

LEGAL ASPECTS OF EVIDENCE ADMINISTRATION OF JUSTICE 3 Spring 2017



Assistant Adjunct Professor Steven J. Katz • West Los Angeles College
Course Section No. 8142 • Online - Canvas
E-mail: katzsj@wlaac.edu

COURSE DESCRIPTION

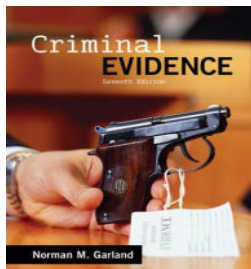
This course presents the legal aspects of evidence, constitutional and procedural considerations affecting arrest, search and seizure, kinds and degrees of evidence and rules, governing administratively, and judicial decisions interpreting individual rights and case studies. Legal practitioners and subject 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

1. Student will be able to effectively apply the constitution considerations of legally collecting and preserving evidence.
2. Students will be able to formulate appropriate procedures and techniques to maintain the value and admissibility of evidence in court.
3. Compare the evidence from the Corpus delicti, of a crime under investigation with the evidence that is legally admissible in court.

COURSE REQUIREMENTS

A. Required Text: CRIMINAL EVIDENCE, 7th edition, ISBN: 978-0-07-802661-4
By Norman M. Garland – Publisher: McGraw-Hill Education



B. GRADES*

To calculate your final grade, check the Grade Book for your point total, then compare to the Grade Scale below:

Assignment/Quiz/Exam

8 Discussions x 10 points each:

Possible Points

80 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.

4 quizzes, approximately 10 questions per chapter, lecture & syllabus (14): 120points
Quiz #1: 20 questions. 10 questions from chapters 1 & 2, plus the syllabus
Quiz #2 : 30 questions. 10 questions from chapters 3, 4 & 5
Quiz #3 : 30 questions. 10 questions from chapters 8, 9 & 10
Quiz #4 : 30 questions, from chapters 11, 12 & 13

Final Exam: The final exam will consist of 100 questions: 100 points

Total points possible: **300 points**

Final Grade Scale:

A = 300 to 270 (90%)

B = 269 to 240 (80%)

C = 239 to 210 (70%)

D = 209 to 195 (65%)

F = 194 and below

Weekly Schedule: Students are expected to log in to the “virtual” classroom at the beginning of each week and check the Weekly Class Schedule for the week’s assignments, read the material posted in the Module, post your response to the weekly graded Discussion question(s), and take the quiz or exam as assigned.

Class runs each week, with Discussions opening on Sundays and Quizzes/Exams will open on Thursdays. If you are planning to be away, make arrangements to have access to internet so you can log-in weekly. The 8 Graded Discussions are to be posted not later than Saturday and are graded on Monday. Discussions will remain open for one week after the deadline and postings will receive half credit or less.

This is an online class, you will be expected to know how to use Canvas and log-in EACH WEEK into CANVAS

- read the **Announcements**
- read the information posted in the **Modules**, and
- check for postings under the **Discussions and answer the weekly graded Discussion question**
- complete the Quiz, Midterm or Final Exam found in the **Assignments and Modules**.

Discussions. You must log-in each week to the online Canvas platform, click on the Discussion tab, and post your reply to the question. Each week there is a graded Discussion Question posted on Sunday and due not later than 11:59 pm on Saturday. **YOU MUST COMMENT ON TWO OF YOUR CLASSMATES** by Sunday, at 11:59 am. This also how I take roll since students are supposed to remain active each week and participate in class.

Important Dates for 2nd 8-week session, starting April 10 and ending June 4, 2017.

04/10/17	First class session. Welcome and post your introductions for Discussion 1.
04/17/17	Last date to drop with a refund, no fee owed and without a “W” on your record
05/19/17	This is the last day to drop the class with a “W” appearing on your college record
05/27/17	Last class session. Last day to turn in any missing work is 05/27/17.
06/01/17	Final Exam is open, closes at 11:59 pm on June 4, 2017, Ch 1-15, There are no make-ups

How to contact the instructor:

During course dates, please use the Inbox Message section of the Canvas log-in site. After class ends, please use the campus E-mail: katzsj@wlac.edu

Reminder about assistance or accommodation:

If there are special accommodations that you require to be successful in this course, please request assistance from the professor. To receive accommodations for a special need or disability, students must register with the Office of Disabled Student Program and Services.

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Please contact the DSPS Director at (310) 287 4450 for information and assistance, located in the new Student Services Building, room 320.

Instructor Biography

Steven J. Katz's professional background is in law enforcement with over 33 years' experience as a sworn police officer. He worked close to three 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 30 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 12 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 at a LAPD geographic bureau. 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.

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TENTATIVE SCHEDULE

Weekly Schedule and Calendar of Activities/Assignments (subject to change)

Week 1: 04/10/17 First Class Session

Discussion #1: Log into Canvas and post response to Discussion Question # 1

Topics: Introduction to the Law of Evidence and the Pretrial Process
The Rules of Evidence. Define Evidence. Law of Evidence.
Overview of the Court Process. Participants in the Criminal Justice System.
Understand the Pretrial Court Process.

Reading: review Complete Chapter 1, review chapter summary, key terms, and questions for review

Topics: Review the Trial Process, chapter 2
Jury Trial or Court Trial, The Role of the Judge, the Jury, Prosecutor and the Defense.
The Trial Process: Arraignment, Preliminary Hearing, Grand Jury, Suppression Hearing, Discovery, Plea Bargaining, Trial, Opening Statements, Witnesses, Rebuttals, Closing Arguments, Jury Instructions, Deliberation, Verdict, and Sentencing.

Reading: review Complete Chapter 2, review chapter summary, key terms, and questions for review

Week 2: 04/17/17

Discussion #2: Log into Canvas and post response to Discussion Question # 2

Quiz #1 30 questions. 10 questions from chapters 1 & 2, plus the syllabus

Topics: Evidence, the Basic Concepts, Chapter 3
Relevant Evidence, Direct & Circumstantial Evidence, Testimonial & Real

Evidence

Judicial Notice, Presumption, Burden of Proof, Stipulations

Reading: review Complete Chapter 3, review chapter summary, key terms, and questions for review

Topics: Witnesses, Chapter 4 and Chapter 5
Types of Witnesses and Competency of Witnesses
Privileged Communication, Husband and Wife Relationships, Parent-Child Privilege
Attorney-Client Privilege, Physician-Patient & Psychotherapist Privileges, Clergy,
Identity of Informer Privilege, Accountant-Client Privilege, News Reporter-News Source
Becoming a Witness, Lay Witnesses, Expert Witnesses, Refreshing Recollection

Reading: questions for review Complete Chapters 4 & 5, review chapter summary, key terms, and questions for review

Week 3: 04/24/16

Discussion #3: Log into Canvas and post response to Discussion Question # 3

Quiz #2 30 questions. 10 questions from chapters 3, 4 & 5

Topics: Credibility and Impeachment, Chapter 6
Impeachment, Rehabilitation, Corroboration, Memory Failures, Contradiction,
Unavailable Witnesses, Bad Character for Truthfulness, Prior Inconsistent Statements

Bias or Motive to Falsify, Witness Incapacity, Self Incrimination

Reading: review Complete Chapter 6, review chapter summary, key terms, and questions for review

Topics: The Hearsay Rule and Exceptions, Chapter 7
Testimonial Hearsay, Unavailability of the Hearsay Declarant, Exceptions to the Hearsay Rule, Constitutional Considerations

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Spontaneous Statements, Contemporaneous Declarations, Dying
Declarations
Mental and Physical State, Business Records and Official Documents,
Reputation,
Former Testimony, Prior Inconsistent Statements, Prior Consistent
Statements,
Ancient documents and Past Recollection Recorded
Reading: Complete Chapter 7, review chapter summary, key terms, and questions for
review

Week 4: 05/01/17

Discussion #4: Log into Canvas and post response to Discussion Question # 4

Topics: Field Interview, Arrests, and Jail Searches, Right to Use Force
Criminal Charges for Using Excessive Force, Field Interviews,
Arrests, Bookings
USA Patriot Act, Foreign Intelligence, and Other Types of Electronic
Surveillance

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

Reading: This section is from the lecture and handouts

Topics: Admissions and Confessions, Chapter 8
Review of the Bill of Rights
Admissions, Confessions
Exclusions: Due to Violation of Due Process of Law, Due to Violation of
Rights secured under Miranda, Due to Violations of the 6th Amendment, Due
to Violations of the 4th Amendment after an Unlawful Search or Seizure
Procedures for the introduction of a Confession
Procedure for Introducing a Confession, Wording of Confessions, Corpus

Delicti

Reading: Complete Chapter 8, review chapter summary, key terms, and questions for
review.

Week 5: 05/08/17

Discussion #5: Log into Canvas and post response to Discussion Question # 5

Quiz #3 20 questions, from chapters 8, 9 & 10 and postings in the Modules.

Topics: The Exclusionary Rule, Chapters 9 and 10
What is the Exclusionary Rule, Fruit of the Poisonous Tree Doctrine

Definition of a Search and Seizure. Consent Searches
4th Amendment and reasonable search, Search pursuant to a Search
Warrant
Exceptions to the Search Warrant Requirement, Stop and Frisk
Probable Cause and Suspicionless Stops and Searches
Warrantless search of an automobile, Carroll vs. U.S. 267 U.S. 132 (1925)
Plain View and Open Field Doctrines
Objections to the Introduction of Evidence Claimed to be Illegally Seized
Identification Procedures, 6th Amendment Right to Counsel
Identification Procedures, 5th & 14th Amendment Right to Due Process of

Law

The 5 Factors of the Biggers Case, Neil vs. Biggers, 409 U.S. 188 (1972),
Lineups and Showups, Photo Identification and the use of a “six pack”
Reading: Complete Chapters 9 & 10, review chapter summary, key terms, and
questions for review

Topics: Circumstantial Evidence, Chapter 11

Direct Evidence vs. circumstantial Evidence
Admissibility of Other Crimes, Acts, or Wrongs
Means or Capability to Commit a Crime, Consciousness of Guilt
Character: Defendant, Victim, Witness

Reading: Complete Chapter 11, review chapter summary, key terms, and questions
for review

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Week 6: 05/15/17

Discussion #6: Log into Canvas and post response to Discussion Question # 6

Quiz #4 30 questions. 10 questions from chapters 11, 12 & 13.

Topics: Documentary Evidence and the Right of Discovery, Chapter 12
Documents, Authentication, Best Evidence Rule, Right of Discovery in Criminal Cases

Reading: Pre-trial Discovery and Discovery through the Preliminary Hearing
Prosecution's and Defense Rights of Discovery
Defendant's Right to Original Investigative Notes and Recordings
Complete Chapter 12, review chapter summary, key terms, and questions for review

Topics: Physical Evidence Chapter 13
Definition and sources of Physical Evidence.
Chain of Custody, Chain of Possession
Identification, Labeling, Collecting, Gathering and Storing of Evidence
Preparing and Delivering Evidence to Court
Physical Objects Not Produced in Court. Viewing of the Crime Scene by the

Jury
Reading: Complete Chapter 13, review chapter summary, key terms, and questions for review.

Week 7: 05/22/17

Discussion #7: Log into Canvas and post response to Discussion Question # 7

Topics: Photographic, Recorded, and Computer Based Evidence, Chapter 14
Foundation for Relevance, Foundation for Authentication
Posed Photographs and Video Recordings

Reading: Methods of Presentation in the Courtroom, X-ray Photographs
Complete Chapter 14, review chapter summary, key terms, and questions for review

Topics: How to Testify in Court, Chapter 15
How to prepare for trial, what to wear, what to bring, and what attitude should be displayed on the witness stand and after the trial

Reading: Complete Chapter 15, review chapter summary, key terms, and questions for review

Week 8: 05/29/16 through June 4, 2017 Final Exam Week

Discussion #8: Log into Canvas and post response to Discussion Question # 8

Final Exam: The final exam open on Thursday, June 1 and closes June 4, 11:59 am (just before noon)

Final Exam, 100 questions, Ch 1-15, comprehensive.
Questions are taken from the previous quizzes, review from each chapter, vocabulary and key terms, questions for review, and postings in the Modules. Emphasis is on vocabulary

There are no make-ups for the final exam. Missing the final exam will have a very negative impact on your final grade.

CLASS POLICIES

The Learning Process:

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Students are expected to attend all classes and participate in class discussions. In the event a student wants to withdraw from the course, then it is up to the student to process a “withdraw” in accordance with the West Los Angeles College Class Schedule. See the Weekly Class Schedule for last date to drop classes.

The On-line Learning Process:

Students are expected to log-in each week to the Virtual Classroom on the Canvas Platform and are cautioned to keep up with the reading assignments and take the quizzes and exams on time. Access to the Canvas Platform is open 24 hours a day, however, the quizzes/exams have time limits. Discussions will be available on Sunday, and must be completed not later than Saturday, by 11:59pm. I will grade exams on Sundays and POST any Announcements Sunday evening for the upcoming week. I will check the class website and my private messages every three days for your comments, if any, by Private Message through the Canvas Inbox section.

All assignments, including any quiz/exam, must be taken within the time period provided. Quizzes and exams are available on Thursdays and must be completed by Sunday night @ 11:59pm. I do not allow make-ups EXCEPT on an individual case by case basis where we can discuss what emergency caused a student to miss a quiz or exam. Not having access to the internet is not considered an excuse. If you do not take the final exam you will receive 0 points and your final grade will be calculated without the final exam, having a negative impact your overall score and final grade.

In the event a student wants to withdraw from the course, then it is up to the student to process a “withdraw” in accordance with the college catalog. See the Weekly Class Schedule for withdrawal dates to avoid penalties.

Professional Conduct in Our Virtual Classroom Community:

I encourage you to participate in the DISCUSSIONS, and to ask questions and post items of interest.

One of the unifying objectives in this course is to familiarize you with best practices and give you exposure to becoming a member of a professional community.. I also have the responsibility to insure that our virtual classroom is a conducive learning environment for all students. As such, all students will please follow these policies for all emails, discussion groups and chat rooms:

1. No profanity or foul language, either in writing or pictures, of any kind at any time.
2. Please address everyone politely by their name.
3. Under no circumstances may you ask for a classmate’s personal contact information or in any way ask for a personal meeting or date.
4. Unless I specifically ask you to do so as a proper part of an assignment, do not include in your email signatures or other material in your messages any kind of a personal nature, including a photo, sales solicitation, information about a business, or a political or religious message of any kind. Do not include a blind or other kind of hyperlink to such information. Violators will be excluded from the course and if the exclusion is after the last date to withdraw, then an “F” will be recorded as the final grade..
5. Please use common sense and common courtesy as if you are already a professional in the law enforcement community. Please check with me first if you have any questions about what is appropriate.

Lectures appear in the Modules:

Lectures from my campus class will be posted each week in the Module. During class I have a lot of handouts, which I will also include as Attachments in the Modules.

Grading Criteria: (See How Your Grade is Calculated for your final grade)

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Grading will be on the point system. This is an 8-week class, whereby a three-unit 16-week session has been compressed into 8 weeks. We will cover approximately two to three chapters each week, then have a quiz or exam on the material covered. Each quiz will have 5 to 10 questions from the topics in each chapter. The quiz or exam will be available starting on Thursday and must be completed not later than Sunday morning of the same week. You are allowed 1 ½ minutes per question once you start the quiz or exam. Each quiz is made up of exam questions taken from the end of each chapter summary, vocabulary words and trade terms, and from the attachments posted in the course Modules. The first quiz will contain questions from the course syllabus.

A comprehensive final exam will also be administered during the course. The final exam will be made up of questions from the same sources as the chapter quizzes. Credit is awarded at 1 point for each correct answer. In addition to the Quizzes, Essay, and Final Exam, you have a weekly graded Discussion question that you must post a response to for grading up to 10 points. Late postings will result in a lower grade. The Discussions require you to answer the question(s) and to post two responses to classmates. Please do not ignore them, the points add up and missing an assignment could have a negative impact on your grade.

Make-up missing work:

I have, on occasion, by special request and due to individual circumstances, granted make-ups to students who have missed a Quiz or Discussion, but only upon an emergency situation that can be verified or documented. Not having access to the internet is not considered an emergency.

There are no make-ups for the final exam except in exigent circumstances that can be verified. A student who does not take the final exam as assigned in the course syllabus, in accordance with the College Policy as reported in the Schedule of Classes, will receive no points for the exam. Since the final grade is determined by the total points earned by the student, missing any exam will have a negative impact on the overall grade. If you find you cannot continue in class, please process a drop before the deadline posted on the first page of the syllabus.

Course Participation:

On campus students are expected to actively participate in all classes for which they are registered, to be prompt and to remain in class/lab for the entire time. For online students, participating in class regularly means to log-in each week, post your response to the class Discussions as directed, review the materials posted in the Modules, and to take the Quiz/Exams on time as posted in the Syllabus.

The ratio of homework to class time is 2 to 3 hours for each hour of class time. A student is expected to spend two to three hours of research, study, and out of class preparation each week. This is a three-unit university level course, therefore you would be expected to log in, review the materials in the Modules, research topics of interest, and complete all assignments to satisfy class participation each week.

Students who are unable to participate in class regularly, regardless of the reason or circumstance, should withdraw from the class. Instructors may drop a student from a class whenever a student is absent or has not participated more hours than the number of hours the class meets per week.

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For online students, this means if you do not complete your Discussions & Quizzes, or fail to log-in weekly as directed in the syllabus and post your response to the Discussion question, you are subject to exclusion from the class if you are absent for more than one week. Holidays are not observed for online classes so be prepared to log-in each and every week.

Dropping a Class:

Student wanting to drop a class should drop online at www.wlac.edu, click “For Students,” then “Student Information System.” Students who register and then never attend or stop attending a class are responsible for withdrawing from the class to prevent being issued a failing “F” grade in the class.

If your name appears on the final grade roster, then you will be assigned a grade of A, B, C, D, or F depending upon your total points for the course. Withdrawal from class can affect your financial aid.

Special Instructional Accommodation:

Please contact me if you need assistance. I check the website and my Private Messages e-mail every two to three days or sooner. I encourage all of you to e-mail me with any specific questions regarding course content, assignments, or any problem that trips you up. Please use the Canvas Inbox section for all college related correspondence or after class ends at my campus e-mail: stapleb@wlac.edu.

If there are special accommodations that you require to be successful in this course, please request assistance from the professor. To receive accommodations for a special need or disability, students must register with the Office of Disabled Student Program and Services. Please contact the DSPS Director at (310) 287 4450 for information and assistance or visit their offices, located in the third floor of the Student Services Building, SSB 320, on the West L.A. College campus.

Doing Your Own Work:

As the instructor I am here to assist you. I expect each of you to do your own work and not copy or do group exams. There are two main areas for you to be concerned with. First, do your own work. Take the exam using your book, your own notes, and your own materials. Do not take the exam with a buddy who shares answers. Second, when writing a paper, whether it be an essay or term paper, do your own work. Do not have someone else give you answers or write the paper for you. This includes loaning your paper to other students to have a look. If that student copies from your paper, both students are guilty of plagiarism and will receive no credit for the work.

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](#) or reference.

Any student who commits plagiarism, copies work from others without giving them credit, has someone else do their work, or does not follow the Class Policies above, is subject to exclusion from the course or will receive an “F” for the dishonest work and a notice sent to the Dean of Student Affairs.

Please review <http://en.wikipedia.org/wiki/Plagiarism> and the Canvas Code of Conduct

Standards of Student Conduct:

Faculty members are charged with responsibility for building and maintaining a classroom atmosphere conducive to learning. Disruptive, disrespectful, or obstructive behavior will be dealt with in terms specific to this syllabus and in accord with the LACCD Standard of Student Conduct. Select forms of disciplinary action appropriate to the misconduct may be taken by an instructor when there is evidence that the student’s behavior interferes with classroom instruction.

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The following types of disciplinary action may be taken by an instructor:

- 1) Warning- A verbal or written notice, given to the student by an instructor. Continuation or repetition of the specified conduct may be cause for further disciplinary action.
- 2) Removal by Instructor - An instructor may remove (suspend) a student from his or her class for the day of the incident and the next class meeting. For online class that means your access to the class is blocked. During this period of removal, the student shall not log in to the class from which he or she was removed without the concurrence of the instructor of the class. Online students would be blocked from class as indicated.

Academic Integrity:

Students are responsible for the honest completion and representation of their work, for the appropriate citation of sources, and for respect of others' academic endeavors. When there is evidence of cheating or plagiarism in classroom work, the instructor may assign a failing grade, "F" or zero points to the examination or assignment in which the alleged cheating or plagiarism occurred. Before a substandard grade is issued the instructor will provide the student with supporting documentation of the plagiarism or cheating charge.

Instructors have the authority to use plagiarism detecting instruments such as "Turn It In" to detect academic dishonesty.

Forms of Behavior which Violate Academic Integrity:

- **Cheating.** Using any materials or devices or strategies which provide undue advantage on any exam, assignment, activity or other method of assessment for a course. This includes, but is not limited to, looking at another student's exam, using phones or other communications systems to text message during exams, taking pictures or images of exams, talking with others during exams, using Internet to find information, or any other system of inappropriate "help." Exams are to be measures of what YOU, as an individual, have learned.
- **Collaboration.** Working together on projects, paper, exams or other forms of assessment which are to be completed individually. This includes giving or sharing your paper with others.
- **Plagiarism.** Taking anyone else's work as one's own. Presenting another's words, ideas, forms of expression, materials, or labor without proper citation, referencing, and declaration that this material originated outside the student's own work.

Students may refer to the College Catalog or the online student orientation at www.wlac.edu; click "Counseling, Assessment and Orientation," then scroll down to "Orientation" for complete details regarding the above policies.

Thank you for your professionalism and cooperation. **Steven J. Katz, Assistant Adjunct Professor**

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