Alternative to Suspension

A five-day home suspension is a standard consequence for violence related infractions. In exchange for reducing the suspension to three days, the student and a participating parent have agreed to complete a first draft of this exercise within those three days. The videos in this assignment cover adult issues, so parental/guardian involvement and guidance is necessary.

The student and parent will report directly to the vice principal’s office instead of going to class. If the vice principal determines it was completed honestly and sincerely, the student will return to class and be called in to speak with a counselor later in the day (the standard practice for all students returning from suspension). If not completed or if done with little or no effort/understanding, the original five-day duration of suspension will be reinstated. Even if you are allowed back in class, you may have to do a revision that shows greater understanding and resubmit by a new deadline in order to avoid having the other two days of suspension reinstated at a later date.

Patterns of Human Behavior: Emotional Balance, Delayed Gratification, De-Escalation, & Self-Defense

Though we are all individuals, our behavior often falls into certain patterns. This exercise will help you recognize some of those patterns. On a separate piece of paper, or better, an email to your vice principal (bryan.baker@sanjuan.edu) respond to the numbered prompts (1-19) below. Respond to them in order, and clearly label which part you are responding to.

Part I: Direct Instruction

Read, reread, and know the following terms. As you read the terms in this section, (1) make annotations to them on the page. (Annotate can mean any or all of the following: highlight or underline the most important parts; in the margins, write a shorter version of the terms in your own words; write what each term or parts of each term remind you of, e.g., stories from your past or people from your present the terms remind you of; think, react, feel, and write down some of these reactions and feelings; draw an arrow pointing to which term your annotations refer.)

- **(A) Emotional Balance** is achieved when:
  - The emotions you are displaying are **congruent** with the emotions you are feeling,
  - The emotions you are feeling are **appropriate** for the situation,
  - The magnitude of emotion is **proportional** to the situation.
• **(B) Delayed Gratification**: the ability to resist the temptation for an immediate reward and wait for a later reward. Generally, delayed gratification is associated with resisting a smaller but more immediate reward in order to receive a larger or more enduring reward later.

• **(C) De-escalation**: a response that is decreased in intensity or magnitude in comparison to the provocation.

• **(D) Self-defense**
  
  o California’s legal definition: To establish the defense, the person must be free from fault or provocation; must have no means of escape or retreat; and there must be an impending peril.
  
  o Florida’s legal definition: A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony. A person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.

**Part II: Apply These Concepts to the Lives of Others**

• **(2)** Reread the definition of emotional balance. Write at least a one-paragraph description of an incident in which a loved one displayed an imbalance or negative example of emotional congruence. Write another paragraph description of what an emotionally congruent response would have been. Finally, write at least a one-paragraph description of an incident in which a loved one displayed a positive example of emotional congruence.
  
  A. **(3)** Repeat prompt 5 above for emotional appropriateness.
  
  B. **(4)** Repeat prompt 5 above for emotional proportionality.
  
  C. Read the paragraphs that you wrote in 1-3 with a parent/guardian and have him/her sign each one and indicate agreement or disagreement with each one.

• **(5)** Reread the definition of delayed gratification. Then, with a parent/guardian, watch “The Marshmallow Test”
After the student and parent watches, the student will write at least one paragraph describing each of the following: a) someone you know that would have eaten the marshmallow and why, b) someone you know who would have waited and why, and c) whether or not when you were a kid you would have waited or not, and why. Read each of your responses to a parent/guardian and have him or her sign each one and indicate their agreement or disagreement with each one.

(6) Reread the definition of **de-escalation**. Then, with a parent/guardian, watch “American Experience: Soundtrack for a Revolution” (1:22:00) (DVD provided by and to be returned to the school). While watching, the student will pause the video after every 20 minutes of playing time and write a one-paragraph summary of that 20 minute segment that includes at least one description of someone from that segment who demonstrated a de-escalatory response to a provocation. Read each of your responses to a parent/guardian and have him or her sign each one and indicate their agreement or disagreement with each one.

(7) Reread the definition(s) of **self-defense**. Citing evidence from the article on page four, “Self Defense and Stand Your Ground,” compare and contrast California’s Florida’s legal definition of self-defense.

(8) With a parent/guardian, watch “American Experience: Freedom Riders” (1:53:00) (available for free online at http://www.pbs.org/wgbh/americanexperience/freedomriders/watch/, or on a DVD provided by and to be returned to the school). As the student and parent watches, the student will write at least a one-paragraph description of an action from the video that is a positive example of each of the six terms from Part 1 (treat each of the three components of emotional balance separately) and a one-paragraph description of an action from the video that is a negative example of those terms. For each example, include the time from the video it occurred. Read each of your responses to a parent/guardian and have him or her sign each one and indicate their agreement or disagreement with each one.

(9) Think of an incident where someone has wronged you or brought physical or emotional harm to you. Write a letter that has at least one paragraph on each of the following:
   A. A step-by-step, play-by-play description of the incident that contained the wrongdoing,
   B. Identify each part he/she should have done differently to avoid the wrongdoing, and explain what he/she could have done instead.
   C. Given that no one can change that the physical or emotional harm was done, what would you want the person to do to make things as right as they can be?

(10) Read the Wikipedia article on pages five and six, “Shooting of Trayvon Martin.” Citing the text of this article, justify your responses to each of the following questions: Under Florida’s self-defense law, was George Zimmerman convicted of the murder of Trayvon Martin? Under California’s definition of self-defense, do you think George Zimmerman would have been convicted if tried under California law? Why? Should Florida keep or change their definition of self-defense? Why?
Part 3: Apply These Concepts to Your Own Life

- **(11)** Write at least a one-paragraph description of an incident in which YOU displayed an imbalance or negative example of emotional **congruence** (See Part 1A). Write another paragraph on what an emotionally **congruent** response would have been. Finally, write at least a one-paragraph description of an incident in which you displayed a positive example of emotional **congruence**.
  
  A. **(12)** Repeat prompt 5 above for emotional **appropriateness**.
  
  B. **(13)** Repeat prompt 5 above for emotional **proportionality**.
  
  C. Read the paragraphs that you wrote in 10-12 **with a parent/guardian** and have him/her sign each one and indicate agreement or disagreement with each one.

- **(14)** Complete the table below.

<table>
<thead>
<tr>
<th>Possible Responses</th>
<th>When do you receive the benefit?</th>
<th>When do you pay the cost?</th>
<th>What is the size of the benefit compared with the size of the cost?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response (A): When provoked, if you respond by unleashing/expressing anger</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Response (B): When provoked, if you hold back your impulses and respond rationally &amp; with restraint</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **(15)** Write at least one-paragraph explaining which response exemplifies **delayed gratification**, & why.

- **(16)** Think of an event from your own life, a choice or action that you made that illustrates response (A) and another that illustrates response (B). Write at least a one-paragraph description for each.

- **(17)** For the incident that got this exercise assigned to you, show understanding of your wrongdoing and empathy for who was wronged by writing a letter that has at least one paragraph on each of the following:
  
  
  B. Whom have you wronged (could be more than one person). What was the harm (or what could it have been)?
  
  C. Identify each part you would do differently. For each, describe what you could have done instead.
  
  D. What could you do for the person/people harmed to make things as right as they can be?
Part 4: Reflection & Feedback

- **(18)** How many summers do you have left to be a kid, i.e., before you have the same responsibility to not get into fights as Mr. Baker, your parents, your teachers, and any other adult? Think of an adult that you admire—what would you think of him/her for getting into a fight, for any reason?

- **(19)** What will the 25 year-old, post-high-school-you will wish you had done during high school, and why.

Optional Questions: We will use this information to gauge this exercise’s effectiveness and to improve it. Feedback from either the student and/or parent/guardian will be appreciated and paid attention to.

- **(20)** What sticks in your mind the most from this exercise? Something that surprised you? Irked you?

- **(21)** What other thoughts or suggestions do you have about this exercise?
Some state self-defense laws include provisions that address duty to retreat from an intruder in one’s home or from an attacker in other places.

The common law principle of “castle doctrine” says that individuals have the right to use reasonable force, including deadly force, to protect themselves against an intruder in their home. This principle has been codified and expanded by state legislatures.

In the 1980s, a handful of state laws (nicknamed “make my day” laws) addressed immunity from prosecution in use of deadly force against another who unlawfully and forcibly enters a person’s residence. In 2005, Florida passed a law related to castle doctrine, expanding on that premise with “stand your ground” language related to self-defense and duty to retreat. Florida’s law states “a person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.”

Laws in at least 22 states allow that there is no duty to retreat an attacker in any place in which one is lawfully present. (Alabama, Arizona, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah and West Virginia.) At least nine of those states include language stating one may “stand his or her ground.” (Alabama, Florida, Georgia, Kansas, Kentucky, Louisiana, Oklahoma, Pennsylvania and South Carolina.)

Pennsylvania’s law, amended in 2011, distinguishes use of deadly force outside one’s home or vehicle. It provides that in such locations one cannot use deadly force unless he has reasonable belief of imminent death or injury, and either he or she cannot retreat in safety or the attacker displays or uses a lethal weapon.


Statutes in at least six states (Hawaii, Missouri, Nebraska, New Jersey, North Dakota and Tennessee) assert that civil remedies are unaffected by criminal provisions of self-defense law.

With regard to recent legislative proposals, self-defense related bills failed in three states in 2013 (Arkansas, Florida and Mississippi, each now adjourned). A bill in North Carolina (H 976) that would amend aspects of law regarding use of force against an intruder was in committee upon adjournment. Several measures in New Jersey carried over from 2012 with no 2013 action on those to date. There were about a dozen bills before state legislatures in 2012, several of which would have amended circumstances for allowed use of force by citizens. None of those proposals advanced.
On the night of February 26, 2012, in Sanford, Florida, United States, George Zimmerman fatally shot Trayvon Martin, a 17-year-old African American high school student. Zimmerman, a 28-year-old mixed-race Hispanic man, was the neighborhood watch coordinator for the gated community where Martin was temporarily living and where the shooting took place.

Zimmerman shot Martin, who was unarmed, during an altercation between the two. Responding to an earlier call from Zimmerman, police arrived on the scene within two minutes of the shooting. Zimmerman was taken into custody, treated for head injuries, then questioned for five hours. The police chief said that Zimmerman was released because there was no evidence to refute Zimmerman's claim of having acted in self-defense, and that under Florida's Stand Your Ground statute, the police were prohibited by law from making an arrest.

As news of the case spread, thousands of protesters across the country called for Zimmerman's arrest and a full investigation. Six weeks after the shooting, amid widespread, intense, and in some cases misleading media coverage, Zimmerman was charged with murder by a special prosecutor appointed by Governor Rick Scott.

Zimmerman's trial began on June 10, 2013, in Sanford. On July 13, 2013, a jury acquitted him. On February 24, 2015, the Justice Department announced that "there was not enough evidence for a federal hate crime prosecution."

Trayvon Martin and "Stand Your Ground" Laws

The Zimmerman defense team initially planned to seek to dismiss the case against Zimmerman under the protection afforded by Florida's "stand your ground" self-defense law. The controversial law, passed in 2005, permits the use of deadly force when someone reasonably feels he or she is at risk of great bodily harm in a confrontation. Zimmerman's defense team ultimately did not seek a pretrial hearing for immunity from prosecution based on the stand your ground provision of the law. However, as required by the stand your ground provision of the law, during the trial the judge instructed the jurors that Zimmerman had had no duty to retreat and had had a right to stand his ground and use deadly force if he reasonably believed doing so was necessary to defend himself. Prior to the passage of Florida's stand your ground law, the standard jury instructions from the judge would have included a statement that a person had a duty to attempt to retreat using "every reasonable means" before using deadly force.

Self-defense laws in the United States, particularly regarding justifiable homicide, vary by state. In many states, such laws exempt people in their own homes from the common-law requirement that one
first attempt to retreat, if one can safely do so, before resorting to the use of deadly force (the so-called "castle doctrine," based on the notion that "a person's home is his castle"). Florida's stand your ground law extends the no-retreat doctrine to vehicles and public places. At the time of Martin's shooting, 22 other states had adopted similar stand your ground laws.

Three weeks after the shooting, Florida Governor Rick Scott commissioned a 19-member task force to review the Florida statute that deals with justifiable use of force, including the Stand Your Ground provision. After holding seven public hearings around the state, and reviewing more than 11,000 comments submitted by the public—nearly three times as many of which were opposed to the law as were in support of it—the task force recommended against repealing the statute, saying that Florida residents have a right to defend themselves with deadly force without a duty to retreat if they feel threatened.

Critics said that the members appointed to the task force had been chosen to heavily bias the panel against any significant changes in the law, and that, as a result, the panel's conclusions were no surprise. The task force did suggest that law enforcement agencies and the courts increase training on the self-defense law to ensure the law is applied fairly, and that the legislature more clearly define the role of neighborhood watch participants to avoid vigilantism and fund a study of how the law had been applied, examining effects such as race, ethnicity, and gender. However, the task force largely rejected recommendations of Miami-Dade County State Attorney Katherine Fernandez-Rundle (one of the task force members) that would have restricted the law, including a recommendation to limit immunity from prosecution to defendants who have not provoked a confrontation. In January 2013, Martin's mother joined two Democratic lawmakers in Florida and called for the repeal of the state's "stand your ground" law. Several bills subsequently introduced in the Republican-controlled legislature's 2013 session proposing to repeal or revise the Stand Your Ground provisions of the law died without committee hearings.

Several months following Zimmerman's acquittal, in October 2013 bills to revise Florida's Stand Your Ground law provisions in accordance with several of the suggestions offered in 2012 by the governor's task force began advancing through the Florida legislature with bipartisan support. A proposal offered by State Senator David Simmons, a Republican who had served on the governor's task force and who had been a principal author of the original law, and State Senator Chris Smith, the Democratic senate minority leader, would clarify language in the law to deny aggressors in a confrontation from being able to claim immunity under the law, would allow innocent bystanders harmed by a person standing his or her ground to sue for negligence, and would require the establishment of guidelines and training protocols for neighborhood watch programs that would restrict neighborhood watch volunteers to only observing and reporting. The proposal was received favorably by the Florida Department of Law Enforcement, the Florida Sheriffs Association, the state public defenders association, and the NAACP, although several Republican state legislators voted to block the bill's passage and gun rights advocates expressed opposition to several of the proposals. The Dream Defenders, who several weeks earlier had occupied the state capitol demanding that the legislature take up debate on the Stand Your Ground law, said the bill did not go far enough and urged the legislature to repeal the law entirely.