses who were accomplices to the original offense may be choice targets for intimidation. And in inter-gang violence, where the roles of offender, victim, and witness are often interchangeable and revolving, victims and witnesses may not cooperate with the police because they themselves intend to retaliate against the offender. (Johnson, P. 4) But if all this can be overcome, the detective will ascertain pertinent information from the witness, such as their name, address, phone number, and a detailed statement of what they saw. At this time, it is important for the witness to share their concerns about potential threats of intimidation from someone.

Police Corruption and Social Perspectives in Policing

Police corruption can materialize in many forms. This would include taking bribes or gratuities, lying, drug trafficking and many other serious infractions. In the context of this curriculum unit, police corruption is connected to intimidation of witnesses through confidential informants. Police will set up individuals by soliciting and pressuring people to lie about a person in order to secure a criminal conviction against them. It is stated clearly in Edera Davis' book *Snitchcraft*, "they [police] set them up to bust them." The book portrays as a driving force the wish to pressure people into lying about an innocent person just so the police can get a conviction. Although this book deals with a fictional character, many people in urban communities believe the police play "dirty" in order to incarcerate minorities. Because of this viewpoint, being classified as a snitch is not seen as helping the victim, but more like placing a star on the police officer's badge, because they are corrupt in sending innocent people to jail.

Witness Intimidation

Being classified as a snitch is intertwined with witness intimidation. If a witness experiences fear based upon the threats of someone, or is compelled because of the street stigma to withhold vital information that could potentially solve a crime, the witness is considered intimidated by such factors. Cases involving domestic violence, bias crimes, harassment and sex offenses are most likely to involve witness intimidation. Witness intimidation commonly takes two mutually-reinforcing forms: 1) **case-specific intimidation** which involves threats or violence intended to discourage a particular person from providing information to police or from testifying in a specific case; and 2) **community-wide intimidation** which involves acts that are intended to create a general sense of fear and an attitude of non-cooperation with police and prosecutors within a particular community. (Johnson, P. 2) Some reasons why witnesses are reluctant to come forth include:

- Fear of being beaten or killed through retaliation by the perpetrator or their affiliates. This is clearly depicted in the book *See No Evil*. Because both witnesses are aware of the perpetrator's history of violence, they decide not to talk because they too are afraid of being hurt;
- Fear of being labeled as a snitch (this ranks very high);
- Fear of the police;
- Disliking or mistrusting the police;
- Social status, or being ostracized by people in the neighborhood;
- Don't want to "bother" police (not actually intimidated). For example, the witness is unsure that what

they saw could be beneficial to the police in solving a crime. (DePasquale, P. 1). This type of witness is common in detective fiction;

Protecting oneself because of one's own involvement, i.e. self implication or self-incrimination;

Admitting what you know would be admitting something that could potentially "make" the witness "appear" guilty of a crime even though they are not, simply because they were in a particular place when an actual crime was committed. This might tempt the witness not to snitch. This is also common in British genteel crime fiction.

Surprisingly, unfocused anger that is directed at the police or correctional system. These types of witnesses may actually mislead the police.³

Witness intimidation comes in various forms and methods such as:

Physical threats to witness or family members

Assault and murder

Threatening phone calls

Threatening notes and/or letters

Online threats through websites, email, chat rooms or IM's

Stalking or loitering at or near a person's residence, work or other places the witness frequents

Vandalism or damage to the witness's property

Social isolation of the person that reported the crime

Each of these methods of intimidation is very serious. They can be subtle or blatant. Thus, when a witness is approached and is faced with any forms of intimidation, having the witness come forth to tell what they know about a crime is compromised, leaving no means of proving the criminal offense.

Responses to Witness Intimidation

There are many responses to witness intimidation. Increased legislation against those who intimidate witnesses and aggressive punishment of them would be helpful in giving witnesses the assurance that they are protected when offering information about a crime. As far as possible concerns about hostile reaction, an essential solution to this dilemma would be an improved relationship between the police and the community they serve. Specifically, respect for the entire criminal justice system would increase the chances of a witness coming forth to assist a criminal investigation. Law enforcement, along with the courts, could limit the offers of bargaining for money and decreased penalties to confidential informants. This will help to eliminate the cycle of the "bad guy" being paid for information (or in some cases lies) about a person just for a reduction in their sentence, or payment by the government as a confidential informant. There are many other things that could be done, but the responses listed here are a few that are essential to reduce witness intimidation. These responses could also help to change the attitude of urban neighborhoods, so that witnesses could readily come forth to assist in a criminal case without being pegged as a snitch.

Witness Protection

According to the Department of Justice, U. S. Marshal Service, those witnesses who provide essential testimony in a criminal case and whose life, or families' lives, are at risk, must be protected. The testimony must be credible and the threat must be imminent. Specific crimes such as organized crime, racketeering, drug trafficking, federal felonies, and state offenses, all civil and administrative proceedings in which testimony that is given by a witness may place the witness's safety in jeopardy, will be considered. After the bombing of the World Trade Center in New York City on 9-11, testifying against terrorist organizations was

also included in this list of specific crimes. In extreme cases, a witness is given a new identity and is relocated to protect their safety.⁴ With local jurisdictions, witness protection is correlated with police investigative techniques. This would include anonymous contacts, secure location to interview a witness, surveillance and more. Once the threat to a witness is known by law enforcement, the police department would follow set policies and procedures designated for their force.

Statutory Provisions Concerning Witness Intimidation

In my research, many statutory provisions rest with state and local jurisdictions. Many states have misdemeanor and felony laws prohibiting witness intimidation. For example, the state of Louisiana currently has statutes for witness intimidation, but on April 30, 2004 in HB 43 Louisiana expanded the penalties and approved a bill imposing the death penalty for the murder of a witness or a member of the witness's family to prevent testimony or exact revenge.⁵ This is a severe penalty that could help to deter witness intimidation. Perhaps other states will adopt such strict penalties in the future.

There are cases that have been sent to the U.S. Supreme Court for review on witness intimidation. One such case that requested a *writ of certiorari* was *Monroe v. Butler*, 485 U.S. 1024 (1988), but the writ was denied. Even though the U.S. Supreme Court denied the writ, it would be good for the students to read the facts of the case, along with the opinions of the Justices. In the *Monroe* case, the defendant was convicted of murdering his neighbor in New Orleans, LA. Monroe received the death penalty. A witness tip by a cellmate in another jurisdiction was discovered that could potentially implicate someone other than Monroe. The tip was held and not shared with the defense. The District Court in Louisiana found that this evidence "create[d] a reasonable doubt as to Monroe's guilt that did not previously exist." App. to Pet. for Cert. 5c.⁶ In another case, *Kush v. Rutledge*, 460 U.S. 719 (1983) the appeal was unanimously affirmed by the court. The issue before the court dealt with federal and state tribunals. The respondent Rutledge had asserted a variety of common-law and statutory claims against Arizona State University and its officials arising out of incidents that occurred while he was a member of the University's football squad. One of his claims is that three of the petitioners - the Arizona State University athletic director, head football coach, and assistant football coach - engaged in a conspiracy to intimidate and threaten various potential material witnesses in order to prevent them from testifying "freely, fully and truthfully" in his lawsuit in federal court. The students could look at the facts of this case and get a better understanding of the Justices' rationale in deciding this case.

Snitching as a Social Phenomenon

All members of society may not fully understand the snitching phenomenon. As early as the civil rights movement and during the Jim Crow era, there has been a mistrust of law enforcement in urban communities. Unfortunately, blacks had no recourse. The system was all white with police, prosecution, judge, juries and prison officials deciding the fate of minorities. Violence was instrumental for Jim Crow. It was a method for social control. (Pilgrim, 2000) Even during reconstruction, there has been a mistrust of law enforcement in urban communities. This is due in part to the historical relationship between police in America with primarily minority communities (especially African-Americans). Snitching has evolved from the "rat" era, such as it was in organized crime syndicates, to blatant refusal to assist the police in spite of violence wreaking havoc in one's own neighborhood. Initially, the unwillingness to assist law enforcement was part of the urban gang mentality of *omerta*, which is essentially a subcultural code of silence. The word *omerta* was derived from Italy

and is associated with the Mafia. Basically, the whole idea of *omerta* is that "there is a categorical prohibition of cooperation with state authorities or reliance on its services, even when one has been a victim of a crime."⁷ This would include taking the "rap" for someone even if you did not do the crime. Today, the *omerta* mentality has mushroomed throughout urban and many suburban neighborhoods in America. No longer is it gang members who perpetuate the snitching code; now it is "Big Mama" who lives on the corner and says "don't open your mouth" to the police, because if you do, she too will ostracize you. The snitching phenomenon is a cultural stigma. Some would go so far to say that in some urban communities, snitching in itself is a crime. This phenomenon is profound and widespread. I feel that the snitching phenomenon has gone unnoticed for so long that to try and stop it now would be a great task. It is not an impossible task, but is nonetheless a tremendous undertaking. This outlook has infiltrated the lyrics of rap artists who disseminate the message that it is not cool to snitch. Recently, a popular DVD was produced by Skinny Surge entitled *Stop F— Snitching Vol. 1* to entice the African-American community to refuse to assist the police and to intentionally hamper any criminal investigation. This was endorsed by Carmelo Anthony of the Denver Nuggets, who appeared on the DVD. Also, T-shirts have been worn into courtrooms with "stop snitching" printed on them. Because of this practice, many courts do not allow clothing with "messages" written on an individual's person to enter the courtroom. Further, cell phones are no longer allowed in the courtroom because photos can be taken of the witnesses and jurors for intimidation purposes. Schools and even colleges have been inundated with the "stop snitching" phenomenon. With a culture such as this, it is no longer a surprise that students in my class or any other class in America would think it is okay to withhold information from authorities. America's children have bought into this societal stigma.

Another aspect of the snitching phenomenon is police corruption through witness intimidation. The *us vs. them* mentality is a deep rooted mistrust between the urban community and the police. Often times, in order to solve a crime, police will solicit lawbreakers as informants. This practice places not only the informant in danger, but their family, friends and acquaintances, because they are tagged as a snitch. Further, police officers are not always forthright in their dealings with informants. Many urban communities see this "deal making" as a way to simply house more minorities in prison, especially if the targeted law breaker has become a prominent individual in the community by owning a business or becoming socially elevated above what is considered the "status quo" in the neighborhood. Such a case is depicted in the crime fiction novel *Snitchcraft* (*Id.* P. 5), which is a required reading for this curriculum unit. Ultimately, one could say that individuals in urban communities are often times suspicious of law enforcement officers and automatically choose not to interact or help them in any manner. Certainly, such a practice is a disservice to the residents who live in a community where violence is running rampant. Essentially, the end results of such perceptions are a culture that resists an entity seen as a predator.

The Crime Fiction Genre

This curriculum unit will use the genre of crime fiction as its base to help the students learn the many problems associated with detective work. I am interested in the witness aspect of solving a crime, but there are many other ways for the detective to solve a crime. The solution does not always depend on the cooperation of witnesses. With crime, there is always a question as to who is responsible for committing the act. Therefore, the books I have selected for this unit are those in which the solution of the crime hinges on the testimony of witnesses.

Crime fiction often falls into the category of forensic science and police procedural. Forensic science in crime fiction is where the crime scene is the focus of the plot and furnishes the solution to the crime. In police procedural, the detective uses meticulous detective work to solve the crime. This curriculum unit will focus on the police procedural category. The police procedural does not denote the story of a crime, *per se*, nor even the story of the solution to a crime, but is more about the story of people at work, people whose work happens to be law enforcement.⁸ Although the police procedural seemed to surge around 1945 with Lawrence Sanders' 1945 novel *V as in Victim*, there were other authors who wrote in this style. This detective style is important to explain because the books that are assigned to this curriculum unit are police procedurals. Police procedurals were selected for this curriculum unit because of the meticulous work of the crime detective in today's society. When a witness withholds information, as in a case of snitching, the detective must utilize clues beyond the crime scene to put pieces of the puzzle together. The deductive skills of the detective in police procedurals are illuminated in the absence of witnesses. The extra effort this requires does not mean that the crime will not be solved, but the process is certainly more difficult. Even though detective writers make use of withholding evidence to lengthen their plots, this does not mean that they approve of it.

Teaching Strategy

The target group for this curriculum unit is 9-12 graders. Teachers who teach law courses at the high school level, or junior college teachers, in an introduction to criminal justice course as well as in civics, sociology or social studies, may find this curriculum unit helpful. The duration of the unit will be approximately four to five weeks. This schedule is set for teaching in two to three 40 minute block class periods. The teaching strategies and assignments will be implemented on a weekly basis.

The teaching strategies I will use involve crime fiction novels, two videos related to snitching, cooperative learning assignments, a project based assignment and role-play. I will also utilize the required class textbook on criminal justice with a worksheet for clarification of terms and pertinent information. Students may also read supplemental books related to snitching chosen from the books listed. I will allow for active learning with an opportunity for the students to devise a role-play of what they have learned about snitching, witness intimidation and witness protection.

I will use a combination of lecture, PowerPoint slides and discussion as components to my teaching plan. The instructional information will be comprised of my research on crime fiction and the readings in the Yale National seminar. The discussions will stimulate critical thinking and allow the students to connect the lecture content to everyday situations they may encounter. This could include personal situations or current events.

Students will also be placed in cooperative learning groups that are devised to have them work in pairs or groups for continued collaborative discussion and critical thinking. Students may have different opinions on snitching. The collaborative learning activities will allow students to offer such opinions and defend them. This is a topic that would certainly generate an ethically complex debate among students. Students will apply the collaborative relationship to a project based assignment.

Students will provide information on witness assistance and programs that are federally funded for victim or witness assistance. This assignment will help the student see the victim or witness as a real person and not just an entity without a face. Perhaps if the students are educated on everything involved with being a

witness, their views will change and their ethics be improved.

Many law enforcement agencies welcome the opportunity to visit the classroom. For this reason, I will invite a police detective from the Wilmington Police Department or New Castle County Police Department homicide units to visit my class. This will afford the students the opportunity to ask questions on policies relative to witnesses. They can also share information about how witness intimidation is handled and any statutes relating to this topic in the state of Delaware.

The students will view two videos that deal with snitching. The first video *Stop the F- -ing Snitching* was produced by Rapper Skinny Surge. The contents are very radical and the language is explicit, devoted to propaganda encouraging people not to talk to the police. Prior to viewing the video, I would suggest that a parent permission letter be sent home with the students, authorizing the teacher to allow the student to view the video. The second video, *Keep Talking*, was made by the Baltimore Police Department as a counter response to the video produced by Rapper Skinny Surge. Teachers may preview both videos online at <http://www.theatlantic.com/doc/200703u/stop-snitching>.

Crime Fiction Novels

In this curriculum unit, students may elect to read one of three crime novels listed in Group 1 (See Class Activity). After reading a book from Group 1, the students will read the mandatory book *Snitchcraft* in Group 2 and compare the books to one another. The students will be given a *Story Map for Solve-it Stories Worksheet* (See Appendix C). The worksheet will help the student to collect information about the characters, plot and clues while reading the books. Students should be informed that the vocabulary in crime fiction evolves and word meanings may change. For example, the word "gay" in times past was reflective of merriment or being happy, whereas in today's vernacular, the word "gay" would also refer to gays or lesbians. Also, students should be reminded to look for clues while reading the novels. Clues can be obvious and at other times subtle and obscure. Students should also observe the way language is used in crime fiction for problem-solving. Let the students know that often times, the author will play a "cat 'n mouse" game with the reader. Have students stay alert to "red herrings" which are a false clue planted by the author. The author may use the book to deliver viewpoints about controversial issues, and the plot of the book may revolve around such issues. Crime novels may have a theme related to such forms of social disturbance as greed, sex, money or violence. However, the detective will often expose the evil in the social order to get at the root of the evil. This is evidenced in a book entitled *Red Harvest* by Dashiell Hammett, where the detective stirs up havoc in a town called Personville (or Poisonville). Overall, students should look deeper into the meaning of a plot in a crime story. But most important, the students should read the books for enjoyment.

See No Evil by Diane Young

The first book that students may select to read is entitled *See No Evil* by Diane Young. In this book, two young men are on their way to the mall and witness someone being beaten. These young men recognize one of the offenders as a local gang member. The two witnesses run away from the incident, fearing that they too would be harmed if it were discovered they could identify the perpetrators. This book is ideal for students to read because it brings to life a situation they could easily encounter. This book presents a snitching dilemma and helps the student understand the complexity of having information about a crime but being reluctant to share what they know. It also shows how a witness to a crime ultimately shares vital information to help solve the crime, even though they may face danger. It is a short story worth reading.

***Truth* by Tanya Lloyd Kyi**

The second book that the students may select to read is *Truth* by Tanya Lloyd Kyi. In this book the main character, a teenager, just happens to be in a home where a man is found beaten to death. She, along with some of her friends, gives the wrong information to police detectives about the perpetrator when they are interviewed. Although she did not see the offender deliver the fatal blows, the witness believes she knows who did it and starts to gather clues about the incident in order to make absolutely sure the person she feels is responsible for the crime is pegged. As she discovers clues, she finds herself being intimidated by her friends, who also happen to be the killer's friend. This book will show how protecting someone you suspect of committing a crime by withholding information can lead to serious danger for the witness and the community as a whole. Students will learn that the solution is not to protect the perpetrator by not telling what they have done, but simply to tell what they know. After all, the perpetrator may come after them even if they don't tell what they know because they are still known to have information. This also occurs because the perpetrator does not want to spend time in jail or have it discovered that they have committed more crimes.

***The Murders in the Rue Morgue* by Edgar Allan Poe**

The third book the students may select to read is a classic detective story by Poe written in 1841. Since the original writing, this story has been included in many classic crime fiction collections. The murder of a mother and her daughter takes place in Paris. Detective Monsieur Dupin and Poe, writing in the first person, work to solve the murders. Dupin's savvy detective work and the witness interviews help to crack the case. This is an excellent story that shows how witnesses, when speaking to a detective, can have muddled recollections or unintentionally misremember. It clearly shows that being a good witness is not unlike being a good detective. It will be interesting to see the reaction of the students when the culprit is revealed.

***Snitchcraft* by Edera Davis**

The last book that all students are required to read is *Snitchcraft* by Davis. This is Ms. Davis' debut novel. This book is very interesting and will be compared to the three texts in Group I. This book is different from the three previous texts because it looks at the present day social phenomenon of snitching, police corruption and the use of paid confidential informants in a solving crime. Snitching is at the core of the serious accusation that lands an innocent man in prison. What I like about this book is the "After the Book" section that offer helpful questions for discussion. It also has a "take action" section and a resource list of contacts for various issues related to snitching, i.e., Drug War Facts, Forfeiture Endangers American Rights (FEAR), and many others. There are comments that students can identify with in this novel about the idea that African Americans are kept oppressed and in prison. This idea is a reminder of the locus of control and responsibility theory. In psychology, locus of control is considered to be an important aspect of one's personality. The concept was developed originally by Julian Rotter in the 1950s. Locus of control and responsibility refers to an individual's perception about the underlying main causes of events in his/her life. Or, more simply:

Do you believe that your destiny is controlled by *yourself* or by *external forces* (such as fate, god, or powerful others)? (Neill, 2006)

The reason why I mention this theory is that *Snitchcraft* clearly lays the blame for the entire African American plight upon the criminal justice system, mainly law enforcement and the correctional system, as an external locus of control and responsibility. In other words, the "man", i.e. police, parole officers and prisons, are keeping the community down through police corruption.

For the benefit of new readers in the crime fiction genre, you can share the following crime fiction terminology with your students. This will help them to read the novels with understanding. I plan to go over these terms with my students and give them a copy of the terms to keep in their notebooks as a reference. I would also suggest copying these terms on colored paper for a quick reference. (This is something I learned from my principal Mrs. Evelyn Edney, the colored paper guru.) The following terms can be found at www.Thinkquest.com, but are included here for your reference:

alibi - an excuse that an accused person uses to show that he/she was somewhere else than at the scene of the crime

1. breakthrough - an advance or discovery that helps solve a crime
2. **clue** - a fact or object that helps to solve mysteries
3. **crime** - an act committed in violation of the law
4. **deduce**- to infer by logical reasoning
5. **detective** - a person who investigates crimes and gathers information
6. **evidence** - something, such as a witness statement or object, that is used as proof in a crime investigation
7. **hard-boiled** - street smart detectives who focus on the criminals rather than crime fighting; involves the commission of a crime against a violent urban backdrop

hunch - a guess or feeling not based on known facts

8. **motive** - an inner drive that causes a person to do something or act in a certain way
9. mystery - something that is secret and unknown
10. plot - the arrangement of incidents in a story
11. purloin - to steal or filch
12. red herring - something that is used to divert attention from the basic issue (a false clue)
13. setting - the time, place, environment and surrounding circumstances of a story
14. sleuth - another name for a detective
15. suspect - a person who is suspected of a crime
16. victim - someone who is harmed or suffers some loss
17. witness - someone who saw or can give a firsthand account of something

Classroom Activities

Prior to participating in this unit, each student should select and read one book from Group I and compare it to the Group II text *Snitchcraft*:

Text reading list:

Group I (select one)

See No Evil

Truth

The Murders in the Rue Morgue

Group II (all students must read)

Snitchcraft

Students will receive the "Story Map for Solve-it Stories Worksheet" (See Appendix C) to complete while reading the novels. After reading a book from Group I, students must compare the facts, detectives, witnesses, victims and supporting information in Group I to these features in their Group II assignment, *Snitchcraft*.

Students will have already read the assigned novels listed in the Teaching Strategy section of this curriculum unit. They will also have completed a worksheet on the basic elements of the novel.

Lesson No. 1 - Create a Mystery Skit [or] Mini Mock Trial

Anticipatory Set: Have a student to lie on the floor in front of the class. Read the excerpt from *Hard Time* Chapter 2 "The Woman in the Road" (See Materials for Students and Classroom). After reading the excerpt, tell the students that they know the person who dumped the body on the ground. Now ask the students what their options would be if they were a witness to this crime: would they 1) withhold the information; 2) tell the police; 3) tell another source; or 4) something else? Have them list these options on a piece of paper with explanations. Open class discussion on this topic and let students share their answers.

Write the word "snitch" on the board. Place students in groups of four or five and allow students to discuss the meaning of the word. Have one student from each group come to the board and write their group's definition. After discussing the students' definition, use the definition included in this unit for comparison for further discussion. (See Introduction, P.2 above).

Directed Instruction: I suggest the teacher prepare a PowerPoint presentation explaining: 1) crime fiction as a generic term used by publishers, booksellers, reviewers and aficionados for a subgenre of fiction that deals with crimes and their detection and criminals and their motives. As such, it is usually distinguished from mainstream fiction and other subgenres such as science fiction or historical fiction;⁹ and 2) the definition of snitching (See Endnote #1). Include (from above in this Unit) the reasons why witnesses refuse to tell what they know, types of witness intimidation, and crime fiction terminology. This should be prepared before class instruction.

Activity: In this activity, the teacher can elect to have the students perform either the mystery skit, the courtroom mock trial with the judge and jury or both. Students will be placed in collaborative groups of seven (depending on the class size five to six per group). Students will be required to develop a mini mock trial with role-play. The classroom should be arranged like a courtroom with seats for the judge, witness, jury and desk for prosecuting and defense attorneys. (You could easily get a courtroom diagram from the Internet.) Also, print a copy of the *Story Starters* (See Appendix B). The title of the mock case is "To Snitch or Not to Snitch: That is the Question." The skit must be a mystery and work back from the end of the story to the beginning. The "snitch or not to snitch" dilemma must be involved in the plot. Characters must include a snitch subjected to witness intimidation. One person must be involved in the legal field as a legal assistant, paralegal, attorney or judge, and another should be a detective who is trying to solve the case without cooperation from the

witness. There should be a victim or relative of the victim. The students must offer a solution to the case in their performance.

Assessment: Skit or Mock Trial Rubric (See Appendix D)

Lesson No. 2 - Create a New Courtroom Design

Anticipatory Set: The teacher will bring in a current news article about a recent crime (homicide, rape, burglary, etc.) for students to read. Cut the article from the newspaper instead of the Internet so students can have the feeling that the incident actually occurred locally. Tell students to imagine they witnessed the crime and have some information about the incident that is not mentioned in the news article. Place the following question on the board: "As a witness to this crime, will you assist the police in the investigation?" Ask students to write their answers on a piece of paper. Students must give a supporting reason for their answers. The class will share their responses.

Directed Instruction: Teacher should discuss how cameras and cell phones have been banned from most courtrooms in America because of witness and jury intimidation. The witness or jury member's photograph can be taken for the purpose of intimidation. Have a class discussion about cameras and cell phones in the courtroom. Because of this policy, students will create a new design for the courtroom. I will call this the New Courtroom Design. Explain to students that the design of the courtroom setting is to protect witnesses and jurors.

Activity: Before students start this activity, have an example of how the present courtroom is designed or have students find a picture of a courtroom on the Internet. The new courtroom design should have the witness and jury box arranged so the audience cannot see them. However, the defendant and all other parties MUST be able to see the witness stand and jury box. Explain that the defendant has a Constitutional right to see the witnesses and jurors. Encourage students to be creative. The New Courtroom Design could be a diagram on a poster board with three-dimensional objects, coloring, painting, signs showing each section of the court, etc. It could also be devised on a flat surface such as a maze with three-dimensional objects protruding from the base to show the new layout of the courtroom. It could also be made with lumber, sticks or other items to show the new courtroom design, coloring and signs showing each section of the court should be required. For instance, where will the judge's bench be located? Where will the jury box, witness box, court clerk desk, bailiff, court reporter and audience be located? You could invite a judge or jury coordinator from the court in your local jurisdiction to visit your classroom to see the displays or you could hold a showcase for your school.

Assessment: Rubric for New Courtroom Design (See Appendix D)

Lesson No. 3 - Create an Informative Witness Brochure

The Anticipatory Set will include a Human Graph. Place three signs in different areas of your classroom. Each sign will be different and have the words *Agree*, *Disagree* and *Not Sure*. The teacher will have the students stand along the walls of the classroom. The teacher will read a statement about an aspect of the criminal justice process relating to witness intimidation or police investigations. Example: "When a witness (who is not protected by *privilege*)¹⁰ refuses to tell what they know about a crime, the police have the authority to place them in jail." Answer: *Disagree*. Students are to go and stand next to one of the signs *Agree*, *Disagree* or *Not Sure* sign. After students are in place, the teacher will give the correct answer to the question with an explanation. Have students explain why they stood next to one of the three signs. The students who get all of

the questions correct will receive an incentive (pencil, eraser, or extra points). Other questions would be:

You told the police what you saw as a witness, but you forgot to communicate another fact. Once you make a statement, you cannot add or delete from your statement (Answer: False, or Disagree. A witness can add, change or restate their statements.)

The defendant is never told the names of the witnesses prior to trial. (Answer: False or Disagree. The plaintiff and defendants receive a witness list prior to coming to court. It's called the discovery process.)

If you talk to a classmate about the past week's sports event, and later he/she finds out that you talked to the police and asks you what you said to them, this is not considered witness intimidation because the person did not touch you or threaten you. There's no law against someone conversing with a witness. (Answer: True or Agree. However, you may take this question further and ask the students to add to the scenario and determine when intimidation has taken place. [It would be with some type of threat; see the Witness Intimidation Section in this unit.]

You are a witness to a case, but decide you no longer want to participate in the case. You don't show up to court. This is okay as long as you have a good reason (Answer: False or Disagree. This would be considered contempt of court. If you are a witness, and are subpoenaed to court, you must show up for court. [After giving the answer, ask students what are some things that a witness can do if they don't want to go to court, after being subpoenaed to court. Answer: prior to court date, contact the court, judge, detective, etc.]

each could write additional questions about the court and witnesses prior to this activity.)

Directed Instruction: Discuss why it is important to be a witness in solving a crime. Discuss police investigative techniques (see above in this unit). Have a police officer come to your class to discuss police investigation and solving cases with reluctant witnesses and witness protection.

Activity: Witness Brochure. The collaborative assignments will be a Think-Pair-Share. The content headings of the Witness Brochure and the research topics will be exclusive to educating the public about the importance of witness assistance in solving crime cases, witness protection, aspects of police investigative procedure, court procedure, consequences of witness intimidation, pros and cons of the snitching dilemma, and ethical and moral reasons why witnesses should help solve crime cases. The brochure will be distributed throughout the student's neighborhood and the school.

The project-based learning assignment will include research about being a witness. It will be an informative tool akin to a "witness handbook" but created in the form of a brochure. Students will research this topic through the Internet, books, magazines and periodicals. Upon completion of the research, students will access the Publisher software to actually create the brochure. The elements of the brochure will include information a witness to a crime needs to know. Such questions that will be addressed in the brochure are:

Will the suspect be given my address if I am a witness?

What happens to the statement I give?

Who will see the statement I give?

What do I do if someone tries to intimidate me?

Will I have to go to court?

What will happen if I don't go to court? (CPS, Pgs. 3-6)

Why you should tell what you know about a crime.

What are the crime statistics in your state, city or town? (Select from the FBI-Uniform Crime Report: Part 1 Index crimes such as murder, rape, robbery, assault, motor vehicle theft, larceny, burglary and arson.)

Assessment: Rubric for Witness Brochure. Each side of the brochure must have information about the designated topics. (See Appendix D)

Activity No. 1 - Field Trip to Police Department

A supplemental activity is a trip to your local police department so that students will be able to visualize where witnesses are interviewed and suspects are interrogated. You could also arrange to have a mock interview of the students by the detectives.

Activity No. 5 - A&E Classroom

Another supplemental activity I am including in this unit is from A&E in the Classroom and can be viewed on the A&E cable station. The program *The First 48 TV Show* is a detective program that allows the viewer to observe real life crime scenes, witness interviews, autopsies and interrogations. Students will be able to observe the difficulties of police investigations, which will include reluctant witnesses and other problems that detectives encounter. Students will also observe the various techniques that detectives use to solve a crime. *The First 48 TV Show* is a news documentary based on the expertise of homicide detectives who give themselves 48 hours from the time they are called to a homicide crime scene to solve the case. In law enforcement, the case is solved when a suspect is in custody and charges are filed. With this television program, students will witness real life connections between the crime fiction novels they have read and what they see at a modern day crime scene.

Include a worksheet for the student to complete while watching the television program. Sample questions are: 1) give a summary of the case; 2) where and how did the detectives interview a witness? 3) list some questions that detectives asked the witnesses; 4) how did the witness(es) react to the detectives? and 5) what question do you want to ask the detectives?

Annotated Bibliography

Teacher Resources

Brown, Robin, "2 Juveniles Arrested in Wilmington Slaying," *The News Journal*, Wilmington, Delaware, November 12, 2006

Christie, Agatha, "The Murder of Roger Ackroyd," Black Dog and Leventhal Publishers, 1926, renewed 1954. Christie's writings in crime fiction genre are superb. In this book you will also find detective work that involves witness interviews. Great read!

Cummins, Robert, J.D. "Legal Office Concepts & Procedures," South Western Educational Publishing, 1998. This is the textbook I use in the Legal Administrative Assistant Career Program. This textbook is very informative in explaining civil office procedures.

Fagin, James A., "Criminal Justice 2005 Update," Allyn & Bacon, 2005. This is the criminal justice textbook I use in the Legal Administrative Assistant Career Program. The author has extensive law enforcement and teaching experience. This textbook is a good resource for the criminal justice system and is used at the college level.

"House Approves Bill on Witness Intimidation," *Crime Control Digest*, April 30, 2004

Read.Write.Think "Story Map for Solve-It Stories" <http://kids.mysterynet.com>

This website includes many mystery helpers for the crime fiction genre.

Thinkquest, "Words You Should Know" <http://library.thinkquest.org>

This website includes many mystery helpers for the crime fiction genre and much more.

Internet Research

Anne Arundel County, Maryland, Citizens Information Center, [http://www.aacounty.org/Police / ColdCases](http://www.aacounty.org/Police/ColdCases)

"Criminal Justice System," www.cjsonline.org/witness, 2003

Ezine articles, "SnitchCraft: New Novel Sheds Light on Snitch Culture," <http://www.ezinearticles.com/?SnitchCraft:-New-Novel-Sheds-Light-on-SNITCH-Culture&id=349780>

DePasquale, Mario, "Are You A Witness To A Crime?" SafetyCops.com, 2000

Gourley, Leah and Lacey, John, "Children Who Witness Gun Crime More Likely to Commit Violent Crime," Harvard Medical School, 2005

Johnson, Kelly Dedel, "The Problem of Witness Intimidation," Center for Problem-Oriented Policing, Guide No. 42, 2006

Kahn, Jeremy, "Viewers to a Kill," [The Atlantic Unbound Online](http://TheAtlanticUnboundOnline.com), 2007.

This article is an overview of Author Jeremy Kahn's article entitled "The Story of a Snitch". He writes about the growing problem with witness intimidation. Not only are witnesses reluctant to talk to the police, they are reluctant to talk to those who report about snitching as well.

Kouri, Jim, "Cops and Prosecutors Frustrated Over Witness Intimidation," [American Chronicle.com](http://AmericanChronicle.com), 2006

Maynard, Warwick, "Witness Intimidation: Strategies for Prevention," Police Research Group - Crime Detection & Prevention Series Paper No. 55

<http://www.google.com/search?q=cache:eevRrIO-7NUJ:nationalarchives.gov.uk/ERO/records/ho415/1/prgpubs/cdp55bf.pdf+home+office+police+research+group+briefing+note+witness+intimidation&hl=en&ct=clnk&cd=3&gl=us&client=firefox-a> A good resource for different strategies to prevent witness intimidation.

Neill, James, "What is Locus of Control?" 2006 <http://www.wilderdom.com/psychology/loc/LocusOfControlWhatIs.html>

Pilgrim, PhD, David, "Who Was Jim Crow?" Ferris State University, 2000

Materials for Students and Classroom

Davis, Edrea, "Snitchcraft," Dogon Village Books, 2006. Davis is a new writer. This is the primary book for the unit. Notice the bias and mistrust of the community against law enforcement in this book. Students will compare this book to those books on the Group I list.

Kyi, Tanya Lloyd, "Truth," Orca Book Publishers, 2003. Lloyd's witness in "Truth" is confused because the perpetrator is closer than a mere acquaintance. The author brings real life scenarios to the plot.

Paretsky, Sara, "Hard Time," Delacorte Press, 1999

Poe, Edgar Allan, "The Murders in the Rue Morgue," 1841 [http://poe.thefreelibrary.com/ Murders-in-the-Rue-Morgue](http://poe.thefreelibrary.com/Murders-in-the-Rue-Morgue) Poe is credited with the creation of detective fiction. In this story, he expresses himself in the first person as an assistant to sleuth Monsieur Dupin. This entire text is available for free and can be downloaded at The Free Library by Farlex.

Young, Diane, "See No Evil," Orca Book Publishers, 2006. Young clearly shows the dilemma of withholding evidence because of fear. Students will be able to relate to these witnesses.

Resources related to the above objective

The resources listed above include a comprehensive overview of a real problem that deals with uncooperative witnesses and is referred to as snitching. Various aspects discussed in the unit are addressed. Information that pertains to laws regulating police investigative procedures, witness rights, witness intimidation, witness protection, ethnic and social norms are addressed. These resources will enlighten both the educator and the students alike.

Appendix A

New Castle County Vocational Technical School District, Howard High School of
Technology, Legal Administrative Assistant Career Program, Task List

This section of the Task List is a mandatory component for the curriculum standards in this career program. The following task will satisfy the tenth and eleventh grade requirement for Introduction to Criminal Justice:

Task No. 1.0 Students will be able to identify and describe various parts of the criminal justice system and various perspectives on crime.

Task No. 2.0 Students will be able to perform statistical research regarding crime and victimization while gaining an understanding of the nature of crime.

Task No. 3.0 Students will demonstrate an understanding of how criminal law is defined and the due process procedure.

Task No. 4.0 Students will compare and contrast historical and modern day origins of policing.

Task No. 5.0 Students will describe the organization, role and function of police in society.

Task No. 6.0 Students will analyze issues facing modern police organizations in America.

Task No. 7.0 Students will be able to describe the implications of constitutional issues on police procedures.

Appendix B

Story Starters

The following writing prompts will help the students start a story in order to develop the facts of a skit or mock trial. The facts must include a snitching dilemma.

1. Everything seemed weird. I saw a shadow before I turned the corner. . .
2. One night, I looked out of my bedroom window and saw my neighbor. . .
3. I was hanging out with friends at the mall, when all of a sudden. . .
4. She tried to speak, but it was her last breath before she died. . .
5. The door to the house was open, and tire tracks were in the snow. . .
6. The I-Pod was on the table. I knew who it belonged to, but saw another person pick it up. . .
7. I was offered a ride by a friend. I knew the car was stolen. . .
8. The morning newspaper read, "Woman's body found yesterday". . .

Appendix C

Story Map for Solve-it Stories Worksheet

Name:

Date:

Complete the following table as you read the crime fiction novel.

Title of Solve-it Story

Main character

Secondary character

Witness(es)

Setting (where and when)

Problem

Detective(s) and Police Procedures

Climax

Solution

Example of suspense

Specific clues the author gives

Retrieve the *original* "Story Map for Solve-it Stories" Worksheet at: <http://kids.mysterynet.com/>

Appendix D

Lesson No. 1-Rubric for Skit or Mock Trial

(table 07.02.09.01 available in print form)

Lesson No. 2-New Courtroom Design

(table 07.02.09.02 available in print form)

Lesson No. 3-Create an Informative Witness Brochure

(table 07.02.09.03 available in print form)

Notes

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7. "Omertà ." *Wikipedia, The Free Encyclopedia*. 5 Jul 2007, 15:22 UTC. Wikimedia Foundation, Inc. 7 Jul 2007 <http://en.wikipedia.org/w/index.php?title=Omert%C3%A0&oldid=142679355>.
8. "Police procedural." *Wikipedia, The Free Encyclopedia*. 3 Jul 2007, 00:46 UTC. Wikimedia Foundation, Inc. 7 Jul 2007, http://en.wikipedia.org/w/index.php?title=Police_procedural&oldid=142135885.
9. Encyclopedian website: www.encyclopedian.com
10. Privilege is an exemption held by a particular person or class of persons. Privileged information is that information held by a person with the privilege and is not subject to discovery such as attorneys, physicians, spouses, clergyman, executive privilege, journalist and state secrets. *Legal Office Concepts & Procedures* by Robert Cummins, J.D., South Western Educational Publishing, 1998

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