

## **CRIMINAL LAW ROLE-PLAY**

### **ISSUE: Death Penalty**

The focus of this role-play is to consider whether the death penalty is a good policy option for punishment. For purposes of the role-play, the severity of the crime, the age or mental condition of the defendant, or any other aggravating or mitigating circumstances will not be considered. However, these considerations will be discussed during the debriefing.

### **OBJECTIVES**

The objective of role-playing this issue is to allow the students an opportunity to identify and evaluate the arguments on both sides of the capital punishment debate. Also, it will give those students presenting the arguments for and against the death penalty an opportunity to think critically about their position. This role-playing activity will also give those students who sit as the decision making body the opportunity to weigh both sides of this controversial issue and come up with a decision based on the arguments presented and other considerations.

### **ACTIVITY PROCEDURE**

- A few days before assigning particular roles and determining how the class should be broken into groups, the students will have filled out an opinion survey entitled, "What Is Your Opinion of the Death Penalty?" (Activity Folder on Reserve) These will be completed by the students before this role play. Using the opinion survey, assign roles and break the class into groups with a balanced perspective on the issue.
- On the day of the role-play, the classroom will be assembled roughly like a courtroom.
- The class will be broken into two groups of fifteen students. Breaking into groups will allow more students to participate directly in the activity.
- Each group will have 3 students (volunteer or assigned) prepare and present the position of a pro-death penalty entity, and 3 students (volunteer or assigned) prepare and present the position in opposition to the death penalty.
- Each side will have 5-10 minutes to give their presentation to a legislative panel that is responsible for deciding whether to adopt or reject the death penalty as a form of criminal punishment. The remaining students will sit as the legislative panel.
- The legislative panel will listen to the arguments presented by both sides. The panel will direct specific questions to the advocates after the presentation.
- The panel will spend 5-10 minutes deciding whether to enact or reject the death penalty. The panel will deliberate outside the presence of the advocates and will be asked to consider those arguments presented and anything they think is important in making the decision.
- The panel will be asked to achieve a unanimous decision (hopefully this will help them really understand the arguments through discussion), but if a unanimous decision cannot be reached, a majority will suffice.

- Each panel will appoint one student to present the decision, explain if it were unanimous, and if not, what the vote split was and explain which arguments were most persuasive in reaching this decision.

Two days before this role-play is conducted, the various roles will be assigned. The students who will present the arguments will be given a handout giving them tips on how to prepare and present their arguments and the time limitations. All students will receive a handout outlining the major arguments advocating and opposing the death penalty. (Activities Folder on Reserve) The students will also be given the simplified case study of Gregg v. Georgia. (Case Studies Folder on Reserve)

After a decision is reached by the two panels, the class will discuss any differences in the outcomes or the rationales supporting the outcomes. The class as a whole will then be debriefed.

### **DEBRIEFING**

1. The students will be asked if their opinion on the death penalty were changed at all by the presentations.
2. The panel will discuss the arguments that were most persuasive in reaching the decision and why.
3. The advocates will discuss which arguments for their side were the most persuasive for them and which arguments for the opposing side were the most persuasive.
4. Regardless of the decision of the two panels, since the death penalty is in effect in Utah, the class will discuss any limitations that should be imposed on its application. For example, should juvenile offenders, mentally challenged offenders, or juvenile mentally challenged, ever be sentenced to death? (Case Studies Folder on Reserve) What about other mitigating or aggravating circumstances? And, what crimes should or should not warrant the death penalty as a punishment?
5. What did you learn from this experience?