

MOCK TRIAL DRAMAS AND RESTORATIVE JUSTICE

LESSON IDEAS AND EDUCATIONAL RESOURCES

To Complement

THREE PEOPLE'S LAW SCHOOL DRAMAS

Theft Under \$5000 (Shoplifting)
Uttering Threats (Online Bullying)
Assault Causing Bodily Harm

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SECTION I.

CURRICULUM CONNECTIONS AND EDUCATIONAL GOALS

INTRODUCTION

The lesson ideas outlined in this package are designed to wrap around three of the mock trials dramas performed by The People's Law School at schools in British Columbia, Saskatchewan and Northwest Territories.

- **Theft Under \$5000 (Shoplifting)**
- **Uttering Threats (Online Bullying)**
- **Assault Causing Bodily Harm**

This unit presents both pre and post-drama classroom activities designed to enhance the learning opportunities of the students who attend the dramas.

The grade levels of the lesson ideas are deliberately left open, as all of the activities may be adapted up or down the grade levels, from the Intermediate classroom through to Grade 12.

While the activities might best be incorporated into social studies classes, they also support other curriculum areas: First Nations studies, law and civics courses, northern studies, English/language arts, personal planning and social responsibility curricula.

This package includes both teacher background information as well as student activities.

CURRICULUM CONNECTIONS

The Ministry of Education curricula for British Columbia, Saskatchewan and Northwest Territories highlights **student-directed learning and inquiry**. Students are encouraged to explore big ideas and investigate problems, to apply critical thinking processes, to take action, and to engage in communitarianism. The teacher's role is to facilitate students' learning, rather than convey information.

For example:

British Columbia

[The] redesigned provincial curriculum supports student-driven, inquiry-based approaches to teaching and learning by placing an increased focus on concepts and content that address “real-world” issues and problems” [\(p.1\)](#).

... an introduction to Aboriginal perspectives provides BC students with an opportunity to develop empathy, respect, and good citizenship. Aboriginal knowledge and perspectives have been integrated throughout all areas of learning [\(p.2\)](#).

Saskatchewan

Social studies provides students with opportunities to make connections between their own and others’ communities, cultures, and environments, and to take action in relevant and meaningful ways that give students a sense of accomplishment and a belief that they can make a difference [\(p.2\)](#).

[Inquiry is fostered by examining] ... the role of power and authority in the application of diverse decision-making processes in a variety of contexts [\(p.22\)](#).

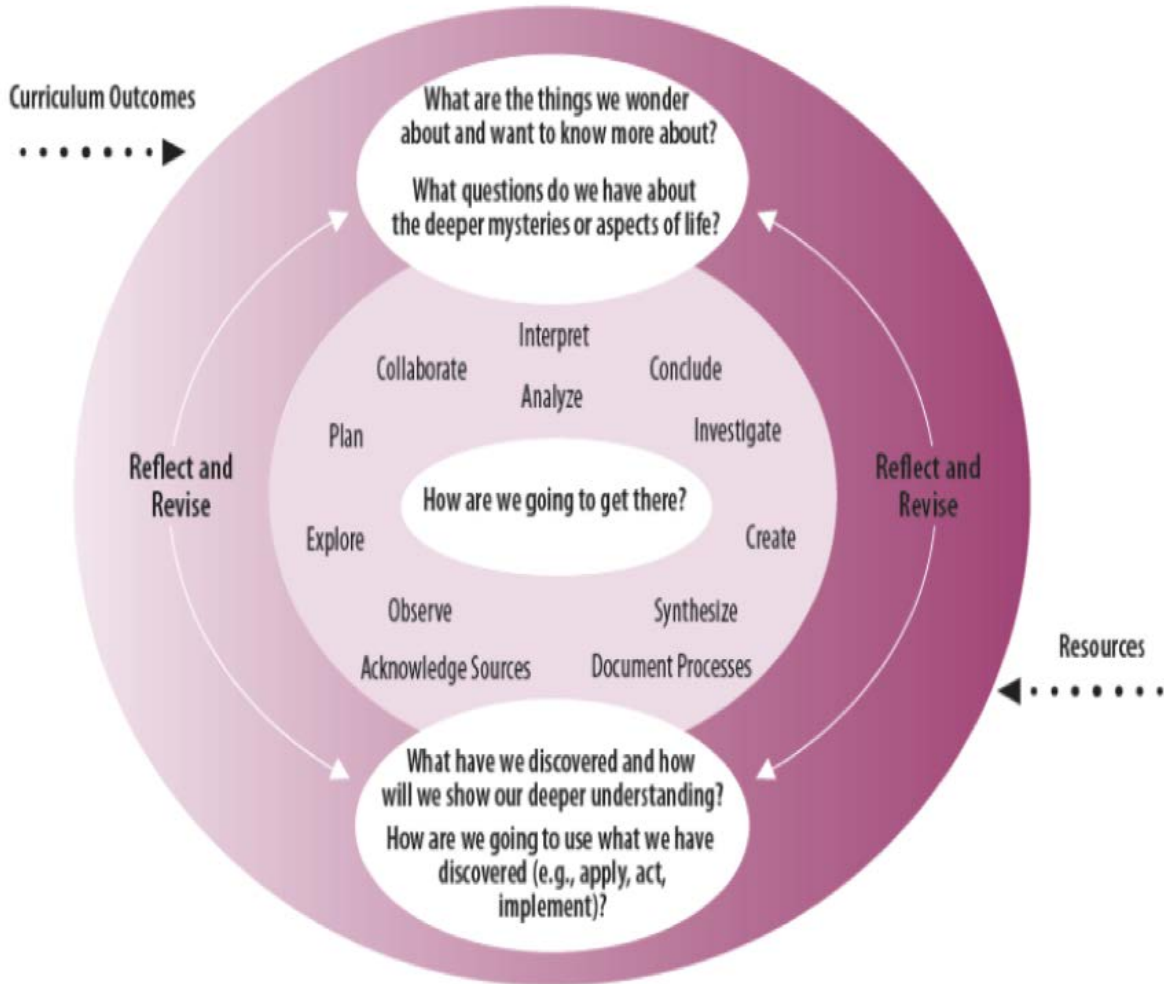
Northwest Territories

[Social studies helps]...students acquire and develop skills, attitudes, insights, and become competent in processes that lead to thinking, feeling and acting as knowledgeable, purposeful and responsible citizens in a rapidly changing society [\(p.5\)](#).

...the Northern Studies curriculum, particularly through inquiry-based approach, allows for the reflection that will invite the combination and mobilization of the resources that students bring to bear on any given situation [\(p.4\)](#).

INQUIRY LEARNING VISUALS

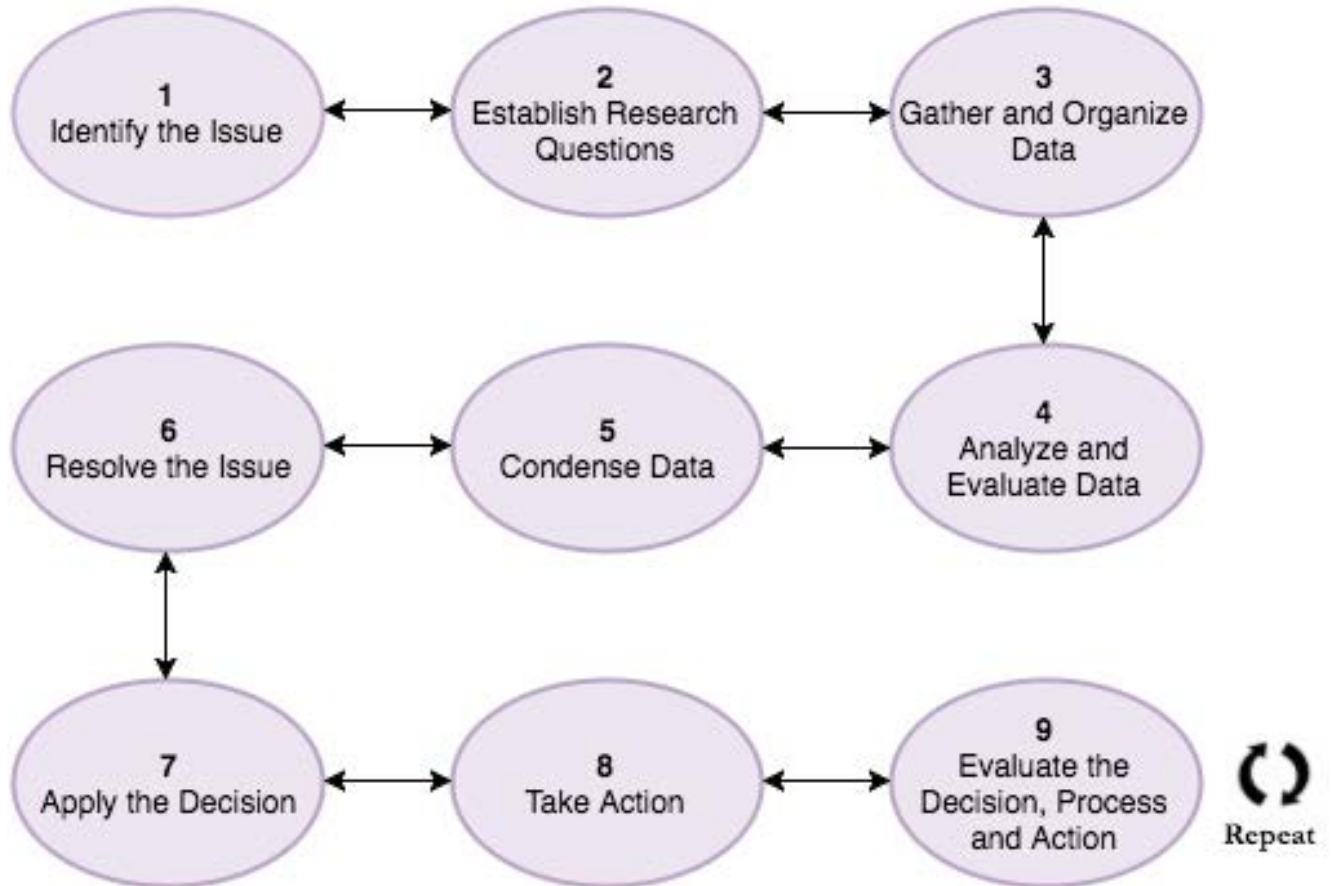
Constructing Understanding Through Inquiry



(Source: Ministry of Education of Saskatchewan (2009). *Social Studies Grade 8*, p. 16.)

AN INQUIRY MODEL

Joan Parsonson and Alyson Kissner



Note to teachers: It is important to note that the inquiry process is not a linear lock-step process. An issue being investigated may require students to “double back” to earlier steps covered previously. This back and forth action often leads to a deeper understanding of the issues, which ultimately contributes to more thoughtful decisions and actions.



EDUCATIONAL MERITS OF DRAMAS, MOCK TRIALS AND RESTORATIVE JUSTICE ACTIVITIES & ROLE PLAYS

CHART: UNIT LEARNING GOALS

Learning Goals	Conceptual Approach	Practical Approach	Participatory Approach
Knowledge + Understanding	<p>The role of the courts</p> <p>Court procedures</p> <p>Criminal law and charges</p> <p>Rights & responsibilities</p> <p><i>Charter of Rights & Freedoms</i></p> <p>Issues of fairness, justice, equity</p> <p>Competing rights</p> <p>Comparing legal and alternative processes of dispute resolution</p> <p>The limitations of the legal system</p> <p>Aboriginal conceptions & practices</p> <p>Restorative vs. punitive justice</p>	<p>How the law impacts our behaviour and decisions</p> <p>Possible consequences of misbehavior</p> <p>Relevant, practical issues are weighed, debated, and considered</p> <p>Ways of solving problems outside the courts</p> <p>The challenges of competing interests</p> <p>Knowing where to find information + how to access appropriate information</p> <p>Understanding the purpose + function of resources, services, agencies</p>	<p>Participates in legal and alternative dispute resolution processes through role-play</p> <p>Engages in community-based projects</p> <p>Employs the inquiry approach to investigate community-based law-related issues</p> <p>Real problems are identified and solutions examined and posed</p> <p>Gain multiple perspectives through role-taking</p> <p>"Hands-on" knowledge acquisition</p> <p>Students make decisions about dilemmas</p> <p>The classroom models the values and principles of justice, fairness & respect</p>
Skills + Critical Judgment	<p>Critically examines the impact of legal system on different groups</p> <p>Compares and evaluates the courts vs. alternative processes</p> <p>Weighs pros and cons of the adversarial system vs. the restorative justice approach</p> <p>Critically examines the purposes of law, vs. the realities & practices</p>	<p>Recognizes that certain behaviours have legal implications</p> <p>Recognizing the impact one's actions have on others</p> <p>Assessing which tools are most appropriate to help resolve an issue.</p> <p>Critically assessing the pros and cons of possible solutions</p> <p>Knowing when to apply different courses of action to a problem</p> <p>Needs of the community are considered</p>	<p>Participates in problem-solving an identified issue</p> <p>Employs divergent thinking + creativity</p> <p>Uses inquiry approaches individually, in pairs and in group settings</p> <p>Questioning is valued over giving answers.</p> <p>The process is as important as the product</p> <p>Oral and written communication skills</p> <p>Cooperative learning</p> <p>Decisions are weighed in relation to multiple perspectives</p>
Citizenship Attributes + Self-Efficacy	<p>Being able to debate social/legal issues effectively</p> <p>Valuing complexity</p> <p>Embracing informed, participatory citizenship</p> <p>Using democratic processes effectively to bring about reform</p> <p>Being confident and empowered to effect change</p> <p>Valuing alternative approaches to resolving conflict</p>	<p>Developing the confidence to ask good questions to get the answers needed</p> <p>Able to identify + access helpful sources of information and/or gain access to appropriate groups</p> <p>Able to make better life decisions based on knowledge of practical law</p> <p>Better able to reflect on one's behaviour</p> <p>Seeing the corporate/community impact of behaviour and decisions</p>	<p>Students take ownership of a problem and weigh options for the best solution</p> <p>Emotions are engaged contributing to greater social-emotional learning</p> <p>Empathy is fostered through role-taking</p> <p>Students are responsible for effecting change in a law or policy</p> <p>Work collaboratively with others in real-life (or simulated) settings</p> <p>Knowledge is put into action, and action is assessed for impact</p>



SECTION II.

PRE-DRAMA CLASSROOM ACTIVITIES

SYNOPSIS OF EACH TRIAL

Assault Trial

In this scenario, the accused, Henry Evans, is charged with Assault Causing Bodily Harm: Section 267 of the *Criminal Code of Canada*. The situation occurred in a parking lot across from the school grounds, and involved an altercation between Evans and another boy, Steven Robertson. There were witness to the event, and the police were called. Although the accused is a juvenile and would normally be tried under the *Youth Criminal Justice Act*, he is being tried as an adult for purposes of this drama.

Uttering Threats (Online Bullying) Trial

This trial deals with three charges of uttering a threat, contrary to Section 264.1 of the *Criminal Code of Canada*. Marc Perry is accused of making these threats online towards a classmate, Jason Sandhu. This case addresses the topical issue of cyberbullying, or hurtful messages conveyed using communications technology. Although all the participants are below the age where one is charged as an adult, this drama uses the adult procedures, rather than the processes under the *Youth Criminal Justice Act*.

Theft Under \$5000 (Shoplifting) Trial

In this trial, Derrick Lowe, the accused, is charged with theft under \$5,000, contrary to Section 334(b) of the *Criminal Code of Canada*. He was arrested for allegedly stealing a leather jacket from a department store. This trial adapts the procedures under the *Youth Criminal Justice Act*, to include a jury, which is not used in youth justice cases.

MODIFICATIONS TO THE TRIAL PROCESS

Several liberties are taken when enacting these trials as dramas. For example, youth justice procedures differ from adult procedures, although adult procedures are used here. Greater attention is given in real trials to the Crown and Defense lawyers opening and closing statements and the cross examination of witnesses. A witness who has not yet been called to

testify is not allowed to sit in the court and hear the testimony of other witnesses. Juries are permitted only for the most serious cases, not for the charges in these dramas.

MODIFICATIONS FOR AGE GROUPS

The performers adapt each of the trials to suit a given age group, from grades 5 through 12.

KWL ASSESSMENT MODEL: KNOW, WONDER, LEARNED

Note to teachers: We encourage teachers to use the KWL model as a way to monitor students' learning.

KWL may be used:

- As a formative assessment
- To promote student inquiry into deeper learning
- To help teachers identify individual learning needs
- To provide constructive feedback following the drama productions
- To give teachers insight into relevant follow-up activities post-drama

Step One: Before the Drama

- The teacher asks students to record what they **KNOW**:
 - About the drama topics (uttering threats, assault or shoplifting)
 - About the court system & adversarial system

This should be treated as a quick 2-3 minute individual writing derby that is then shared out as a class with the teacher recording responses. (Time allotted depends on students' age and the intended outcomes.)

Step Two: Before the Drama

- The teacher then asks students to record what they **WONDER** (their questions) about the topic. An engaged classroom discussion follows to identify students' "wonderings" and to prepare them for the drama. Teachers may wish to use the strategy of brainstorming, or small group discussions shared out to the larger group.
- Together class questions are identified and recorded on each student's form.
- Each student takes these questions with them to the drama, seeking responses as they view the production.

Step Three: During the Drama

- During the production, students may also generate additional questions (**WONDER**). These should be recorded on the form. Together these questions guide the subsequent inquiry research.

Step Four: After the Drama

- Students return to class after the production and record what they **LEARNED** to complete the KWL.
- **TICKET OUT THE DOOR:** At the end of class students hand in their completed KWL as their 'ticket out the door' before leaving.
- Teachers copy the KWLs for their own use, and [mail a copy to Patricia Byrne, Executive Director, People's Law School](#) in the self-addressed envelope provided. This feedback provides useful information to PLS regarding students' learning.
- The KWL provides teachers with a jumping off point for the post-drama activities: an understanding of students' interests and knowledge, and further **INQUIRY** questions.

KWL STUDENT SELF-ASSESSMENT AND LEARNING FORM

QUESTIONS	ANSWERS
<p>What do you know about the topic of the drama?</p> <p>What do you know about the criminal court system?</p>	
<p>What questions do you have prior to the drama?</p> <p>What other questions occurred to you during the drama?</p>	

<p>What did you learn about the topic of the drama?</p> <p>What did you learn about the criminal court system, as a result of seeing the drama?</p>	
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<p>What questions would you like to investigate further?</p>	
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BACKGROUND INFORMATION ON THE LAW AND COURTS

Note to teachers: Teachers may wish to adapt this information for their students.

The Youth Criminal Justice Act

Youth between the ages of 12 and 17 (but not yet 18), who are alleged to have committed a crime, fall within the *Youth Criminal Justice Act*, passed by the Parliament of Canada in 2012. Youth are treated differently than adults.

The principles guiding youth justice policy is as follows:

1. The youth justice system is intended to protect the public by (i) holding young persons accountable through measures that are proportionate to the seriousness of the offence and the degree of responsibility of the young person, (ii) promoting the rehabilitation and reintegration of young persons, and (iii) supporting crime prevention by referring young persons to programs or agencies in the community to address the circumstances underlying their offending behaviour.

2. The youth justice system must be separate from the adult system and must be based on the principle of diminished moral blameworthiness or culpability.
3. The youth justice system must reflect the fact that young people lack the maturity of adults. The youth system is different from the adult system in many respects: measures of accountability are consistent with young persons' reduced level of maturity, procedural protections are enhanced, rehabilitation and reintegration are given special emphasis, and the importance of timely intervention is recognized.
4. Young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the offence.
5. Within the limits of fair and proportionate accountability, interventions should reinforce respect for societal values; encourage the repair of harm done; be meaningful to the young person; respect gender, ethnic, cultural and linguistic differences; and respond to the needs of Aboriginal young persons and young persons with special requirements.
6. Youth justice proceedings require a recognition that young persons have rights and freedoms in their own right and special guarantees of these rights and freedoms; courtesy, compassion and respect for victims; the opportunity for victims to be informed and to participate; and that parents be informed and encouraged to participate in addressing the young person's offending behaviour.

(Source: [Department of Justice, Government of Canada, 2012, p. 1](#))

Criminal Procedures and The Courts

A crime has been committed when a person breaks a law set out in the *Criminal Code of Canada*. Once the police lay a charge, the state follows up by bringing the accused to court. Crown counsel, or the prosecution, represent the state (or the government).

If the prosecution team thinks they have a good case against the accused, they will set up a trial date. The prosecutor is responsible for proving that the accused is **guilty beyond a reasonable doubt**. The accused usually acquires a lawyer and together they work together to provide the best defense against the accusation.

Because all the powers of the state can be used to prosecute an accused, many safeguards have been established to protect the defendant's rights. These are set out in sections 7-15 of the *Canadian Charter of Rights and Freedoms* and designed to ensure that the state does not abuse its powers. This means that when the police think a crime has been committed there must be **reasonable grounds** before they can search or seize a suspect. Accused individuals must be informed of the charges against them; they must be able to contact a lawyer and they must be tried within a reasonable time. It is also the accused's right to be **presumed innocent until guilt** is proven in a fair hearing.

Before the trial, the lawyers for the prosecution and defense gather evidence, examine witnesses, study the relevant law, and prepare their arguments. The prosecution is responsible for proving the case against the accused, so they must be very thorough in the way they prepare their evidence and witnesses. The prosecution should also present a clear picture of the crime and the series of events that led up to the crime. The defense counsel only has to show that there is reasonable doubt that a crime was committed or that the person accused committed the crime, so preparation of the defense depends on how much evidence the prosecution has against the accused. The prosecution has a duty to show the defense counsel what evidence it has so the defense can prepare its own case adequately.

Court Procedure

The way a court hearing is conducted differs according to the kind and level of court. Trials that are held in a Supreme or Superior court usually hear the serious crimes where the punishment is more than two years imprisonment and civil cases where the damages would be more than \$10 000. Depending on the severity of the crime, a person may have the option to have the case heard by a judge alone or by a judge and jury. If a judge alone hears the case, the judge decides whether the accused is guilty or not guilty based on the evidence. The judge then decides on the punishment from a range of sentences set out in the *Criminal Code of Canada*. A jury is a requirement for the most serious crimes. When a jury is involved, the jury decides whether the accused is guilty or not guilty and the judge determines the appropriate sentence.

(Source: adapted from Cassidy, W. & Yates, R. (2005). *Once upon a crime*, p. 27-28.)

JURY DECISION-MAKING STUDENT ACTIVITY

Preparing Students to Participate as Jurors

Twelve students will be selected to form the jury. The following procedure helps ensure that the issues are deliberated fairly, that each juror is heard, and that a fair decision is reached. Reaching an agreement requires collaboration and is often a delicate process of balancing perceptions and opinions.

While the 12-member jury is deliberating, the students in the audience should meet in small groups of 3-5 students to discuss the case, following the same procedure. This allows all students to be engaged with the drama, and to gain the educational benefits.

Back in the classroom, after the trial, a discussion should ensue regarding whether different jury groups reached different conclusions (or not) and why this was so.

Reaching a Fair Decision

In a criminal case, the jury has to reach a unanimous decision among its twelve jurors: guilty or not guilty. This can be challenging. It is important to remember that the goal is not to convince

everyone else of your point of view, but to reach a decision with which most people agree, and nobody resists.

Principles

1. Be open to **listen** to all jury members and willing to change your mind based on evidence and reasons offered by others.
2. Avoid changing your verdict merely to avoid conflict.
3. Every individual juror has to feel at least reasonably okay with the group's final choice.

Steps

1. Sit in a circle and appoint one juror as **note-taker** (see chart).
2. Decide on who should act as foreperson--someone to facilitate the discussion.
3. Each juror considers the evidence and thinks briefly about whether they think the defendant is guilty, not guilty, or whether they are still unsure.
4. Take turns to speak, and **without interrupting** the speaker, allow everyone to share whether they think the defendant is guilty, not guilty, or whether they are as yet unsure. Have someone take note of the count.
5. Then go around again and allow everyone to **share** the rationale behind his or her initial choice. The person taking notes should write all of these down without responding to them.
6. Each juror takes some quiet time to **review** and reflect on the list of reasons for each verdict given by the group and decides whether this warrants them to change their initial verdict.
7. Go around and allow everyone to say which verdict they choose now, and **why** they may wish to stick with their original choice or what moved them to change their mind. Use a new table to record the numbers and reasons.
8. Use the next round to **voice any lingering questions and uncertainties** about the evidence. Each juror should feel free to pass if they have no questions. Again, **record** all of these questions.
9. In groups of **three**, discuss the lingering questions that were just recorded.
10. Return to the circle and share what came out of your smaller group discussions. Write down the responses for each question.
11. Each juror takes some time to **reflect** on these questions and the group's responses and decides if they need to change their verdict.
12. Go around the circle to allow everyone to voice their current verdict and the **reason** for it. Record the results in a new table.
13. You will probably have reached a **unanimous** decision by now. If not, repeat the process until you do.

The note-taker can use a simple table (such a below) to record contributions:

Verdict	Guilty #	Not guilty #	Not sure #
JURORS			

<p>Round 1 Reasons/ Evidence</p>			
<p>Round 2 Reasons/ Evidence</p>			
<p>Round 3 Reasons/ Evidence</p>			

Student Jurors in the Audience

One suggestion is to give each student either a **red** or a **green** card when they enter the venue for the drama. Once they have deliberated in small groups, and after the 12-member jury has given their verdict and the judge “sentenced” the accused if guilty, the audience jurors are asked

to raise their cards: “green” for not guilty; “red” for guilty. This provides a visual display of the audience’s response to the charges.

This procedure involves all students and also provides the basis for a discussion back in the classroom.

Time Frame

Because this jury process could be lengthy, and because of the limitations imposed by the location of the drama, teachers should place a time frame on the deliberations (for example 10 or 15 minutes). If a decision is not reached by then, a majority decision could form the basis of the verdict.

Whatever process is used, it is important that jurors be able to discuss what happened and their experiences in the debriefing activities following the drama.

Post-Drama Debriefing Questions

Suggested Questions

A think-pair-share model may be most effective for this reflection, but a larger group discussion works as well when pressed for time.

- Did you change your mind during the process?
- If yes, what made you change your mind?
- Whether you did or did not change your mind, how was this decision-making process for you? What was challenging about it?
- Do you think the process allowed you to reach a fair decision?
- Why do you think that it was easier to come to a joint decision in the smaller jury groupings (3-5) than in the group of 12 jurors?
- Can you imagine using a similar process to make group decisions in class? What might be the benefits of such a process? What might be the downsides?
- What additional challenges would you face if you were an actual juror in a real trial?
- Why do you think a criminal trial requires a unanimous decision? Would a majority decision be sufficient to decide on the guilt or innocence of an accused? Why or why not?
- What are the potential challenges of being tried by a jury “of one’s peers”?

SECTION III.

POST-DRAMA CLASSROOM ACTIVITIES

STUDENT-DESIGNED MOCK TRIALS, DRAMAS AND SIMULATIONS

Rationale

The dramas presented by People’s Law School actors provided an introduction to the criminal trial process, court personnel, how evidence is presented, as well as the challenges of coming to a fair verdict.

Teachers may wish to extend and deepen students’ learning by providing an opportunity for them to participate in a mock trial or court drama themselves. There are a number of scripted mock trials available (see references below) as well as mock trials that are organized around a scenario with role cards for the defense and prosecution lawyers, court clerk, court reporter, judge, sheriff, accused, witnesses, jury and media.

Cassidy and Yates (2005) have demonstrated that students as young as those in Grades 2 and 3 can participate in a scripted mock trial, engage with issues of fairness and justice, work cooperatively to present evidence, and weigh this evidence to come to a reasoned decision. The scripts that are most appealing to young students in elementary school are those based on well-known children’s stories or fantasy tales, such *Goldilocks and the Three Bears*, *Alice in Wonderland*, *Hansel and Gretel*, *Peter Pan* or *The Three Little Pigs*. These stories, and others like them, engage students’ imagination and provide a safe space to examine important dilemmas. Prominent scholar and educator, Dr. Kieran Egan (2005) argues, in his many books, that students of elementary age developmentally are intrigued by fantasy stories that deal with “courage and cowardice, security and fear, hope and disappointment, cleverness and stupidity, energy and sloth, and so on” (p. 18).

Older students have been known to use these fantasy-based scripts as the basis for developing more sophisticated arguments in their more advanced mock trials. Another option for older students is to take a dilemma raised in a story they are reading in Language Arts or in English Literature and develop a drama or mock trial using the characters from this story. Another option is to use an event in History to re-examine the issues, such as British Columbia teacher Charles Hou did with his *Re-Trial of Louis Riel*.

We know that learning is more effective if students are emotionally as well as intellectually engaged with the material. As students participate in a mock trial, they begin to grapple first-hand with important legal, moral and ethical issues, while also “feeling” the concerns of the characters. By taking on key roles in a trial, they “become” defense or prosecution lawyers and have to articulate their line of reasoning, “become” witnesses and have to provide evidence, or

“become” jury members and make a decision about guilt or innocence. Students are able to see that there are multiple perspectives to any problem and deciding what is “just” within the constraints of the adversarial trial system can be challenging.

Selected Resources for Mock Trials and Simulations

Cassidy, W. & Yates, R. (2005). *Once upon a crime: Using stories, simulations and mock trials to explore justice and citizenship in elementary school*. Calgary: Brush Education.

Centre for Education, Law and Society. Simon Fraser University.
www.cels.sfu.ca.

Centre for Public Legal Education Alberta (cplea). *Law Central for schools*.
<http://www.lawcentralschools.ca/resource-by-subject/social-studies/>

Egan, K. (2005). Reality, fantasy, and mock trials. In W. Cassidy & R. Yates. *Once upon a crime: Using stories, simulations and mock trials to explore justice and citizenship in elementary school* (p. 17-21). Calgary: Brush Education.

Egan, K. (2005). *An imaginative approach to teaching*. New York: Wiley.

Justice Education Society: mock trial kits. Available online.
<http://lawlessons.ca/teaching-resources/mock-trial-scripts>

National Trust of Australia: Dramatic Justice, Courtroom School Program.
<https://www.nationaltrust.org.au/wp-content/uploads/2016/02/CULP-DRIVING-Teacher-Notes.pdf>

Ontario Justice Education Network (OJEN), *Resources for high school and civics teachers*.
<http://lawlessons.ca/teaching-resources/mock-trial-scripts>

Public Legal Education Association of Saskatchewan (PLEA). *The PLEA: Mock trials*.
http://www.plea.org/legal_resources/?a=327&searchTxt=&cat=1&pcat=1

Public Legal Education Association of Saskatchewan (PLEA). *R v. Wylar Mock Trial Kit*.
http://www.plea.org/legal_resources/?a=97&searchTxt=&cat=14&pcat=

POST-TRIAL ACTIVITIES AND INQUIRY QUESTIONS

The post-trial activities are as important as the trial itself. This is when students reflect on what happened during their mock trial or drama, analyze what they did and how they felt playing a role, and consider the impact that the process had on their character and other participants. The discussions and activities also allow students to move beyond an understanding of the

procedures used in the courts toward an examination of the social dilemmas inherent in the adversarial system. They can also think about the bigger questions surrounding conflict resolution in general.

Debriefing

During the mock trial, students may experience strong emotions and attachment to their character. Sometimes it is difficult for students if they were on the side that “lost” the case. Because the courts follow an adversarial system, the accused is either found guilty or not guilty. It is not possible to be somewhat guilty. Students need to see that the most important issue is that the accused had a fair trial and that both sides clearly argued their case. This is an important principle of law, and this cannot be reduced to winners and losers.

During the post-trial period, students need to talk about the characters they portrayed, the surprises they encountered, and the emotions they experienced.

Similarly, teachers should help their students see the issues from various sides, as well as what the victims and accused might be experiencing. It is also important that students understand what bias means and how critical it is for courtroom personnel to be neutral. Participants in a trial must be able to make sound and reasonable arguments, discover truth based on evidence, and not make unsupported judgments.

These realizations about law and justice often do not come during the course of the simulation but afterward, in retrospect. Learning is reinforced when good discussion questions are asked while the memory of the activity is fresh in the minds of the students. Here are some questions which contribute to these learning goals.

Discussion Questions Re: the Judicial Process

- Does the court process give everyone involved a fair chance to state their case?
- Do you think you were given a fair chance to present your side of the story?
- Was the accused treated fairly?
- What other information did you need before you could come to an appropriate decision?
- Why does the court discourage witnesses from expressing their opinion?
- Did the jury (or judge) come to the right decision in the case? Why or why not? Do you feel that the punishment fit the crime? Why or why not?
- Were you satisfied with the results of the trial? Why or why not?

Discussion Questions Re: Personal Involvement

- How did you feel when you were playing your part?
- Were you able to put yourself in the shoes of your character?
- Did you change your mind about your character over the course of the trial?
- Did you change your opinion of the participants in the trial (the accused, the victim, the judge, the jury) as the event proceeded?

- Did you agree with the decision of the judge/jury?
- What would you have changed in the way you played your role?
- Will you think differently about the law when you read another story about a character accused of committing a crime?

Beyond the Trial: Discussion Questions Re Social Responsibility

To take full advantage of the learning opportunity, teachers may wish to move discussion to the broader issues about law and justice that a mock trial raises. The following questions can help generate discussion about the law, social responsibility, and justice.

- Are there other ways that the characters might have solved their problems rather than going to court?
- Do you think the court solution solved the problems?
- If you were in a similar situation to the main characters, what would you have done?
- Are there better ways to solve problems other than going to court?
- Can you explain the phrase “the punishment should fit the crime?”
- In this case, was the punishment appropriate for the crime?
- An offender should also be rehabilitated, so that he or she does not do the same thing again. Can you suggest some actions that could help rehabilitate the offender?
- How might the relationship between the victim(s) and offender be restored?
- How can individuals get involved in changing a law they don’t agree with?
- What have you learned about trial procedures that you didn’t know before?
- What questions do you still have about the courts, the legal system, and justice?
- Has your experience in a mock trial changed the way you treat people? How?
- What have you learned about working with a group of people to try to solve a problem?
- Are there better ways of solving a problem than resorting to the courts?
- Is it better to try to solve a problem before it gets to court?

(Source: This discussion of Post-Trial activities is adapted from Cassidy & Yates (2005). *Once upon a crime*, p. 53-55).

INFORMATION AND RESOURCES ON CYBERBULLYING

Supplementary Info to Support the Uttering Threats/Online Bullying Drama

Uttering Threats is only one possible charge under the *Criminal Code of Canada* for the online bullying drama. Other related charges may include:

Harassment

Harassment is when something a person says or does makes someone fear for his or her safety, or for the safety of others.

Defamatory libel

It is most often treated as a crime if the libelous statement is directed against a person in authority and could seriously harm his or her reputation.

Posting of intimate images without consent

This new change to the *Criminal Code* deals with the posting of intimate images of a person without his or her consent. The courts also can order the removal of these images and seize the devices used.

A Few Facts About Cyberbullying Among Students in Canada

- Approximately 1/3 of students have experienced being cyberbullied
- Approximately 1/3 of students admit to being perpetrators
- Cyberbullying is most prominent among students aged 11 to 15
- Girls cyberbully more than boys, and do so primarily within “friendship groups”
- Reasons for cyberbullying include: didn’t like someone, the person upset them, retaliating for being bullied, saw friends do it, or because it was fun
- Face-to-face bullying and cyberbullying are usually interconnected
- Sometimes the perpetrator is also the victim; the two are often interconnected
- Most common venue is Facebook and other social media sites
- Victims are more likely to tell their peers, and less likely to tell school authorities or their parents
- Many victims suffer in silence
- Most cyberbullying happens under the radar of adults
- Victims fear retribution or being called “a rat” if they tell
- The impacts of being cyberbullied can be devastating: anxiety, depression, poor self-esteem, withdrawal behaviours, sleeplessness, stomach aches, headaches, lower grades, anger, feeling unsafe, suicide ideation.
- Punishment approaches are not effective in curtailing cyberbullying
- More effective solutions include education; open dialogue and discussion; clearly stated policies that are developed jointly with stakeholders, including youth; fostering a respectful school culture; adults modelling appropriate behaviour; empowering bystanders to intervene.

References

Cassidy, W., Brown, K., & Jackson, M. (2012a). ‘Making kind cool’: Parents’ suggestions for preventing cyberbullying and fostering cyber-kindness. *Journal of Educational Computing Research*, 46(4), 415-436.

Cassidy, W., Brown, K., & Jackson, M. (2012b). ‘Under the radar’: Educators and cyberbullying in schools. *School Psychology International*, 33(5), 520-532.

Cassidy, W., Faucher, C., & Jackson, M. (2013). Cyberbullying among youth: A comprehensive review of current international research and its implications and application to policy and practice. *School Psychology International*, 34(6), 575-612.

Cassidy, W., Jackson, M., & Brown, K. (2009). Sticks and stones can break my bones, but how can pixels hurt me? Students' experiences with cyberbullying. *School Psychology International*, 30(4), 383-402.

See also:

Centre for Education, Law and Society. Simon Fraser University.
www.cels.sfu.ca.

Media Smarts: Canada's Centre for Digital and Media Literacy. <http://mediasmarts.ca/digital-media-literacy/digital-issues/cyberbullying>

PrevNet: Promoting Relationships and Eliminating Violence Network
<http://www.preynet.ca/>

RCMP Resources on Bullying: <http://www.rcmp-grc.gc.ca/cyep-cpcj/bull-inti/index-eng.htm>

SECTION IV.

POST DRAMA: RESTORATIVE JUSTICE ACTIVITIES, AN ALTERNATIVE TO RETRIBUTIVE JUSTICE

“The process aims to repair the harm done to individuals and to restore healthy relationships within the community. To achieve this end, the web of relationships that bond an individual to their community is put at the centre of the process.”

(Morrison, 2007, p. 5)



TEACHER BACKGROUND INFORMATION

Purpose and Philosophy

Restorative Justice (RJ) has offered an alternative to retributive justice for several decades. It finds its origins in First Nations communities and other traditional societies. The field as we know it today in North America has been heavily influenced by Mennonites and their approach to justice in the community, with 1974 often cited as the start of current inclusions of RJ in the criminal justice system. It was in this landmark year that the Mennonite Central Committee introduced victim-offender mediation to the courts in Kitchener-Waterloo, Ontario.[1]

In 1996, the *Criminal Code of Canada* was amended to include a recommendation for increased use of RJ alternatives in the form of community-based sentencing and other means focused on harm reduction and increased responsibility-taking and engagement of the offender. The provision states that “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.”[2] This led to the development of RJ programs in jurisdictions across Canada, and their increased use especially for Aboriginal and youth offenders.

The **philosophy** behind Restorative Justice sees any crime or offense as a “tear in the fabric of the community,” and prescribes healing for the entire community as a solution for this tear.[3] Such healing requires participation from a wide range of members of the community affected by the crime. This includes the victim and offender, but also their family and friends, as well as other community members.

Restorative Justice is focused on a philosophy that is founded in a core set of **values**. As a consequence, RJ is not a single process, but, instead, can take different shapes.

The three general types of restorative approaches are victim-offender mediation, family group conferencing, and circles.[4] These processes can take place post-charge or post-sentence. In recent years, there has also been an increased use of **restorative circles** as a means of preventative community building, that is, to strengthen communities that have structural challenges even before a specific crime has been committed.

State-based society / Retributive Justice	Traditional society / Restorative Justice
-------------------------------------------	-------------------------------------------

<p>Extrinsic motivation External sanctioning Third-party decision-making Facts Win/lose Punishment</p> <p>Exclusion Passive responsibility Conflict resolution</p>	<p>Internal motivation Internal sanctioning First-party decision-making Story-telling Win/win Repairing a harm done and restoring relationship; healing; rehabilitation Inclusion Active responsibility Conflict transformation</p> <p style="text-align: right;"><i>Source: Brenda Morrison</i></p>
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Restorative Justice can be used as an alternative or complement to a court case. There are [sentencing circles](#), in which all participants work together toward setting a sentence for the offender, taking into account what is reasonable and appropriate, as well as what the needs of the offender are for the sentence to have positive consequences on their life. For example, aside from meaningful and relevant community service, a sentence might include steps the offender should take to find a job.

Restorative Justice has a variety of goals that include increased engagement of both victim and offender in the process, giving the victim the chance to truly be heard and enabling the offender to take responsibility for their actions without removing them from the community through incarceration.

Restorative Justice in Schools



(Source: Schott Foundation for Public Education)

To address the systemic socio-economic conditions that often drive people to crime, and in an attempt to disrupt the “**school-to-prison pipeline**” that sees frequently expelled and suspended students age out of the school system and funnelled into the prison system, RJ has looked upstream and increased its applications in school settings. Initially, RJ was predominantly used in the context of student discipline.

Goals of Restorative Approaches to Discipline in Schools:

- To understand the harm and develop empathy for both the harmed and the harmer.
- To listen and respond to the needs of the person harmed and the person who

harmed.

- To encourage accountability and responsibility through personal reflection within a collaborative planning process.
- To integrate the harmer (and, if necessary, the harmed) into the community as valuable, contributing members.
- To create caring climates to support healthy communities.
- To change the system when it contributes to the harm.

From: *The Little Book of Restorative Discipline for Schools* (p.10)

In schools, Restorative Justice can be used as an alternative to suspensions and expulsions. In recent years, however, a large movement among Restorative Justice theorists and practitioners advocate for the use of circles first and foremost as a **community-building resource** in schools. Daily or weekly circles can provide an opportunity for students to re-subscribe to and experience first-hand the values upon which their school communities are built. After students become familiar with the circle as a means to build relationships, it can be used to solve problems.

When using circles to address differences, Kay Pranis reminds us that “it will be important to maintain the pattern of relationship building before using the questions that may trigger more emotion or sense of vulnerability.”[5] Using such preventative circles will make it easier to address community issues in circle, and it prevents the circle gathering from becoming an indicator of something being wrong in the community. Sitting in circle should serve as a reminder that we are a community, it shouldn’t just indicate that there is a problem in the community.

Restorative Justice as a means to build community works best as a **whole-school approach**, which implies that the entire school adopts its principles and values that focus on fostering relationships: “When the whole school is infused with restorative strategies, it becomes easier to address issues faster and respond in a thoughtful way because the caring and supportive culture is already present.”[6] When faced with challenges, students are not expelled or suspended, but stay in the community and are given the opportunity to take responsibility for their actions and are given the support needed to do better. In a school conflict, for example, a circle gathering might include teachers, principals, witnesses, the school counsellor, other students, and a neutral circle keeper. To build community, a circle might include a class or even the entire school.

Understanding the Process: Stakeholders, Goals, Story, and Responsibility

The following questions drive any restorative process:

1. Who has been hurt?

2. What are their needs?
3. Whose obligations are they?
4. What are the causes?
5. Who has a “stake” in this?
6. What is the appropriate process to involve stakeholders in an effort to put things right?

From: *The Little Book of Restorative Discipline for Schools* (p. 14)

These questions inform the circle process.

Questions 1 and 5 inform who is invited to participate in the circle.

Questions 2 and 6 will determine the goals of the circle.

In most cases, the answers to these questions (1, 5, 2, 6) are considered to be more complex than in a criminal justice setting. Determining and exploring the (changing) needs of all parties is an integral part of the circle process. (They are not presumed to be straightforward. Imagine, for example, the need to feel safe and accepted at school. These are feeling-based needs (as opposed to, for example, more practical needs, such as “help with math homework”), and voicing them can take time and genuine exploring, and addressing them usually requires a variety of approaches that may need to be adjusted along the way. The first steps for this process—the intention, along with some concrete planning—can be taken in circle. Follow-up circles (regular or semi-regular) can create opportunities for check-in on progress and adjustments of the approach.

Question 4 allows the participants to reclaim the story of the events and grants a central place to the recreation of this story that has been obscured in court due to a reduction of the narrative to parts and passages that are deemed useful to determining guilt or innocence.

Finally, **Question 3** allows the harmer/offender as well as other members of the community to take responsibility for their actions as well as their (often unintended) consequences on the lives of others. This opens up the possibility for sincere apologies as well as forgiveness. These should, however, never be the goal of any restorative approach, which always leaves the outcome open to the alive process of the circle and the contributions of its participants.

LESSON ACTIVITIES ON RESTORATIVE JUSTICE

Note to teachers: After providing students with some background on the philosophy and intent of Restorative Justice, teachers may wish to engage students in the following lesson activities.

Unit Organisation

1. Introduce Restorative Justice and the use of circles.
2. Role-play a circle process as an alternative or complement to the performed court case.
3. Discuss the circle process and compare it to the court case.

Introductory Videos

1) You can use the following brief video to **define and illustrate** Restorative Justice:

<https://www.youtube.com/watch?v=5Ca2GWwRGfs&feature=youtu.be>

2) View this great video of a **restorative welcome and re-entry circle** for Cedric, who was incarcerated and is about to start school again. This video helps students understand the depth and breadth of community engagement and individual responsibility-taking involved in a restorative process.

Video: <https://www.youtube.com/watch?v=HiLtFVHR8Q0>

Guidelines for students while watching the video:

- Who participates in the circle? And why do you think they are there?
- Notice the role of the keeper of the circle. Write down the order of the questions asked to the circle.
- What is the purpose of this circle?
- What surprised you about the format, tone, and atmosphere of the circle gathering?

Allow students to **discuss** these questions in small groups after viewing the video.

Initial Inquiry Questions

Either after watching and discussing the video and/or after providing some background information about Restorative Justice, consider opening up the discussion to include **criticism or resistance** from the students to the idea of Restorative Justice alternatives as the offender “getting off” without appropriate punishment. Some additional questions to consider in this context:

- What seems a harsher punishment, a suspension or having to take responsibility for your actions in front of the community? Even though Cedric’s case went to court, you can use the video to consider whether this restorative process was difficult for him.
- Why/when might a Restorative Justice circle be a better alternative?
- When might Restorative Justice circle be more difficult than a court case?
- In light of the comparison between the restorative and retributive justice systems, you may consider a group brainstorm session around **the purpose of justice** in society that also includes the goals of living in community with others. Students could even perhaps

use family or school structure if the justice system seems too abstract a model to consider.

CIRCLE PROCESS: ROLE-PLAYING RESTORATIVE JUSTICE

I. Uttering Threats Trial: (Online Bullying)

For this activity, students will role-play a restorative alternative or complement to the court case that was performed.

Inquiry questions to allow students to speak about **bullying** from their own experience:

- What does it mean to bully someone?
- How is face-to-face bullying different than online bullying
- Why does someone bully others?
- Have you ever experienced online bullying? What did that feel like? How did it affect you? (This will tie in with the discussion of community and integration in community after the court case.)
- Have you ever bullied someone? Why do you think you did it? How did people around you react?
- What are the solutions to cyberbullying?

After introducing Restorative Justice to your students, you can use some of the following **inquiry questions** to connect the **circle process** to the **court case**.

- What will the next day at school be like for Jason? And what will it be like for Marc?
- What might be difficult for each of them?
- Brainstorm what they each need from the school community.
- How can we insure that their needs are met? What can't the court verdict assure? The court can punish Marc, but it ignores why Marc may have bullied and it largely ignores the effect of the bullying on Jason.
- Ideally, we want both Jason and Marc to be happy and active members of a healthy and caring school community. How does the court verdict contribute to that? What is missing?

You can use the **6 questions that drive restorative processes** (see background section) to start conceptualizing the elements of the circle.

Before continuing to the circle process, and especially if the activity doesn't immediately follow the drama performance, consider reviewing the issues of the conflict to allow students to familiarize themselves with their roles.

Role-Play Characters

Earlier in this unit, we offered the KWL model as a way to determine students' understanding of the court process prior to watching the performance, and to assess what they learned by seeing the play.

Another approach is for teachers to assign the Restorative Justice roles prior to the trial being performed so that students can take notes on their character's involvement in the case. This approach also encourages students to watch the drama with a particular focus in mind. Whether you assign the roles before or after the play, allow some time for participants to think about how they might be feeling going into the circle in their role. Prompt them to imagine their character's involvement in the events, as well as the potential repercussions of the events on their character.

Depending on the numbers, you can decide to set up two circles, and/or assign more students who wrote on the Facebook page, or students who did not write on the page but read it, or encouraged its continuation (that is, bystanders). You will want two or even three circle keepers. If possible, the teacher should also play a role and be included in the circle process. Having two or even three separate circles if the group is too large can lead to an interesting post-activity in which the two Jasons, Marcs, etc. all discuss their experiences in the circle in dyads or triads.

Jason Sandhu	Marc Perry
Jason's mother	Marc's mother

Jason's father	Marc's father
Police officer	School counsellor
School principal	Jason's favourite teacher
Marc's favourite teacher	Student who wrote on the Facebook page
Circle keeper	Jason's best friend
Marc's best friend	Student who saw the page but did not write on it

Setting the Stage

The **circle keepers**, who are neutral, play an important role in the organisation of the circle process. While others spend time reflecting on their roles, the circle keepers should draw up the order of questions.

Depending on the age group, the teacher can either **play** the role of circle keeper, or **coach** the circle keepers in this process. Part of this process can be reviewed together with the entire group to clarify the order and procedure of the circle gathering.

Use the following document that lists and explains the **essential ingredients of circles**:

http://www.livingjusticepress.org/vertical/sites/%7B4A259EDB-E3E8-47CD-8728-0553C080A1B0%7D/uploads/8_EssentialElements_Circle.pdf

More detailed **circle planning guides** that include concrete examples of circle opening prompts and other suggestions to create an open and inviting circle gathering can be found at:

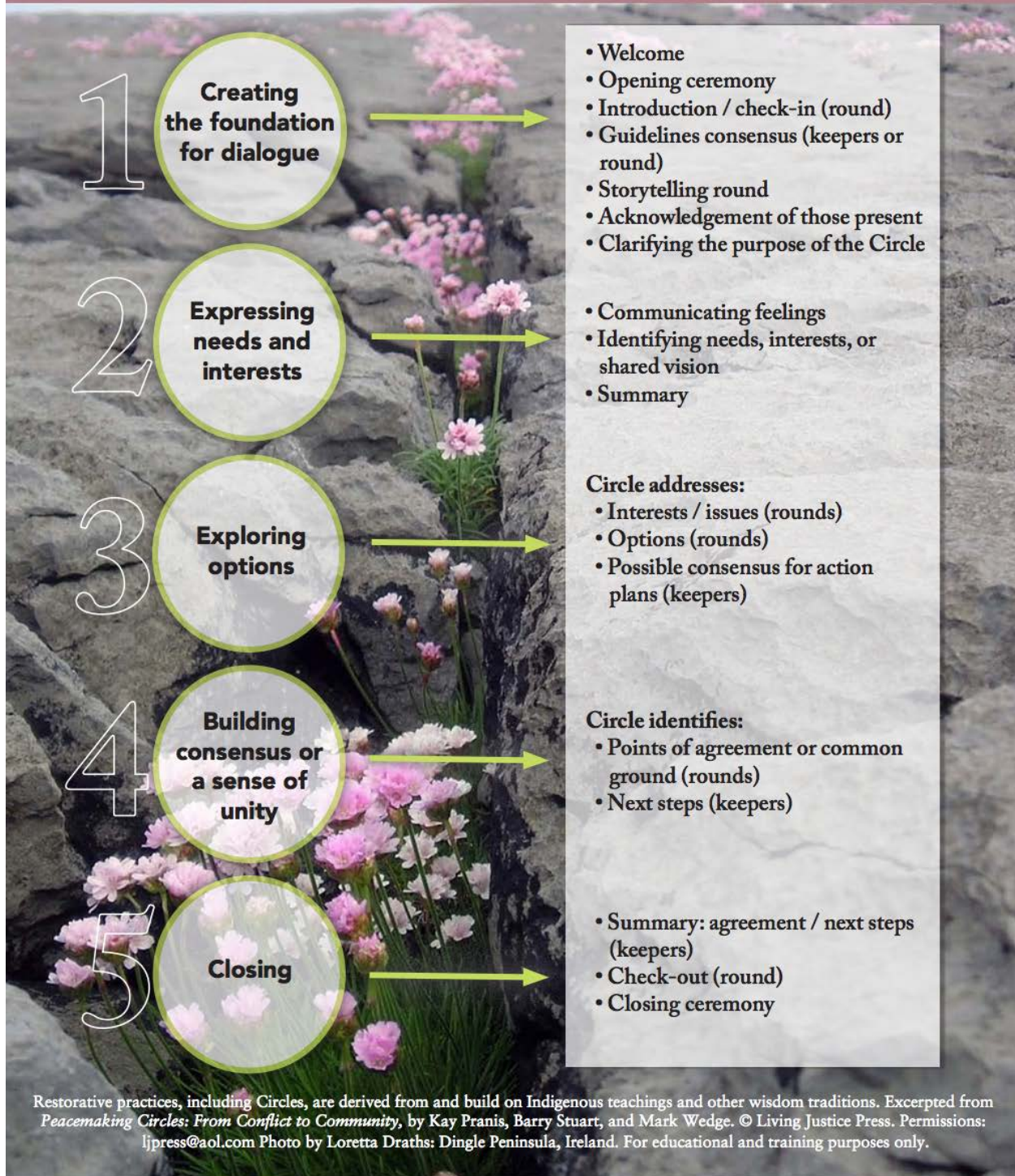
<http://www.healthiersf.org/RestorativePractices/Resources/index.php>

- If you can, set up the classroom in a circle of chairs without desks to facilitate open communication and equality between the members in the group.
- Use a talking piece. Select a talking piece that has some significance to you and introduce it with the story of what it means to you. It can be rock from a special place, a favourite childhood toy, etc.
- The talking piece is passed around in the circle, and you can only speak if you are holding the talking piece. You can always pass if you do not wish to talk.
- Everybody is equal in the circle; even the keepers (facilitators) of the circle participate whether they are teachers or students.
- Generate the values and expectations for the circle gathering. What do participants need to feel safe in the circle? You can ask each participant to write down one value for this, and write those out on a larger sheet to remind everyone throughout the gathering. You can keep this at the centre of the circle.
- Circles usually open with easy low-intensity questions that help build community before tackling some of the more difficult questions. Start out with a more playful question (e.g. your favourite animal and why; your favourite meal and why).
- After discussing the shared values, the keeper(s) of the circle can transition to a check-in with a question, such as: How are you feeling today?
- Suggested next questions: What do you need to feel safe and happy in the school community? (responsibility-taking part) How can you contribute to others' safety and happiness in our school community? (The circle keepers can adjust these to make them specific to the conflict presented in the drama performance.)
- Remember to close the circle with a moment of recognition for the hard work and commitment of the participants. Incorporate a closing round that allows participants to

reflect on the circle process and check in with how their feelings may have changed from the opening rounds.

The following graph summarizes the format of the circle process:

The General Circle Format



(Source: [Living Justice Press](#))

INQUIRY QUESTIONS FOR FURTHER INVESTIGATION

Comparing the restorative and retributive justice systems.

Often, the criminal justice system often fails to address the needs of the victim, harmer, and the community, and focuses predominantly on proving guilt or innocence. In doing so, it hijacks the stories of both victim and offender and reduces them to facts that often lack sufficient context. Why did the offender act this way? What have been the broader repercussions of the events for the victim? And for the wider community affected by the offense?

Compare the process of the circle to the process of the court case with jury. How did these approaches differ? Who benefited? If you played a particular role, you can speak from the point of view of your character as well as from your own point of view.

Sitting in Circle with your Class

“Circles can be used as a tool to teach social skills such as listening, respect, and problem solving. Circles provide people an opportunity to speak and listen to one another in a safe atmosphere and allow educators and students to be heard and offer their own perspectives. Circles can also be used to celebrate students, begin and end the day, and discuss difficult issues.” [7]

- You might consider **creating a habit of sitting in circle** and checking in with each other each morning to strengthen your bonds as a group. It can become a great ritual to mark the start of the day. You can select a talking piece that is meaning to the group or one of its members. Agree upon the values of the circle and keep them in your classroom as a reminder throughout the day. You can read them out before each circle. Students can take turns facilitating the circle.
- While you can organise and keep your own circle, this is also a great opportunity to bring in **community elders** with experience leading circles to come in to facilitate the process and share how circles are used in their community.
- Here are some **resources** on how to build strong circles:
 - The following document provides step-by-step guidelines for **three circle gatherings that focus on building community with youth**:
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 - The following document lists and explains the **key ingredients of circle processes**:
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II. Assault Trial

For this activity, students will role-play a restorative alternative or complement to the court case that was performed.

Inquiry questions to allow students to speak about **assault** from their own experience:

- How does assault differ from hitting or bullying?
- Why do you think people assault others?
- Do you think that assault is often provoked by bullying or other factors?
- Have you ever experienced being physically hit? How did it make you feel? (This will tie in with the discussion of community and integration in community after the court case.)
- How can assault, hitting and physical bullying be prevented or curtailed?

After introducing Restorative Justice to your students, you can use some of the following **inquiry questions** to connect the **circle process** to the **court case**.

- What will the next day at school be like for Steven? And what will it be like for Henry?
- What might be difficult for each of them?
- Brainstorm what they each need from the school community.
- How can we insure that their needs are met? What can't the court verdict assure? The court can punish Henry, but it ignores why Henry may have lashed out and it largely ignores the effect of the assault on Steven.
- Ideally, we want both Henry and Steven to be happy and active members of a healthy and caring school community. How does the court verdict contribute to that? What is missing?

You can use the **6 questions that drive restorative processes** (see background section) to start conceptualizing the elements of the circle.

Before continuing to the circle process, and especially if the activity doesn't immediately follow the drama performance, consider reviewing the issues of the conflict to allow students to familiarize themselves with their roles.

Role-Play Characters

Earlier in this unit, we offered the KWL model as a way to determine students' understanding of the court process prior to watching the performance, and to assess what they learned by seeing the play.

Another approach is for teachers to assign the Restorative Justice roles prior to the trial being performed so that students can take notes on their character's involvement in the case. This approach also encourages students to watch the drama with a particular focus in mind. Whether you assign the roles before or after the play, allow some time for participants to think about how they might be feeling going into the circle in their role. Prompt them to imagine their character's

involvement in the events, as well as the potential repercussions of the events on their character.

Depending on the numbers, you can decide to set up two circles, and/or assign more students who were present in the parking lot (i.e., bystanders). You will want two or even three circle keepers. If possible, the teacher should also play a role and be included in the circle process. Having two or even three separate circles if the group is too large can lead to an interesting post-activity in which the two Henrys, Stevens, etc. all discuss their experiences in the circle in dyads or triads.

Henry Evans	Steven Robertson
Officer Richard Matheson	Steven's mother
Steven's father	Henry's mother
Henry's father	School counsellor
School principal	Henry's favourite teacher
Steven's favourite teacher	Student who was in the parking lot
Student who was in the parking lot	Henry's best friend

Steven's best friend	Circle keeper
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Setting the Stage

The **circle keepers**, who are neutral, play an important role in the organisation of the circle process. While others spend time reflecting on their roles, the circle keepers should draw up the order of questions.

Depending on the age group, the teacher can either **play** the role of circle keeper, or **coach** the circle keepers in this process. Part of this process can be reviewed together with the entire group to clarify the order and procedure of the circle gathering.

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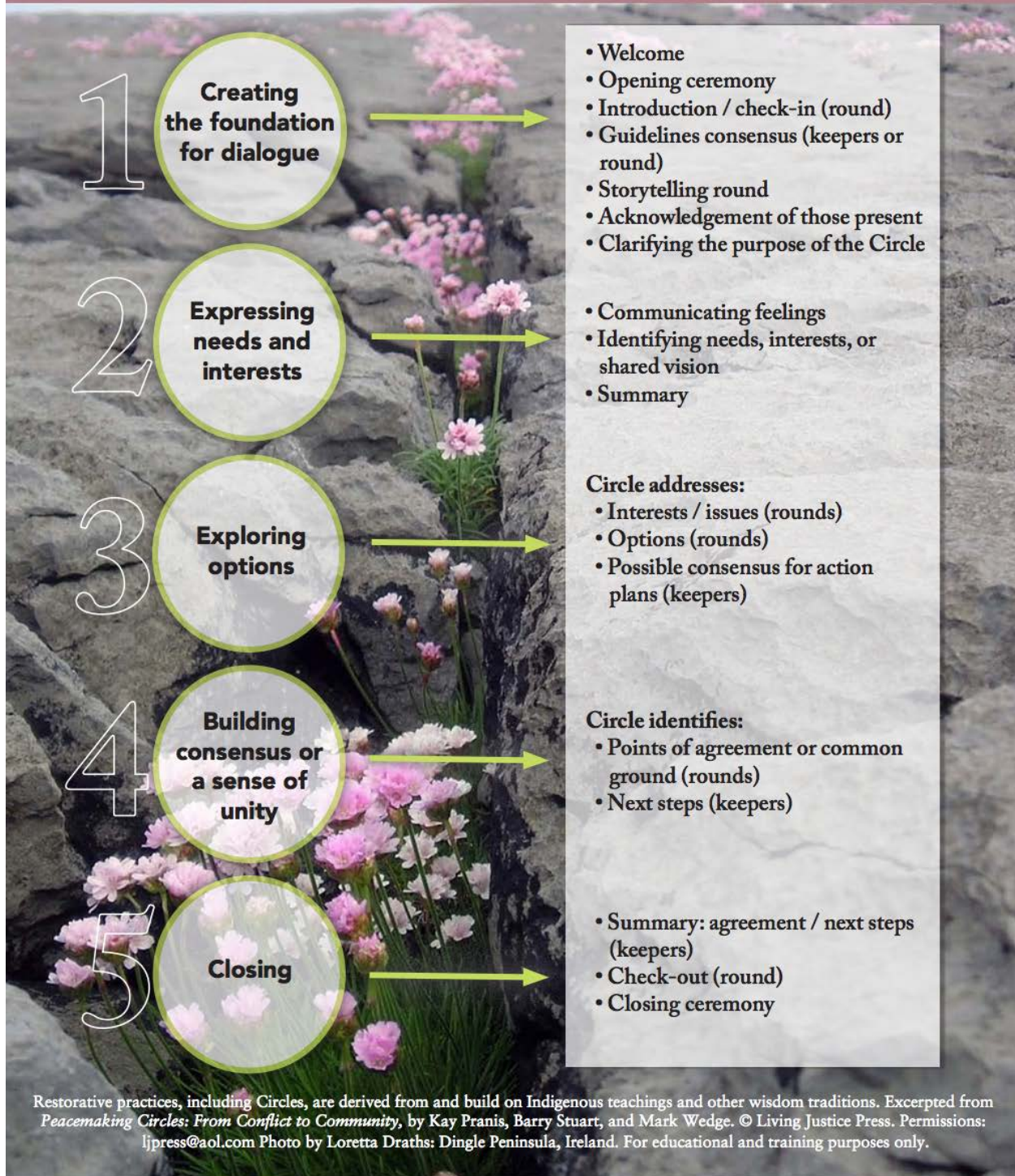
More detailed **circle planning guides** that include concrete examples of circle opening prompts and other suggestions to create an open and inviting circle gathering can be found at:
<http://www.healthiersf.org/RestorativePractices/Resources/index.php>

- If you can, set up the classroom in a circle of chairs without desks to facilitate open communication and equality between the members in the group.
- Use a talking piece. Select a talking piece that has some significance to you and introduce it with the story of what it means to you. It can be rock from a special place, a favourite childhood toy, etc.
- The talking piece is passed around in the circle, and you can only speak if you are holding the talking piece. You can always pass if you do not wish to talk.
- Everybody is equal in the circle; even the keepers (facilitators) of the circle participate whether they are teachers or students.
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Compare the process of the circle to the process of the court case with jury. How did these approaches differ? Who benefited? If you played a particular role, you can speak from the point of view of your character as well as from your own point of view.

Sitting in Circle with your Class

“Circles can be used as a tool to teach social skills such as listening, respect, and problem solving. Circles provide people an opportunity to speak and listen to one another in a safe atmosphere and allow educators and students to be heard and offer their own perspectives. Circles can also be used to celebrate students, begin and end the day, and discuss difficult issues.”[8]

- You might consider **creating a habit of sitting in circle** and checking in with each other each morning to strengthen your bonds as a group. It can become a great ritual to mark the start of the day. You can select a talking piece that is meaning to the group or one of its members. Agree upon the values of the circle and keep them in your classroom as a reminder throughout the day. You can read them out before each circle. Students can take turns facilitating the circle.
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- Here are some **resources** on how to build strong circles:
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III. Theft Under \$5000 (Shoplifting) Trial:

For this activity, students will role-play a restorative alternative or complement to the court case that was performed.

Inquiry questions to allow students to speak about **shoplifting** from their own experience:

- Have you ever shoplifted or stolen anything?
- If yes, why did you do it?
- Who do you think was affected by it?
- How did people around you react?
- Have you ever had something stolen from you?
- How did it make you feel and why? How did it affect you? (This will tie in with the discussion of community and integration in community after the court case.)
- Did you report the theft? What happened?
- How was the issue solved?
- What are some of the reasons someone might steal?

After introducing Restorative Justice to your students, you can use some of the following **inquiry questions** to connect the **circle process** to the **court case**.

- Why do you think Derrick may have shoplifted?
- How do you think Mark's next day at work will be? What might be difficult for him?
- Brainstorm what they each need from their community.
- How can we insure that their needs are met? What can't the court verdict assure? The court can punish Derrick, but it ignores why he may have shoplifted and it largely ignores the effect of the events on Mark.
- Ideally, we want Derrick to be a happy and active member of a healthy and caring community. How does the court verdict contribute to that? What is missing?

You can use the **6 questions that drive restorative processes** (see background section) to start conceptualizing the elements of the circle.

Before continuing to the circle process, and especially if the activity doesn't immediately follow the drama performance, consider reviewing the issues of the conflict to allow students to familiarize themselves with their roles.

Role-Play Characters

Earlier in this unit, we offered the KWL model as a way to determine students' understanding of the court process prior to watching the performance, and to assess what they learned by seeing the play.

Another approach is for teachers to assign the Restorative Justice roles prior to the trial being performed so that students can take notes on their character's involvement in the case. This

approach also encourages students to watch the drama with a particular focus in mind. Whether you assign the roles before or after the play, allow some time for participants to think about how they might be feeling going into the circle in their role. Prompt them to imagine their character's involvement in the events, as well as the potential repercussions of the events on their character.

Depending on the numbers, you can decide to set up two circles, and/or assign more bystanders. You will want two or even three circle keepers. If possible, the teacher should also play a role and be included in the circle process. Having two or even three separate circles if the group is too large can lead to an interesting post-activity in which the two Derricks, Marks, etc. all discuss their experiences in the circle in dyads or triads.

Derrick Lowe	Mark Sangria
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John Hammond	Mark's supervisor
Derrick's uncle	Mark's mother
Mark's father	Derrick's social worker
Derrick's friend	Derrick's friend who also works in retail
Mark's colleague	Circle keeper

The **circle keepers**, who are neutral, play an important role in the organisation of the circle process. While others spend time reflecting on their roles, the circle keepers should draw up the order of questions.

Depending on the age group, the teacher can either **play** the role of circle keeper, or **coach** the circle keepers in this process. Part of this process can be reviewed together with the entire group to clarify the order and procedure of the circle gathering.

Use the following document that lists and explains the **essential ingredients of circles**:

http://www.livingjusticepress.org/vertical/sites/%7B4A259EDB-E3E8-47CD-8728-0553C080A1B0%7D/uploads/8_EssentialElements_Circle.pdf

More detailed **circle planning guides** that include concrete examples of circle opening prompts and other suggestions to create an open and inviting circle gathering can be found at:

<http://www.healthiersf.org/RestorativePractices/Resources/index.php>

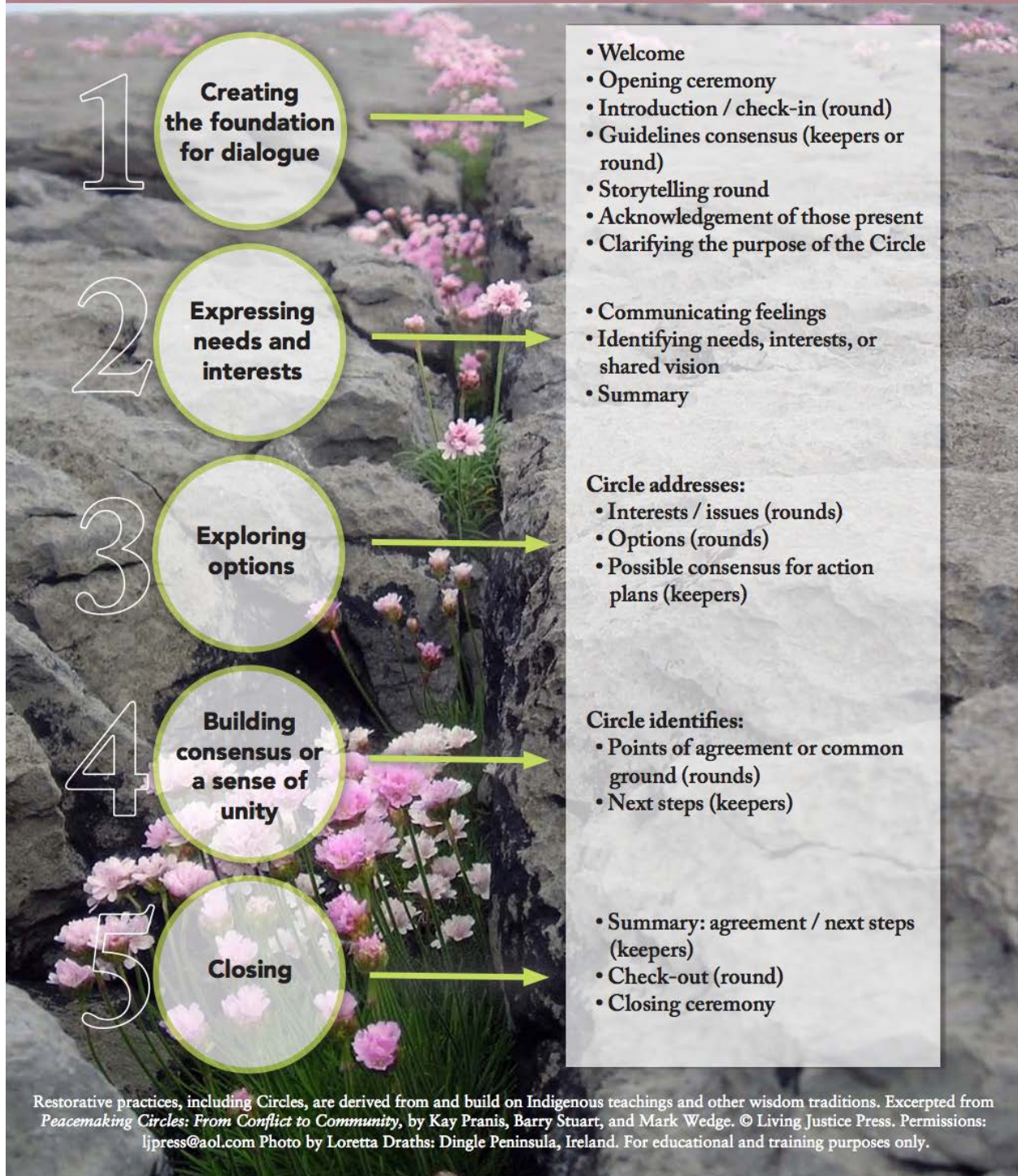
- If you can, set up the classroom in a circle of chairs without desks to facilitate open communication and equality between the members in the group.
- Use a talking piece. Select a talking piece that has some significance to you and introduce it with the story of what it means to you. It can be rock from a special place, a favourite childhood toy, etc.
- The talking piece is passed around in the circle, and you can only speak if you are holding the talking piece. You can always pass if you do not wish to talk.
- Everybody is equal in the circle; even the keepers (facilitators) of the circle participate whether they are teachers or students.
- Generate the values and expectations for the circle gathering. What do participants need to feel safe in the circle? You can ask each participant to write down one value for this, and write those out on a larger sheet to remind everyone throughout the gathering. You can keep this at the centre of the circle.
- Circles usually open with easy low-intensity questions that help build community before tackling some of the more difficult questions. Start out with a more playful question (e.g. your favourite animal and why; your favourite meal and why).
- After discussing the shared values, the keeper(s) of the circle can transition to a check-in with a question, such as: How are you feeling today?
- Suggested next questions: What do you need to feel safe and happy in the school community? (responsibility-taking part) How can you contribute to others' safety and

happiness in our school community? (The circle keepers can adjust these to make them specific to the conflict presented in the drama performance.)

- Remember to close the circle with a moment of recognition for the hard work and commitment of the participants. Incorporate a closing round that allows participants to reflect on the circle process and check in with how their feelings may have changed from the opening rounds.

The following graph summarizes the format of the circle process:

The General Circle Format



(Source: [Living Justice Press](#))

INQUIRY QUESTIONS FOR FURTHER INVESTIGATION

Comparing the restorative and retributive justice systems.

Often, the criminal justice system often fails to address the needs of the victim, harmer, and the community, and focuses predominantly on proving guilt or innocence. In doing so, it hijacks the stories of both victim and offender and reduces them to facts that often lack sufficient context. Why did the offender act this way? What have been the broader repercussions of the events for the victim? And for the wider community affected by the offense?

Compare the process of the circle to the process of the court case with jury. How did these approaches differ? Who benefited? If you played a particular role, you can speak from the point of view of your character as well as from your own point of view.

Sitting in Circle with your Class

“Circles can be used as a tool to teach social skills such as listening, respect, and problem solving. Circles provide people an opportunity to speak and listen to one another in a safe atmosphere and allow educators and students to be heard and offer their own perspectives. Circles can also be used to celebrate students, begin and end the day, and discuss difficult issues.”[9]

- You might consider **creating a habit of sitting in circle** and checking in with each other each morning to strengthen your bonds as a group. It can become a great ritual to mark the start of the day. You can select a talking piece that is meaning to the group or one of its members. Agree upon the values of the circle and keep them in your classroom as a reminder throughout the day. You can read them out before each circle. Students can take turns facilitating the circle.
- While you can organise and keep your own circle, this is also a great opportunity to bring in **community elders** with experience leading circles to come in to facilitate the process and share how circles are used in their community.
- Here are some **resources** on how to build strong circles:
 - The following document provides step-by-step guidelines for **three circle gatherings that focus on building community with youth**:
http://www.livingjusticepress.org/vertical/sites/%7B4A259EDB-E3E8-47CD-8728-0553C080A1B0%7D/uploads/Youth-Police_Dialog_In_Circle.pdf
 - The following document lists and explains the **key ingredients of circle processes**:
http://www.livingjusticepress.org/vertical/sites/%7B4A259EDB-E3E8-47CD-8728-0553C080A1B0%7D/uploads/8_EssentialElements_Circle.pdf

FURTHER RESOURCES FOR TEACHERS AND STUDENTS

Online Resources

[Advancement Project – Ending the Schoolhouse to Jailhouse Track](#)

This [site](#) collects resources that include in-depth reports from schools and school districts that have implemented restorative practices in their schools, as well as data on the school-to-prison pipeline and the opportunity and past successes of RJ to disrupt this trend:

<http://www.safequalityschools.org/resources>

[Edutopia – Restorative Justice: Resources for Schools](#)

This [page](#) lists resources on both background information about Restorative Justice in schools, guidelines for the whole-school implementation of Restorative Justice values, principles, and processes for increased well-being and alternative discipline:

<http://www.edutopia.org/blog/restorative-justice-resources-matt-davis>

[International Institute for Restorative Practices](#)

Offers a variety of shorter and longer training options in restorative practices. Their [website](#) also gathers results of research into the effectiveness of restorative approaches in schools and elsewhere:

<http://www.iirp.edu/>

[Restorative Justice for Oakland Youth](#)

This website of one of the strongest Restorative Justice initiatives in the US lists a variety of [videos](#) that introduce the practices and successes of Restorative Justice to students, educators, and social workers:

<http://rjoyoakland.org/videos/>

[Restorative Practices in the San Francisco Unified School District](#)

This [website](#) pools resources on Restorative Justice in the schools. It has background information for teachers and handouts and activities for students:

<http://www.healthiersf.org/RestorativePractices/Resources/index.php>

[Schott Foundation – Restorative Practices: Fostering Healthy Relationships & Promoting Positive Discipline in Schools. A Guide for Educators](#)

This [guide](#) outlines different restorative practices for schools within the classroom, on campus, and in the wider school community. It draws attention to action plans, practices, personal communication, and supportive infrastructure, and offers suggestions on how to start implementing Restorative Practices in your school and/or school district:

<http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf>

[Living Justice Press](#) has a collection of [handouts and graphics on circle](#) that are available for educators:

http://www.livingjusticepress.org/index.asp?Type=B_BASIC&SEC={B158346E-2E21-48C6-94DC-A71301BE3D0F

[Living Justice Press](http://www.livingjusticepress.org/index.asp?Type=B_BASIC&SEC={41DED282-E843-4397-A9F0-6803A7050FF3}) can also **connect** you to experienced circle trainers, either to train staff, teachers, or students to become circle keepers, or to facilitate circles your school:

http://www.livingjusticepress.org/index.asp?Type=B_BASIC&SEC={41DED282-E843-4397-A9F0-6803A7050FF3}

List of Restorative Justice **organisations** in Alberta:

<http://www.csc-scc.gc.ca/restorative-justice/003005-4102-eng.shtml>

List of Restorative Justice **organisations** in British Columbia:

<http://www.csc-scc.gc.ca/restorative-justice/003005-4103-eng.shtml>

List of Restorative Justice **organisations** in Northwest Territories:

<http://www.csc-scc.gc.ca/restorative-justice/003005-4109-eng.shtml>

List of Restorative Justice **organisations** in Saskatchewan:

<http://www.csc-scc.gc.ca/restorative-justice/003005-4104-eng.shtml>

Further Reading on Restorative Justice

Elliott, Elizabeth. *Security with Care: Restorative Justice & Healthy Societies*. Halifax and Winnipeg: Fernwood, 2011.

McElrea, FWM. "Accountability in the Community: Taking Responsibility for Offending." Auckland, NZ: Legal Research Foundation Conference, 1995. <http://restorativejustice.org/amsite/media/accountability-in-the-community-taking-responsibility-for-offending.pdf>

Morrison, Brenda. *Restoring Safe School Communities: A Whole School Response to Bullying, Violence and Alienation*. Leichhardt: The Federation Press, 2007.

Pranis, Kay. *The Little Book of Circle Processes: A New/Old Approach to Peacemaking*. Intercourse, PA: Good Books, 2005.

"Research Framework for a Review of Community Justice in Yukon." This document includes a history of the law and applications of Restorative Justice in Canada.

http://www.justice.gov.yk.ca/fr/pdf/02-1_History.pdf

"Restorative Justice in Canada: what victims should know." This document from the *Canadian Resource Centre for Victims of Crime* describes the principles and practices of Restorative Justice in Canada and addresses some common concerns and misconceptions. It is a great background resource for discussion. <https://crcvc.ca/docs/restjust.pdf>

Ross, Rupert. *Returning to the Teachings: Exploring Aboriginal Justice*. Toronto: Penguin, 2006.

Stutzman Amstutz, Lorraine, and Judy H. Mullet. *The Little Book of Restorative Discipline for Schools: Teaching Responsibility; Creating Caring Climates*. Intercourse, PA: Good Books, 2005.

Zehr, Howard. *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, 2015.

FOOTNOTES

[1] http://www.justice.gov.yk.ca/fr/pdf/02-1_History.pdf

[2] Paragraph 718.2(e) of Criminal Code of Canada (http://www.justice.gov.yk.ca/fr/pdf/02-1_History.pdf)

[3] See FWM McElrea “Accountability in the Community: Taking Responsibility for Offending.” Legal Research Foundation, 1995 (21): <http://restorativejustice.org/am-site/media/accountability-in-the-community-taking-responsibility-for-offending.pdf>

[4] They have their origins in Mennonite, Maori, and First Nations communities respectively. http://www.justice.gov.yk.ca/fr/pdf/02-1_History.pdf. Some list more specific types of restorative processes, such as: circles of support and accountability, peacemaking circles, healing circles, sentencing circles, community-assisted hearings / releasing circles, community conferencing, community justice forums, victim offender mediation, healing lodges, surrogate victim/offender Restorative Justice dialogue (Source: Canadian Resource Centre for Victims of Crime).

[5] http://www.livingjusticepress.org/vertical/sites/%7B4A259EDB-E3E8-47CD-8728-0553C080A1B0%7D/uploads/Youth-Police_Dialog_In_Circle.pdf (page 1)

[6] <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf> (page 3)

[7] <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf> (page 3)

[8] <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf> (page 3)

[9] <http://schottfoundation.org/sites/default/files/restorative-practices-guide.pdf> (page 3)

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