

Note: Refer to #6 on the *Legend of Recommendations* for an explanation of the strikeout/underline Xs.

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

~~August 8, 2007~~ July 1, 2008

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	
X	<del>X</del>	X			X	
<u>X</u>		<u>X</u>			<u>X</u>	
<u>X</u>		<u>X</u>			<u>X</u>	
<u>X</u>		<u>X</u>			<u>X</u>	
<u>X</u>		<u>X</u>			<u>X</u>	
<u>X</u>	<u>X</u>	<u>X</u>			<u>X</u>	
<u>X</u>		<u>X</u>			<u>X</u>	<u>X</u>
<u>X</u>		<u>X</u>			<u>X</u>	<u>X</u>

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.~~ the rules of evidence as they pertain to relevancy, types of evidence, authentication and chain of custody. (1)

LEARNING OBJECTIVES

- A. Recognize circumstances which may cause evidence to be excluded-relevance as it pertains to the admissibility of evidence (1)
- B. Recognize a peace officer's role in ensuring the admissibility Identify four types of evidence: (11)
  - 1. Testimonial(1) (2)
  - 2. Real (1) (2)
  - 3. Demonstrative (1) (2)
  - 4. Circumstantial (1) (2)
- C. Recognize the process of authentication of evidence (2)
- D. Understand what constitutes the legal chain of custody for evidence (2)

II. LEARNING NEED

Peace officers must know the requirements and exceptions for the admissibility of evidence.~~need to write complete accurate 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~~ (2)

LEARNING OBJECTIVES

- A. Recognize a peace officer's role and responsibilities in ensuring the admissibility of evidence: (2)
  - 1. California Evidence Code 352 (2)

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	832	III	II	I	SIBC	
<u>X</u>		<u>X</u>			<u>X</u>	<u>X</u>
<u>X</u>		<u>X</u>			<u>X</u>	<u>X</u>
<u>X</u>		<u>X</u>			<u>X</u>	<u>X</u>
<u>X</u>		<u>X</u>			<u>X</u>	<u>X</u>
X	X	<del>X</del>	<u>X</u>		X	X
X	X	<del>X</del>	<u>X</u>		X	X
X	X	<del>X</del>	<u>X</u>		X	X
X	X	<del>X</del>	<u>X</u>		X	X
X	X	<del>X</del>	<u>X</u>		X	X
X	X	<del>X</del>	<u>X</u>		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
<u>X</u>			<u>X</u>		<u>X</u>	<u>X</u>

2. Exclusionary Rule (2)
3. Opinion and expert testimony (2)
4. Privilege (2)
5. Credibility of witnesses (2)

~~AB~~ (1). 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
  - a. By active and honorably retired peace officers

III. LEARNING NEED

For a peace officer's testimony to be given serious consideration by the court, it is essential that officers present themselves as professional, credible, and ~~convincing~~ reliable witnesses. (1)

- A. Identify a peace officer's responsibilities regarding pretrial preparation (1)
- B. Identify aspects of a case that peace officers should review prior to giving testimony (1)
- C. Identify factors related to a peace officer's personal appearance that can influence how an officer's testimony is received by the court (1)
- D. Identify appropriate ~~actions for receiving and answering questions~~ peace officer responses while testifying as a witness (1)
- E. Identify appropriate responses when an peace officer who is testifying is unsure of or does not know the answer to a question asked by an attorney (1)
- F. Identify appropriate responses when asked to give an opinion while testifying
- G. Recognize the importance of being a truthful peace officer while testifying in court (2)

IV. REQUIRED TESTS

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RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
6	2	2	4		6	2

NONE (1)

V. 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 peace officers are likely to encounter on the witness stand, including: (1)
1. Badgering/belligerent
  2. Offensive
  3. Friendly
  4. Condescending

VI. HOURLY REQUIREMENTS

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

VII. ORIGINATION DATE

January 1, 2001

VIII. REVISION DATE

January 1, 2002	January 19, 2007
January 1, 2004	July 1, 2007
September 15, 2004	August 8, 2007
January 1, 2006	<u>July 1, 2008</u>