

**U.S. Probation & Pretrial Services Program
District of Minnesota**

Think Twice Facilitator's Guide

The purpose of this facilitator's guide is to assist presenting U.S. Probation Officers and others navigate through the online video presentation. "Think Twice" is designed to educate our youth and the public concerning federal consequences with respect to illegal gun possession and use. The duration of the online program is about 90-minutes. However, facilitators can either shorten or lengthen the program based on engagement with the audience.

Introduction:

- The introductory video presentation is designed to place emphasis on the impact regarding the use of firearms throughout our communities in America. Presenters express this online program was created by the U.S. Probation & Pretrial Services Office, for the District of Minnesota. Presenters should further articulate that the online programs rely on the video titled "Mandatory Sentences," created by the U.S. Probation & Pretrial Services Office, U.S. Department of Justice, and other partners in the District of Massachusetts. Our program name "Think Twice" was inspired by the U.S. Department of Justice, Western District of North Carolina, who operates a similar gun awareness educational program titled "Think Again."

Section 1 – Family Ties:

Scene 1 – Facts

Presenters should encourage everyone to listen to the video presentation and feel free to take notes. Afterwards, a list of the facts will be provided. Presenters are encouraged to reaffirm facts with the audience.

Scene 1 – Let's Discuss

Presenters are encouraged to engage with the audience, as to each question presented. There is no right or wrong answer. Presenters should try and tie-in additional questions for discussion, which align with current community and/or individual concerns.

Examples:

- Why wouldn't Terrel listen to his family's warnings?

Presenters can extend the conversation by discussing how many times you have been engaged in conversation with your parents; yet despite your presence, you are not listening to a word they are saying. Terrell had his mind made up. Thus, he wasn't listening to the advice of his girlfriend or brother. Have you experienced similar situations. Let's discuss.

- Are his friends more to blame for telling him to bring the gun?

Presenters can speak more about peer pressure and following the crowd. How does this impact relationships.

- What do you think will happen to Terrell if he gets in trouble?

Presenters can be creative with engaging the audience for feedback, as this is an opportunity for lively discussion. Presenters can extend the conversation to help bring in the key points of how Terrell's behavior is starting to head down the wrong path.

Scene 1 – Key Points To Know

Here are some suggested points presenters can rely on when discussing the below listed “Key Points”:

Beliefs Regarding Firearms

- Scare tactic – “I don’t plan on using”
- Protection vs Enhancing the situation

Cautionary Warnings

- Everything will be okay
- You did the same thing (i.e., Modeling)
- Respect

Firearms & Drug Possession

- I didn’t possess the firearm (i.e., Presenters can elaborate how it doesn’t matter whether they possessed the firearm, in concert with the drugs, or not. In the federal government, a criminal defendant can also be held account for the firearm, possessed by others, if engaged in jointly undertaking activity like drug distribution.)

Scene 1 – Reflection Points

Presenters can rely on their professional experience to engage the audience with the questions presented. Again, presenters should incorporate audience related experience, in a hypothetical manner, to drive reflection points. Presenters should refrain from addressing actual legal scenarios of individuals, as we do not provide legal advice.

Scene 2 – Traffic Stop:

Scene 2 – Facts

Again, presenters should encourage everyone to listen to the video presentation and feel free to take notes. Afterwards, a listed of the facts will be provided. Presenters are encouraged to reaffirm facts with the audience.

Scene 2 – Let’s Discuss – Key Points To Know

Again, presenters are encouraged to engage with the audience, as to each question presented. There is no right or wrong answer. The purpose is to help the audience understand what’s going on in the video, with the hopes of tailoring to potential real-life scenarios. It’s important to emphasis how situations may differ. Presenter discussions may extend into the “Key Points To Know.” That’s okay! If/When that occurs, presenters can summarize. Presenters should engage the audience by encouraging additional questions, which may align with current community and/or individual concerns.

The goal is to help audience members understand what’s going on in scene 2 and discuss potential responses, should anyone ever end up in a similar situation.

Examples:

- What was the basis of the traffic stop?

Presenters may wish to, first, discuss the term reasonable suspicion. Reasonable suspicion can be defined as “any reasonable person would suspect that a crime was in the process of being committed, had been committed, or was going to be committed very soon.” Reasonable suspicion differs from probable cause, in that, it does not provide grounds for arrest.

In *Terry v. Ohio*, the U.S. Supreme Court ruled that a person can be stopped and briefly detained by police officers based on a reasonable suspicion of involvement in a punishable crime. If the police officer has reasonable suspicion the detainee is armed, the police officer may perform a “pat-down” of the person’s outer garments for weapons.

So, presenters can embellish, within reason, a variety of circumstances for the traffic stop:

- Illegal tinted Windows
- Ran a stop sign
- Speeding
- Smoke within the vehicle Etc.

Presenters should further discuss facts of the young men throwing something out of the window. Movement inside the vehicle, “hey, what are you dipping for?” (i.e., a sign of concealment)

Ultimately, police officers locate a firearm. Presenters should discuss police officers’ reactions after citing the firearm; and the young men compliance with such.

Presenters can further elaborate on the following discussion Point(s):

- Officer safety
- Have you witnessed this type of scene play out?

Presenters may extend the conversation by focusing on real-life scenarios and the outcomes of such. Presenters can further discuss how circumstances may have differed, if the scene was like the video presentation where there was compliance.

Scene 2 – Reflection Points

Again, presenters can rely on their professional experience to engage the audience with the questions presented. Presenters should incorporate audience related experience, in a hypothetical manner, to drive reflection points. Presenters should refrain from addressing actual legal scenarios of individuals, as we do not provide legal advice.

Section 3 - Facing State Charges:

Scene 3 – Facts

Presenters should encourage everyone to listen to the video presentation and feel free to take notes. Afterwards, a listed of the facts will be provided. Presenters are encouraged to reaffirm facts with the audience.

Scene 3 – The Call & the Law

Presenters may wish to start the conversation reminding the audience of the “Separate Sovereigns Doctrine.” Accordingly, this doctrine holds that because the federal and state government are “separate sovereigns”, the Double Jeopardy Clause does not apply to prosecution of the same crime under both federal and state laws. This position was also supported by the United States Supreme Court, via the case of *Gamble v. United States*. Presenters may wish to offer examples for better understanding of the Separate Sovereigns Doctrine.

Presenters should discuss the question imposed on the video, as part of an open-ended discussion. Presenters should extend the conversation into the law itself, which introduces the information related to 18 U.S.C. §§ 922(g), 924(e)(1). Presenters should then expand the conversation defining the terms “violent felony” and “controlled substance” offenses.

Scene 3 – Key Points To Know

Presenters can expand the conversation, offering examples (even beyond the video), related to prior convictions and how this impact the analysis. This would involve further discussion regarding the term “Violent Felony Offense” and “Serious Drug Offense.”

Scene 3 – Reflection Points

The questions presented are designed to further engage the audience. Presenters should review to help expand the conversation for their understanding.

Scene 4 – Transfer to Federal Court:

Scene 4 – Facts (Sentencing Hearing)

Presenters should encourage everyone to listen to the video presentation and feel free to take notes. Afterwards, a listed of the facts will be provided. Presenters are encouraged to reaffirm facts with the audience.

Scene 4 – Sentencing & Family Impact

Presenters are encouraged to reiterate the chain of events, from the video. Presenters should also reiterate how this process is like normal court proceedings either at the State or Federal level. Presenters should engage the audience to discuss more about the impact Terrell’s actions and sentence has on the family.

Scene 4 – Reflection Points

Presenters should review and engage in conversation regarding the questions posed.

At the conclusion of the presentation, presenters are encouraged to handout posters, brochures, and refer to our internet webpage as further helps educate on the consequences of illegal gun possession and use.