

THE COLORADO LAWYERS COMMITTEE

PRESENTS

HATE CRIMES? YOUTH DECIDE

TEACHER GUIDE

PEOPLE V. PATRICK WITTEN

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INTRODUCTION TO THE MATERIALS

This document is part of a package of materials that was prepared by the Colorado Lawyers Committee in connection with its interactive Hate Crimes Education Program that has been offered free to schools and community groups throughout Colorado since 1994.

The purpose of the Hate Crimes Education Program is to 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 group then reconvenes to discuss the verdicts and the importance of the statute.

If you have participated in this program before, please note that the “script” was substantively revised in early 2020. Please discard any old materials and review the new package in its entirety.

The package of materials includes five documents and two videos, all of which are on the Colorado Lawyers Committee website¹:

- **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 includes Colorado’s Hate Crimes Statute (C.R.S. § 18-9-121) on which the presentation is based.
- 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 **Video Trailer** designed to introduce the program.
- A **Teacher Survey** which can be completed by teachers after the presentation.
- **Program Coordinator Manual.** While this program is available for free using Colorado Lawyers Committee volunteers, the manual explains how organizations that wish to put on the program themselves can do so. The manual includes tips on working with teachers and with lawyer and non-lawyer volunteers (who will play the roles of prosecutor, defense attorney, judge and facilitators).

¹ www.ColoradoLawyersCommittee.org. The script refers to four exhibits which are not online but are available upon request from the Colorado Lawyers Committee.

TIPS FOR TEACHERS

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

WHAT IS THE HATE CRIMES EDUCATION PROGRAM?

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 Colorado's 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. The Colorado Lawyers Committee has offered this program for more than 25 years to schools and community groups across the state. A generous grant pays the travel expenses of volunteers who offer presentations outside the Denver metro area, so there is no cost to the school or community.

WHO CAN PARTICIPATE?

The program is best suited for students in 7th grade and higher grades. We have found that 6th graders and younger students do 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 divided into jury groups of 6-10 and deliberate the four counts against the defendant in order to reach a verdict. Volunteers work with each jury group to facilitate the deliberation process. The engagement from the students can be quite incredible and most students participate actively in the deliberations.

Once the juries reach their verdicts, the students return to the larger group to compare verdicts (they are often very different). The presentation concludes with a candid conversation 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 SPECIAL ARRANGEMENTS ARE REQUIRED

The program runs best when in a space that can comfortably seat the students in an auditorium-style setting, with enough space (or separate rooms) 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 homophobic 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 more than 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 whether accommodations for some students are necessary or required by school policies and practices.

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 continue long after the program in the form of class discussions:

Some possible topics are:

- 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. What are the advantages of free speech in the United States? 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. Why is it important that defendants are entitled to juries of their peers, from the local community?

WHAT OTHER RESOURCES ARE AVAILABLE ON HATE CRIMES?

Students appreciate hearing examples of real-life hate crimes, and unfortunately, you will be able to find plenty of examples by doing Google searches to find reputable sources of recent news in this area:

- www.splcenter.org
- <http://www.freep.com/apps/pbcs.dll/article?AID=2012206210420>
- For a very interesting study regarding how direct, personal, cultural education and integration significantly and positively impacts the development of a child’s thoughts and attitudes on racial issues, see: http://www.cnn.com/2012/04/02/us/ac360-race-study/index.html?hpt=hp_c1
- For information on bullying initiatives and how they relate to hate crimes, see <http://colegacy.org/bullying-prevention-initiative/>

Below are some resources that will demonstrate for students effective ways to participate in bystander intervention techniques, like the students who brought the teacher over when Witten and a group of Hispanic students began to fight.

- Targeted By Hate? Webpage
 - <https://8449nohate.org/resources/targeted-by-hate/>
 - This provides definitions and information on how to report incidents when they occur, and could help individuals recognize if what they are experiencing is/are hate incident(s)/hate crime(s).
- Communities Against Hate: Resources Map
 - <https://8449nohate.org/resources/community-resources/resource-map/>
 - This helps students and parents find local resources in case they have experienced/are experiencing hate or know someone who has/is.
- Bullying Prevention Portal
 - <https://8449nohate.org/bullying/>
 - This has good resources for students, parents, and teachers.
- Not Alone Video Series; <https://8449nohate.org/not-alone/>