



## UNSW Course Outline

# JURD7121 Crime and the Criminal Process - 2024

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## General Course Information

Course Code : JURD7121

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Law, Society and Criminology

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course introduces students to fundamental aspects of criminal justice and process. Woven through the course is a critical examination of the interaction between the criminal justice system and the criminal law: specifically, that application of the law is shaped by and dependent

on decisions made by criminal justice actors including police, prosecutors and judicial officers. Specific areas of focus include: why some activities are criminalised and others not; the use and misuse of discretion; the impact of the reliance on summary justice; the significance of pre-trial processes such as search, arrest and bail; and the over-representation of Indigenous people and other vulnerable groups.

Crime and the Criminal Process also introduces the doctrinal building blocks of criminal law, and applies these principles to a number of key statutory offences such as public order offences and drugs offences which illustrate the process themes above. The impact of public policy and law reform is an important underlying theme.

## **Main Topics**

- Criminalisation, over-criminalisation and defining crime
- Criminal process, including police powers and pre-trial process
- Components of criminal offences: physical and mental elements
- Drugs (NSW only), including harm minimisation policies and incursions into general principles of criminal law
- Public order offenses

## **Course Aims**

This course introduces students to fundamental aspects of criminal justice and process. Woven through the course is a critical examination of the interaction between the criminal justice system and the criminal law: specifically, that application of the law is shaped by and dependent on decisions made by criminal justice actors including police, prosecutors and judicial officers. Specific areas of focus include: why some activities are criminalised and others not; the use and misuse of discretion; the impact of the reliance on summary justice; the significance of pre-trial processes such as search, arrest and bail; and the over-representation of Indigenous people and other vulnerable groups.

Crime and the Criminal Process also introduces the doctrinal building blocks of criminal law, and applies these principles to a number of key statutory offences such as public order offences and drugs offences which illustrate the process themes above. The impact of public policy and law reform is an important underlying theme.

# Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate awareness of principles of criminal law and their relationship to the broader context (PLOs 1, 2)
CLO2 : Demonstrate knowledge of the key processes and ethical issues involved in criminalisation by engaging in policyanalysis (PLOs 1, 2, 3, 4, 7, 8)
CLO3 : Navigate and apply the substantive criminal law, both common law and statutory (PLOs 1, 2, 3, 4)
CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively andappropriately (PLOs 5, 6, 9, 11)
CLO5 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communicationwith appropriate referencing (PLOs 1, 5, 6)
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflectiveand respectful manner (PLOs 5, 6, 9, 10)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate awareness of principles of criminal law and their relationship to the broader context (PLOs 1, 2)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Assignment</li> <li>• Final Invigilated Examination</li> </ul>
CLO2 : Demonstrate knowledge of the key processes and ethical issues involved in criminalisation by engaging in policyanalysis (PLOs 1, 2, 3, 4, 7, 8)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Assignment</li> <li>• Final Invigilated Examination</li> </ul>
CLO3 : Navigate and apply the substantive criminal law, both common law and statutory (PLOs 1, 2, 3, 4)	<ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Final Invigilated Examination</li> </ul>
CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively andappropriately (PLOs 5, 6, 9, 11)	<ul style="list-style-type: none"> <li>• Assignment</li> <li>• Final Invigilated Examination</li> </ul>
CLO5 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communicationwith appropriate referencing (PLOs 1, 5, 6)	<ul style="list-style-type: none"> <li>• Assignment</li> <li>• Final Invigilated Examination</li> </ul>
CLO6 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflectiveand respectful manner (PLOs 5, 6, 9, 10)	<ul style="list-style-type: none"> <li>• Class Participation</li> </ul>

# Learning and Teaching Technologies

Moodle - Learning Management System | Blackboard Collaborate

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Class Participation Assessment Format: Individual	10%	Start Date: Not Applicable Due Date: Not Applicable
Assignment Assessment Format: Individual	30%	Start Date: Not Applicable
Final Invigilated Examination Assessment Format: Individual	60%	Start Date: Not Applicable Due Date: Not Applicable

## Assessment Details

### Class Participation

#### Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

#### Course Learning Outcomes

- CL01 : Demonstrate awareness of principles of criminal law and their relationship to the broader context (PLOs 1, 2)
- CL02 : Demonstrate knowledge of the key processes and ethical issues involved in criminalisation by engaging in policyanalysis (PLOs 1, 2, 3, 4, 7, 8)
- CL03 : Navigate and apply the substantive criminal law, both common law and statutory (PLOs 1, 2, 3, 4)
- CL06 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflectiveand respectful manner (PLOs 5, 6, 9, 10)

#### Assignment submission Turnitin type

Not Applicable

### Assignment

#### Assessment Overview

This assessment requires you to complete a take-home written assignment.

#### Course Learning Outcomes

- CL01 : Demonstrate awareness of principles of criminal law and their relationship to the

broader context (PLOs 1, 2)

- CLO2 : Demonstrate knowledge of the key processes and ethical issues involved in criminalisation by engaging in policyanalysis (PLOs 1, 2, 3, 4, 7, 8)
- CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively andappropriately (PLOs 5, 6, 9, 11)
- CLO5 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communicationwith appropriate referencing (PLOs 1, 5, 6)

#### **Assessment Length**

See Moodle.

#### **Submission notes**

See Moodle.

#### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

### **Final Invigilated Examination**

#### **Assessment Overview**

This assessment requires you to complete an invigilated written examination within the University examination period.

#### **Course Learning Outcomes**

- CLO1 : Demonstrate awareness of principles of criminal law and their relationship to the broader context (PLOs 1, 2)
- CLO2 : Demonstrate knowledge of the key processes and ethical issues involved in criminalisation by engaging in policyanalysis (PLOs 1, 2, 3, 4, 7, 8)
- CLO3 : Navigate and apply the substantive criminal law, both common law and statutory (PLOs 1, 2, 3, 4)
- CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively andappropriately (PLOs 5, 6, 9, 11)
- CLO5 : Demonstrate an ability to incorporate a range of legal and interdisciplinary research sources in written communicationwith appropriate referencing (PLOs 1, 5, 6)

#### **Detailed Assessment Description**

Information and instructions will be provided on Moodle during the term.

#### **Assessment Length**

See Moodle.

#### **Submission notes**

Invigilated exam completed on campus using Inspira.

### Assignment submission Turnitin type

This is not a Turnitin assignment

## General Assessment Information

See Moodle for all assessment information and instructions.

### Grading Basis

Standard

## Course Schedule

### Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information**.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

## Course Resources

### Prescribed Resources

David Brown et al, Criminal Laws (The Federation Press, 7th ed, 2020)

### Recommended Resources

Howie and Johnson's Annotated Criminal Legislation New South Wales

## Course Evaluation and Development

See Moodle.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Leah Williams					Yes	Yes

# Other Useful Information

## Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

## Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

## Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.



## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

### School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.