

### 3.6 Module 22 Miscarriages of Justice

#### 3.6.1 Headline information about the module

<b>Module title</b>	Miscarriages of Justice
<b>Module NFQ level (only if an NFQ level can be demonstrated)</b>	8
<b>Module number/reference</b>	Module 22
<b>Parent programme(s) the plural arises if there are embedded programmes to be validated.</b>	LLB (Hons)
<b>Stage of parent programme</b>	3
<b>Semester (semester1/semester2 if applicable)</b>	Semester 1
<b>Module credit units (FET/HET/ECTS)</b>	ECTS
<b>Module credit number of units</b>	5
<b>List the teaching and learning modes</b>	Full-Time, Part-Time
<b>Entry requirements (statement of knowledge, skill and competence)</b>	Successful completion of Stages 1 and 2 of the programme
<b>Pre-requisite module titles</b>	Law of Evidence
<b>Co-requisite module titles</b>	None
<b>Is this a capstone module? (Yes or No)</b>	No
<b>Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)</b>	Lecturers are expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Training and Education provided by Griffith College.
<b>Maximum number of learners per centre (or instance of the module)</b>	60
<b>Duration of the module</b>	One Semester, 12 weeks
<b>Average (over the duration of the module) of the contact hours per week (see * below)</b>	2
<b>Module-specific physical resources and support required per centre (or instance of the module)</b>	Lecture room with internet access and digital projector.

Analysis of required learning effort (much of the remainder of this table must also be presented in the programme schedule—take care to ensure consistency)										
Effort while in contact with staff										
Classroom and demonstrations		Mentoring and small-group tutoring		Other (specify)		Directed e-learning (hours)	Independent learning (hours)	Other hours (specify)	Work-based learning hours of learning effort	Total effort (hours)
Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner					
24	1:60						101			125
Allocation of marks (within the module)										
				Continuous assessment	Supervised project	Proctored practical examination	Proctored written examination	Total		
Percentage contribution				30			70	100%		

### 3.6.2 Module aims and objectives

This module aims to inspire in learners a passion for justice and human rights. Educate learners in responsible clinical practice. It further seeks to develop a political, theoretical and practical understanding of the causes of miscarriages of justice.

Finally, it seeks provides learners with clinical legal placements within which to develop their capacity to understand and analyse the causes of miscarriages of justice and the mechanisms to prevent them.

### **3.6.3 Minimum intended module learning outcomes**

On successful completion of this module, learners will be able to:

- (i) Apply knowledge of the issues that cause and contribute to wrongful convictions and miscarriages of justice.
- (ii) Critically analyse the legislative framework and relevant case-law with regard to the competing interests of preserving the 'common good' of society, rights of the accused and rights of the victim.
- (iii) Formulate and critique potential reforms of the criminal justice system.

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

This module seeks to identify the causes of wrongful convictions, both generally and within the Irish jurisdiction. It also examines the legal regimes and case law in Ireland relating to miscarriages of justice. It allows learners to apply their general legal knowledge, acquired in earlier courses such as Criminal Law, to a specialised field. It promotes awareness in learner of the causes of wrongful convictions and how these can be remedied, reduced, or prevented.

It also indicates potential avenues for reform of current legal regimes which relate to this area. It particularly engages with IPLO's 3-7 through engagement with the primary and secondary sources for the course and in the formative and summative assessment for the course. The examination of potential for reform specifically engages with IPLO 10, through a sustained engagement with the social and political contexts of wrongful conviction and examination the manner by which the influence of these social and political contexts on the course of criminal system can be negate or diminished in service of justice.

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

At the start of the Academic Year, learners will receive their Faculty Handbooks. The Faculty Handbook provides general information about the faculty, its staffing, resources, and operation. Detailed programme information is supplied through Moodle, including copies of the approved module descriptors from the accredited programme along with a programme timetable detailing related teaching, learning and assessment.

During the first class of the module, learners are given a detailed outline of the module showing the schedule of delivery and the dates when assignments are released and due for submission.

Moodle is used to provide learners with ongoing access to module related information, from the handbooks and module outlines provided in advance of the module commencement, the lecture material and links to related resources provided on a scheduled basis in line with the module delivery.

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

Miscarriages of Justice is taught and assessed over one academic semester. The module is delivered over 12 lecture sessions of 2 hours' duration.

- Introduction to Miscarriages of Justice
- The Criminal Procedure Act 1993
- Eyewitness Misidentification
- False Confessions
- Incentivised Informants
- Police and Prosecutorial Misconduct
- Ineffective Assistance of Counsel
- Forensic Science – Crime Scene Investigations, Fingerprint/Hair/Fibre/DNA Analysis
- Expert Evidence
- Comparative studies of domestic and international criminal justice systems
- Potential reforms of the Irish legal system to prevent wrongful convictions.

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

The module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. Formative assessment is provided through tutorial-style discussion, group work and exercises focus on specific case law and problem-based learning requiring the learner to analyse the law and apply it to circumstances in which miscarriages of justice would tend to be produced. The lectures are supplemented by structured on-line resources and reading.

In order to support learners through the exam process, they engage in answering of sample exam questions and correction of their own and peers' papers, thereby familiarising themselves with the module learning outcomes and marking criteria. Learners also engage in workshops and online discussion forums to complement and reinforce their learning.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including in-class presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

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

Miscarriages of Justice is a classroom-based module and does not require work-based learning and practice elements.

### **3.6.9 E-learning**

Moodle, the College Virtual Learning Environment, is used to disseminate notes, advice, and online resources to support the learners. The learners also receive access to Lynda.com as a resource for reference.

### **3.6.10 Module physical resource requirements**

Requirements are for a fully equipped classroom. The classroom is equipped with a PC and Microsoft Office; no other software is required for this module.

Moodle can be accessed in the learner's home, various open labs on campus and in the library.

### **3.6.11 Reading lists and other information resources Primary Reading:**

#### **Primary Reading**

Garrett, B (2011) *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*. Cambridge, MA: Harvard University Press.

Langwallner, D. (2012) *Miscarriages of Justice in Ireland* *Journal of Irish Law*

Morton, J (2015) *Justice Denied: Extraordinary Miscarriages of Justice*, Robinson.

Walker, C. and Starmer, K. (1999) *Miscarriages of Justice: A Review of Justice in Error*, London: Blackstone

#### **Secondary Reading:**

Anonymous (2018) *The Secret Barrister: Stories of the Law and How It's Broken*. Pan MacMillan

Belloni, F. and Hodgson, J. (2000) *Criminal injustice: an evaluation of the criminal justice process in Britain*, Basingstoke: MacMillan.

Griffiths, J. (1970) 'Ideology in Criminal Procedure or a Third Model of the Criminal Process', *Yale Law Journal.*, 79 (33): 359-417.

Hamilton C. (2007) *The Presumption of Innocence and the Irish Criminal Law 'Whittling the Golden Thread'*. Irish Academic Press.

Hucklesby, A. and Wahidin, A. (2013) *Criminal Justice*, 2nd Edition, Oxford: Oxford University Press, Introduction.

Jackson, J. (2002) 'The Adversary Trial and Trial by Judge Alone' in M. McConville and R. Wilson (eds) *The handbook of the criminal justice process*, Oxford: Oxford University Press.

Liebling, A., Maruna, S., and McAra, L. (eds) (2017) *The Oxford Handbook of Criminology*, 6th Edition, Oxford: Oxford University Press.

Scheck, B, Neufeld P, and Dwyer J. (2000) *Actual Innocence: When Justice Goes Wrong and How to Make it Right*. New York: Doubleday.

Yant, Martin (1991) *Presumed Guilty: When Innocent People Are Wrongly Convicted*. Amherst, NY: Prometheus.

### 3.6.12 Specifications for module staffing requirements

Lecturers qualified to at least a Level 8 legal qualification (LLB (Honours), BABL, BALB, preferably with a professional legal qualification and a third level teaching qualification (e.g. Certificate in Training and Education).

Learners also benefit from the support of the Programme Director, Programme Administrator, Lecturers, a dedicated Learning Technologist, Learner Representative, and Students' Union and Counselling Service.

### 3.6.13 Module assessment strategy

Theoretical knowledge will be assessed by continuous (summative) assessment (100%). The continuous assessment shall consist of a written assignment divided into two stages: a written proposal worth 15% of the overall marks and a final submission on a topic of the learner's choosing.

The assessed work breakdown can be seen in the table below.

No	Description	MIMLOs	Weighting
1	Assignment (Part One)	i	15%
	Assignment (Part Two)	i-vi	85%

### Sample assessment materials

Part A (Assignment Part One): Instructions: (Please also ensure you follow the instructions provided by your lecturer in class).

Each student must draft a 300-word proposal on any area of criminology covered in class. There are marks assigned to proposal, however, if a proposal is not submitted the correlating assignment will not be corrected.

Your proposal should be uploaded to the relevant TurnItIn link as previously advised within the deadline.

Your lecturer will then give you guidance and feedback as to your chosen topic.

Once the lecturer approves the student's proposal, the student must then submit a 4,000 – 4,500-word research paper in the chosen area.

It is important that each student do independent research in their chosen area, and narrow down the specific area, keeping in mind the word count involved.

Part A (Assignment Part One): The Student Proposal:

The student proposal, of approximately 300 words, should set out the following:

The proposed title of the assignment

The research methodology involved;

The rationale behind the selection of your chosen area;  
The scope for research in the area;  
What you hope to achieve through this research.

Part B (Part One: Final Submission): Your final submission should follow the following guidelines

4,500 Words maximum excluding footnotes and headings

The assignment must be typed

Size 12 Times New Roman font

Spacing: 1.5

Footnotes MUST be used (OSCOLA Referencing Style)

A bibliography must be included

All assignments MUST be submitted through TurnItIn