

Ontario Justice Education Network

Project: Restorative Justice and Aboriginal Sentencing Circle



**Classroom Presentation
Resources & Lesson Plan**



Restorative Justice Workshop

Project

In class, restorative justice and sentencing circle workshops for students.

(In class workshop on restorative justice, featuring sentencing circle scenarios for students. The materials featured here are adapted from the Restorative Justice & Aboriginal Sentencing Circle Workshop resources developed by students at Western's Faculty of Law, and first delivered at a high-needs urban high school in London, Ontario).

Target Audience

Secondary school Civics and Law students

Planning Steps

- Establish that there is interest in restorative justice and sentencing circle workshop
- Recruit a lawyer or law student who is willing to deliver the workshop
- Recruit law students or other volunteers who will assist with facilitating the workshop
- Have all volunteers review the material adapted from the *Saunders Secondary Law Project on Restorative Justice & Aboriginal Sentencing Circle*. Become familiar with the lesson plan and add in more examples or other activities if desired.
- Prepare handouts, photocopies etc. prior to the workshop
- Make requests for any additional equipment to the teacher prior to the workshop
- Confirm all details prior to the date
- Ask participants and the teacher to evaluate their experiences
- Have a debriefing with volunteers
- Submit a summary or photos to OJEN for profiling on our website or newsletter

Volunteer Roles

- Presenter – a lawyer or law student who will do the presentation, make contact with the teacher and recruit facilitator volunteers (2-3 hours + event)
- Facilitators – law students or other volunteers who can assist on the day of (1 hour + event)
- Teacher – who will prepare his/her class and be the school contact (2 hours + event)

Materials or Supplies

- Photocopies

Resource Needs

- Cost of photocopies

Timeline

This project requires 2-3 hours of logistical coordination between the lawyer or coordinating law student, teacher and assisting law students, and 2 hours for workshop delivery.

- Begin organizing about 1 month before the workshop
- Confirm all logistics 1 week before the workshop

Volunteer Recognition

- A small token or thank you letter for volunteers

Strategies for Evaluation

- Verbal or written feedback from participants
- Feedback from the presenters and debriefing with the organizing group
- Follow up with teacher

Adapted from the:



AT WESTERN LAW

Saunders Secondary Law Project

Restorative Justice and Aboriginal Sentencing Circles

Restorative Justice Lesson Plan

- All volunteers and the teacher should familiarize themselves with the lesson plan and handouts ahead of time.
- Students should be familiar with the handouts and complete the worksheet as homework prior to the workshop.
- The lawyer/law student and volunteer facilitators should think of examples to supplement materials below.

Lesson Plan Summary:

Day 1:

1. **Introduction** – Led by the presenter introducing herself/himself and volunteer facilitators, explaining the format, and dividing the students into groups.
2. **Overview of the Traditional Justice System** – brief overview by the presenter of the Traditional Justice System vs. Restorative Justice, discussing the principles of each model. This discussion will include a detailed explanation of *R. v. Gladue*, outlining the facts of the case, the original sentencing, the Supreme Court of Canada decision and the outcome of the case.
3. **Sentencing Circle Discussion: A Form of Restorative Justice** – led by the presenter, this discussion will outline when Sentencing Circles are held, the guidelines to follow, the rules governing a circle, who could potentially be involved and what their involvement might entail.
4. **Small Group Activity (4 groups of 8 depending on class size)** - led by the volunteer facilitator, who will lead a case study discussion. Students will be divided into groups to review and discuss their respective cases. The volunteer facilitator will then lead a follow-up discussion with students based on issues from the case scenarios.

Day 2:

1. **Preparation for Sentencing Circle Demonstration** – The volunteer facilitator will explain the objectives of the mock sentencing circle, the length of time for each

circle and that each circle will take place in front of the class so that each class member can watch a sentencing circle.

- 2. Sentencing Circle Demonstration** – presented by students, the class will be divided into groups. Each group will take turns presenting a 15-minute circle to their peers. Students will first provide a brief overview of the case they've been assigned, followed by presenting their sentencing circle deliberation and conclusion. The volunteer facilitator may act as the "accused" in each case.
- 3. Question and Answer period** – Led by the volunteer facilitator.
- 4. Wrap Up** – led by the volunteer facilitator, who will facilitate a large group discussion on the value of sentencing circles.

Student Handout #1: Restorative Justice and Aboriginal Sentencing Circles

Restorative justice:

- Crime is seen as a violation of a relationship between all people
- The goal is to restore relationships and ensure harmony and stability
- Crime is seen as harming the offender, victim and community and they must be involved in the sentencing
- An example of restorative justice is a sentencing circle
- Below is a summary of an important Supreme Court of Canada decision
- This is important because it gives restorative justice an important place in sentencing by a judge

Restorative Justice within the Traditional Justice System

R. v. Gladue (1999)

Facts of the Case:

- The accused, Gladue, suspected her common law husband was cheating on her with her older sister and confronted him at a party at which she was extremely drunk
- In response, her common law husband admitted to cheating with her sister and called her "fat and ugly"
- Gladue admits she stabbed him with a knife and he died from his injuries
- In this case Gladue was not charged with murder because although she intended to cause serious injury or death to the victim she was provoked and so she was charged with manslaughter

Original Sentencing:

- At the trial, the judge took into account the fact that Gladue was a young mother, and was receiving both an education and alcohol abuse counseling
- However, the judge did not take into account her aboriginal status and sentenced her to three years in jail
- Gladue appealed to the Supreme Court of Canada

Supreme Court of Canada decision:

- When sentencing an accused, the court should consider restorative justice and the use of alternative sentencing programs, where it is reasonable
- This applies to all offenders

- In particular, the background factors and particular circumstances of the aboriginal offenders should be taken into consideration during sentencing

Outcome in this case:

Although the trial judge made a mistake in not considering her aboriginal circumstances, Gladue was released after six months in jail and the Supreme Court of Canada decided that was an appropriate sentence

Handout #2: Sentencing Circle – Murder

Group 1: Murder

- Michael, who is twenty, dropped out of high school to take care of his mother who is addicted to drugs
- He works part time at a gas station
- One day his friend Jay tried to convince Michael that the fastest way to get money would be to rob a convenience store
- Initially, Michael thought it was a terrible idea, but Jay stole his father's gun and convinced Michael to rob the store with him
- On the day of the planned robbery, Michael and Jay drove up to the convenience store with masks on
- They waited until the store was empty and walked in
- Jay demanded money from the store employee, Dylan, while Michael held the gun
- Dylan started to hand over money but then he ran from behind the counter and tried to tackle Michael
- Michael shot and killed Dylan
- Michael has been found guilty of murder

Handout #3: Sentencing Circle – Drunk Driving

Group 2: Drunk Driving

- Carly recently got a new car for her 25th birthday
- Carly drove her friends Sierra and Jasmine to their friends New Year's party
- At the party Carly drank five glasses of champagne, four glasses of wine and a shot of vodka
- At 1:30 AM Sierra and Jasmine, who were very drunk, asked to be driven home
- Carly told them she was too drunk to drive home but Sierra and Jasmine insisted and Carly agreed
- On the way home Carly was driving very fast and drove directly into the front of a minivan, driven by a mother of two named Susan
- Carly, Jasmine and Sierra were fine but Susan had to have her leg amputated
- Carly was found guilty of impaired driving causing bodily harm

Handout #4: Sentencing Circle – Assault with a Weapon

Group 3: Assault with a weapon

- Everyday on his way to work, a group of teens taunt Justin and call him insulting names
- Justin brings a baseball bat with him as protection
- One day, the group of teens call him “fat and stupid” but they do not physically assault him
- Justin takes out his baseball bat and hits one of the teens named George in the head
- Justin fled the scene shortly afterwards
- Justin was found guilty of committing an assault with a weapon

Handout #5: Sentencing Circle – Fraud

Group 4: Fraud

- Mary has five children and her husband is an unemployed alcoholic
- Mary works full time at a charity which helps sick children
- Mary works in the accounting department
- Harrison, the head of the charity, is informed that there is \$40,000 missing from the children's charity
- An investigation reveals that Mary has been secretly stealing money from the charity for over two years
- Mary was found guilty of committing fraud