

**THE COLORADO LAWYERS COMMITTEE AND
THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW**

PRESENT

HATE CRIMES? YOUTH DECIDE

TEACHER GUIDE

PEOPLE V. PATRICK WITTEN

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Introduction to the Materials

This document is one part of a package of materials that was prepared under a grant to the Colorado Lawyers Committee from the Stop Hate Project of the Lawyers' Committee for Civil Rights Under Law. Taken together, these materials allow individuals and organizations throughout the country to offer an interactive presentation to local schools and community groups which will promote the discussion of diversity and inclusion, and seek to prevent the spread of community division, racial slurs and hateful actions.

The program is in the form of a fictional trial. At the conclusion of the trial, the students (or community members) break into small "jury" groups to discuss the issues presented and, with the assistance of a facilitator, reach a verdict. The program is based on a similar program that has been offered since 1994 by the Colorado Lawyers Committee throughout Colorado.

The package of materials includes:

- **Hate Crimes Script:** *People v. Patrick Witten*. Patrick Witten, a high school student, is charged with four hate crimes against a Muslim teacher, a perceived LGBT student and others at his school (including by way of a social media threat). The script refers to four exhibits which are available upon request from the Lawyers' Committee for Civil Rights Under Law.
- **Typical Hate Crimes Statute:** The trial is based on a "typical" state hate crimes statute. Information on individual state statutes can be found at the web address below.
- A **Program Coordinator Manual** which explains how to establish a Hate Crimes Education Program, including tips on working with teachers and with lawyer and non-lawyer volunteers (who will play the roles of prosecutor, defense attorney, judge and facilitators).
- A **Volunteer Guide** which describes each part of the presentation and provides guidance about the most effective presentation techniques. This Guide is accompanied by a one-hour **Training Video** which serves as an introduction to the program for volunteers and includes tips and take-aways.
- A **Teacher Guide** which offers details on the program for teachers, including suggestions for effective classroom curriculum before the presentation. This Guide is accompanied by a short **Trailer** designed to introduce the program.
- A **Teacher Survey** which can be sent to teachers after the presentation.

Additional resources are available from the Lawyers' Committee for Civil Rights Under Law, on the Stop Hate Website, www.8449nohate.org.

This Teacher’s Guide is designed to introduce you to a FREE, interactive, informative, fun educational experience for your students, put on by members of the legal community called “**Hate Crimes? Youth Decide**”.

WHAT IS IT?

The program teaches students about hate crimes using a fictional trial format. Volunteer attorneys, law students, and judges play the roles of prosecutor, defense attorney and judge and present a trial based on a fictional case arising from a violation of a state hate crimes statute. At the conclusion of the trial, the students break into small “jury” groups to discuss the issues presented and, with the assistance of an adult facilitator, reach a verdict. This interactive program is FREE, staffed completely by volunteer judges, lawyers and other legal staff.

WHO MAY PARTICIPATE?

The program is best suited for 7th graders and up. We have found that 6th graders and younger tend to not have the maturity and critical reasoning skills to participate in the program, and also may not have had the requisite Bill of Rights/First Amendment foundation upon which the program based. Fifty students is the “soft” maximum number of students per trial (if there are more than fifty students, you may want to schedule two different trials).

HOW DOES IT WORK?

The program begins with introductions and a brief explanation of what the students will expect. This is followed by "jury selection" (where the lawyers question the student “jurors”), a statement of the evidence and law, and closing arguments by a prosecutor and defense attorney. The students are then broken into jury groups of 6-10 and deliberate the four counts against the defendant. Volunteers team up with each jury group to help facilitate the deliberation process. The engagement from the students can be quite incredible and the actual case is one that could be considered a hate crime.

The program concludes with bringing all the students back together for verdict discussions and candid conversations about diversity, inclusion and bullying in the 21st century.

HOW LONG DOES IT TAKE?

A 135-minute block of uninterrupted time gives the students the best experience and the most time to process and discuss the program with volunteers. While it is feasible to work with time frames shorter than 120 minutes by cutting some of the presentations or going over it in an abridged manner, the students may not have enough time for jury deliberations or to discuss the verdicts and important anti-bullying, community building and civics lessons. The recommended schedule for the best result is:

<u>Program Segment</u>	<u>If The Total Time Allotment Is, We Suggest:</u>			
	<i>90 mins.</i>	<i>120 mins.</i>	<i>135 mins.</i>	<i>150+ mins.</i>
Opening Remarks and Judge’s Introduction	6 mins.	8 mins.	9 mins.	10 mins.
Prosecutor Voir Dire	9 mins.	12 mins.	13 mins.	15 mins.
Defense Voir Dire	9 mins.	12 mins.	13 mins.	15 mins.
Judge Gives Jurors’ Oath and Admits Evidence and Written Jury Instructions	2 mins.	2 mins.	2 mins.	2 mins.
Judge Reads The Statement of Evidence and Jury Instructions	8 mins.	8 mins.	8 mins.	8 mins.
Prosecutor’s Closing Argument	11 mins.	12 mins.	12 mins.	13 mins.
Defense Counsel’s Closing Argument	13 mins.	14 mins.	15 mins.	16 mins.
Prosecutor’s Closing Rebuttal	2 mins.	2 mins.	3 mins.	3 mins.
Small Group Jury Deliberations	15 mins.	25 mins.	30 mins.	30 mins.
Verdict Review & Wrap-Up/Lessons Learned	~15 mins. remaining	~25 mins. remaining	~30 mins. remaining	~38 mins. remaining

WHAT SHOULD BE PROVIDED

The program runs best when in a space that can comfortably seat the students in an auditorium-style setting, with enough space to separate the students into smaller groups for jury deliberation. A podium for the judge and a white board or another way to display the verdicts at the end of the trial is ideal, but not necessary.

HOW DO I PREPARE THE STUDENTS?

The presentation will be most valuable if the students have an understanding the First Amendment, since one of the charges in the fictional trial involves a discussion of freedom of speech and assembly.

It should also be noted that the presentation contains very strong language which we do not condone but which is included to make the presentation as realistic as possible. Specifically, two of the trial exhibits (the flyer and the Instagram post) distributed to the students contain racial slurs and insults, including the “n-word” and other derogatory and offensive language. The program does not condone the use of these words, but uses them for educational purposes in the program. In 25 years of offering this program, we have had almost no complaints about the language, understanding the context in which it is offered. In addition, the exhibits which contain the offensive language are always collected from all participants before they leave the room and the presentation includes a warning by the volunteers about the offensive language. You may however want to consider the students in your classroom and whether notice to their parents is advisable. You may even want to post the short video which is available with this Guide to your school's website and invite parents to view it. In addition, you may want to consider making appropriate arrangements, in accordance with your school's policies and practices, to create a safe space where students can go if they need to leave the presentation and discussing these issues with your students before the volunteers arrive.

HOW CAN I CONTINUE THE DISCUSSION AFTER THE PROGRAM?

You should expect that different students on different juries are going to come to different verdicts on each of the four counts against the Defendant – that is how the program is designed! The “close calls” on the facts as applied to the elements of each crime (the jury instructions) help generate discussion in jury deliberation that can be continued long after the program in the form of class discussions:

- Compare the facts to school guidelines, could the student have been punished by the school?
- Should the school get involved? How?
- Other countries do not allow any form of hate speech, should the United States follow that example? What about a country like Germany, where atrocities occurred in World War II? Should that history make a difference on whether someone can display Nazi symbols?
- Different juries reach different decisions in cases like these. Is it important that we pull jurors from the local community?

WHAT OTHER RESOURCES ARE AVAILABLE ON HATE CRIMES?

- **Targeted By Hate? Webpage**
 - <https://8449nohate.org/resources/targeted-by-hate/>
 - Information on how to report incidents when they do occur, and help in recognizing if an individual is experiencing hate incident(s)/hate crime(s).
- **Communities Against Hate: Resources Map**
 - <https://8449nohate.org/resources/community-resources/resource-map/>
 - Local resources for those who have experienced/are experiencing hate or know someone who has/is.
- **Bullying Prevention Portal**
 - <https://8449nohate.org/bullying/>
 - Resources for students, parents, and teachers.
- **Not Alone Video Series**
 - <https://8449nohate.org/not-alone>
 - Shows students effective ways to participate in bystander intervention techniques