

COURSE OF STUDY LM-51 in Psicologia, Curriculum Psicologia Forense e Neuropsicologia

ACADEMIC YEAR 2023-2024

ACADEMIC SUBJECT Elements of criminal procedure

General information	
Year of the course	<i>1st year</i>
Academic calendar (starting and ending date)	<i>First semester</i>
Credits (CFU/ETCS):	6
SSD	<i>Criminal procedural law IUS/16</i>
Language	<i>Italian</i>
Mode of attendance	<i>Strongly recommended</i>

Professor/ Lecturer	
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Telephone	
Department and address	<i>Department of Law, Del Prete Palace, 4th floor".</i>
Virtual room	
Office Hours (and modalities: e.g., by appointment, on line, etc.)	

Work schedule			
Hours			
Total	Lectures	Hands-on (laboratory, workshops, working groups, seminars, field trips)	Out-of-class study hours/ Self-study hours
<i>140</i>	<i>34</i>	<i>6</i>	<i>100</i>
CFU/ETCS			
<i>Es. 6</i>	<i>5</i>	<i>1</i>	<i>100</i>

Learning Objectives	The teaching aims to provide a basic and targeted understanding of the criminal procedural system. The principles and rules governing the criminal trial process will be addressed with the aim of enabling the psychologist to assume the role of an expert in the proceedings (as a judge's expert witness, technical consultant for the public prosecutor, judicial police, and private parties, as well as an expert member of specialized collegiate bodies for minors and supervisory judicial bodies).
Course prerequisites	<i>No preliminary knowledge is required.</i>

Teaching strategie	<i>Conventional teaching methodology. The course will be delivered through lectures supported by PowerPoint presentations and significant judicial decisions. In order to enhance students' applied knowledge, the frontal teaching will be complemented by in-depth seminars, which may be conducted using innovative teaching methods (debates, simulations, group work, case analysis, etc.).</i>
Expected learning outcomes in terms of	
Knowledge and understanding on:	At the end of the course, the student will be able to: <ul style="list-style-type: none"> Understand and recall the characteristics of traditional procedural models.

	<ul style="list-style-type: none"> • Familiarize themselves with the sources of Italian criminal procedural law. • Understand the constitutional and supranational reference principles. • Identify the different parties involved in the proceedings. • Navigate the dynamics of the criminal procedure, recognizing its stages (preliminary investigations, preliminary hearing, trial, execution) and differentiated paths (special procedures and restorative justice). • Understand the fundamental principles of criminal evidence law: general principles; means of evidence and evidence gathering; right to evidence; evidentiary proceedings; illegally obtained evidence. • Master the rules concerning declarative evidence (particularly, testimonies and examination of parties). • Acquire knowledge of scientific and technical evidence: expertise (appointment of experts; incapacity and incompatibility; assignment of the task; expert operations; examination of the expert); technical consultation (consultation in the case of expertise and outside the case of expertise; examination of the technical consultant). • Understand the general principles of juvenile criminal proceedings (composition of judicial bodies, principle of specialization, diversion program).
<p>Applying knowledge and understanding on:</p>	<p>Individual study, attendance, and participation in the proposed educational activities will enable students to:</p> <ul style="list-style-type: none"> • Understand the fundamental rights and guarantees protecting defendants and victims within the judicial system. • Develop an understanding of the fundamental rights of defendants and victims within the judicial system, ensuring adequate protection for individuals involved in the criminal justice system. • Acquire in-depth knowledge of the judicial system and its dynamics, thereby understanding the context in which legal psychology professionals, such as forensic psychologists, lawyers, and judges, operate. • Comprehend the areas of intervention for psychology experts in the criminal process (psychological assessments, testimonial evidence, etc.). • Develop the necessary skills to analyze evidence gathered during an investigation or criminal trial, including the ability to evaluate the credibility of testimonies. • Understand how psychology can contribute to the evaluation of evidence and judicial decisions, such as analyzing criminal behavior, assessing the mental capacity of defendants, or processing eyewitness testimonies. • Explore and discuss ethical and professional issues related to legal psychology, allowing for the examination of ethical dilemmas that arise in the context of psychological assessments, courtroom testimonies, or interactions with stakeholders in the judicial system.

Soft skills	<ul style="list-style-type: none"> • <i>Making informed judgments and choices: Students should be able to read and critically examine complex laws, regulations, and legal procedures with judgment autonomy</i> • <i>Communicating knowledge and understanding: Students should acquire appropriate legal technical language and use it to express themselves correctly, conveying learned knowledge in a clear and effective manner. They should be able to present legal arguments convincingly, express their opinions, and effectively respond to questions and opposing arguments.</i> • <i>Capacities to continue learning: Students should develop the ability to refine and deepen their knowledge, continuing to study and update their skills autonomously.</i>
Syllabus	
Content knowledge	<ul style="list-style-type: none"> • CRIMINAL PROCEDURAL LAW AND ITS SOURCES <i>Concept and content of criminal procedural law. Sources of criminal procedural law.</i> • FUNDAMENTAL PRINCIPLES <i>Principles of the Constitution and international conventions relevant to criminal proceedings.</i> • SUBJECTS <i>The judge. The public prosecutor. Judicial police. The defendant. Ancillary parties: civil party, civilly liable person, and financially obligated person. The victim of the crime and entities representing interests harmed by the crime. The defense counsel.</i> • EVIDENCE <i>General principles; means of proof and evidence gathering; right to evidence; evidentiary proceedings; illegally obtained evidence.</i> • DECLARATORY EVIDENCE <i>In particular, witness testimony and examination of the parties.</i> • TECHNICAL-SCIENTIFIC EVIDENCE <i>Expertise (appointment of the expert; incapacity and incompatibility; assignment of the task; expert examination); technical consultation (endogenous and exogenous technical consultation; examination by the technical consultant).</i> • PROCEDURAL DYNAMICS <i>Report of the offense; preliminary investigations; evidentiary incident; criminal action and archiving; preliminary hearing; trial; restorative justice; special proceedings and execution (overview).</i> • JUVENILE CRIMINAL PROCEEDINGS <i>Principle of specialization. Diversion programs and the restorative paradigm (irrelevance of the offense and probation).</i>
Texts and readings	<p>A. SCALFATI-A. BERNASCONI-A DE CARO-A. FURGIUELE-M. MENNA-C. PANSINI-N. TRIGGIANI- C. VALENTINI, <i>Manuale di Diritto Processuale Penale</i>, IV ed., Torino, Giappichelli, 2023, Part I (Chapters I-II-III) pp. 3-66; Part II (Overview of Subjects and Parties) pp. 104-110; pp. 116-119; pp. 121-142; Part IV (Evidence System) pp. 245-278; (Witness Testimony) pp. 285-289; (Expertise) pp. 304-310; Part VI (Preliminary Investigations) pp. 457-463; (Report of the Offense) pp. 465-470; (Evidentiary Incident) pp. 525-528; Part VIII (Criminal Action) pp. 571-576; (Preliminary Hearing) pp. 585-586; Part IX (Trial) pp. 613-615; pp. 634-640; Part X (Restorative Justice) pp. 727-733; Part XI (Juvenile Proceedings) pp. 737-752.</p>
Notes, additional materials	<p><i>Students are required to use an updated criminal procedure code as an essential tool for exam preparation.</i></p>
Repository	<p><i>Any teaching materials used during the lectures will be made available on the professor's personal webpage</i></p>

Assessment	
Assessment methods	<p>The exam will be conducted exclusively in an oral form and will consist of questions aimed at assessing both the acquisition of the necessary theoretical knowledge and the ability to apply this knowledge to concrete situations, for which exemplification may be requested or proposed. In evaluating the student, due consideration will be given to their ability to express themselves using correct technical language.</p>
Assessment criteria	<ul style="list-style-type: none"> • Knowledge and understanding: The evaluation criteria aim to verify the student's actual acquisition of the methodology necessary for the knowledge and understanding of the institutions of criminal procedural law indicated in the program. • Applying knowledge and understanding: The evaluation criteria aim to verify the student's actual acquisition of the methodology necessary for applying theoretical knowledge to solve practical case studies. • Autonomy of judgment: The evaluation criteria aim to verify the student's actual acquisition and development of the ability to critically analyze the institutions of criminal procedural law indicated in the program, including through the study of relevant literature and case law on the specific topics covered. • Communication skills: The evaluation criteria aim to verify the student's actual acquisition of the ability to express themselves using correct technical language and effectively communicate during moments of sharing, comparison, and discussion, both individually and in groups. • Capacities to continue learning: The evaluation criteria aim to verify the student's actual acquisition of the methodology necessary for learning, mastery of the discipline, and critical study of the main institutions of criminal procedural law.
Final exam and grading criteria	<p>The final grade is given on a scale of thirty. The exam is considered passed when the grade is equal to or greater than 18/30.</p> <p>The oral exam is a suitable method to assess not only the mastery of legal institutions and normative and "para-normative" disciplines but also the student's logical-argumentative skills, communication and language abilities, as well as their aptitude for highlighting connections with related disciplines in legal psychology.</p> <p>The evaluation criteria and corresponding scores on a scale of thirty are determined according to the following scale:</p> <p>Less than 18: Insufficient level of competence. The candidate does not achieve any of the expected learning outcomes as stated in the "knowledge and understanding" section.</p> <p>18-20: Sufficient level of competence. The candidate achieves the expected learning outcomes as stated in the "knowledge and understanding" section.</p> <p>21-23: Fully sufficient level of competence. The candidate achieves the expected learning outcomes as stated in the "knowledge and understanding" and "knowledge and understanding applied" sections.</p> <p>24-26: Good level of competence. The candidate achieves the expected learning outcomes as stated in the "knowledge and understanding," "knowledge and understanding applied," and "autonomy of judgment" sections.</p> <p>27-29: Very good level of competence. The candidate achieves the expected learning outcomes as stated in the "knowledge and understanding," "knowledge and understanding applied," "autonomy of judgment," and "communication skills" sections.</p>

	<i>30 and 30 cum laude: Excellent level of competence. The candidate fully achieves the expected learning outcomes as stated in the "knowledge and understanding," "knowledge and understanding applied," "autonomy of judgment," "communication skills," and "ability to learn" sections.</i>
Further information	
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