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.

Prerequisites

BCJ 2000 and BCJ 3701

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, or collaborative and analyze how judicial notice and presumptions can act as substitutes for evidence.
4. Assess the competency of children, mentally handicapped 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. **Unit Learning Objectives:** Each unit contains learning objectives that specify the measurable skills and knowledge students should gain upon completion of the unit.
2. **Written Lectures:** Each unit contains a Written Lecture, which discusses lesson material.
3. **Reading Assignments:** Each unit contains Reading Assignments from one or more chapters from the textbook, as well as Supplemental Readings.
4. **Key Terms:** Key Terms are intended to guide students in their course of study. Students should pay particular attention to Key Terms as they represent important concepts within the unit material and reading.
5. **Discussion Boards:** Discussion Boards are a part of all CSU term courses. Information and specifications regarding these assignments are provided in the Academic Policies listed in the Course Menu bar.
6. **Unit Assessments:** Units I-VI all contain Unit Assessments, which are composed of multiple-choice questions and written response questions.
7. **Unit III Topic Proposal and Unit V Outline:** These assignments relate to the Research Paper assignment and are due in Units III and V. Specific information and instructions regarding this assignment are provided below.
8. **Units VII and VIII Activities:** These graded assignments are due in Units VII and VIII. Specific information and instructions regarding this assignment are provided below.
9. **Research Paper:** Students are required to submit for grading a Research Paper in Unit VIII. Specific information and instructions regarding this assignment are provided below.
10. **Ask the Professor:** This communication forum provides you with an opportunity to ask your professor general or course content related questions.
11. **Student Break Room:** This communication forum allows for casual conversation with your classmates.

Unit III Topic Proposal

As part of Unit III, 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 textbook. Your professor will then approve/disapprove the topic and provide some guidance on where to look for information and points that should be covered in the paper.

Unit V Outline

In Unit V, you will submit an outline for your Research Paper. Your outline must include a clear topic sentence and thesis, as well as an outline of your intended paper. Your professor will provide feedback on your outline.

Unit VII Activity

For Unit VII, 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. For each activity, a PDF document containing an outline for creating the procedure has been provided. At the bottom of the document is a checklist that will be used to evaluate your submission. The information you need to fill in the outline can be located in the textbook chapters. This activity is worth 100 points.

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.
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.

**Activity A:** 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.

**Activity A Outline**

**Activity B:** 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.

**Activity B Outline**

**Unit VIII Activity**

For Unit VIII, 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.

The first item on your list will be that the PLEO should NEVER commit perjury while testifying. Perjury is knowingly telling a lie under oath about something that is important to the case.

**Directions:** As you read through Chapter 15, look for 20 more actions/behaviors that should be avoided. Prepare a document with the title: *What NOT to Do When Testifying*. Item # 1 has been provided for you. 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.
5. **NOTE:** APA formatting is not required, nor is there a requirement for a minimum/maximum word count. The goal is to create an understandable, easy-to-follow list of behaviors and actions to avoid while testifying so that your image and your organization’s image of professionalism and integrity of law enforcement is maintained. Although APA formatting and the inclusion of sources are not required, all sources used must be referenced; paraphrased and quoted material must have accompanying citations. Again, it is not a requirement to include outside sources within this assignment. Plagiarism is the offense of using another’s work as your own. To avoid plagiarism, identify the work of others (if it is within your document) and use your own words and ideas to create the majority, if not all, of the assignment. APA Style is simply the style used to identify the work of the original owner/author.

**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.
The final paper will be submitted in Unit VIII through Blackboard, which will check your paper for plagiarism.

From Academic Policies you may link to the CSU Grading Rubric, and from Student Resources you may link to the CSU Writing Guide, the APA Guide, the Success Center, and the CSU Online Library. These five links are valuable resources that you may access for assistance and references. Additionally, you can use your favorite Internet search engine to locate more information.

Again, the focus of your paper will be on applying information from the textbook that will assist in improving your investigative techniques, which will hopefully result in increased convictions.

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.”

APA Guidelines

CSU 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. A document titled “APA Guidelines Summary” is available for you to download from the APA Guide Link, found in the Learning Resources area of the myCSU Student Portal. It may also be accessed from the Student Resources link on the Course Menu. This document provides links to several internet sites that provide comprehensive information on APA formatting, including examples and sample papers.

CSU Grading Rubric for Papers/Projects

The course papers will be graded based on the CSU Grading Rubric for all types of papers. In addition, all papers will be submitted for electronic evaluation to rule out plagiarism. Course projects will contain project specific grading criteria defined in the project directions. To view the rubric, click the Academic Policies link on the Course Menu, or by accessing the CSU Grading Rubric link, found in the Learning Resources area of the myCSU Student Portal.

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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<th>Component</th>
<th>Percentage</th>
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<tr>
<td>Discussion Boards (8 @ 2%)</td>
<td>16%</td>
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<td>Unit Assessments (6 @ 7%)</td>
<td>42%</td>
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<tr>
<td>Unit III Topic Proposal</td>
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<td>Unit V Outline</td>
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<td>Unit VII Activity</td>
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<td>Unit VIII Activity</td>
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<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
  - [Supplemental Reading:](#) Chapter 1 Presentation
  - [Supplemental Reading:](#) Chapter 2 Presentation

#### Discuss:
- **Discussion Board Response**: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)

#### Submit:
- **Assessment** by Tuesday, Midnight (Central Time)

#### Notes/Goals:

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### 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
  - [Supplemental Reading:](#) Chapter 3 Presentation
  - [Supplemental Reading:](#) Chapter 4 Presentation

#### Discuss:
- **Discussion Board Response**: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)
- **Discussion Board Comment**: Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time)

#### Submit:
- **Assessment** by Tuesday, Midnight (Central Time)

#### Notes/Goals:
<table>
<thead>
<tr>
<th>Unit III</th>
<th>Witnesses, Credibility, and Impeachment</th>
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<tr>
<td>Review:</td>
<td>□ Unit Study Guide</td>
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<tr>
<td>Read:</td>
<td>□ Chapter 5: Witnesses-Lay and Expert</td>
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<td>□ Chapter 6: Credibility and Impeachment</td>
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<td>□ Chapter 5 Presentation</td>
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<td>□ Chapter 6 Presentation</td>
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<td>Discuss:</td>
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<td>□ <strong>Discussion Board Comment:</strong> Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time)</td>
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<td>Submit:</td>
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<td>□ <strong>Topic Proposal for Research Paper</strong> by Tuesday, Midnight (Central Time)</td>
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<th>Unit IV</th>
<th>The Hearsay Rule and Admission and Confessions</th>
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<tr>
<td>Review:</td>
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<tr>
<td>Read:</td>
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# BCJ 3801, Criminal Evidence and Legal Issues

## Course Schedule

### Unit V

**Exclusionary Rule for Search, Seizure, and Identification Procedures**

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<th>Review:</th>
<th>Unit Study Guide</th>
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| Read: | □ Chapter 9: The Exclusionary Rule – Search and Seizure  
□ Chapter 10: Exclusionary Rule – Identification Procedures  
**Supplemental Reading:**  
□ Chapter 9 Presentation  
□ Chapter 10 Presentation |
| Discuss: | □ **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)  
□ **Discussion Board Comment:** Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time) |
| Submit: | □ **Assessment** by Tuesday, Midnight (Central Time)  
□ **Outline for Research Paper** by Tuesday, Midnight (Central Time) |

**Notes/Goals:**

### Unit VI

**Evidence – Circumstantial, Documentary, and the Right of Discovery**

<table>
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<tr>
<th>Review:</th>
<th>Unit Study Guide</th>
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| Read: | □ Chapter 11: Circumstantial Evidence  
□ Chapter 12: Documentary Evidence and The Right of Discovery  
**Supplemental Reading:**  
□ Chapter 11 Presentation  
□ Chapter 12 Presentation |
| Discuss: | □ **Discussion Board Response:** Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)  
□ **Discussion Board Comment:** Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time) |
| Submit: | □ **Assessment** by Tuesday, Midnight (Central Time) |

**Notes/Goals:**
### Unit VII: Physical, Photographic, Recorded, and Computer-Generated Evidence

**Review:**
- [ ] Unit Study Guide

**Read:**
- [ ] Chapter 13: Physical Evidence
- [ ] Chapter 14: Photographic, Recorded, and Computer-Generated Evidence

**Supplemental Reading:**
- [ ] Chapter 13 Presentation
- [ ] Chapter 14 Presentation

**Discuss:**
- [ ] Discussion Board Response: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)
- [ ] Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time)

**Submit:**
- [ ] Unit Activity by Tuesday, Midnight (Central Time)

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### Unit VIII: How to Testify Effectively

**Review:**
- [ ] Unit Study Guide

**Read:**
- [ ] Chapter 15: How to Testify Effectively

**Supplemental Reading:**
- [ ] Chapter 15 Presentation

**Discuss:**
- [ ] Discussion Board Response: Submit your response to the Discussion Board question by Saturday, Midnight (Central Time)
- [ ] Discussion Board Comment: Comment on another student’s Discussion Board response by Tuesday, Midnight (Central Time)

**Submit:**
- [ ] Unit Activity by Tuesday, Midnight (Central Time)
- [ ] Research Paper by Tuesday, Midnight (Central Time)

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**Notes/Goals:**