

Practical aspects of criminal justice

Academic Year: (2022 / 2023)

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Department assigned to the subject: Criminal Law, Procedural Law and History Law Department

Coordinating teacher: HERNANDEZ MOURA, BELEN

Type: Compulsory ECTS Credits : 9.0

Year : 1 Semester : 0

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

- Before taking the course "Practical Aspects of Criminal Justice", it is recommended to have completed the Bachelor's Degree in Law.
- It is also recommended to have studied the subjects related to Spanish Procedural Law in general and, in particular, to Criminal Procedural Law.

OBJECTIVES

CORE COMPETENCIES

- Possess and understand knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.
Students should be able to apply their acquired knowledge and problem-solving skills in new or unfamiliar environments within broader (or multidisciplinary) contexts related to their area of study.
- That students are able to integrate knowledge and face the complexity of making judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities linked to the application of their knowledge and judgments.
- That students know how to communicate their conclusions and the ultimate knowledge and reasons that support them to specialized and non-specialized audiences in a clear, structured and unambiguous way.
- That students possess the learning skills that allow them to continue studying in a way that will be largely self-directed or autonomous.
- Drafting of quality legal reports.
- Evidence of the assimilation of the basic methods and principles of research activity in the field of criminal procedural law.
- Handling of the sources of legal information specific to Criminal Justice.
- Preparation of scientific-legal texts and their analysis in an effective way.
- Application of knowledge of criminal and procedural institutions in the performance of legal functions.
- Understanding of the stages leading to the criminal judicial conviction and the possibilities of influencing it under the principle of presumption of innocence.
- Reporting on the adequacy of methods of investigation in a criminal offense and the sufficiency of the sources of evidence and the adequacy of the means of proof in relation to the specific theory of the case.
- To discriminate the elements that make up each of the main theoretical models of criminal prosecution and their influence on contemporary criminal legal systems.
- To demonstrate the assumption of different procedural roles, accusation, defense and prosecution and argumentation strategies according to them.
- To discriminate the different mechanisms, institutions and procedures of international cooperation in each material and territorial framework and their distinctive elements.
- Practical handling of the formal and institutional tools of the cooperation environment (judicial atlases, Belgian files, compendiums, cooperation and expert networks, etc.).

LEARNING OUTCOMES

It is expected that the student, after passing the course, will be able to:

- Formulate conclusions consistent with a criminal investigation and solve evidentiary problems that arise throughout the criminal process.
- Communicate clearly and synthetically the hypotheses that can be formulated in the scene of a crime, in an investigation, as well as the methodology and practical implications of the police investigation and, where appropriate, judicial or the Public Prosecutor's Office.
- Distinguish the investigation and prosecution model of a given country, identifying questionable elements and possible solutions developed in comparative law.
- Identify the questionable and contestable elements of a piece of evidence or investigative procedure.
- Construct a concrete theory of the case from the perspective of one of the parties to the criminal proceeding on the analysis of the information/facts possessed, for the approach of a litigation strategy that takes into account the adequacy of sources and evidentiary means to the version raised from the perspective of its criminal legal fit.
- Elaborate the necessary documents in the international procedural process and recognize international matters as well as the way in which they have to act before judicial bodies of other States (observable through the resolution of practical cases).
- Identify problematic and/or controversial issues in terms of evidentiary activity that may occur in the different stages of criminal proceedings.

DESCRIPTION OF CONTENTS: PROGRAMME

- The subject of Practical Aspects of Criminal Justice is designed to allow students to further deepen their practical development of the theoretical knowledge acquired in the other subjects of the basic procedural module.
- Given the particularly technical, as well as abstract, nature of Criminal Procedural Law, it is necessary to dedicate special attention to those training and teaching activities aimed at directly showing the real functioning of the institutions studied, as well as to provide students with sufficient training for their development in them at a practical level.
- For this purpose, this course will be divided into two blocks: the first one dedicated to learning the essential logistical aspects related to the exercise of judicial and party functions in criminal proceedings, and the second one, aimed at analyzing the specificities of the different types of criminal proceedings in practice and the different possibilities and strategies they offer.
- The teaching methodology of the course is eminently practical and consists of the visualization, analysis and representation of the different phases of the criminal process based on realistic circumstances, procedural simulations and common elaboration of opinions and reports on concrete cases, following the case study method. As for the material content of the subject, it is of a transversal nature, dealing with the contents seen in the other subjects by means of the aforementioned methodology and will be developed in parallel to them throughout the course.

LEARNING ACTIVITIES AND METHODOLOGY

TRAINING ACTIVITIES AND TEACHING METHODOLOGIES:

THEORETICAL SESSIONS:

- These are lecture sessions where all the theoretical concepts necessary for the understanding of the subject will be explained.
- The student will be provided with the necessary materials and bibliography prior to the class in order to make the best use of them.

PRACTICAL SESSIONS:

- These are practical sessions where all the concepts acquired in the lectures will be applied.
- Analysis and discussion of practical cases, with different formats (procedural writings, videos, etc.).

THEORETICAL-PRACTICAL SESSIONS:

- Analysis of jurisprudence linked to the contents of the module.
- Monographic seminars on relevant legal topics and visits to institutions related to criminal justice.

TEAM WORK:

- Elaboration of reports based on real practical cases.
- Debates guided by the teacher of the subject.
- Group work sessions supervised by the teacher or by a specialist in the subject -legal operators-.

PERSONAL WORK:

- Elaboration of individual work on specific topics taught in the module.

TEACHING METHODOLOGIES:

- Class presentations by the teacher with the support of computer and audiovisual media, in which the main concepts of the subject are developed and the bibliography is provided to complement the students' learning.
- Analysis and discussion of practical cases, with different formats that may vary between (a) group work sessions supervised by the teacher or expert in the subject or (b) activities developed in spaces and with specialized equipment.
- Practical classes of theoretical-practical problems: doctrine-jurisprudence.
- In addition, the development of seminars dedicated to monographic sessions on cases and topics of relevant legal, procedural and criminal law (national and international) and sessions with guest lecturers and/or experts is foreseen.
- Carrying out and/or presentation of papers and/or debates.
- Critical reading of texts recommended by the teacher of the subject: press articles, reports, manuals and/or academic articles, either for later discussion in class, or to expand and consolidate the knowledge of the subject.
- Evaluation of the set of oral and/or written tests used in the module (see evaluation section).

ASSESSMENT SYSTEM

% end-of-term-examination/test:	40
% of continuous assessment (assignments, laboratory, practicals...):	60

ORDINARY CALL:

- Individual or group work done during the course, active participation, interest and commitment to the course: 60%.
- Final exam or elaboration of a legal opinion: 40%.

EXTRAORDINARY CALL:

- Students who do not pass the subject, have a new opportunity in extraordinary call. The grading of the students in the extraordinary call will be adjusted to the following rules:
 - a. If the student followed the continuous evaluation process, the objective test will have the same percentage value as in the ordinary call, i.e. 40%. To this grade will be added the grade of the continuous evaluation valued on a maximum of 6 points.
 - b. If the student did not follow the continuous evaluation process, he/she will have the right to take the objective test with a value of 100% of the total grade of the subject.
 - c. Even if the student has followed the continuous evaluation process, he/she will have the right to be graded in the manner indicated in section b) when it is more favorable.

BASIC BIBLIOGRAPHY

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- ALONSO GONZÁLEZ, A.B. La futura reforma de la Ley procesal penal: estudio de derecho comparado, el juez de garantías en el seno del proceso acusatorio, Estudios jurídicos, nº 2011, 2011
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- GÓMEZ COLOMER, J.L. dversarial System, proceso acusatorio y principio acusatorio una reflexión sobre el modelo de enjuiciamiento criminal aplicado en los Estados Unidos de Norteamérica, Revista del Poder Judicial, nº extra 19, 2006
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