

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	B. Substantive Criminal Law
<u>Module Title:</u>	5. LAWS OF EVIDENCE
<u>Hours:</u>	Not less than 4 hours

Notes to Instructor:

Must be taught by an attorney admitted to the Michigan Bar. Criminal investigative procedures are taught elsewhere in the curriculum.

Instructors are reminded to present the Michigan Rules of Evidence (I.B.5.3) in a practical manner, as informational awareness, and at a law enforcement officer's level of understanding.

Module Objectives:

- I.B.5.1. Demonstrate an Understanding of the Integral Relationship between Investigative Procedures and Admissible Evidence in Court.
- a. Indicates that the summary goal in investigation and physical evidence collection is an affirmative final determination in a court of competent jurisdiction.
 - b. Indicates that the final determination is dependent on the evidence collected and its presentation in a legally sufficient manner.
 - c. Indicates that the final determination is dependent on the ability to reconstruct a prior incident or crime.

I.B.5.2. Collect Evidence in Daily Investigative Activities in Conformance with the Laws of Evidence as Defined by Federal and State Courts.

- a. Demonstrates a working knowledge of the following concepts relevant to evidence including:
 - (1) evidence;
 - (2) presumption of innocence;
 - (3) "beyond a reasonable doubt," the standard of proof in a criminal prosecution;
 - (4) chain of custody;
 - (5) the "exclusionary rule;"
 - (6) the good faith exception to the exclusionary rule (United States v. Leon, 468 U.S. 897 (1984); Massachusetts v. Sheppard, 468 U.S. 981 (1984); People v. Goldston, 470 Mich. 523 (2004); and
 - (7) the "fruit of the poisonous tree" doctrine.
- b. Demonstrates a working knowledge of terms important to evidence including:
 - (1) corpus delicti, and
 - (2) res gestae.

I.B.5.3. Conduct Investigations from the Initial Complaint to Presentation of Evidence in the Courtroom in Conformance with the Michigan Rules of Evidence.

- a. Demonstrates a working knowledge of relevant concepts and terms specified in the Michigan Rules of Evidence, including:
 - (1) The weight and credibility of evidence (MRE 104);
 - (2) Judicial notice (MRE 201-202);
 - (3) Presumptions at law in Criminal Cases (MRE 302);
 - (4) Relevant evidence (MRE 401);
 - (5) The concept of "prejudicial effect versus probative value" (MRE 403);
 - (6) Character evidence and reputation evidence (MRE 404);
 - (7) Evidence of habit (MRE 406);
 - (8) The concept of privilege (MRE 501);
 - (9) Rules on witnesses and competency (MRE 601);
 - (10) The need to testify under oath or affirmation (MRE 603);
 - (11) Impeachment (MRE 609);
 - (12) The importance of refreshing memory (MRE 612);
 - (13) Opinion evidence (MRE 701-703);
 - (14) Hearsay and the hearsay rule and its exceptions (MRE 801-804); and
 - (15) The best evidence rule (MRE 1002).

Module History

Revised	7/00
Revised	7/04
Revised	4/12
Reviewed	9/21