

## 6.1 Module 10: Criminal Practice and Procedure

<b>Module title</b>			
Criminal Practice and Procedure			
<b>Module NFQ level</b> (only if an NFQ level can be demonstrated)	<b>Module number / reference</b>	<b>ECTS Value</b>	<b>Duration</b>
Level 7	DLSP-CPP	5 ECTS	8 weeks
<b>Parent programme(s).</b> Principal programme title, and embedded(s) if relevant		<b>Stage of parent programme</b>	<b>Semester No.</b>
Diploma in Legal Studies and Practice		Award Stage	Block 4
Certificate in Legal Practice		Award Stage	Block 4
<b>Teaching and Learning modes</b>	<b>Proportion</b> (% of Total Directed Learning)		
Classroom / Face to Face	20%		
Workplace	-		
Online	-		
Other (Identify)	80%		
<b>Entry requirements (statement of knowledge, skill and competence)</b>			
Learners must comply with and meet programme entry requirements.			
<b>Maximum number of learners per instance of the module</b>	80 learners		
<b>Average (over the duration of the module) of the contact hours per week</b>	4 hours		
<b>Pre-requisite module title(s) (if any)</b>	n/a		
<b>Co-requisite module title(s) (if any)</b>	n/a		
<b>Is this a capstone module? (Yes or No)</b>	No		
<b>Module-specific physical resources and support required per centre (or instance of the module)</b>			
Lecture room with Wi-Fi access, digital recording facilities, Zoom access and digital projector.			
<b>Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.</b>			
<b>Role e.g. Tutor, Mentor etc</b>	<b>Qualifications &amp; experience required:</b>		<b># of Staff with this profile (WTEs)</b>
Lecturer	Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.		0.2 WTE

<b>Analysis of required learning effort</b>		
<b>*Effort while in contact with staff</b>	<b>Minimum ratio teacher / learner</b>	<b>Hours</b>
Classroom and demonstrations	80:1	21
Mentoring and small-group teaching	-	-
Other (specify) – workshop	25:1	4
<b>Independent Learning</b>		
Directed e-learning (hours)		-
Independent Learning (hours)		100

Other hours (specify)	-
Work-based learning hours of learning effort	-
<b>Total Effort (hours)</b>	<b>125</b>

Allocation of Marks					
	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total
Percentage Contribution	100%				100%

### 6.1.1 Modules aims and objectives

The purpose of the Criminal Practice and Procedure module is to provide learners for future practice within the legal system in Ireland and further legal education. The module aims to provide learners with a grounding in theoretical fundamentals pertaining to criminal procedure, while also providing them with the practical skills necessary to navigate practice in criminal law.

### 6.1.2 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) Identify and discuss the jurisdiction of the Irish criminal courts;
- (ii) Compare and contrast summary and indictable offences;
- (iii) Explain all stages of the criminal justice process, including: arrest; search; detention; charge; first appearance in the District Court; pre-trial applications for bail, legal aid and disclosure; trial; sentencing; appeal and judicial review.
- (iv) Compare the practice and procedure employed during summary trials as well as trials on indictment.
- (v) Analyse criminal legislation, seminal case law, relevant legal documents (e.g. charge sheets; custody records; bail bonds; indictments etc.) and draft legal documents (e.g. Notices of Motion and Affidavits).

### 6.1.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

This module is one of four practical modules on the DLSP/CLP programme. It is aimed at providing learners with the skills required and basic competencies necessary for employment in a criminal law environment and/or future legal studies. This contextual focus allows learners to evaluate criminal legislation and case law and apply same in pursuit of solutions to specific legal problems.

As the programme examines each stage of the criminal legal process, learners are taught how to progress a client's case from arrest to sentencing/appeal. The module encourages learners to scaffold what they have learned on the DLSP programme to date (e.g. in the Introduction to Irish Legal System module, the Criminal Law module and the Civil Litigation module) and apply this knowledge to the study of criminal practice and procedure, which in turn deepens their understanding of the former. In that context this module supports the achievement of MIPLO I.

This module includes a case study, which requires learners to advise a fictional client based on an analysis of case law and relevant legislation. All legal argument is required to be stated with clarity and supported with legislation and case law as appropriate. In that context this module supports the achievement of MIPLO II.

The module requires learners to complete a case study and apply relevant legislation, Constitutional provisions and case law in pursuit of solutions for their fictional client. In that context this module supports the achievement of MIPLOs III and IV. Learners are taught how to draft a series of technical documents to include: Notices of Motion and Grounding Affidavits. In that context this module supports the achievement of MIPLO V.

Learners are divided into teams of two for a Client-Practitioner interview in order to ascertain critical information for the later drafting portion of the Workshop. Working with others in researching and presenting work, in both formative and summative assessment contexts, requires learners on this Programme to interact with others to complete the assessments and these reflect Level 7 outcomes. In that context this module supports the achievement of MIPLO VI.

By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. Further, on completion of their Reflective Journal learners will have an in-depth self-reflective, structured work, that can be used as a tool in future study and practice/employment. In that context this module supports the achievement of MIPLO VII.

The module is similar to the Criminal law module in Block 3 in that it concerns the discussion of controversial concepts (e.g. mandatory sentencing), impactful reforms (e.g. codification of vast swathes of criminal law and procedure), and evidential procedure (the impact of DPP v. JC and the test for the admissibility of unconstitutionally obtained evidence). Learners are encouraged during formative assessment to debate and assess the impact of the abovementioned on society and politics. In that context this module supports the achievement of MIPLO VIII.

#### **6.1.4 Information provided to learners about the module**

Learners enrolled on this module initially receive a copy of the module descriptor, assessment briefs and assessment strategy. These materials are given directly by the lecturer and also by the Programme Director as part of the Learner Handbook for award stage modules of the programme. All content is provided on Moodle as well as access to additional content through the library and online resources.

Online (via Moodle) learners are provided with video recording of each lecture, copy of PowerPoint slides, a module specific manual, extensive reading list, incorporating professional and academic and non-academic sources. Guest lectures will be introduced to ensure practical knowledge and real-life examples will keep the content relevant.

#### **6.1.5 Module content, organisation and structure**

This following topics inform this module:

<b>TOPIC</b>	<b>DISCUSSION</b>
Lecture 1 (4 hours) 16% <b>Introduction to the Criminal Justice System</b>	<ul style="list-style-type: none"> <li>• Criminal Jurisdiction of Irish Courts</li> <li>• Appellate Procedure</li> <li>• Case Stated Procedure</li> <li>• Personnel in the Criminal Courts</li> <li>• Summary and Indictable Offences</li> </ul>
Lecture 2 (4 hours) 16% <b>The Preliminary Stages</b>	<ul style="list-style-type: none"> <li>• Role of the Garda Síochána</li> <li>• Powers of Stop, Search, Arrest, Detention</li> <li>• Summons and Charge Sheets</li> <li>• First Appearance in District Court</li> <li>• Disclosure</li> <li>• Legal Aid</li> </ul>

Lecture 3 (4 hours) 16% <b>Bail and Proceedings in the District Court</b>	<ul style="list-style-type: none"> <li>• Bail Applications</li> <li>• Bail Conditions</li> <li>• Independent Sureties</li> <li>• Refusal of Bail</li> <li>• Appeal to the High Court</li> <li>• Ramifications for Breach of Bail</li> <li>• Overview of a Trial in District Court</li> </ul>
Lecture 4 (4 hours) 16% <b>Trial on Indictment</b>	<ul style="list-style-type: none"> <li>• Overview of a Trial on Indictment procedure</li> <li>• Indictment and counts</li> <li>• Applications for Separate Trials</li> <li>• Procedure for Jury Selection</li> </ul>
Lecture 5 (4 hours) 16% <b>Sentencing and Judicial Review</b>	<ul style="list-style-type: none"> <li>• Probation of Offenders Act 1907</li> <li>• Fines</li> <li>• Community Service</li> <li>• Custodial Sentence</li> <li>• Suspended Sentence</li> <li>• Orders Consequent upon a Conviction</li> <li>• Judicial Review in the Criminal Context</li> </ul>
<b>Workshop Preparation (1 hour) 4%</b>	Preparation for Workshop including Drafting and Client Instructions.
<b>Workshop (4 hours) 16%</b>	Consultation Exercise and Legal Drafting

### **6.1.6 Module teaching and learning (including formative assessment) strategy**

The Criminal Practice and Procedure module is delivered through a series of lectures, through tutorial-style discussions, group work sessions and exercises, and supplemented by structured web-based resources and reading; and also involves one practical workshop.

This module comprises of 25 contact hours, being 20 lecture hours, one-hour long workshop preparation class, and one four-hour workshop. Each class is three hours of lectures and one-hour tutorial. Tutorials include, class discussions, group work sessions and exercises. Lectures and tutorials are supplemented by structured web-based resources and reading. The workshop is an interactive, group discussion based assessment, with learners required to engage in interview, negotiation and drafting exercises.

### **6.1.7 Work-based learning and practice-placement**

There is no work-based learning or practical placement in the module.

### **6.1.8 E-learning**

Griffith College uses Moodle, a virtual learning environment, to support its delivery of e-learning activities in the form of peer-to-peer support based around activities where learners give and receive feedback, forums where learners must contribute, formative quizzes and video links.

### **6.1.9 Module physical resource requirements**

Requirements are for a fully equipped classroom. The classroom has Wi-Fi access and is equipped with a PC with Zoom and Microsoft Office. In addition the classroom has digital recording facilities and digital projector. No other software is required for this module. The College library has a dedicated law section and also online legal research tools including Justice One, Westlaw, Hein Online.

### 6.1.10 Reading lists and other information resources

#### Primary reading

Byrne & McCutcheon, *Byrne & McCutcheon on the Irish Legal System* (2021, Dublin; Bloomsbury Publishing)

Conway, *Irish criminal justice system: theory, process and procedure* (2010, Dublin; Clarus Press)

O' Floinn, *Criminal Law Practice and Procedure in the Superior Courts* (2008, Dublin; Bloomsbury Professional)

O'Malley, *The criminal process* (2009, Dublin; Thompson Round Hall)

Walsh, *On Criminal Procedure* (2016, Dublin; Roundhall)

### 6.1.11 Specifications for module staffing requirements

Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.

### 6.1.12 Module summative assessment strategy

Learners are assessed by way of continuous assessment, which reflects the practical nature of the subject. In the workshop, learners will engage in interviews and drafting exercises which will assess their ability to apply what they have learned in class in a clinical context. In the assignment, learners will be tasked with advising a fictional client in case study format.

The reflective journal requires learners to reflect on their learning throughout the module, as well as on their lectures, practical training and assessments. On completion of their reflective journal, learners will have an in-depth self-reflective, structured work, that can be used as a tool in future study and practice/employment. The following table indicates the module's learning outcomes' alignment with the assessment used for the module: s

No.	Description	MIMLOs	Weighting
1	Workshop	(i) to (v)	50%
2	Case study	(i) to (v)	40%
3	Reflective Journal	(i) to (iv)	10%

**Reassessment/Repeat assessment strategy:** Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing components of this module, they will be required to submit a new individual repeat component which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.

### 6.1.13 Sample assessment materials

Please see sample assessment supplementary document.