

**COURSE DATA****Data Subject**

Code	35066
Name	Criminal Procedural law I
Cycle	Grade
ECTS Credits	6.0
Academic year	2020 - 2021

Study (s)

Degree	Center	Acad. year	Period
1302 - Degree in Criminology	Faculty of Law	2	Second term
1923 - Double Degree Programme Law-Criminology	Faculty of Law	2	Second term

Subject-matter

Degree	Subject-matter	Character
1302 - Degree in Criminology	8 - Procedural law	Obligatory
1923 - Double Degree Programme Law-Criminology	3 - Year 2 compulsory subjects	Obligatory

Coordination

Name	Department
MARTIN PASTOR, JOSE	45 - Administrative and Procedural Law

SUMMARY

Criminal Procedural Law I is one of the compulsory subjects of the Degree in Criminology of the University of Valencia. It is taught in the second year, second semester, and is the first subject on the procedural science should be the student to graduate in Criminology. The other is Criminal Procedural Law II. With both, it is intended to give a complete view of the criminal process through a preliminary approach to the basic concepts of the discipline.

Through this subject - and the one that follows and is taught the following year - the student of criminology is introduced into the procedural phenomenon, an indispensable instrument for the realization of criminal law. It is a matter of knowledge essential for those who professionally dedicate themselves to criminology as long as subjects whose activity comes, to a greater or lesser extent, related to criminal justice.

The subject of Criminal Procedural Law I comprises two major blocks:



- A first introductory part where the structural trilogy of Procedural Law will be studied - as instrumental concepts of the following section: a) Judicial Branch or jurisdiction; b) Fundamental rights of legal persons, mainly those included in article 24 of the EC; c) Process (general perspective).
- A second specific part about the criminal process. It will analyze: a) The different models of criminal process and the constitutionalization of the essential guarantees; b) The subjects - competent court and parties - and the object; c) The phase of preliminary procedure or stage of instruction with special reference to its informative principles, its content -acts of initiation, investigation, imputation and related to precautionary measures-, its structure and the modes of completion.

PREVIOUS KNOWLEDGE

Relationship to other subjects of the same degree

There are no specified enrollment restrictions with other subjects of the curriculum.

Other requirements

COMPETENCES (RD 1393/2007) // LEARNING OUTCOMES (RD 822/2021)

1302 - Degree in Criminology

- Conocer y saber utilizar el sistema de fuentes del ordenamiento jurídico procesal español.
- Conocer el contenido y los límites de los derechos y libertades constitucionales de naturaleza procesal. E: 12, 22
- Conocer los distintos tribunales del orden penal e identificar sus competencias respectivas. G: 7
E: 12
- Comprender el funcionamiento de los órganos jurisdiccionales penales distinguiendo las distintas fases de un proceso penal y en concreto las que requieran intervención de un criminólogo. G: 1 y
E: 4
- Saber aplicar los conocimientos adquiridos en derecho procesal dentro y fuera de la realidad forense.
E: 4, 11 y 12

LEARNING OUTCOMES (RD 1393/2007) // NO CONTENT (RD 822/2021)

- This subject is oriented so that the student acquires as a result of the learning the following competitions:
- To know and know how to use the system of sources of the Spanish procedural legal system.
 - To know the content and the limits of constitutional rights and liberties of a procedural nature.
 - To Know the different courts of the criminal order and identify their respective competencies.



- To understand the functioning of the criminal courts by distinguishing the different phases of a criminal process and in particular those that require intervention by a criminologist.
- To know how to apply the knowledge acquired in procedural law within and outside the forensic reality.

DESCRIPTION OF CONTENTS

1. Introducción a la asignatura

2. La jurisdicción y sus principios constitucionales. La organización judicial

3. La acción y el derecho a la tutela judicial efectiva

4. El proceso y sus criterios informadores

5. Los distintos modelos de proceso penal y la constitucionalización de las garantías esenciales. Fases del proceso y vigente tipología

6. La competencia penal

7. Las partes acusadoras y la parte acusada

8. El objeto del proceso penal

9. La etapa inicial, el procedimiento preliminar

**WORKLOAD**

ACTIVITY	Hours	% To be attended
Theoretical and practical classes	60,00	100
Attendance at events and external activities	30,00	0
TOTAL	90,00	

TEACHING METHODOLOGY**English version is not available****EVALUATION**

The overall evaluation of the signature will be obtained as a result of a combination of the assessment obtained in the evaluation test of theoretical-practical knowledge together with that obtained in the different continuous evaluation activities carried out.

Specifically, the overall assessment of the subject will consist of:

- Up to 30%, in the score obtained by the activities subject to continuous evaluation.
- Up to 70%, in the score obtained in the evaluation test of theoretical-practical knowledge.
- The score obtained in the continuous evaluation will only be added to the score obtained in the evaluation test of theoretical-practical knowledge, if at least 50% of the established maximum score is reached in the latter.

Continuous evaluation activities and their evaluation:

- The continuous evaluation will evaluate the realization of the activities in relation to the matter of the subject, which will be programmed and evaluated in the annexes to the teaching guide.
- In accordance with the Protocol for the Degrees of the Faculty of Law of the University of Valencia, at least three consistent assessable activities, among others, are recommended in the resolution of practical cases, in the answers to questionnaires, in the preparation of diagrams or summaries of certain contents of the matter of the subject, and in the realization of exhibitions.
- The teacher or professor of groups that participate in interdisciplinary workshops or complementary activities programmed must state in the annex the teaching guide of the affected groups if the participation in those workshops or activities will be evaluated as a continuous evaluation activity.
- In the annex to the group's teaching guide, it will be required if the continuous evaluation activities are recoverable or not, depending on the characteristics and nature of the activities in question.



The evaluation of theoretical-practical knowledge will be carried out through:

- A final test, which will deal with all the evaluable contents.
- In the annex to the teaching guide it will be specified if the mentioned test will be made orally.

REFERENCES

Basic

- Referencia b1: ARMENTA DEU, T., Lecciones de Derecho Procesal Penal, Madrid, Marcial Pons. Última edición.
- Referencia b2: ASECIO MELLADO, J. M., Derecho Procesal Penal, Valencia, Tirant lo Blanch. Última edición.
- Referencia b3: DE LA OLIVA SANTOS, A.-ARAGONESES MARTÍNEZ, S.-HINOJOSA SEGOVIA, R.-MURZA ESPARZA, J.-TOMÉ GARCÍA, J.A., Derecho Procesal Penal, Madrid, Centro de Estudios Ramón Areces. Última edición.
- Referencia b4: GIMENO SENDRA, V., Manual de Derecho Procesal Penal, Madrid, Colex. Última edición.
- Referencia b5: MONTERO AROCA, J., GÓMEZ COLOMER, J.L., MONTÓN REDONDO, A., Derecho Jurisdiccional III, Proceso Penal, Valencia, Tirant lo Blanch. Última edición.
- Referencia b6: MORENO CATENA, V.-CORTÉS DOMINGUEZ, V., Derecho Procesal Penal, Valencia, Tirant lo Blanch. Última edición.
- Referencia b7: NIEVA FENOLL, J., Derecho Procesal III. Proceso Penal, Madrid, Marcial Pons. Última edición.
- Referencia b8: RAMOS MÉNDEZ, F., Enjuiciamiento Penal. Décima Lectura Constitucional, Barcelona, Atelier. Última edición.

Additional

- Referencia c1: ARNAIZ SERRANO, A.-LÓPEZ JIMÉNEZ, R.-LOREDO COLUNGA, M., Esquemas de Derecho Procesal Penal (MORENO CATENA, V., director; ARNAIZ SERRANO, A., coordinadora), Valencia, Editorial Tirant lo Blanch. Última edición.
- Referencia c2: Ley Orgánica del Poder Judicial. Actualizada.
- Referencia c3: Ley de Enjuiciamiento Criminal y leyes procesales penales complementarias. Actualizada.
- Referencia c4: Bases de datos: las que son accesibles en bases de datos DERECHO de la Biblioteca de Ciencias Sociales Gregori Mayans, a las que las y los estudiantes de la Universitat de València pueden acceder libremente.
- Referencia c5: Webs útiles:
http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_civil_matters/index_es.htm
http://ec.europa.eu/civiljustice/index_es.htm
<http://www.prontuario.org/>
http://www.poderjudicial.es/cgpj/es/Poder_Judicial
- Referencia c6: Normas:
Diario oficial de la Unión Europea: <http://eur-lex.europa.eu>
BOE: <http://www.boe.es>



Referencia c7: Jurisprudencia:

Tribunal Constitucional: <http://hj.tribunalconstitucional.es/>

Tribunal de Justicia de la Unión Europea: http://curia.europa.eu/jcms/jcms/j_6/pagina-principal

Tribunal Supremo y otros tribunales españoles (Cendoj): <http://www.poderjudicial.es/search/index.jsp>

Tribunal Europeo de Derechos Humanos
<http://www.derechoshumanos.net/tribunales/TribunalEuropeoDerechosHumanos-TEDH.htm>

ADDENDUM COVID-19

This addendum will only be activated if the health situation requires so and with the prior agreement of the Governing Council

NO PRESENTIAL MODEL

1. Contents

The contents initially included in the teaching guide are maintained.

2. Workload and time schedule

There are no changes in the volume of work for the subject.

The weight of the different activities that add the hours of dedication in ECTS credits marked in the original teaching guide is maintained.

This subject will be adapted to the HYBRID TEACHING MODEL established by the Faculty of Law, for which face-to-face theoretical and practical classes will be given in discontinuous weeks for students. To do this, the group will be divided into as many subgroups as necessary to comply with the recommendations and guidelines regarding capacity and interpersonal distance established at any given time.

The established subgroups will receive face-to-face teaching sequenced in alternating weeks (even or odd) or with other frequency, when it is necessary to divide the groups into three or more subgroups. This face-to-face teaching will be combined with non-face-to-face teaching.

This hybrid teaching model requires the full presence of teachers, who will teach in the classroom, at the time established for the subject, each week.



For students, in the week/s of non-attendance, the teaching will be synchronous, being able to carry out the follow-up of the students through VIDEOCONFERENCE by means of the devices that the classroom has (cameras and/or microphones) or making use of the portable devices available to teachers. If I could not broadcast the class synchronously by videoconference, I could record it and upload the link to Virtual Classroom, so that the group of students who do not have to attend the classroom can see it remotely at any time the week.

Following the instructions of the Resolution of the Rector, of 28 January 2021, according to which the non-contact teaching will be carried out primarily in this modality of synchronous non-face-to-face teaching given in the schedule set for the subject and the group. This modality encourages direct interaction with students.

The planning of the teaching will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

3. Teaching Methodology

The teaching methodology will consist of theoretical-practical classes, which can be complemented with different types of materials and activities in the Virtual Classroom, and which will be specified at the beginning of the course in the schedule of the Annex to the Teaching Guide.

The tutorials will be done online (through the tools provided in the Virtual Classroom or by institutional mail). The model for the tutorials will be specified at the beginning of the course in the Annex to the Teaching Guide.

4. Evaluation

The evaluation criteria established in the teaching guide are maintained.

However, based on the recommendation to increase the weight of continuous assessment, the following restriction provided by the teaching guide is suspended: "The score obtained in the continuous assessment will only be added to the score obtained in the theoretical-practical knowledge assessment test, if at least 50% of the maximum established score is achieved in the latter". Consequently, the score obtained by continuous evaluation will be added to any score obtained in the completion of the final test.

The grade for continuous assessment is not modified (30%), because with the elimination of the aforementioned restriction, the incidence of the score obtained by it in the final grade increases significantly.

The continuous assessment activities and the final test will have to be specified by each teacher in the Annex to the Teaching Guide.



If the University facilities were closed on the dates set in the official calendar for the final exam, the face-to-face exam will be replaced by an online test.

5. Bibliographic references

The recommended bibliography is kept as it is accessible.

The main recommended manuals in all groups of the subject are available as e-books in the Social Sciences Library, so it is not necessary to replace them with other materials.

In any case, the teaching staff in charge of the different groups will specify in the Annex to the Teaching Guide and inform in writing in the Virtual Classroom that the manual they use is available as an e-book.

HYBRID TEACHING MODEL

1. Contents

The contents initially included in the teaching guide are maintained.

2. Workload and time schedule

There are no changes in the volume of work for the subject.

The weight of the different activities that add the hours of dedication in ECTS credits marked in the original teaching guide is maintained.

This subject will be adapted to the HYBRID TEACHING MODEL established by the Faculty of Law, for which face-to-face theoretical and practical classes will be given in discontinuous weeks for students. To do this, the group will be divided into as many subgroups as necessary to comply with the recommendations and guidelines regarding capacity and interpersonal distance established at any given time.

The established subgroups will receive face-to-face teaching sequenced in alternating weeks (even or odd) or with other frequency, when it is necessary to divide the groups into three or more subgroups. This face-to-face teaching will be combined with non-face-to-face teaching.



This hybrid teaching model requires the full presence of teachers, who will teach in the classroom, at the time established for the subject, each week.

For students, in the week/s of non-attendance, the teaching will be synchronous, being able to carry out the follow-up of the students through VIDEOCONFERENCE by means of the devices that the classroom has (cameras and / or microphones) or making use of the portable devices available to teachers. If I could not broadcast the class synchronously by videoconference, I could record it and upload the link to Virtual Classroom, so that the group of students who do not have to attend the classroom can see it remotely at any time the week.

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