

ESSEX COUNTY COLLEGE
Social Sciences Division
CJI 204 – Evidence
Course Outline

Course Number & Name: CJI 204 Evidence

Credit Hours: 3.0 **Contact Hours:** 3.0 **Lecture:** 3.0 **Lab:** N/A **Other:** N/A

Prerequisites: Grade of “C” or better in CJI 101 or LAS 101 or LAS 106

Co-requisites: None

Concurrent Courses: None

Course Outline Revision Date: Fall 2010

Course Description: This course surveys the basic rules of evidence important to law enforcement personnel and criminal justice students. It includes a study of the applicable amendments to the Constitution, landmark Supreme Court decisions, the Federal Rules of Evidence, hearsay, and recent changes in the rules of evidence at the federal and state levels. Students are required to complete a field assignment involving in-court observations.

Course Goals: Upon successful completion of this course, students should be able to do the following:

1. define the difference between evidence in criminal court cases and civil court cases especially as it relates to burden of proof issues;
2. evaluate what constitutes appropriate and admissible evidence in criminal investigation;
3. categorize the various types of evidence usually found at the scene of a crime and describe generally accepted methods of collection;
4. describe the types of criminal evidence (e.g., direct, circumstantial, etc.) currently allowed in both federal and state courts;
5. explain the federal rules of evidence as they apply to criminal cases and explain how to find state rules of evidence;
6. identify and explain basic concepts and terms of criminal evidence;
7. demonstrate critical thinking skills within the context of evaluating the complexity of evidence issues; and
8. communicate effectively with accurate ‘criminal justice’ terminology in written and/or oral form.

Measurable Course Performance Objectives (MPOs): Upon successful completion of this course, students should specifically be able to do the following:

1. Define the difference between evidence in criminal court cases and civil court cases especially as it relates to burden of proof issues:
 - 1.1 *explain the difference between evidence in criminal court cases and civil court cases regarding burden of proof;*
 - 1.2 *explain the difference between evidence in criminal court cases and civil court cases regarding the jury verdict;*
 - 1.3 *explain the necessity of different kinds of expert testimony;*
 - 1.4 *discuss the primary goals of civil law and criminal law and explain how these goals are realized;*
 - 1.5 *distinguish between substantive and procedural law; and*
 - 1.6 *explain the importance of the due process clause in the criminal justice system*

2. Evaluate what constitutes appropriate and admissible evidence in criminal investigation:
 - 2.1 *explain the exclusionary rule and exceptions to this rule;*
 - 2.2 *explain the procedure for challenging admissibility;*
 - 2.3 *explain the admissibility of statements;*
 - 2.4 *explain the admissibility of identifications;*
 - 2.5 *explain the “good faith” exception to the exclusionary rule;*
 - 2.6 *describe what constitutes appropriate police conduct;*
 - 2.7 *explain “inevitable discovery”;*
 - 2.8 *discuss the Brady doctrine;*
 - 2.9 *explain the conditions under which evidence is tainted;*
 - 2.10 *explain the importance of chain of custody;*
 - 2.11 *outline the four major sources that may provide probable cause;*
 - 2.12 *list the four elements that must be present for an arrest to take place;*
 - 2.13 *list the four categories of items that can be seized by use of a search warrant;*
 - 2.14 *explain when searches can be made without a warrant;*
 - 2.15 *recite the Miranda warning;*
 - 2.16 *indicate situations in which a Miranda warning is unnecessary; and*
 - 2.17 *list the three basic types of police identification*

3. Categorize the various types of evidence usually found at the scene of a crime and describe generally accepted methods of collection:
 - 3.1 *describe the nature of real evidence;*
 - 3.2 *explain the conditions under which real evidence is relevant;*
 - 3.3 *explain the authentication procedure for real evidence;*
 - 3.4 *describe how the chain of custody is preserved; and*
 - 3.5 *describe how forensic experts use DNA fingerprinting to solve crimes*

4. Describe the types of criminal evidence (e.g., direct, circumstantial, etc.) currently allowed in both federal and state courts:
 - 4.1 *identify real evidence and the necessary prerequisites for admissibility of this kind of evidence;*
 - *explain the value of real evidence*
 - *demonstrate admitting real evidence using role play*

Measurable Course Performance Objectives (MPOs) (continued):

- 4.2 *identify demonstrative evidence and the necessary prerequisites for admissibility of this kind of evidence;*
 - *explain the value of demonstrative evidence*
 - *describe the nature of demonstrative evidence*
 - *explain the prerequisites for photographic evidence*
 - *explain the prerequisites for videotapes and motion pictures*
 - *explain the prerequisites for x-rays*
 - *explain the prerequisites for models*
 - *explain the prerequisites for charts, maps, illustrations, and other drawings*
 - *explain the prerequisites for miscellaneous demonstrative evidence*
 - *demonstrate admitting demonstrative evidence using role play*
- 4.3 *identify documentary evidence and the necessary prerequisites for admissibility of this kind of evidence;*
 - *explain the rules of admissibility of documentary evidence*
 - *explain the steps of authentication and identification of documentary evidence*
 - *demonstrate admitting documentary evidence using role play*
- 4.4 *identify lay witnesses and the necessary prerequisites for admissibility of this kind of evidence;*
 - *explain the term “lay witness competency”*
 - *describe the scope of lay testimony*
 - *explain the ethical considerations involved in interviewing*
 - *discuss the implications of various identification procedures*
 - *describe the hearsay rule as it pertains to lay witnesses*
 - *demonstrate preparing witnesses for litigation using role play*
- 4.5 *identify expert witnesses and the necessary prerequisites for admissibility of this kind of evidence; and*
 - *explain the nature of an expert*
 - *explain the admissibility of expert evidence*
 - *explain the term “ultimate issue doctrine”*
 - *describe the necessary qualifications of the expert*
 - *demonstrate preparing an expert witness for trial using role play*
 - *demonstrate the cross-examination and impeachment of an expert using role play*
- 4.6 *explain the use of admissions and stipulations*
 - *describe the pretrial evidentiary requests*
 - *explain the nature, purpose, and effect of admissions*
 - *explain stipulations*
5. Explain the federal rules of evidence as they apply to criminal cases and explain how to find state rules of evidence:
 - 5.1 *explain the sources and content of evidence law;*
 - 5.2 *describe the types and forms of evidence;*
 - 5.3 *explain the burden of proof; and*
 - 5.4 *explain the nature of evidence*

Measurable Course Performance Objectives (MPOs) (continued):

6. Identify and explain basic concepts and terms of criminal evidence:
 - 6.1 *explain res geste statements;*
 - 6.2 *explain presumptions and inferences;*
 - 6.3 *explain character or reputation;*
 - 6.4 *explain prior criminal acts; and*
 - 6.5 *discuss conspiracy evidentiary issues*

7. Demonstrate critical thinking skills within the context of evaluating the complexity of evidence issues:
 - 7.1 *analyze a fact scenario and determine if the exclusionary rule applies;*
 - 7.2 *analyze a fact scenario and determine if the items can be seized and whether a search warrant is required;*
 - 7.3 *analyze a fact scenario and determine if Miranda warning is necessary;*
 - 7.4 *analyze a fact scenario and determine if the identification is constitutionally valid;*
 - 7.5 *discuss the primary elements of the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the US Constitution, and apply them to contemporary criminal justice events;*
 - 7.6 *define the “best evidence rule” and apply it to hypothetical situations;*
 - 7.7 *explain the “hearsay rule” and the common exceptions and apply it to hypothetical situations;*
 - 7.8 *analyze the rules of evidence as they apply to the differences between “admissions” and “confessions”;*
 - 7.9 *describe the significance of the “weight of evidence” for items obtained during a criminal investigation; and*
 - 7.10 *use critical thinking and problem solving, focusing on the criminal justice system and analyzing information from multiple sources, including print and video media*

8. Communicate effectively with accurate ‘criminal justice’ terminology in written and/or oral form:
 - 8.1 *utilize effective and persuasive communication skills in written and/or oral form; and*
 - 8.2 *use accurate ‘criminal justice’ terminology in writings and oral presentations*

Methods of Instruction: Instruction will consist of, but not be limited to, a combination of lectures, class discussions, multi-media presentations, group projects, the assignment of textbook readings and other resource material, case studies, demonstrations, and completion of various assessment instruments (a documented research paper, and both in-class and take-home tests and exams). Specific choice of instructional methods is left to the discretion of the instructor.

Outcomes Assessment: Quiz and exam questions (if applicable) are blueprinted to course objectives. Checklist rubrics are used to evaluate non-test type assessment instruments, such as case studies, presentations, logs, journals, and papers, for the presence of course objectives. Data collected will be analyzed to provide direction for the improvement of instruction, viability of class assignments, relevancy of assigned literature, and evaluation of instructional time spent on specific topics.

Course Requirements: All students are required to:

1. Maintain regular attendance.
2. Actively participate in class discussions and workshops.
3. Read the recommended textbook and any other assigned resource materials.
4. Complete all assigned homework on time.
5. Complete all written assignments, including a research paper based on multiple source research gleaned from appropriate library sources and previously published internet sources.
6. Complete an in-class midterm and final examination.
7. Take all quizzes and exams when scheduled.
8. Follow any specific class requirements mandated by the instructor.

Methods of Evaluation: Final course grades will be computed as follows:

Grading Components	% of final course grade
<ul style="list-style-type: none">• Attendance/Class Participation Attendance points will be computed based on the ratio of the number of days attending the course during a regular semester (i.e., 28 contact days). A similar procedure will be used to determine participation points.	5 – 15%
<ul style="list-style-type: none">• Logs/Journals Logs/Journals are written exercises designed to heighten student’s awareness of various events related to criminal justice that is experienced, observed, read, or viewed on television. Student must relate experiences to chapters either discussed/not discussed throughout the semester.	10 – 15%
<ul style="list-style-type: none">• Reaction Papers Reaction papers are 3 – 5 page written exercises in which students read outside sources or statements supplied by the professor and discuss their “intellectual and emotional” reaction to the issue or author’s point of view, yet use critical thinking guidelines to take a position and support that position using scholarly literature, interviews and polling.	15 – 20%
<ul style="list-style-type: none">• Theme Papers Theme papers are 3 – 5 page written exercises in which students discuss how taking the course has been personally meaningful, beneficial, and relevant to their future professional aspirations. References can be cited using scholarly journals, criminological, legal and law enforcement sources, or internet sites.	20 – 25%

Methods of Evaluation (continued):

Grading Components	% of final course grade
<ul style="list-style-type: none">• Literature Reviews/Research Papers Literature reviews/research papers are written exercise in which students must investigate a particular topic either in the textbook or assigned by the instructor that is related to the course objectives and conduct a review of the criminological literature, case law, or statutes. Based on the literature review, students are required to develop a thesis/theme and draw conclusions on the topic researched.	10 – 20%
<ul style="list-style-type: none">• Introspective Theme Paper/Case Study Analysis The introspective theme paper/case study analysis is a 7 – 10 page written exercise in which students integrate and synthesize concepts to perform an in-depth analysis and demonstrate relevance and admissibility of evidence. The students must analyze, synthesize, integrate, and demonstrate relevance of concepts to course objectives.	30 – 40%
<ul style="list-style-type: none">• Written/Oral Presentation Interview of Law Enforcement Agency or Professional in the Field The written/oral presentation of the interview of the agency representative or legal professional requires the student to gather information and to determine its relevance to concepts and theories presented in class which are related to course objectives.	15 – 25%
<ul style="list-style-type: none">• Oral Presentations Oral presentations are based on a topic either discussed/not discussed during the semester that is relevant to the study of criminal law or evidence and related to course objectives. The instructor may require a written outline to augment the oral presentation.	15 – 20%
<ul style="list-style-type: none">• Quizzes Quizzes will provide evidence of the extent to which students have met course objectives.	10 – 15%
<ul style="list-style-type: none">• Exams, including Midterm and Final Exams (number of exams and dates specified by the instructor) Exams will provide evidence of the extent to which students have mastered and synthesized course material and have met course objectives.	20 – 30%

NOTE: The instructor will determine (as appropriate) the specific components for the course and provide specific weights which lie in the above given ranges at the beginning of the semester.

Academic Integrity: Dishonesty disrupts the search for truth that is inherent in the learning process and so devalues the purpose and the mission of the College. Academic dishonesty includes, but is not limited to, the following:

- plagiarism – the failure to acknowledge another writer’s words or ideas or to give proper credit to sources of information;
- cheating – knowingly obtaining or giving unauthorized information on any test/exam or any other academic assignment;
- interference – any interruption of the academic process that prevents others from the proper engagement in learning or teaching; and
- fraud – any act or instance of willful deceit or trickery.

Violations of academic integrity will be dealt with by imposing appropriate sanctions. Sanctions for acts of academic dishonesty could include the resubmission of an assignment, failure of the test/exam, failure in the course, probation, suspension from the College, and even expulsion from the College.

Student Code of Conduct: All students are expected to conduct themselves as responsible and considerate adults who respect the rights of others. Disruptive behavior will not be tolerated. All students are also expected to attend and be on time for all class meetings. No cell phones or similar electronic devices are permitted in class. Please refer to the Essex County College student handbook, *Lifeline*, for more specific information about the College’s Code of Conduct and attendance requirements.

Course Content Outline: based on the text by Gardner, Thomas & Anderson, Terry (2009). *Criminal Evidence: Principles and Cases* (7th edition). Belmont, CA: Wadsworth, a division of Thomson.

Unit	Topic/Content	Readings
1	History and Development of the Law of Criminal Evidence	ch 1
2	Important Aspects of the American Criminal Justice System	ch 2
3	Using Evidence to Determine Guilt or Innocence	ch 3
4	Direct and Circumstantial Evidence and the Use of Inferences	ch 4
5	Witnesses and the Testimony of Witnesses	ch 5
6	Judicial Notice and Privileges of Witnesses	ch 6
7	The Use of Hearsay in the Courtroom	ch 7
8	Exceptions to the Hearsay Rule	ch 8
9	The Exclusionary Rule	ch 9
10	Where the Exclusionary Rule Does Not Apply	ch 10
11	Evidence is Admissible if Obtained During an Administrative Function Under the "Special Needs" of Government	ch 11
12	Obtaining Statements and Confessions for Use as Evidence	ch 12
13	The Law Governing Identification Evidence	ch 13
14	Obtaining Physical and Other Evidence	ch 14
15	Obtaining Evidence from Computers or by Use of Search Warrants, Wiretapping, or Dogs Trained to Indicate an Alert	ch 15
16	The Crime Scene, the Chain of Custody Requirement, and the Use of Fingerprints and Trace Evidence	ch 16
17	Videotapes, Photographs, Documents, and Writings as Evidence	ch 17
18	Scientific Evidence	ch 18

NOTE: In CJ1 204, the instructor must cover the 18 units listed above minimally in any reasonable order throughout the duration of the semester/term. Also, the instructor may include additional areas based on his/her expertise and/or interest.