



Broward Community College

Course Outline

STATUS: A

COMMON COURSE NUMBER: CJL1130

COURSE TITLE: Criminal Evidence and Court Procedures

CREDIT HOURS: 3

CONTACT HOURS BREAKDOWN:

Lecture/Discussion 48

Lab 00

Other 00

Contact Hours/Week 3

CATALOG COURSE DESCRIPTION:

Prerequisite: None

Corequisite: None

An examination of the rules governing admissibility of evidence, specifically as they affect the law enforcement officer in the processes of arrest, use of force, search and seizure, presentation and custody of evidence, testimony and court procedure.

General Education Requirements - Associate of Arts Degree, meets Area(s):
General Education Requirements - Associate in Science Degree, meets Area(s):

UNIT TITLES:

1. Evidence and Proof
2. Witnesses
3. Hearsay Evidence
4. Exclusionary Rule; Searches and Seizures
5. Confessions
6. Circumstantial Evidence
7. Demonstrative Evidence: Photographs Documents

I. Course Overview:

Upon successful completion of this course, the students should be able to demonstrate an understanding of the rules governing the admissibility of evidence.

II. Units:

Unit 1. Evidence and Proof

General Outcome:

- 1.0 The students should be able to demonstrate an understanding of the relationship of evidence to proof, the categories of evidence, and how knowledge of the rules of evidence and their rationales interfaces with criminal investigations and trials.

Specific Learning Outcomes:

Upon successful completion of this unit, the students should be able to:

- 1.1 Differentiate between evidence and proof.
- 1.2 Explain the relationship of the rules of evidence to criminal investigation and trials.
- 1.3 Distinguish between evidence which is relevant, and competent material and evidence which is not.
- 1.4 Describe testimony, real evidence, judicial notice, presumptions, inferences and corroboration.

Unit 2. Witnesses

General Outcome:

2.0 The students should be able to analyze and understand the problems connected with oral testing, such as the competency of witnesses, privileged communications, opinion evidence, the manner in which a witness can be questioned, and impeachment of testimony.

Specific Learning Outcomes:

Upon successful completion of this unit, the students should be able to:

- 2.1 Determine if a witness is qualified to testify.
- 2.2 Cite the qualifications of an expert witness.
- 2.3 Describe the permissible methods of questioning witnesses, when leading questions are permitted, and how oral testimony can be impeached.
- 2.4 Identify and describe the categories of privileged communications.

Unit 3. Hearsay Evidence

General Outcome:

3.0 The students should be able to recount and understand the history of the rule, the principal exceptions, and the rationale for each exception.

Specific Learning Outcomes:

Upon successful completion of this unit, the students should be able to:

- 3.1 State the rule and explain why hearsay is normally not admissible.
- 3.2 Identify the principal exceptions to the rule, dying declarations, spontaneous declarations, former testimony, depositions, business records and past memory recorded, as well as the rationale for each exception.

Unit 4. Exclusionary Rule; Searches and Seizures

General Outcome:

- 4.0 The students should be able to demonstrate an understanding of the historical development of the exclusionary rule and its philosophy, the right of privacy and the plain view doctrine, the importance of warrants, and when a search or seizure without a warrant is authorized.

Specific Learning Outcomes:

Upon successful completion of this unit, the students should be able to:

- 4.1 Trace the extension of the exclusionary rule from *Weeks v U.S.* to *Mapp v Ohio*, and explain the philosophy behind the rule.
- 4.2 Understand the plain view doctrine, the right of privacy, and the Supreme Court's insistence on warrants to justify searches.
- 4.3 Cite the principal instances when warrantless searches are authorized, such as arrests, fresh pursuit, consent, and emergencies.
- 4.4 Describe the authorization of police officers under *Terry v Ohio* to stop persons on reasonable grounds to believe they have engaged, or are about to engage, in unlawful activity, that they can break a suspect if they reasonably believe he is armed and dangerous.
- 4.5 Explain under what circumstances a vehicle can be impounded and when an inventory search is permissible.

Unit 5. Confessions

General Outcome:

5.0 The students should be able to demonstrate an understanding of the constitutional protections surrounding a suspect, their historical development, and the importance of strict compliance therewith.

Specific Learning Outcomes:

Upon successful completion of this unit, the students should be able to:

- 5.1 Trace the extension of 5th and 6th Amendments, constitutional protections to which suspects are entitled.
- 5.2 Discuss *Escobedo v Illinois*, *Miranda v Arizona*, and subsequent developments, with emphasis on the warnings that must be given to a suspect prior to a custodial interrogation.
- 5.3 Cite the types of police procedures which will make a confession involuntary, such as force, psychological pressure, or delay as arraignment.
- 5.4 Explain what constitutes psychological pressure, such as coercion, threats, extended interrogation, promise of leniency, or other action interfering with the suspect's complete mental freedom.

Unit 6. Circumstantial Evidence

General Outcome:

6.0 The students should be able to demonstrate an understanding of the distinction between direct and circumstantial evidence and the important role circumstantial evidence plays in the investigation and trial of a criminal matter.

Specific Learning Outcomes:

Upon successful completion of this unit, the students should be able to:

- 6.1 Define circumstantial evidence, describe its relevancy in proving guilt, and give examples of such evidence.
- 6.2 Describe the circumstances when previous crimes or misconduct can be admitted to prove intent, motive, identify common scheme, or absence of mistake.
- 6.3 Identify the situations when the character of the victim of a crime is relevant.
- 6.4 Explain that the bad character of a criminal defendant may be introduced by the prosecution only if he offers evidence of his good reputation.

Unit 7. Demonstrative Evidence: Photographs Documents

General Outcome:

7.0 The students should be able to demonstrate an understanding of the nature of demonstrative evidence, the best evidence rule, and the use of photographs.

Specific Learning Outcomes:

Upon successful completion of this unit, the students should be able to:

7.1 Identify what constitutes physical evidence, the foundation necessary to admit such evidence, and the need to identify an object as the one found.

7.2 Explain the need to protect the crime scene.

7.3 Explain when photographs are admissible; and when they will be deemed so gruesome as to make them inadmissible.

7.4 Explain the best evidence rule and the historical reason for such rule.

7.5 Explain the right of discovery.