

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

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. Community Policing
 - 2. Purpose of rules of evidence
 - 3. Definition of relevant evidence
- B. Identify four types of evidence
 - 1. Testimonial
 - 2. Real
 - 3. Demonstrative
 - 4. Circumstantial
- C. Recognize the process of authentication of evidence
 - 1. Definition of authentication of evidence
 - 2. All real and demonstrated evidence must be authenticated
 - 3. Must be shown that it is what the officer claims it to be
- D. Understand what constitutes the legal chain of custody for evidence
 - 1. Chain of custody is a method of authentication.
 - 2. Every step in the process of handling the evidence be accounted for
 - 3. By ever person since its recognition and collection
 - 4. Explain what they have done with it

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 reports
 - 2. Meeting with the D.A.
 - 3. Reviewing evidence

- B. Identify aspects of a case that peace officers should review prior to giving testimony
 - 1. Witness statements
 - 2. Officer's observations
 - 3. Crime scene photos

- 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. Grooming
 - 2. Attire
 - 3. Demeanor
 - 4. Timeliness

- D. Identify appropriate peace officer responses while testifying as a witness
 - 1. Listen carefully to questions
 - 2. Don't volunteer information
 - 3. Ask for clarification if needed

- 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. Ask for clarification
 - 2. Don't guess
 - 3. Admit if unknown

- F. Identify appropriate responses when asked to give an opinion while testifying
 - 1. Give the basis of the opinion
 - 2. Give your qualifications
 - 3. Base each opinion on known facts
 - 4. Clearly differentiate between fact and opinion

- G. Recognize the importance of being a truthful peace officer while testifying in court.
 - 1. Primary role is witness for the prosecution.
 - 2. Tell the truth
 - 3. Only facts from personal knowledge
 - 4. Unbiased

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
 - 3. Friendly
 - 4. Condescending
 - 5. Hearsay questions and testimony at a preliminary hearing
 - a. By active and honorably retired peace officers

Description	Hours
POST Minimum Required Hours	<u>6</u>
Agency Specific Hours	<u>2</u>
Total Instructional Hours	<u>8</u>