Course Description

Examines the laws governing proof of facts involving evidence presentation in trials and common law. Students study practical application of the rules of criminal procedure in respect to evidence, burden of proof, presumptions, judicial notice, and basic functions of courts as the third facet of the criminal justice system.

Course Textbook


Course Learning Objectives

Upon completion of this course, students should be able to:

1. Evaluate the role of the various components of the criminal justice system, and examine all the steps in the pretrial court process that can lead to the termination of a case into a trial, guilty plea, or dismissal.
2. Evaluate the role of the jury, judge, prosecution and defense attorney, and witness and analyze the sequence of events in a typical criminal trial.
3. Evaluate evidence in terms of it being relevant, material, competent, contradictory, and collaborative and analyze how judicial notice and presumptions can act as substitutes for evidence.
4. Assess the competency of children, mentally unstable people, judges, and jurors as witnesses, and evaluate how various relationships fulfill the requirements of the principles of privileged communications.
5. Distinguish the essential characteristics of a lay witness and an expert witness and describe the process for using a witness's recorded recollection as evidence.
6. Assess the exemptions and the exceptions to the rule of hearsay.
7. Distinguish between admissions and confessions and evaluate the requirements of and exceptions to the Miranda warnings.
8. Explain the exceptions to the law of exclusion and identify the conditions when a search and seizure can be considered reasonable.
9. Relate the types of identification procedures with the right to counsel and Due Process clauses, and evaluate the reliability of the identification procedures with specific reference to the five factors set forth in the Biggers case.
10. Compare and contrast direct evidence and circumstantial evidence and analyze the circumstances under which prior bad acts, the character of the defendant, and the character of the witness is admissible as evidence.
11. Evaluate the conditions when secondary evidence may be introduced instead of primary evidence and explain the types of evidence that may be requested by the prosecution and defendant before and during the trial.
12. Distinguish among the various photographic and recorded evidence with reference to its admissibility in court, and evaluate the three rules for their admissibility.
13. Evaluate how physical objects can be authenticated, introduced, and identified as evidence, and assess the process of producing physical evidence in court with specific reference to its collection, marking, storage, preparation for use, and delivery.

Credits

Upon completion of this course, the students will earn three (3) hours of college credit.

Course Structure

1. The *Unit Summary* highlights, summarizes, and alerts students to areas of importance within selected readings.
2. The *Unit Learning Objectives* will help students identify how learning will be demonstrated, supported, and evaluated.
3. **Key Terms** are provided to direct attention to important subject content.
4. The **Required and Supplemental Reading Assignments** may include textbook readings, supplemental books, professional journals, and Internet sites.
5. Information and specifications regarding **Discussion Board** questions are provided in the Course Policies section.
6. Students are required to take **Unit Assessments** at the completion of each unit. These questions reflect all of the material covered in each unit.

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**Unit Assignments**

**Research Paper Topic**

You will submit for approval a research topic along with a brief statement of the focus of your Research Paper, some possible sources that may be referenced, and how your topic relates to the information in the course. Your professor will then approve/disapprove the topic and provide some guidance as to where to look for information and points that should be covered in your paper. Refer to the course syllabus for a more detailed description of what is required.

Submit your Research Paper Topic using the link in Unit III.

**Research Paper Outline**

You will submit an outline for your Research Paper. Again, your professor will provide feedback on your outline. Refer to the course syllabus for a more detailed description of what is required.

Submit your Research Paper Outline using the link in Unit V.

**Procedure Activity**

You will create a procedure for collecting and preparing evidence for admissibility in court. While a policy describes a principle or rule to guide decisions that should result in some desired outcome (describes what and why), a procedure outlines the steps to achieve the desired outcome (describes what, how, where, and when).

There are two activities offered. Select the one that you find the most interesting. At the bottom of each activity is a checklist that will be used to evaluate your submission.

**Activity A: Procedure for Maintaining the Chain of Custody for Physical Evidence**

Activity A relates to Chapter 13, which offers detailed information on what needs to be done so that physical evidence collected at a crime scene will be admissible in court. In court, the collecting officer must be able to identify the evidence and verify that it is in the same, or substantially the same, condition as when it was collected. This can only be accomplished if the proper chain of custody is maintained.

Using the outline provided, you will create a procedure for maintaining the chain of custody for physical evidence for the presentation in a criminal case. If you wish, the procedure may describe how to handle a specific type of physical evidence such as a blood sample, a shell casing, a weapon, etc.

**Instructions:**

Use the outline below to create a procedure for handling physical evidence for presentation in a criminal case. If you wish, the procedure may describe how to handle a specific type of physical evidence such as a blood sample, a shell casing, a weapon, etc.

1. **Procedure Statement:** In general terms, what should the procedure accomplish?
2. **Statement of Purpose:** Address the importance of maintaining a proper chain of custody.
3. **Terms and Definitions:** These are the terms used in this policy and their definition.
4. **Applicability and Scope:** Who does the policy affect, and what actions of those affected will the policy impact?
5. **Specific Responsibilities:** You may add more under this heading if you feel it is necessary.
   a. **Crime Scene Protection:** Describe the initial steps to be taken in securing the scene and collecting evidence.
   b. **Evidence Collection:** Describe what could be collected, and give some examples of how different types of evidence will be bagged and tagged.
c. **Evidence Documentation for Identification**: Describe what information should be on an evidence tag. Remember, you must be able to positively identify the evidence as some later date.

d. **Chain of Custody Form**: Describe or attach a sample form to be used to maintain the chain of command.

e. **Storage of Evidence**: Describe the ideal storage facility and precautions that must be addressed.

f. **Submitting Evidence for Forensic Testing**: Describe how the evidence will be packaged and shipped for testing and how custody will be transferred.

Note: You may use your favorite search engine to collect additional information for formulating your procedure. Use the search term(s) chain of custody, maintaining a chain of custody, jurisdictional policy for chain of custody, etc.

Use the following checklist to ensure that you have addressed all of the requirements for this activity. The checklist will also be used by the instructor to evaluate your submission.

1. A brief description of what the procedure will accomplish is included.
2. The Statement of Purpose describes the importance of maintaining the chain of custody and other considerations that will promote the admissibility of the physical evidence at trial.
3. The terms (Terms and Definitions) used in the procedure are adequately addressed.
4. The items under Specific Responsibilities are adequately addressed.
5. Your document is reflective of the written communication skills required of a college student in that it is accurate, concise, and professional in appearance with proper spelling and grammar.

**Activity B: Procedure for Photographing a Crime Scene**

Activity B relates to Chapter 14, which focuses on photographic evidence and the factors that need to be addressed in order for this evidence to be admissible in court. In photographing a crime scene, a key consideration is that the photos, as well as videos, should be a fair and accurate depiction of the crime scene. Using the outline provided, you will create a procedure for photographing a crime scene that would promote the admissibility of the photographs in court. If you wish, you may make the procedure specific to either still photographs or video.

**Instructions:**

While a policy describes a principle or rule to guide decisions that should result in some desired outcome (describes what and why), a procedure outlines the steps to achieve the desired outcome (describes what, how, where, and when). Use the outline below to create a procedure for photographing a crime scene. If you wish, you make the procedure specific to either still photographs or video.

1. **Procedure Statement**: In general terms, what should the procedure accomplish?
2. **Statement of Purpose**: It should address the importance of maintaining a proper chain of custody and having the photo be admissible in court—think relevance, authentication, how gruesome can the photo be, and nudity.
3. **Terms and Definitions**: These are the terms used in this policy and their definition.
4. **Specific Responsibilities**: You may add more under this heading if you feel it is necessary.
   a. **Crime Scene Protection**: Describe the initial steps to be taken in securing the scene and preparing to photograph.
   b. **Equipment**: Describe what equipment you would normally take along, such as a camera and lighting.
   c. **Safety Precautions**: What do you need to do to ensure your safety?
   d. **Types of Photos**: Think long shots to take in as much of the crime scene as possible and close-ups to show detail. What notes, such as camera settings and distance to object, will you keep concerning the photo?
   e. **Photo Identification**: Describe how you will ensure that you can identify the photo at some later date. Remember that you must be able to verify that the photo is a fair and accurate representation of the crime scene.
   f. **Chain of Custody**: If you must release the photos to someone else, what steps/forms will be used to maintain the chain of custody?
   g. **Storage of Photos**: Describe how the photos will be preserved and precautions that must be addressed. What format will you use (TIFF, Bitmap, JPEG)?
   h. **Reconstruction of the Crime Scene**: What will you do if you arrive at the scene and find that the crime scene has been altered or objects moved?
   i. **Presentation at Trial**: Describe how the photos can be presented at court. What type of presentation is best for what kind of photos?

Note: You may use your favorite search engine to collect additional information for formulating your procedure. Use the search term(s) crime scene photography, forensic photography, etc.
Use the following checklist to ensure that you have addressed all of the requirements for this activity. The checklist will also be used by the instructor to evaluate your submission.

1. A brief description of what the procedure will accomplish is included.
2. The Statement of Purpose describes the importance of maintaining the chain of custody and other considerations that will promote the admissibility of the photo at trial.
3. The terms (Terms and Definitions) used in the procedure are adequately addressed.
4. The items under Specific Responsibilities are adequately addressed.
5. Your document is reflective of the written communication skills required of a college student in that it is accurate, concise, and professional in appearance with proper spelling and grammar.

Submit your Procedure Activity using the link in Unit VII.

**Research Paper**

The submission of a Research Paper is a course requirement. The goal of the paper is to improve your investigative techniques through the understanding and application of the information and techniques presented in the textbook. The paper must reflect APA formatting and be 5 to 10 pages long. Other than the textbook, you must reference a minimum of 5 additional sources.

An example topic or title that can be taken from the material in the textbook is “Mistakes Made in the O. J. Simpson Investigation and Prosecution.” The textbook refers to this case often, citing that evidence was mishandled and that the defense was able to show alleged misconduct by the Los Angeles Police Department. One interesting point in this case is that the defense was able to persuade the jurors that there was “reasonable doubt” as to whether Simpson was guilty, thus resulting in his acquittal. Later in a civil trial, a jury unanimously found that there was a “preponderance of evidence” and held Simpson liable for damages in the wrongful death of the two murder victims. In the preparing a paper on this topic, the student should first present a brief overview of the criminal and civil trials. In this overview, the alleged mistakes made by the LA Police Department should be highlighted. The paper could conclude with a discussion of how evidence should be handled and suspects interrogated, or a kind of “what NOT to do checklist.”

Submit your Research Paper using the link in Unit VIII.

**Testimony Activity**

You will prepare a *What NOT to Do When Testifying* list. As you read Chapter 15, take notes of what a professional law enforcement officer (PLEO) should NOT do when testifying, or preparing to testify, in a criminal case and why. Your list should contain a minimum of 21 items that a PLEO should not do. After each item, provide a brief statement giving the rational for the item. Use a format similar to that below.

**What NOT to Do When Testifying**

1. You should NEVER commit perjury while testifying. Perjury is knowingly telling a lie under oath about something that is important to the case.
   a. If a PLEO commits perjury while testifying, the officer may lose his/her job, the officer may face imprisonment and a fine, the defendant may be acquitted, and it reflects negatively on the professionalism and integrity of law enforcement.
2. *Continue with the next item.*

Use the following checklist to ensure that you have addressed all of the requirements for this activity. The checklist will also be used by your instructor to evaluate your submission.

1. The list contains 21 items.
2. Each item is followed by a brief statement giving the rational for the item.
3. Your document follows the format provided in the example above.
4. Your document is reflective of the written communication skills required of a college student in that it is accurate, concise, and professional in appearance with proper spelling and grammar.

Submit your Testimony Activity using the link in Unit VIII.
Submitting Course Papers/Projects

Once you have completed your papers/projects, submit your completed papers/projects by uploading through the Assignment tab in each unit. Do not e-mail your paper directly to your professor. By using the Assignment tab, your record will automatically be updated to indicate you have submitted your papers/projects and the assignment will be provided to your professor for grading. Instructions for submitting your assignment can be found under the Assignment tab in each unit.

APA Guidelines

Waldorf College requires that students use the APA style for papers and projects. Therefore, the APA rules for formatting, quoting, paraphrasing, citing, and listing of sources are to be followed. Information about using APA style can be found in APA Style Help in the Course Menu. This area provides links to internet sites, tutorials, and guides that provide comprehensive information on APA formatting, including examples and sample papers.

Communication Forums

These are non-graded discussion forums that allow you to communicate with your professor and other students. Participation in these discussion forums is encouraged, but not required. You can access these forums with the buttons in the Course Menu. Instructions for subscribing/unsubscribing to these forums are provided below.

Click here for instructions on how to subscribe/unsubscribe and post to the Communication Forums.

Ask the Professor

This communication forum provides you with an opportunity to ask your professor general or course content questions. Questions may focus on Blackboard locations of online course components, textbook or course content elaboration, additional guidance on assessment requirements, or general advice from other students.

Questions that are specific in nature, such as inquiries regarding assessment/assignment grades or personal accommodation requests, are NOT to be posted on this forum. If you have questions, comments, or concerns of a non-public nature, please feel free to email your professor. Responses to your post will be addressed or emailed by the professor within 48 hours.

Before posting, please ensure that you have read all relevant course documentation, including the syllabus, assessment/assignment instructions, faculty feedback, and other important information.

Student Break Room

This communication forum allows for casual conversation with your classmates. Communication on this forum should always maintain a standard of appropriateness and respect for your fellow classmates. This forum should NOT be used to share assessment answers.

Grading

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<tr>
<th>Component</th>
<th>Percentage</th>
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<tr>
<td>Discussion Boards (8 @ 2%)</td>
<td>16%</td>
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<tr>
<td>Unit Assessments (6 @ 7%)</td>
<td>42%</td>
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<tr>
<td>Research Paper Topic</td>
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<tr>
<td>Research Paper Outline</td>
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<tr>
<td>Procedure Activity</td>
<td>8%</td>
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<td>Testimony Activity</td>
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<tr>
<td>Research Paper</td>
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<td><strong>Total</strong></td>
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Course Schedule/Checklist (PLEASE PRINT)

The following pages contain a printable Course Schedule to assist you through this course. By following this schedule, you will be assured that you will complete the course within the time allotted.
By following this schedule, you will be assured that you will complete the course within the time allotted. Please keep this schedule for reference as you progress through your course.

### Unit I: The Law of Evidence, the Pre-trial Process, and the Trial Process

**Review:**
- Unit Study Guide

**Read:**
- Chapter 1: Introduction to the Law of Evidence and the Pre-trial Process
- Chapter 2: The Trial Process
- Presentations: See Study Guide

**Discuss:**
- Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
- Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time)

**Submit:**
- Assessment by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**

### Unit II: Basic Concepts of Evidence and Witness Competency

**Review:**
- Unit Study Guide

**Read:**
- Chapter 3: Evidence-Basic Concepts
- Chapter 4: Witnesses-Competency and Privileged Communications
- Presentations: See Study Guide

**Discuss:**
- Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
- Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time)

**Submit:**
- Assessment by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**

### Unit III: Witnesses, Credibility, and Impeachment

**Review:**
- Unit Study Guide

**Read:**
- Chapter 5: Witnesses-Lay and Expert
- Chapter 6: Credibility and Impeachment
- Presentations: See Study Guide

**Discuss:**
- Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
- Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time)

**Submit:**
- Assessment by Tuesday, 11:59 p.m. (Central Time)
- Research Paper Topic by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**
### Course Schedule

**Unit IV: The Hearsay Rule and Admission and Confessions**

- **Review:**
  - Unit Study Guide

- **Read:**
  - Chapter 7: The Hearsay Rule
  - Chapter 8: Admissions and Confessions
  - Presentations: See Study Guide

- **Discuss:**
  - Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
  - Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time)

- **Submit:**
  - Assessment by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**

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**Unit V: Exclusionary Rule for Search, Seizure, and Identification Procedures**

- **Review:**
  - Unit Study Guide

- **Read:**
  - Chapter 9: The Exclusionary Rule – Search and Seizure
  - Chapter 10: Exclusionary Rule – Identification Procedures
  - Presentations: See Study Guide

- **Discuss:**
  - Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
  - Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time)

- **Submit:**
  - Assessment by Tuesday, 11:59 p.m. (Central Time)
  - Research Paper Outline by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**

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**Unit VI: Evidence- Circumstantial, Documentary, and the Right of Discovery**

- **Review:**
  - Unit Study Guide

- **Read:**
  - Chapter 11: Circumstantial Evidence
  - Chapter 12: Documentary Evidence and the Right of Discovery
  - Presentations: See Study Guide

- **Discuss:**
  - Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)
  - Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time)

- **Submit:**
  - Assessment by Tuesday, 11:59 p.m. (Central Time)

**Notes/Goals:**
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<th>Physical, Photographic, Recorded, and Computer-Generated Evidence</th>
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<td>Unit Study Guide</td>
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</table>
| Read: | Chapter 13: Physical Evidence  
Chapter 14: Photographic, Recorded, and Computer-Generated Evidence  
Presentations: See Study Guide |
| Discuss: | Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)  
Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, 11:59 p.m. (Central Time) |
| Submit: | Procedure Activity by Tuesday, 11:59 p.m. (Central Time) |

Notes/Goals:

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<td>Unit Study Guide</td>
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</table>
| Read: | Chapter 15: How to Testify Effectively  
Presentations: See Study Guide |
| Discuss: | Discussion Board Response: Submit your response to the Discussion Board question by Saturday, 11:59 p.m. (Central Time)  
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| Submit: | Research Paper by Tuesday, 11:59 p.m. (Central Time)  
Testimony Activity by Tuesday, 11:59 p.m. (Central Time) |

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