# Module 2 Knowledge Check Answers

# Circuit Court – President Ryan’s Questions & Answer

**1.True or False - the Circuit Court can deal with murder trials?**

**False.** Murder trials are only dealt with in the High Court (also known as the Central Criminal Court). The Circuit Court does hear manslaughter trials though.

**2.What is the maximum amount of money the Circuit Court can award in damages in a defamation case (unless both parties agree to a larger amount)?**

A. €15,000

B. €60,000

**C. €75,000**

D. €3,000,000

Answer - C - €75,000. (€15,000 is the limit for the District Court, €60,000 is the limit for the Circuit Court for personal injuries cases, and €3 million is the maximum value of assets for family law cases).

**3. How many Circuit Court judges are assigned to sit in Cork?**

A. 38

B. 10

**C. 3**

D. 2

Answer - 3

**4. True or false - if you are on trial for a crime in the Circuit Court, the jurors will all come from the same county?**

Answer: True (Did you know, the Court randomly selects people for jury duty using the list of people entitled to vote in elections?)

# View from Bench – Ms. Justice Gearty Questions & Answers

1. A key feature of the Irish justice system is that it is administered in public **(True)**
2. Not all cases can be reported by the media **(False – most cases can be reported by the media even those where the public are not permitted to attend)**
3. Cases involving children and family law are held in public **(False – these are held in private but reporters can attend)**
4. The judge’s role is to argue the case for one side **(False – the judge’s role is to listen carefully, apply the law and make a decision)**
5. Standing up in public and making an argument is one of the aspects of life as a barrister **(True)**
6. All judges come from the Bar **(False – some are solicitors)**
7. What are the three characteristics that Judge Gearty mentions in the video that she found helpful in her career? Choose only three
   * **Laughing**
   * **Reading**
   * **Performance**

# Life as a member of the Garda Síochána

1. **What unit does Detective Superintendent McCormack work in?**

A. The Criminal Assets Bureau

**B. The National Drugs and Organised Crime Bureau**

C. The Roads Policing Unit

D. The National Economic Crime Bureau

Answer: B. The National Drugs and Organised Crime Bureau.

1. **What makes An Garda Síochána unique compared to other police forces abroad?**

A. An Garda Síochána deals with road traffic accidents.

B. Gardaí present cases in court.

C. Gardaí treat information given to them confidentially.

**D. An Garda Síochána is responsible for the security of the State as well as policing.**

Answer: D. An Garda Síochána is a police *and security* service. In the UK for example, State security is handled by a separate agency - MI5. This work includes things like counter-espionage.

1. **Which of the following is *not* a task performed by An Garda Síochána?**

A. Responding to fatal accidents.

B. Providing protection in court rooms to judges and prisoners.

**C. Representing people who want to bring civil cases in Court.**

D. Investigating fraud and organised crime.

Answer: C. Garda present criminal cases in the District Court but if you want to bring a civil case, you have to hire a lawyer.

1. **Se McCormack is a detective superintendent. What is the rank between sergeant and superintendent?**

**A. Inspector**

B. Reserve Garda

C. Commissioner

D. Chief Superintendent

Answer: A. Inspector

1. **True or False - after 34 weeks training, new recruits are awarded a bachelor of arts degree in applied policing?**

Answer: False. Garda recruits do 34 weeks residential training at the Garda College but the total training programme lasts 104 weeks before they are fully qualified and attested (they take an oath) as Gardaí.

# The DPP – Questions & Answers

**1. What are the biggest changes that have happened in the Office of the DPP since it started.** The office has evolved a huge amount since it began in 1974. At the start, there was just a solicitor section and a directing section. Now the office ha a financial unit, a victim unity, an international unit, and later this year, we will see the establishment of a sexual assault unit.

**2. Is everyone who works in the Office of the Director of Public Prosecutions a lawyer?**

**A: No**.. We have a large group of administration staff and a big IT unit**.** The IT unit particularly has grown a great deal over recent years. This is particularly true with Covid – as in order to allow more staff to work remotely, the IT unit was required to expand the encryption and update security in the organisation.

**3. Does ODPP prosecute all criminal cases across the country?**

**A:** No. Under the Garda Siochána Act 2008, some prosecution functions are delegated to AGS which gives them the authority, on behalf of the Director to prosecute minor offences, such as public order offences, s3 drug possession offences.

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| --- | --- | --- |
|  | Prosecution of offences by members of Garda Síochána. | **8**.— (1) No member of the Garda Síochána in the course of his or her official duties may institute a prosecution except as provided under this section. |
|  |  | (2) Subject to *subsection (3)*, any member of the Garda Síochána may institute and conduct prosecutions in a court of summary jurisdiction, but only in the name of the Director of Public Prosecutions. |
|  |  | (3) In deciding whether to institute and in instituting or conducting a prosecution, a member of the Garda Síochána shall comply with any applicable direction (whether of a general or specific nature) given by the Director of Public Prosecutions under *subsection (4)*. |
|  |  | (4) The Director of Public Prosecutions may give, vary or rescind directions concerning the institution and conduct of prosecutions by members of the Garda Síochána. |
|  |  | (5) Directions under *subsection (4)* may be of a general or specific nature and may, among other things, prohibit members of the Garda Síochána from— |
|  |  | (*a*) instituting or conducting prosecutions of specified types of offences or in specified circumstances, or |
|  |  | (*b*) conducting prosecutions beyond a specified stage of the proceedings. |
|  |  | (6) If a prosecution is instituted or conducted by a member of the Garda Síochána in the name of the Director of Public Prosecutions— |
|  |  | (*a*) the member is presumed, unless the contrary is proved, to have complied with this section and any applicable direction given by the Director under this section, and |
|  |  | (*b*) nothing done by the member in instituting or conducting the prosecution is invalid by reason only of the member’s failure to comply with this section or that direction. |

Also – State Solicitors – across the country and panel of Barristers.

**4. How is the decision made about what someone gets charged with or whether they should get charged?**

**A:** A file is submitted by AGS (An Garda Siochána) and it is reviewed. The facts and evidence is reviewed to decide if there is enough evidence for what is called a prima facia ("sufficient to establish a fact or raise a presumption unless disproved or rebutted). This is not as high as what is needed to prove the case when it goes to court, which is beyond a reasonable doubt.

After the evidence is considered, the Directing officer will then consider what is the appropriate charge. Sometimes this means that charges will be added, and some of the charges will be withdrawn.

**5. What do the other sections in the ODPP do? There several other sections in the office and that has been changing as the world evolves. For example,**

* **International section -** deals with extradition requests and warrants. This section has been had to do a lot of changes to get ready for the effects of Brexit. This section also deals with mutual assistance requests from other countries
* **Victims Unit –** now deals with victims of crime and answering queries from victims in cases where charges are not filed.
* **Financial Crimes unit –** came into effect in response to the financial crash and now also deals with complex money laundering types of cases.

1. **Is it solicitors or barristers who do the legal work in the Office of the DPP?**

**A:** When the office was initially established, it was primarily Barristers as they were the ones who made the directing decisions when that job was previously done under the Attorney General’s office. For many years after that, it was only solicitors who were hired, but in recent years that has changed as well. In the last competition for new solicitors, ½ of the applicants were barristers.

1. **Do solicitors get to go to court and do cases in the office of the DPP?**

**A:** Yes, solicitors do any criminal hearings that take place in the district courts. These include the more minor types of offences, in that the maximum possible sentence for conviction is 12 months. These includes things like theft, road traffic, some sexual offences and drug offences where the value of the drugs is below a certain level.

Where the offence is a more serious offence, what we call an indictable offence, the solicitor will still attend court but will instruct a Barrister – who presents the case on behalf of the ODPP – this happens in the Circuit, Central and Special Criminal court that apply, such as you cannot identify a person who is under 18 and charged with a crime. A person above the age of 12 can be charged with a crime, but anyone under the age of 14 cannot be charged without the consent of the Director of Public Prosecutions

1. **What kinds of crimes do you see people under the age of 18 charge with?**

A: The majority is things like theft, criminal damage or more minor crimes, however, we do see very young people charged with more serious crimes. In recent years, this includes sexual offences, and murder. Surprisingly a lot of young people are finding themselves charges with money laundering because of a situation where they are asked to deposit money into their bank and then take it out and give cash to a specified person. As part of the deal, might get a few hundred dollars.

1. **Is it true that you can be charged with a crime if you take a photo or video of sexual activity of yourself without clothes and send it to someone?**

A: Very true. It depends on age and content of photo, but for example, if a person under the age of 18 gets someone to take naked photos of themselves or video and send it to your boyfriend, you are possibly opening yourself up to problems with offences such as possession of child pornography, distribution of child pornography, child exploitation.

# Life as a criminal barrister Questions & Answers

1. Barristers must only act for the prosecution or the defence in their practice.

True

**False**

1. What is one advantage of an independent referral bar?

A defendant has no choice regarding the barrister representing them.

**A defendant can choose any barrister that they want to represent them.**

No advantages

1. What is the “burden of proof” in criminal case.

Balance of probabilities

**Beyond a reasonable doubt**

1. If a client tells a barrister that they are guilty of committing an act, a barrister can poitively defend them and tell the court they did not commit the act?

True

**False**

1. Barristers must wear a wig in court.

True

**False**

# Life as a Prison Warden

1. When was Mountjoy Prison opened:

(a) 1840

**(b) 1850**

(c) 1860

(d) 1870

1. How many women formed the subject of the brief research:

(a) 27.

(b) **37**.

(c) 47

(d) 57

1. What does John say drugs contribute to in Ireland?

(a) Contribute to the finances of the country

b) **Contribute to the growth in crime and formation of the gang culture**

(c) Helped develop the health service e

(d) Nothing

1. What number of prisoners was Mountjoy designed to hold in single occupancy cells when it was built:

(a) 300.

(b) 350

(c) 400.

**(d) 450**

1. What should you always do when you hear an account by someone of something:
2. Accept it without question.
3. Accept a part of it

**(c) Hear the other side**

(d) Ignore it completely

1. What is the duty of a barrister / solicitor as an officer of the court:
2. Get the client off.
3. Represent the client above all else.

**(c) Represent the client while acting ethically before the court**

(d) Win the case regardless

1. Who is the most powerful person in a Florida, (USA) court?

(a) Defendant.

(b) Judge.

**(c) District Attorney.**

(d) Clerk of the Court.

1. What is every person charged with a criminal offence entitled to before a court.

(a) to be found not guilty

**(b) a defence.**

(c) nothing.

(d) a lot of luck

Rory Staines – defence solicitor

1. How many different district courts are there in the CCJ?

6

1. Rory deals with what kinds of applications in an average day?

All three

1. Rory says that there is one main disadvantage about video conferencing compared to meeting in person in that it is more \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Impersonal

1. When Rory phones someone who is in prison, how long can that phone call last?

Six Minutes

1. Someone being questioned by the gardai have always been entitled to have a solicitor present.

False. Only for the last five years approx.