**Lesson Plan**

Lesson 2.3.3 (Requesting Procedural Powers)

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| Lesson 2.3.3 (Requesting Procedural Powers) | | Duration: 120 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Projector and display screen. * Internet access (if available). * Student notepaper and pens. | | |
| **Session Aim:**  The purpose of this lesson is to provide delegates with guidelines on applying for investigative or procedural powers corresponding to the Budapest Convention. This lesson will also provide information on what judicial officers or other competent authorities should expect from law enforcement or prosecutors applying for procedural powers. | | |
| **Objectives:**  By the end of the lesson the delegates will be able to:   * Understand ways in which different legal systems enable applying for procedural powers * Recognize particular considerations relating to requesting procedural or investigative measures relating to electronic evidence * Understand some of the considerations and safeguards that should be kept in mind when requesting procedural powers | | |
| **Trainer Guidance**  Many jurisdictions require law enforcement officers, prosecutors or other persons concerned with conducting investigations into criminal offences to request a judicial or other competent authority seeking authorisation to exercise procedural powers. The trainer is required to explain that some jurisdictions require written applications whereas others require verbal requests seeking authorisation to undertake procedural or investigative measures. The trainer should also ensure that this lesson be delivered keeping in mind conditions and safeguards relating to Article 15 of the Budapest Convention. | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 3 | The first slides lay out the structure and objectives of this session. Delegates will be given an opportunity to ask any preliminary questions that they may have regarding the structure and objectives of the session. | |
| 4 to 8 | These slides provide a recap of certain key aspects of the Budapest Convention that are relevant to the lesson. They include a list of the various procedural powers under the Budapest Convention. The trainer should also use these slides to refresh key concepts under Article 15 of the Budapest Convention. The trainer should also distinguish between the processes for seeking authorization to exercise procedural powers in different legal systems. This part also provides a brief introduction to Part 2, 3 & 4 of the session – the “what”, “how” and “why” of requests for exercise of procedural powers. | |
| 9 to 22 | These slides relate to the “what” of requests for exercise of procedural powers. They cover both the aspect of subject data and subject persons in relation to a request for exercise of procedural power. The slides refer to the investigation exercise case study to provide examples of how subject persons and subject data are identified. | |
| 23 to 49 | These slides relate to the “how” of requests for exercise of procedural powers. They explain how procedural powers are meant to be applied. In doing so, they cover both technical aspects of how procedural powers are to be applied (i.e. which procedural powers will be exercised in relation to different investigations, and what technical measures will be taken to exercise such powers), as well as protective aspects of how procedural powers are to be applied (i.e. conditions and safeguards at the request stage, at execution stage and post-execution stage). The slides refer back to the investigation exercise case study to provide examples of technical and protective measures. | |
| 50 to 61 | These slides relate to the “why” of requests for exercise of procedural powers. This part of the session is focussed on explaining the grounds for exercise of procedural powers. The slides refer to the investigation exercise case study to provide examples of grounds that may be stated and further elaborated in a request. | |
| 62 to 64 | The trainer should recap the session objectives with the delegates and give them the opportunity to ask any questions relating to the materials covered in this lesson. | |
| **Practical Exercises**  No practical exercises are envisaged in this lesson. | | |
| **Assessment/Knowledge Check**  No formal assessment has been prepared for this session. The trainer is encouraged to check knowledge and understanding by asking relevant questions throughout the session. | | |