

**TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #17
PRESENTATION OF EVIDENCE**

January ~~July~~ 1, 2007

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	
X	X	X			X	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X			X		X	X

I. LEARNING NEED

Peace officers must know the criteria for admitting and excluding evidence to ensure evidence is identified, collected, and tracked in a legal manner that will be accepted in court.

LEARNING OBJECTIVES

- A. Recognize circumstances which may cause evidence to be excluded
- B. Recognize a peace officer's role in ensuring the admissibility of evidence

II. LEARNING NEED

Peace officers need to write complete, accurate ~~take thorough~~ and reliable witness reports. Reports need to record hearsay evidence that allows an active duty or retired peace officer to testify at preliminary hearings in accordance with Penal Code 872(b), Proposition 115. (10)

LEARNING OBJECTIVES

- A. Recognize the requirements and exceptions for admitting hearsay evidence for:
 - 1. Spontaneous statements
 - 2. Admissions and confessions
 - 3. Dying declarations
 - 4. Records and officer testimony
 - 5. Hearsay testimony at preliminary hearings (10)
 - a. By active and honorably retired peace officers (10)

III. LEARNING NEED

For peace officer's testimony to be given serious consideration by the court, it is essential that officers present themselves as professional, credible, and convincing witnesses.

- A. Identify peace officer responsibilities regarding pretrial preparation

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	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
6	2	2	4		6	2

- B. Identify aspects of a case that officers should review prior to giving testimony
- C. Identify factors related to an officer's appearance that can influence how an officer's testimony is received by the court
- D. Identify appropriate actions for receiving and answering questions as a witness
- E. Identify appropriate responses when an officer who is testifying is unsure of or does not know the answer to a question asked by an attorney
- F. Identify appropriate responses when asked to give an opinion while testifying

IV. LEARNING ACTIVITIES

- A. The student will participate in a simulated criminal trial by either providing testimony or critiquing testimony provided by another person. The simulation shall incorporate a variety of questioning styles that officers are likely to encounter on the witness stand, including:
 - 1. Badgering/belligerent questioning (4)
 - 2. Offensive questioning (4)
 - 3. Friendly questioning (4)
 - 4. Condescending questioning (4)
 - 5. Hearsay questions and testimony at a preliminary hearing (10)
 - a. By active and honorably retired peace officers (10)

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on presentation of evidence.

VI. ORIGINATION DATE

January 1, 2001

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	

VIII. REVISION DATE

January 1, 2002
 January 1, 2004
 September 15, 2004

January 1, 2006
 April 1, 2006
 January 1, 2007

July 1, 2007