

LEGAL ASPECTS OF EVIDENCE ADMINISTRATION OF JUSTICE 3 FALL 2015

Instructor: Steven J. Katz • POPP@ARTC - WLAC
Course Section No.7572 • Mon-Wed. 7:35 – 9:00 a.m. • ARTC
E-mail: katzsj@wlac.edu • Message Telephone:(310) 342-3109
Office Hours: Wednesdays 7:00 a.m. (by appointment please)

COURSE DESCRIPTION

This course presents the legal aspects of evidence, constitutional and procedural considerations affecting arrest, search and seizure, kinds and degrees of evidence, rules governing the admissibility of evidence in court, judicial decisions interpreting individual rights and case studies. Legal practitioners and subject matter experts will provide additional insight during scheduled classroom visitation. In addition, career opportunities in all aspects of law enforcement will be presented.

STUDENT LEARNING OUTCOMES

- Student will be able to effectively apply the constitution considerations of legally collecting and preserving evidence
- Students will be able to formulate appropriate procedures and techniques to maintain the value and admissibility of evidence in court.
- Students will gain a clearer understanding of how the collection, processing and presentation of evidence relates to the criminal justice system.
- You will develop an understanding of how the separate functions of law enforcement, prosecution, defense and the courts interpret and present evidence in criminal cases.

COURSE REQUIREMENTS

A. TEXT

Hails, Judy, **CRIMINAL EVIDENCE**, 6th Edition - **Required**

B. GRADES*

- | | |
|-------------------------------------------------------|------------|
| 1. FINAL EXAM | 50 points |
| 2. QUIZZES: 4 Periodic Quizzes | 100 points |
| 3. CHAPTER QUIZZES: 1 per chapter (5 points each) | 80 points |
| 4. ATTENDANCE and PARTICIPATION: (2 points per class) | 58 points |

288 points

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.

- A 90% to 100% 259 to 288 points
- B 80% to 89% 230 to 258 points
- C 70% to 79% 202 to 229 points
- D 65% to 69% 187 to 201 points
- F 64% 186 points and below

Each periodic quiz is worth a total 25 points. The final exam will be a cumulative review of the course that is worth a total of 50 points. The periodic quizzes and final exam will consist of multiple choice and true/false questions.

C. WEEKLY & CHAPTER QUIZZES

- There will be a five question multiple choice quiz prior to lectures for each chapter in our text book. **This will require each student to read the chapter to be covered prior to class.** (16 quizzes = 80 points)
- There will 4 periodic quizzes that each cover 3 to 4 chapters of our text book. Each periodic quiz will consists of multiple choice & true/false questions; & will be worth 25 points each. (4 X 25= 100 points)
- The final exam will be a cumulative review of the course that is worth 50 points. The exam will consists of multiple choice & true/false questions.

Course materials are divided between lectures, discussions and reading. **Students are expected to read required chapters before coming to class.**

COURSE POLICIES

- A. Cells phones must be turned off or be in silent mode while in class. Texting in class is not permitted. No earphones are allowed to be worn in class. No iPods allowed in class.
- B. Course materials are divided between lectures and readings. Students are expected to have read required chapters before coming to class.
- C. Students must attend class. Students are awarded 2 points per class for attendance and participation. If a problem arises, contact the instructor as soon as possible.
- D. Our class meets on Mondays and Wednesdays from 7:35 am to 9:10 am. I expect all students to be on time to class. I encourage you to

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.

actively participate in classroom discussions. I expect all students to be respectful to each other and to all guest at all times.

I expect students to do their own work and not copy from one another. Do not have someone write your current event assignment.

Disability Support Services (DSPS)

Students with disabilities who need any assistance or accommodations should contact the instructor. Students should also contact the Disabled Student Programs & Services (DSPS) center located in SSB 320 or call 310-287-4420. dsp@wla.edu

Do not copy an article verbatim. Plagiarism is a serious violation. For further, see the below paragraph.

Plagiarism, as defined in the 1995 Random House Compact Unabridged Dictionary, is the "use or close imitation of the language and thoughts of another author and the representation of them as one's own original work." Plagiarism by students is considered [academic dishonesty](#) or academic fraud and offenders are subject to academic censure, up to and including [expulsion](#). Some individuals caught plagiarizing claim that they plagiarized unintentionally, by failing to include [quotations](#) or give the appropriate [citation](#). Any student who commits plagiarism in an Administration of Justice course will receive an "F" in the course and a notice sent to the Dean of Student Affairs. When writing papers, we will use the APA format, more on that later.

INSTRUCTOR BIOGRAPHY

Steven J. Katz's professional background is in law enforcement with over 31 years of experience as a sworn police officer. He worked two and ½ years as a deputy sheriff for the Los Angeles County Sheriff's Department assigned to custody operations. Mr. Katz has been a police officer and detective for the Los Angeles Police Department for over 29 years. His assignments include patrol training officer; vice investigator; gang investigations; research and project coordinator; robbery, crimes against persons, and auto theft investigator; and over 11 years as a homicide investigator. Mr. Katz has extensive experience in detective operations, to include crime scene investigation, suspect interrogation, search and arrest warrant preparation, report writing, and court preparation. Mr. Katz currently supervises a team of homicide detectives. Mr. Katz holds a Bachelor of Science degree in Occupational Studies from California State University, Long Beach; and a Master of Arts degree in Behavioral Science: Negotiation and Conflict Management from California State University, Dominguez Hills. Mr. Katz is an assistant adjunct professor in Administration of Justice at West Los Angeles College and Los Angeles Southwest College.

"The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education." – Dr. Martin Luther King, Jr.

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.

TENTATIVE SCHEDULE

WEEK 1: August 31st & September 2nd

Introduction and Course Overview

Student Profiles & Introductions

Chapter 1 – Introduction

- What is Evidence?
- Burden of Proof
- Role of the Judge and Jury
- History and Development of Rules of Evidence
- Source of Evidence Law
- Impact of Case Law
- How Legal Research is Done

Chapter 1 Quiz

WEEK 2: September 9th – No class Monday, September 7th (Labor Day)

Chapter 2 – The Court Process

- Introduction
- The Criminal Complaint
- Arraignment
- Preliminary Hearing
- Grand Jury
- Suppression Hearing
- Discovery
- Plea Bargaining
- The Trial
- Sentencing
- Appeal

Chapter 2 Quiz

WEEK 3: September 14th & 16th

Chapter 3 – Types of Evidence

- Relevant Evidence
- Direct and Circumstantial Evidence
- Testimonial and Real Evidence
- Substitutes for Evidence

Chapter 3 Quiz

Quiz #1 Review – Chapters 1, 2, & 3 (Handout)

WEEK 4: September 21st & 23rd

Quiz #1 – Chapters 1, 2, & 3

Chapter 4 – Direct and Circumstantial Evidence

- Basic Definitions

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.

- Weight of Evidence
- Circumstantial Evidence of Ability to Commit the Crime
- Circumstantial Evidence of Intent
- Circumstantial Evidence of Guilt
- Character
- Other Acts of Evidence
- Offers to Plead Guilty
- Circumstantial Evidence Involving the Victim
- Rape Shield Laws

Chapter 4 Quiz

WEEK 5: September 28th & 30th

Chapter 5 – Witnesses

- Competency of Witness
- Impeachment
- Rehabilitation
- Corroboration
- Memory Failures
- Unavailable Witness
- Types of Witnesses
- Opinion Rule

Chapter 6 – Crime Scene Evidence, Experiments, & Models

- Introduction
- Crime Scene Evidence
- Scientific Evidence
- Commonly Accepted Scientific Tests
- Tests That Are Not Commonly Accepted
- Experiments

Chapter 5 & 6 Quizzes

WEEK 6: October 5th & October 7th

Special Guest: Homicide Investigator

Quiz #2 Review – Chapters 4, 5, & 6 (Handout)

WEEK 7: October 12th & 14th

Quiz #2 – Chapters 4, 5, & 6

Chapter 7 – Documentary Evidence

- Definitions Used to Describe Documents
- Authentication
- Forensic Document Examiners
- Introducing the Contents of Documents

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.

- Photographic Evidence
- Models, Maps, and Diagrams

Chapter 7 Quiz

WEEK 8: October 19th & 21st

Chapter 8 – Hearsay and Its Exceptions

- Basic Hearsay Principles
- The Hearsay Rule
- Testimonial Hearsay
- Unavailability of the Hearsay Declarant
- Exceptions to the Hearsay Rule
- Admissions and Confessions
- Declarations against Interest
- Spontaneous Statements
- Contemporaneous Declarations
- Dying Declarations Exceptions
- Mental and Physical State
- Business Records and Official Documents
- Reputation
- Former Testimony
- Prior Inconsistent Statements
- Prior Consistent Statements
- Ancient Documents
- Past Recollection Recorded

Chapter 8 Quiz

WEEK 9: October 26th & 28th

Chapter 9 –Privileged Communications

- Basics for Privileges
- Attorney-Client Privilege
- Husband-Wife Privilege
- Physician-Patient Privilege
- Clergy-Penitent Privilege
- Media Reporter Privilege
- Executive Privilege
- Privilege for Official Information
- Privilege Not to Disclose Identity of Informant

Quiz #3 Review – Chapters 7, 8, & 9 (Handout)

Chapter 9 Quiz

WEEK 10: November 2nd & 4th

Quiz #3 – Chapters 7, 8, & 9

Chapter 10 – Developing Law of Search and Seizure

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.

- History and Development of the Fourth Amendment
- Definitions
- Warrant Requirements
- Exclusionary Rule
- Impermissible Methods of Obtaining Evidence

Chapter 10 Quiz

WEEK 11: November 9th – Off Wednesday, November 11th (Veteran’s Day)

Chapter 11 – Field Interview, Arrests, and Jail Searches

- Right to Use Force to Detain or Arrest Suspects
- Criminal Charges for Using Excessive Force
- Field Interviews
- Arrests
- Booking
- Jail and Prison Searches

Quiz Chapter 11

WEEK 12: November 16th & 18th

Chapter 12 – Plain View, Consent, and Administrative Warrants

- Plain View and Open Field Doctrines
- Abandoned Property
- Consent Searches
- Vehicle Searches
- Administrative Searches

Quiz #4 Review – Chapters 10, 11 & 12 (Handout) Chapter 12 Quiz

WEEK 13: November 23rd & 25th

Quiz #4 – Chapters 10, 11 & 12

Chapter 13 – USA PATRIOT Act, Foreign Intelligence, and Other Types of Electronic Surveillance Covered by Federal Law

- Eavesdropping and Electronic Surveillance
- Misplaced Reliance Doctrine
- National Security Letters

Chapter 13 Quiz

WEEK 14: November 30th & December 2nd

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.

Chapter 14 – Self-Incrimination

- Scope of the Privilege against Self-Incrimination
- *Miranda* Warnings
- Sequential Interrogations
- Special Situations
- Post-Arrest Confessions

Chapter 15 – Identification Procedures

- Definitions Used for Identification Procedures
- Fourth Amendment Rights during Identification Procedures
- Fifth Amendment Rights during Identification Procedures
- Sixth Amendment Rights during Identification Procedures
- Due Process Rights during Identification Procedures
- Use of Identification Testimony at Trial

Chapters 14 & 15 Quizzes

WEEK 15: December 7th & 9th

Chapter 16 – Preparing the Case for Court

- Introduction
- Reviewing Facts of the Case
- Working with the Prosecutor
- Dress and Demeanor
- Contacts with Lawyers, Witnesses, and Jurors
- Press Coverage

Final Exam Review (Handout)

- Course Review
- Career Information

Chapter 16 Quiz

WEEK 16: December 14th

Final Exam

“The function of education is to teach one to think intensively and to think critically. Intelligence plus character – that is the goal of true education.” – Dr. Martin Luther King, Jr.