

Bergen Community College
Division of Business, Social Science and Criminal Justice and Homeland Security
Department of Criminal Justice and Homeland Security
Master Course Syllabus

Course Title:
CRJ – 120 Practical Criminal Evidence
Prerequisites: None
Credit Hours: 3 lectures, 3 hours

Instructors:
Office Location:
Department Secretary: (optional)
Office Hours:
Email Address:

Course Description:

This course focuses on a comprehensive, up-to-date overview of the study of the origin, development, philosophy, and constitutional basis of evidence; constitutional and procedural considerations affecting arrest, search, and seizure; kinds and degrees of evidence, and rules governing admissibility; judicial decisions interpreting individual rights and case studies.

Student Learning Objectives:

As a result of meeting the requirements of this course, students will be able to:

1. Explain the purposes for rules of evidence
2. Determine the best practices of rules of evidence to factual situations.
3. Predict constitutional issues and problems related to arrests and search and seizure of evidence.
4. Assess the admissibility of various kinds of evidence.
5. Discuss the laws and court decisions relating to evidence.

Course Textbook

Gregory Lee. Practical Criminal Evidence.
Latest Edition
Pearson/ Prentice Hall, 2007

Means of Assessment:

- Participation in regular class discussion demonstrating familiarity with ready materials and the ability to listen to and appreciate positions of instructor and fellow students.
- Ability of student to raise thoughtful opinions and engage in intellectual dialogue.
- Apply learned knowledge through researching and submission of two evidence based research papers based on case law scenarios.
- Successful performance on the assessment of tests and quizzes.
- Completion of an emergency management and incident command system report applicable to the student's community of residence.

Special Features of the Course

Power Point Presentations, Internet Application Resources, Video Presentations, and Court Decision Reviews for Discussion.

Research, Thinking, Writing and or Examination Requirements

Students are required to complete four written test evaluations, essay assignments, and a community research project addressing disasters, risk assessment, and mitigation.

Grading Policy

Final Course Grade(FCG):
Four Examination 50%
Two Projects 40%
Attendance and participation 10%

Attendance Policy

Students are expected to attend all scheduled course dates and meeting times punctually. Attendance is generally reflected in a students overall class performance. Students, who regularly miss classes absent mitigating circumstances, will have difficulty completing the course with a satisfactory grade.

A maximum of 10% will credited toward the final course grade for reasonable continuous attendance and class participation. Student class participation, attitude and observed effort will be considered in determining the students final grade. All absences affect class participation grade. One (1) point will be deducted for each absence

Bergen Community College Grading Scale:

A 4.0(90-100%)	B+ 3.6(86-89%)	B 3.0(80-85%)
C+ 2.6(76-79%)	C 2.0(70-75%)	D 1.0(60-69%)

Assignments:

1-Students are to collect articles on evidence based prosecution (minimum three) and prepare a report that is due week 8.

2- Paper/Presentation:

Each student is to select a case decision concerning evidence that impacted the law enforcement evidence gathering. This research paper will be a minimum of five pages and pre a presentation on possible lessons learned and conclusions. This paper will be due week 10. Students will be required to prepare a 10-15 minute formal presentation of their papers to the class.

Other College, Divisional and or Department Policy Statements

See the master college catalog and student handbook for student responsibilities pertaining to:

- Code of Student Conduct
- Civility
- ADA Statement
- Sexual Harassment Statement
- Statement on Plagiarism and Academic Dishonesty
- Statement on Acceptable use of College Technology
- Statement on the Purpose and Value of Faculty Office Hours

Student and Faculty Support Services

The distance Learning Office-for any problems you may have accessing your online courses	Room C-334	201-612-5581 psimms@bergen.edu
Smart thinking Tutorial Service	On Line at:	www.bergen.edu/library/learning/tutor/smart/index.asp
The Tutoring Center	Room L-125	201-447-7908
The Writing Center	Room L-125	201-447-7908
The Online Writing Lab (OWL)	On Line at:	www.bergen.edu/owl
The Office of Specialized Services (for Students with Disabilities)	Room S-131	201-612-5270 www.bergen.edu/oss
The Sidney Silverman Library	Room L-226	201-447-7436

Course Calendar

WEEK / Chapter	Topic	Assignment
One	Fundamentals of Criminal Evidence	Evolution of Evidence A. What is evidence? B. Proof and burden of proof C. Reasons for rules of evidence D. The evidence code E. Application of rules of evidence F. Doctrine of judicial notice G. Presumption Types of Evidence A. Real evidence 1. Defined 2. Examples B. Direct 1. Defined 2. Examples C. Circumstantial 1. Defined 2. Examples D. Prejudice E. Specific kinds 1. Character 2. Manner of proof 3. Character of victim F. Similar or related acts of circumstances 1. General 2. Intent, motive and knowledge 3. Common scheme or design 4. Inter-connected offenses G. Other circumstances 1. Possession of recently stolen property 2. Sudden affluence 3. Flight or other evasion 4. Complaint in sex offenses 5. Threats and prior difficulties

Two	The Criminal Trial Process	<ul style="list-style-type: none"> . Detention and Arrest A. Constitutional authority B. Procedures-probable cause C. Evolution of case law <ul style="list-style-type: none"> 1. Weeks 2. Cahan 3. Rochin 4. Wolf 5. Mapp 6. Miranda
Three	Pleadings, Motions, Sentencing and Appeals	<ul style="list-style-type: none"> A. Reporting and discovering procedures B. What is the right of discovery C. Importance to investigator D. Pre-trial discovery E. Right of discovery through preliminary hearing F. Prosecution's right of discovery G. Unavailability of original notes
Four	Defense Counsel's Role and Strategies	<ul style="list-style-type: none"> Impeachment, Corroboration and Refreshing Memory A. Basic statutes-evidence code B. Impeachment C. Corroboration D. Refreshing recollection of memory E. Past recollection recorded Discovery

Five	The Prosecutor's Role	<p>Introducing Evidence at Trial</p> <ul style="list-style-type: none"> A. Proper handling of evidence and maintaining chain of evidence B. Connecting evidence with issues of trial C. Tactics of defense to discredit evidence
Six	The Exclusionary Rule Research paper one due	<ul style="list-style-type: none"> A. History and development. B. Fruit of the Forbidden Tree <ul style="list-style-type: none"> 1- Supreme Court / Federal Court rulings 2- State Courts 3- Search and Seizures 4- Interviews and Interrogations
Seven	Search Warrants	<p>Search and Seizure</p> <ul style="list-style-type: none"> A. History and development-case law B. The exclusionary rule-definition C. Define <ul style="list-style-type: none"> 1. What is search 2. What is seizure D. Search warrants E. Search incidental to arrest F. Consent search G. Search and seizure incidental to arrest <ul style="list-style-type: none"> 1. Cursory search 2. Temporary detention 3. Stop and frisk H. Search of <ul style="list-style-type: none"> 1. Houses 2. Vehicles 3. Other places

Eight	The Crime Scene	Photographic Evidence A. Photographs as evidence B. First rule of admissibility-relevancy C. Second rule of admissibility-accurate representation D. Identification of a photograph E. Posed photographs F. Gruesome photographs G. Nude photographs H. Motion pictures as evidence I. Colored photographs J. Prints to be used as evidence
Nine	Physical Evidence	Documentary Evidence A. Basic statutes-evidence code B. Best evidence rule C. Recordings D. Official writing
Ten	Audio, Video, Photographic and Computer Evidence	A. Basic statutes-evidence code B. Statement of constitutional rights C. Miranda warning D. Case law affecting interviewing
Eleven	Confessions and Admissions	Privileged Communication A. Basic statutes-evidence code B. General C. Attorney and client 1. Nature of privilege 2. Requirements 3. Exceptions

		<ul style="list-style-type: none"> D. Husband and wife <ul style="list-style-type: none"> 1. Privilege not to testify against spouse <ul style="list-style-type: none"> a. Nature of privilege b. Requirements c. Exceptions 2. Privilege for confidential marital communication <ul style="list-style-type: none"> a. Nature and purpose b. Requirements c. Exceptions E. Physician and patient <ul style="list-style-type: none"> 1. Nature of privilege F. Psychotherapist and patient <ul style="list-style-type: none"> 1. Nature of privilege 2. Requirements G. Clergyman and confessor <ul style="list-style-type: none"> 1. Nature of privilege H. Identity of informer <ul style="list-style-type: none"> 1. Nature of privilege 2. Disclosure necessary for fair trial 3. Where disclosure not required I. News media <ul style="list-style-type: none"> 1. Nature of privilege
Twelve	Lay and Police Witnesses Research paper two due	<p>Witnesses-Competency</p> <ul style="list-style-type: none"> A. Definition B. Grounds for qualification and disqualification C. Analysis of statutory grounds
thirteen	Expert Witnesses	<p>The Opinion Rule</p> <ul style="list-style-type: none"> A. Basic statutes-evidence code B. Non-expert testimony C. Expert opinion

Fourteen	Hearsay evidence	Hearsay A. Defined B. Dying declaration C. Spontaneous or contemporaneous statements D. Statements against interest E. Mental state F. Business records G. Official records H. Family history
Fifteen	Testimonial Privileges	III. Self Incrimination and Nontestimonial Compulsion A. Basic statutes-evidence code B. Nature of privilege C. Distinction between defendant and witness privilege D. Scope of privilege E. Granting immunity and effect F. What constitutes compulsion to testify G. Nontestimonial compulsion H. Brutal body examination I. Reasonable body examination

Note to students: This course outline and calendar is tentative and subject to change, depending on the progress of the class.