

EXPANDED COURSE OUTLINE
REGULAR BASIC COURSE
LEARNING DOMAIN 17
PRESENTATION OF EVIDENCE

Effective date of outline: August 1, 2013

I. LEARNING NEED

Peace officers must know the rules of evidence as they pertain to relevancy, types of evidence, authentication and chain of custody.

LEARNING OBJECTIVES

- A. Recognize relevance as it pertains to the admissibility of evidence
 - 1. Evidence may be excluded if it is deemed by the courts to be unreliable.
 - 2. Hearsay
 - 3. Opinion of evidence
- B. Identify four types of evidence
 - 1. Testimonial
 - 2. Real
 - 3. Demonstrative
 - 4. Circumstantial
- C. Recognize the process of authentication of evidence
 - 1. Is the act of establishing that claims made about the items of evidence are true
- D. Understand what constitutes the legal chain of custody for evidence
 - 1. Method of authentication
 - 2. Requires every step in the process of handling evidence to be accounted
 - 3. Each link in the chain of custody must be documented

II. LEARNING NEED

Peace officers must know the requirements and exceptions for the admissibility of evidence.

LEARNING OBJECTIVES

- A. Recognize a peace officer's role and responsibilities in ensuring the admissibility of evidence:
 - 1. California Evidence Code 352
 - 2. Exclusionary Rule
 - 3. Opinion and expert testimony
 - 4. Privilege
 - 5. Credibility of witnesses

B. Recognize the requirements and exceptions for admitting hearsay evidence for:

1. Spontaneous statements
2. Admissions and confessions
3. Dying declarations
4. Records and officer testimony
5. Hearsay testimony at preliminary hearings
 - a. By active and honorably retired peace officers

III. LEARNING NEED

For peace officer's testimony to be given serious consideration by the court, it is essential that officers present themselves as professional, credible, and reliable witnesses.

A. Identify a peace officer's responsibilities regarding pretrial preparation

1. Reviewing their field notes and all reports related to the case
2. Meeting with the case prosecutor at a pretrial conference
3. Complying with the prosecutor's instructions and recommendations
4. Obtaining all necessary evidence prior to the trial

B. Identify aspects of a case that peace officers should review prior to giving testimony

1. Observations at the crime scene
2. Dates, times, and addresses related to the crime
3. Physical evidence that was collected
4. Methods used to protect, document and collect the evidence
5. Type, calibration and maintenance routine of any equipment used
6. Use of the equipment
7. Statements made by victim(s) witness (es) defendant(s)
8. Actions taken on follow-up
9. Procedures taken to protect chain of custody of all evidence.

C. Identify factors related to a peace officer's personal appearance that can influence how an officer's testimony is received by the court

1. Officers are under scrutiny as soon as they enter courtroom
2. Clothing (civilian or uniform) should be clean and well pressed
3. Grooming neat and clean with hands and nails well scrubbed.

D. Identify appropriate peace officer responses while testifying as a witness

1. Look directly at attorney asking question
2. Listen carefully to the entire question
3. Concentrate on question and focus on words and meaning of the question
4. Understand what is being asked before you answer
5. Ask to have question repeated or clarified if not understood.

E. Identify appropriate responses when a peace officer is unsure of or does not know the answer to a question asked by an attorney

1. I don't recall: Did not observe facts and not qualified to answer
2. I don't remember: Officer not positive about extent of his/her knowledge

3. That is all I can recollect
- F. Identify appropriate responses when asked to give an opinion while testifying
1. Base the opinion on the facts that have been presented in court
 2. Identify factual elements that have led to the opinion
 3. Identify statement as an opinion rather than fact
- G. Recognize the importance of being a truthful peace officer while testifying in court
1. Tell the truth: credibility
 2. Testify to facts which is known as personal knowledge
 3. Be unbiased witness for either side

IV. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in a simulated criminal trial by either providing testimony or critiquing testimony provided by another person. The simulation shall incorporate a variety of questioning styles that peace officers are likely to encounter on the witness stand, including:
1. Badgering/belligerent questioning
 2. Offensive questioning
 3. Friendly questioning
 4. Condescending questioning
 5. Hearsay questioning and testimony at a preliminary hearing
 - a. By active and honorably retired peace officers

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	<u>6</u>
Agency Specific Hours	<u> </u>
Total Instructional Hours	<u>6</u>