



LONDON SOUTH BANK  
UNIVERSITY

# LAW FOR FORENSIC SCIENTISTS



## MODULE GUIDE

FACULTY OF ENGINEERING, SCIENCE  
AND THE BUILT ENVIRONMENT

B.Sc. Forensic Science 2011-2012

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## **1. Module Details**

**Module Title:** Law for Forensic Science

**Module Level:** 2

**Module Reference Number:** EAC\_5\_136

**Credit Value:** 30

**Study Time - Total:** 300 Hours :

**Contact Hours:** 104 Hours

**Pre-Requisites:** Introduction to Legal Systems

**Co-Requisites:** None

**Parent Course:** B.Sc. Forensic Science

**Module Co-Ordinator:** Louise Powell-Cook

**Teaching Team:** Louise Powell-Cook, email: [powellcl@lsbu.ac.uk](mailto:powellcl@lsbu.ac.uk); Extension 7912, room B136

**Summary of Assessment Method:** In-class assessment, seen examination, and coursework exercises requiring a trial observation and hypothetical problem analysis

## **2. Short Description**

The first part of this module is designed to introduce non-law students to the basic principles of criminal procedure and liability, exploring the statutory and common law sources on which the law is based. Students are guided through a linear approach to the operation of the criminal process, starting with the institutions and terminology of the criminal law, through the law relating to police powers and aspects of substantive criminal law.

The second part of this module introduces students to the function and operation of the law of evidence in the context of criminal matters. It concentrates on the concepts of relevance and judicial discretion, and teaches the students which types of evidence attract the rules of admissibility and why. Students are required to watch a criminal trial in one of the many crown courts in London or their local area to give them a context for the operation of the rules, and are taught a logical approach to analyzing hypothetical problems relating to the admissibility of evidence.

### **3. Aims of the Module**

For the Criminal Law part of this module the aims are:

- To build upon material covered in the Introduction to Legal Systems to provide students with an introduction to the language and principles underpinning the operation of the criminal justice system.
- To enable students to gain an understanding of how the criminal court system operates, particularly the appeal processes.
- To enable students to understand how primary legal sources such as case law and statutes are used to justify and influence judicial decision making and legislative developments.
- To enable the student to progress to more detailed study of law of evidence with a sound understanding of the basic principles of criminal liability.

For the Law of Evidence part of this module the aims are:

- To provide students with a grounding in the concepts of relevance and judicial discretion in the law of evidence.
- To introduce students to the skill of identifying the facts needed to be proven in a criminal trial.
- To give students a grounding in the rules of admissibility in the Law of evidence and their rationale.
- To equip students with the ability to identify types of evidence and the rules that are applicable to them.
- To emphasise a logical and methodological approach to problem solving in an evidential context.
- To provide the students with an opportunity of watching a criminal trial and having a context for the operation of the rules of evidence.
- To emphasise the concept of fair trial as being central to the understanding of the Law of Evidence.

### **4. Learning Outcomes**

#### **i Knowledge And Understanding**

- Students successfully completing this module will be able to demonstrate a knowledge and understanding of:

- a) The operation of the general principles of criminal liability as they have developed in English Law;
- b) The key legal institutions operating the sphere of criminal justice;
- c) The main police powers relating to the investigation of crime.
- d) The operation of the general principles of the rules of admissibility of the Law of Evidence in relation to the admissibility of certain types of evidence;
- e) The relationship between the criminal law and the facts in issue in a criminal trial;
- f) The concepts of judicial discretion and relevance.

#### **ii Intellectual Skills**

- Students successfully completing the module will be able to demonstrate an ability to:
  - a) Analyse the admissibility of evidence of a hypothetical factual problem;
  - b) Identify and evaluate the relevance of evidence presented at a real trial.

#### **iii Practical Skills**

- Students successfully completing this module will have demonstrated the development of:
  - a) Communication skills- through participation in seminar discussions and argument and through the preparation of the trial observation and long problem course work;
  - b) IT skills- through the research required in preparation for coursework submission; use of electronic information retrieval systems in preparation for small group sessions; through use of Blackboard for module delivery and email communication with teaching staff and through word processing course work for submission.
  - c) Legal study skills- the teaching materials direct students to a range of sources that can be utilised to develop their subject knowledge and further their interest in the module – on completion of the module students should be able to conduct basic independent research into criminal and evidential topics.

#### **iv Transferable Skills**

- Students successfully completing the module will have demonstrated an ability to:
  - a) Organise, plan and prioritise self-managed scholarly work using original materials;
  - b) Prepare materials according to assignment briefings to meet time critical deadlines;

- c) Evaluate and text opposing arguments with a view to rationalising stated preferences for a given line of reasoning, supported by authority and appropriate evidence.

## 5. Assessment of the Module

For the ***Criminal Law aspect of the module in semester 1***, there are two elements of assessment:

- a) A **seen examination** held in class mid-way through this part of the module. i.e. in semester 1. The examination paper will be distributed to students one week before the in-class assessment. This assessment will count for 30% of the **overall mark of this element** of the module. Students are not to be permitted to refer to any additional material whilst attempting the assessment.
- b) A **seen examination** paper distributed in week 12 of this element of the module (i.e. the last week before the Christmas vacation). Students attempt this examination paper under examination conditions during the end of semester examination period in the following January. This element counts for 70% of **this element** of the module mark. The assessment covers substantive criminal law. Students are not to be permitted to refer to any additional materials whilst attempting the assessment.

For the **Law of Evidence aspect of the module studied in semester 2**, there are two elements of assessment:

- a) **Coursework 1** – Trial observation – which is worth 25% of the final mark for **this part** of the module. Students must observe a short trial in the Crown Court from start to finish. They will be given a pro-forma sheet to complete, which will direct them to concentrate on the following: the evidence and what it proves; identification of different types of evidence if presented; the identification of the submissions relating to admissibility of evidence, if any; and an evaluation of the summing up the judge and the verdict. The purpose of this is to assess the students' ability to: Identify types of evidence; identify the operation of the rules in real life context; describe the evidence presented and its relevance to the facts in issue. Students have a whole term to complete this assessment, the submission date to be advised in due course.
- b) **Coursework 2** - Case study and scenario analysis - worth 75% of the total mark for **this part** of the module. This will consist of a set of statements relating to a hypothetical criminal trial, and the question will require students to identify the relevance of the statements and then to discuss the rules that would need consideration relating to the admissibility of the evidence. The purpose of this is to assess the students' ability to: Analyse the facts in a hypothetical case; Identify the concepts and rules of the law of evidence as

they appear in the case given; Demonstrate an awareness of the relationship between the concepts of relevance and judicial discretion and the operation of the formal rules.

The pass mark for the module as a whole is 40%, with no mark in any element of assessment being below 30%.

## **6. Feedback**

Feedback will be generic and given after the results have been distributed for each assessed component.

## **7. Introduction To Studying The Module**

### **I. OVERVIEW OF THE MAIN CONTENT:**

The Criminal Law part of the module will draw upon aspects of the following:

- Introduction to the criminal justice institutions – the court system – the CPS – politicians – current issues for debate and reform – sources of criminal law – impact of Human Rights Act 1998.
- Police Powers – an overview of the Police and Criminal Evidence Act 1984 – powers to stop and search – powers of arrest – Codes of Practice.
- Police Powers – an overview of the Police and Criminal Evidence Act 1984 – rights in detention – searching and questioning of aspects – safeguards.
- The prosecution process – charging a suspect – the role of the CPS – the procedure in the criminal trial – judicial discretion regarding the exclusion of evidence - the appeal system – admitting fresh evidence – the role of the Criminal Cases Review Commission.
- The elements of criminal liability - types of actus reus – liability for failing to act – the presumption in favour of mens rea – types of mens rea – types of liability – inchoate – accessorial.
- Introduction to homicide 1: causing death – the mental element in murder.
- Introduction to homicide 2: Voluntary manslaughter – problems posed by corporate liability.
- Non-fatal offences against the person – GBH – wounding – ABH – assault & battery – poisoning offences – consent to harm as a defence.
- Sexual offences – indecent assault – rape – abuse of trust – indecency with children.
- Defences 1: Defences that relate to the defendant's state of mind – sane and insane automatism – intoxication.

- Defences 2: Defences that operate as excuses and justifications – duress – necessity – self-defence.

The Law of Evidence part of the module will draw on;

### **INTRODUCTION:**

The course concentrates on Criminal proceedings.

What is evidence? What is its function?

Types of facts needed to be proven: Facts in issue- governed by substantive law; collateral facts - credibility.

Types of evidence

Functions of the judge and jury: questions of law and questions of fact

### **CONCEPTS IN EVIDENCE:**

#### **RELEVANCE:**

The relationship between evidence and the facts that are needed to be proved. The importance of common sense, logic and experience (Wigmore).

#### **JUDICIAL DISCRETION:**

The principle in the case of Sang – The balancing act that the judge needs to perform – prejudice vs. probative value of a piece of evidence. The duty of the judge to exclude evidence where the prejudicial effect of the case outweighs its probative value.

The difference between this and Section 78 Police and Criminal Evidence Act 1984 – adverse effect to the fairness of the proceedings.

The functions of criminal court and its moral authority. The dual verdict: Factual and Moral (Dennis) and role that the rules of evidence play in ensuring the factual correctness of a verdict and Section 78 ensuring the moral authority of the verdict.

**Burden of Proof in Criminal Trials- Disclosure and the finding of new evidence.**

### **RULES OF ADMISSIBILITY AND EXCLUSIONARY RULES:**

**Character evidence of the accused:**

**Similar Fact Evidence:**

**Hearsay Evidence and Confessions:**

**Brief look at Privilege & Public Interest Immunity:**

**Opinion Evidence & Expert Opinion Evidence**

**Rules relating to maintaining the integrity of evidence**

**Corroboration and Identity evidence**

## **II. OVERVIEW OF TYPES OF CLASSES:**

**For the Criminal Law element of the module in semester 1 ;**

Weeks 1 to 12 :One 2 hour large group session per week

:One small group session per fortnight

Weeks 13 to 15 :Private Study and examinations

Students are provided with a detailed course handout indicating the structure and content of each large group session. The handout indicates relevant case law and sets out all relevant statutory provisions. Whilst large group sessions are the primary vehicle for the provision of structure and outline on key topics, they are not intended to provide students with all the information necessary for successful completion of the course. At the end of each large group session the student should have not only a clearer understanding of the material covered, but also a grasp of what has been left unanswered and thus what needs to be addressed in private study and small group session preparation. Within the constraints of the time available in large group sessions, emphasis is also placed on the development of a dialogue between staff and students through broadly Socratic techniques. The handout provides students with structured reading on each topic and a selection of past examination questions. Small group sessions are structured to ensure that students are able to: test the extent to which they have developed a satisfactory understanding of the relevant law under consideration; develop basic skills of legal argument and persuasion by supporting or opposing propositions provided for discussion; develop awareness of the need for and proposals for reform of the areas of law under consideration.

**For the Law of Evidence element studied in semester 2;**

Weeks 1 to 12 :One 2 hour large group session per week

:One small group session per fortnight

Weeks 13 to 15 :Private Study and research and completion of coursework

Students are given a guide which indicates each week the introduction to the type of evidence under the consideration. Many of the large group sessions are designed to be interactive and involve student participation in small group discussion of problems. The exercises in the small group sessions are designed to assist deeper understanding and further knowledge of the type of evidence under the discussion. Most questions in these sessions are problem questions.

**III. IMPORTANCE OF STUDENT SELF-MANAGED LEARNING TIME**

The teaching material makes explicit those areas that students are required to explore in their own time, in addition to carrying out the reading and research necessary to support material covered in large group sessions and small group sessions. It is essential that students undertake the additional private study work as assessments are designed and marked on the basis that the extra material has been covered

**IV. EMPLOYABILITY**

The understanding of the criminal process, the trial and the use of evidence is essential for any person wishing to be a professional in the criminal justice system.

**8. The Programme of Teaching, Learning and Assessment**

The programme of classes below is intended **only as a guide** and is subject to modification according to rate of progress and unforeseen factors.

**Semester 1 – Introduction to Criminal Law**

<b>Week Number</b>	<b>Topic</b>
<b>1</b>	Introduction to the Criminal Justice System
<b>2</b>	Elements of criminal liability – Actus reus
<b>3</b>	Elements of criminal liability - Mens Rea Homicide 1 – Murder

<b>4</b>	Homicide 2 – Manslaughter
<b>5</b>	Homicide 2 – Manslaughter
<b>6</b>	Assaults
<b>7</b>	Sexual Offences
<b>8</b>	Factors affecting Mens Rea – automatism – insanity – intoxication
<b>9</b>	Excuses and justifications – compulsion defences
<b>10</b>	The Criminal Litigation Process
<b>11</b>	Continued
<b>12</b>	Continued
<b>13</b>	Review and revision

**Semester 2 - Introduction to the Law of Evidence**

<b>Week Number</b>	<b>Topic</b>
<b>1</b>	Introduction to Evidence Course and Trial Observation
<b>2</b>	Introduction – What is Evidence? Burdens of proof, Forms of Evidence
<b>3</b>	Visual evidence and corroboration
<b>4</b>	Inferences from silence
<b>5</b>	Hearsay evidence

<b>6</b>	Confession evidence
<b>7</b>	Exclusion of evidence
<b>8</b>	Character evidence
<b>9</b>	Character evidence continued
<b>10</b>	Revision
<b>11</b>	Coursework
<b>12</b>	Module coordinator available to assist with coursework
<b>13</b>	Completion and handing in of assessments

## **9. LEARNING RESOURCES**

### **I. CORE MATERIALS:**

#### **Core texts for Criminal Law**

Please ensure that you obtain the latest edition of any book

Criminal Law – Text, cases and materials: Janet Loveless 2008 Oxford.

Criminal Law- Elliott and Quinn [Longman] 2010 (8<sup>th</sup> edition) \*

#### **Core texts for Law of Evidence**

Criminal Litigation Practice and Procedure – 2011/2012- Deborah Sharpley ✕

(College of Law legal Practice Guides)

Dennis, I.H- “The Law of Evidence”, Sweet & Maxwell 1999

Keane, A- "The Modern Law of Evidence", Butterworths (5<sup>th</sup> Edition)

Murphy, P- "Murphy on Evidence", Blackstone Press, (6<sup>th</sup> Edition)

Students are advised to buy the most up to date textbook which also has the **Criminal Justice Act 2003 provisions** included.

## II. OPTIONAL MATERIALS:

Allen, C- "Sourcebook on Evidence", Cavendish Publishing Limited (1<sup>st</sup> Edition)

Archbold- "Criminal Evidence and Procedure"

Blackstones Criminal Practice

Cooper, S., Murphy, P., & Beaumont, J.- "Cases and Materials on Evidence", Blackstone Press (3<sup>rd</sup> Edition)

Cross- "Cross on Evidence"

Heydon, J. & Ockleton, M- "Evidence: Cases and Materials", Butterworths (4<sup>th</sup> Edition)

Huxley, P. & O'Connell, M- "Blackstone's Statutes on Evidence", Blackstone Press (3<sup>rd</sup> Edition)

Keogh, A.- "Criminal Justice Act 2003: A guide to the new law" 2004

Roberts, P. and Zuckerman, A.- "Criminal Evidence". Oxford University Press 2004

**\* \* Lecturing materials will be based on these texts**

## **Blackboard**

This module will be supported by a Blackboard site. This is called Introduction to Criminal Law (do not confuse this with the LLB Criminal Law site). This is a 'VLE' (virtual learning environment) website that you can access from any computer connected to the internet.

## **Assessments**

These will be put on the blackboard site so, please, ensure that you are able to access the site well ahead of time.

## Reports

Law Commission No 273, "Evidence of Bad Character in Criminal Proceedings, Cm 5257 (2001).

Royal Commission on Criminal Justice, Cm 2263, 1993, HMSO.

Law Commission Consultation Paper No 138. "Evidence in Criminal Proceedings: Hearsay and Related Topics" 1995

The Law Commission. Criminal Law: Evidence in Criminal Proceedings: Previous Misconduct of a Defendant. Consultation Paper No 141 (Summary).

Please note that additional articles, seminar questions, and handouts may be substituted or added to this guide from time to time. Students are requested to keep those with this guide.

## USEFUL WEBSITES:

Begin by using LISA and the training support offered under resources for web based research. Visit the virtual training suite and take a Law Tour under the Social Scheme field.

### Law Reports:

<http://www.the-times.co.uk/news>

<http://lawreports.co.uk>

<http://www.courtservice.gov.uk/lexicon>

### Parliament:

<http://www.parliament.uk>

### Government Sites:

<http://www.hms0.gov.uk/stat.htm>

<http://www.open.gov.uk/law.commhompag.htm>

<http://www.open.gov.uk/index.htm>

<http://www.homeoffice.gov.uk>

<http://www.cps.gov.uk>

### Database Sites:

<http://www.lawtel.co.uk>

