Annex 15
Guidelines for role play
Example of possible scenario for role play

This role play could be adapted to different countries and contexts as it is proposed from a generic point of view.

OVERALL DESCRIPTION OF THE ROLE PLAY
An initial introduction of the role-play should be presented by the facilitators. Trainees are divided into working groups depending on the number of participants (ideal: 5-6 students per each group). Then, the case study is presented to participants. The idea is to give the most important contents of the role-play as well as to explain participants the importance of having an active participation during the whole activity (as an actor in the role play or by answering the different questions that are posed throughout the role play). It is important also to take into consideration that after each part of the role play a discussion concerning the questions is fundamental as participants can understand the whole role play as well as the restorative justice process.

AGENDA / PLANIFICATION OF THE SECTIONS ABOUT THE ROLE PLAY (3 HOURS AND 20 MINS)
10 mins: Introduction about the role-play and what is expected from the participants.
60 mins: Approach
45 mins: Knot/Crux
15 mins: Break
30 mins: Denouement
30 mins: Epilogue
10 mins: Final conclusions and outcomes

ROLE-PLAY CASE STUDY
Carlos is married and has a four-year-old daughter. He has been working all his life in an insurance company that, due to the COVID-19 pandemic and the consequent economic crisis, has started to lay off its employees. He is forty-five years old and feels a lot of pressure because he knows that, at his age, it would be difficult to find a new job. This pressure has led him to abuse alcohol. His wife has told him that he cannot go on like this because when he drinks too much – something he has been
doing more and more frequently – he gets aggressive and upset very easily, which makes it very
difficult to live together. After six months, she files for divorce. By mutual agreement, they decide
that the mother will have custody of the child, with an extensive visitation regime for Carlos, who has
to leave the home and go to live in a boarding house.

The situation causes him to drink even more, and his company finally fired him. His ex-wife, aware of
the worsening of his pain and difficulties, requests the suspension of the visitation regime because
she is afraid that something bad might happen to the child when she is with her father. The court
agrees to the temporary suspension of the visitation regime.

Two days later, Carlos goes to the gas station where he usually refuels and, armed with a machete
with a fifteen-centimetre-long blade, threatens to kill the employee, Mari a, and tell her to give him
all the money in the cash register. Since the employees shift change has just taken place, the cash
register is empty. There are only two hundred euros in coins and bills for the change. After collecting
the money, Carlos leaves the store.

Half an hour later, the police arrests him because the establishment’s cameras have recorded
everything and Carlos is a neighbor of the area, a regular and well known customer. The police, who
arrested him, finds him totally confused and drunk.

When questioned about what had happened, he explains that he could not bear to not seeing his
daughter, that he believed that all his problems derived from his bad economic situation and that,
to solve it, he could not think of anything else than committing a robbery. He also explains that, as
he did not have the courage to carry it out, he took several pills prescribed by his psychiatrist and
drank a lot of alcohol, and that he went to the gas station because it was the only place open at
that time of the night. He asks the police if he has hurt anyone and tells the police to please
apologise to the employees and owner of the gas station for what happened. Throughout the police
interrogation he has been crying.

When the gas station employee and the owner of the gas station, Rogelio, are interviewed and
offered to appear in the criminal proceedings, both say that they could not believe what had
happened, as Carlos had always been a good customer and was considered a polite and kind
person. They know he is going through a rough patch and are very worried about what might
happen to him. The employee also admits that she was very frightened to see him so aggressive
and carrying the machete.
EXPLANATION CONCERNING THE DEVELOPMENT OF THE ROLE PLAY

Approach (1 hour)

Imagine that in your first assignment as judge or public prosecutor you receive a police report with the case explained above.

Diligently, you read the police report – robbery with intimidation and use of a dangerous weapon – and you see the sentence that may be handed down. The offender has no previous criminal record, but he will surely go to prison. Carlos makes you feel sorry for him. It is evident that he did not have much luck in the last few years. You start to think about this case in the solitude of your office. Suddenly you remember that during a training you learnt about restorative justice and criminal mediation, and somewhere in your memory you remember two criteria for referral to mediation: crimes with a specific victim and recognition of the facts by the perpetrator.

Then, you think to yourself, “That’s it, these requirements apply in the current situation”. From there, you decide to refer the case to restorative justice.

Please, answer the following questions:

► What resolution should be dictated to make this referral (type of resolution, reasoning, effects on the process...)?
► On what rule are you going to base this resolution?
► How are you going to explain it to the parties?
► If one of the parties tells you that he/she does not want to participate in a Restorative Justice procedure, how can you force her/him? You are convinced that this case completely fit in Restorative Justice characteristics.
► Does your court have a mediation service?
► What can you do if there is no mediation service?
► There is someone you can ask for help?

Task: Write the referral resolution and answer the questions succinctly.


Knot / Crux (45 mins)

Both victims and Carlos agreed to go to a Restorative justice procedure throughout a criminal mediation. Your next challenges as judge / public prosecutor are the following ones:

► How to contact the mediation service?
► How to send the casefile to the mediation service?
► How long can last a criminal mediation procedure?
► How can be found out what happens when the parties are in mediation?
Can you ask the mediator how is going the criminal mediation?
If the process ends without an agreement, can you summon the mediator to testify and tell you everything that has been discussed? This sounds like an excellent idea for the traditional criminal procedure.

**Task:** Answer succinctly to the questions.


**Break (15 mins)**

**Denouement (30 mins)**

Finally, the facilitator/mediator tells you that the parties have reached an agreement. The agreement has been submitted to the public prosecutor and the defence attorney as they can work on it.

**Questions:**
- What type of agreement do you think can be reached in this case?
- Procedurally, how do you think it can be channelled? Explain the steps that should be taken.
- What do you think that are the main interests and needs of the parties involved in the Restorative Justice process? What about the perspective of victims about the agreement?
- Who do you think is responsible for monitoring the fulfilment of the agreement?
- What type of judicial resolution would be appropriate to approve the agreement?

**Task:** Indicate possible ways to implement the agreement and succinctly answer the questions.


**Epilogue (30 mins)**

This case-study was a real criminal mediation case. At the end, an agreement between the parties was reached:

“But you, as we have already agreed before, are a very good person–look at all you have done to help poor Carlos, who, by the way, thanked you a hundred times in the appearance you made–have something in your mind. It seems to you that, since we have already started to help, to really help, you could do something else. Mediation is fine, but wouldn’t there be other tools that would really 5
allow you to see the problem in its full dimension?
You are aware that an important piece of what has happened has to do with Carlos’ family and work problems and, of course, alcohol abuse. One of the commitments in the mediation agreement was that he would undergo alcohol withdrawal treatment”.
For the victims, this commitment was very important because they considered that this problem was the origin of everything and they wanted Carlos to really recover so that such a thing would not happen again. Could his ex-wife be present to talk about the needs of their common daughter and her welfare? Could there be a family member of Carlos or a supportive friend? Could his therapist be present? Could a judge or the public prosecutor be present?
And, again, you remember that in RE-JUSTICE Training we were told about other restorative tools. So, please, answer the following questions:
► Could you tell us which other Restorative Justice practices are the most used in practice?
► Which would be the ones that could be best adapted to this case? And to parties needs and interests?
► Which people should intervene?
► What would you like the end of this adventure to be?

Task: Answer the questions succinctly.
Hint: UN Handbook on Restorative Justice

Final conclusions and outcomes

Do you remember an event in your life when someone has hurt you? When you remember it, does it still hurt? Inside yourself, what do you feel? What would it take for the pain not to exist when you remember it? What worries you the most? Why cannot you overcome it?
Think carefully now about an event in your life when you know you hurt someone. When you remember it, do you feel bad? Would you like to be able to remedy that situation? How could you do it?
We are human beings. The quality of victim or offender is not always chosen. But if we can choose to do something, we can know, use or create tools that allow us or help us to get out of this situation.
► If you were involved in a legal problem, as a victim, do you think that the criminal procedure would give you the answers you need?
► If you were involved as an offender, do you think that the traditional criminal system would allow you to explain and express what you need?

Task: Just think about these questions.

It is in our hands to be able to make, from our jobs as judges / public prosecutors, that those who pass through our courts leave these places being better people, repaired, cared for and relieved. In restorative justice processes, the parties win, society wins, justice wins, but have no doubt...those who win the most are us.
We hope you have enjoyed this activity.