

# Teaching guide

## IDENTIFICATION DETAILS

Degree:	Criminology		
Scope	Law and legal specialties		
Faculty/School:	Law, Business and Government		
Course:	CRIMES AGAINST PUBLIC HEALTH		
Type:	Optional	ECTS credits:	3
Year:	4	Code:	6154
Teaching period:	Eighth semester		
Subject:	Criminal Phenomenology		
Module:	Criminology		
Teaching type:	Classroom-based		
Language:	Spanish		
Total number of student study hours:	75		

## SUBJECT DESCRIPTION

The subject Crimes against Public Health corresponds to the Criminology module and to the subject Criminal Phenomenology. It is taught during the second semester of the fourth year.

The criminal regulation of crimes against public health responds to Article 43 of the EC, which recognizes the right to health protection. Public health is a criminal interest of the highest order, subject to continuous technical developments and regulatory changes that require, in turn, the adaptation of criminal regulations.

The reform of the Criminal Code, carried out through Organic Law 1/2015, has affected, among many other matters, those related to public health, accompanied by the changes made to the same text with the previous reform of 2010. This course will analyze the different crimes that involve an attack or violation of the legal good or

public health in the light of the latest reforms, taking into account the role of criminal law in the face of continuous scientific advances and the capacity to reduce risks that this branch of the legal system has in these dynamic and constantly evolving sectors.

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Among crimes against public health, the one with the highest incidence in society and in criminal justice is the crime of drug trafficking.

This course will address these crimes from several perspectives: criminological, political-criminal and legal-criminal.

## GOAL

To analyze quantitatively and qualitatively the phenomenon of consumption and abuse of toxic, psychotropic and narcotic drugs.

Reflect on the different political-criminal models that exist for the protection of public health.

Know the different crimes against public health defined in the Criminal Code, as a response to the need to satisfy the constitutional right to health protection (Article 43 EC).

To know the case law relating to these crimes, as well as to analyze the current legislation in this regard.

Learn how the criminal system and the prison system address the problem of drug addicted offenders.

## PRIOR KNOWLEDGE

Knowledge of the Constitution, Criminal Law General Part and Criminal Law Special Part  
Foundations of Criminology and Criminal Policy

## COURSE SYLLABUS

TOPIC I. Phenomenology of drugs in Spain: quantitative and qualitative analysis.

THEME II. Drugs and crime. 1. Types of drug-related crime. 2. Drug addiction and related concepts. III. Criminal liability of the addict. 1. Incidence of drug use on the subject's intellectual and/or volitional capacity. 2. Legal regulation of the incidence of drug use in criminal liability.

TOPIC III. Criminal policy on drug use and abuse.

THEME IV. Control of supply: criminal prosecution of crimes against public health: 1. Introduction and general issues. 2. Legal good and the legal-criminal concept of drugs. 3. The basic type of art. 368 CP. Typical behaviors. Detailed study of the case law on atypical behavior. 4. Penalty. 5. The attenuated type of art. 368 II CP. 6. Aggravated modalities of articles 369 and 370 CP.

TOPIC V. Demand control: Alternatives to imprisonment for drug addicts and prison and extra-penitentiary treatment of addictions.

## **EDUCATION ACTIVITIES**

The Bologna Process led to the creation of the European Higher Education Area (EHEA), one of whose most relevant aspects has been the transition from the old traditional teaching scheme to the new learning model where the student's autonomous work takes on greater importance. Therefore, the methodology implemented at the UFV is carried out through the Flipped Classroom (FC) system, a pedagogical model that transfers the work of certain learning processes outside the classroom and uses class time, together with the teacher's experience, to facilitate and enhance other processes of acquiring and practicing knowledge within the classroom. From this model, the training activities will be as follows:

The methodology to be followed in this subject will be, to a lesser extent, a master class on the basic framework of the subjects and, above all, personal work by the students reading various materials, as well as doctrinal, jurisprudential, criminological and political-criminal studies, commentaries on texts or news, for presentations and debates in the classroom.

Training activities, as well as the distribution of working hours, can be modified and adapted according to the different scenarios established following the instructions of the health authorities.

## DISTRIBUTION OF WORK TIME

TEACHER-LED TRAINING ACTIVITIES	INDIVIDUAL WORK
30 Horas	45 Horas

## SKILLS

### Basic Skills

Students must have demonstrated knowledge and understanding in an area of study that is founded on general secondary education. Moreover, the area of study is typically at a level that includes certain aspects implying knowledge at the forefront of its field of study, albeit supported by advanced textbooks

Students must be able to apply their knowledge to their work or vocation in a professional manner and possess skills that can typically be demonstrated by coming up with and sustaining arguments and solving problems within their field of study.

Students must have the ability to gather and interpret relevant data (usually within their field of study) in order to make judgments that include reflections on pertinent social, scientific or ethical issues

Students must be able to convey information, ideas, problems and solutions to both an expert and non-expert audience

Students must have developed the learning skills needed to undertake further study with a high degree of independence

To analyze crime, the victim and the social and legal response to the phenomenon of crime from the standpoint of the various local, national and international contexts.

### General Skills

To analyze crime, the victim and the social and legal response to the phenomenon of crime from the standpoint of the various local, national and international contexts.

### Specific skills

Analyze and evaluate the real impact and effects of criminal intervention and its social cost

Use and interpret social indicators and social measurement tools, combining different research designs, data

collection, elaboration and testing of hypotheses and interpretation of results

## LEARNING RESULTS

Learn about the different types of penalties in Title XVII, Chapter III of the Criminal Code

Learn to interpret and apply the knowledge acquired in the General Part of Criminal Law and the knowledge of the Special Part of Criminal Law

Manage legal, jurisprudential and doctrinal sources to argue and solve cases

Value the social significance of criminal justice

## LEARNING APPRAISAL SYSTEM

The work that students do throughout the course and the final exam of the subject will be evaluated. It is mandatory to attend 80% of classes and to carry out all the activities that the teacher indicates as mandatory, except for explicitly justified and admitted cause.

ORDINARY CALL:

PARTICIPATORY CLASS ATTENDANCE: 10% of the grade of the subject. Attendance, completion of the cases and comments indicated, both in the classroom and outside the classroom, as well as the interest and effort observed, will be valued.

GROUP WORK: 25% of the grade of the subject. Students, in groups previously formed by the teacher, must complete, deliver and present the proposed works in class.

FINAL EXAM: test with a value of 65% of the grade of the subject. The exam will consist of several questions formulated in a sufficiently clear way, which the student must answer in a graded space, designated for this purpose.

SECOND CALL, EXTRAORDINARY CALL AND STUDENTS WITH EXEMPTION FROM ATTENDANCE:

Students who are in this situation must submit the papers and practical cases indicated by the teacher if they have not submitted them during the course or if they have not passed them (25% of the grade of the subject). The exam will be written and in the same format as the final exam (75% of the subject grade).

Important warnings:

- Plagiarism in case studies and in works involves direct suspension in the practical part of the subject, with the lowest possible score (0).
- The available honor plates will be awarded in strict order of numerical grade to those students who have a grade equal to or greater than 9 in the theoretical part of the subject, provided that:
  - a) Have successfully attended at least 90% of the classes
  - b) Have made all the submissions required by the teacher, without exception

If there are not enough enrollments and a tie occurs, the candidates will be called to a test additional to decide on the final grade.

#### REMINDER OF THE REGULATIONS FOR THE EVALUATION OF UNDERGRADUATE STUDENTS AND THEIR OWN COMPLEMENTARY DEGREES.

In the PRELIMINARY TITLE: OBJECT AND SCOPE OF APPLICATION of the aforementioned Regulations and in accordance with it, students are reminded of Article 13, which contemplates the consequences that arise in cases of PLAGIARISM AND COPYING OF PAPERS OR EXAMS.

Article 13. Authenticity and honesty 1. Students, in any evaluation test, are required to observe the elementary rules regarding the authenticity of the exercise and its privacy. When a student has or makes use of illegitimate means in holding an exam, commits plagiarism, or is unduly attributed the authorship of academic works required for the evaluation, he will be scored with a numerical score of zero, nullifying any right recognized by these rules, and may also be subject to sanction, after opening a disciplinary file. 2. The teacher must warn students of the academic and disciplinary consequences that may result from any act that contravenes the mentioned rules, especially before carrying out the evaluation tests. It is the teacher's obligation to provide the means to prevent fraud among students. 3. The teacher who detects any type of fraud must notify the director of the degree or faculty who will act according to the procedure established in the Coexistence Regulations.

WARNING FOR HEALTH REASONS: ALTERNATIVE EVALUATION SYSTEM IN CASE OF EXCLUSIVELY REMOTE TEACHING: EXAM: ALWAYS AND IN ANY CASE IT WILL BE FACE-TO-FACE: 70% REMOTE ORAL EXPOSURE: 20% PARTICIPATION AND INTEREST IN REMOTE CLASSES: 10% The exams will be carried out in person as long as the health situation allows it, and may be modified in order to comply with the instructions given by the health authorities. All tests susceptible to evaluation will be subject to the provisions of the UFV Evaluation Regulations.

## ETHICAL AND RESPONSIBLE USE OF ARTIFICIAL INTELLIGENCE

1.- The use of any Artificial Intelligence (AI) system or service shall be determined by the lecturer, and may only be used in the manner and under the conditions indicated by them. In all cases, its use must comply with the following principles:

- a) The use of AI systems or services must be accompanied by critical reflection on the part of the student regarding their impact and/or limitations in the development of the assigned task or project.
- b) The selection of AI systems or services must be justified, explaining their advantages over other tools or methods of obtaining information. The chosen model and the version of AI used must be described in as much detail as possible.
- c) The student must appropriately cite the use of AI systems or services, specifying the parts of the work where they were used and describing the creative process followed. The use of citation formats and usage examples may be consulted on the Library website([https://www.ufv.es/gestion-de-la-informacion\\_biblioteca/](https://www.ufv.es/gestion-de-la-informacion_biblioteca/)).
- d) The results obtained through AI systems or services must always be verified. As the author, the student is

responsible for their work and for the legitimacy of the sources used.

2.- In all cases, the use of AI systems or services must always respect the principles of responsible and ethical use upheld by the university, as outlined in the [Guide for the Responsible Use of Artificial Intelligence in Studies at UFV](#). Additionally, the lecturer may request other types of individual commitments from the student when deemed necessary.

3.- Without prejudice to the above, in cases of doubt regarding the ethical and responsible use of any AI system or service, the lecturer may require an oral presentation of any assignment or partial submission. This oral evaluation shall take precedence over any other form of assessment outlined in the Teaching Guide. In this oral defense, the student must demonstrate knowledge of the subject, justify their decisions, and explain the development of their work.

## **BIBLIOGRAPHY AND OTHER RESOURCES**

### **Basic**

MAPELLI CAFFARENA B. AND BASILICO R. CRIMES AGAINST PUBLIC HEALTH B OF F

F. MONTERO LARUBIA CRIMES AGAINST PUBLIC HEALTH BOSCH