

SA05 - Preservation of Evidence
Session 02 - Mock Trial
LD 17 - Preservation of Evidence

Date Revised: 10/29/2019

Course Goal: To teach recruit officers the rules of evidence as they pertain to relevancy, types of evidence, authentication and chain of custody.

Learning Objective:

- No New Content

Session Time: 2 Hours

| Resources: <ul style="list-style-type: none">• Mock Trial Room | |
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| Session Summary: The instructor will facilitate a mock trial, incorporating the concepts already learned in LD 17 | |
| Outline | Instructor's Notes |
| No New Content. | <u>Session 2 - Run Learning Activity Mock Trial (2 Hours) - Guest Speaker</u> |

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Learning Activity - Mock Trial

Purpose: To put the recruits in a mock trial and apply the concepts of LD 17.

Description: 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. Badgering / belligerent
 2. Offensive
 3. Friendly
 4. Condescending
 5. Hearsay question and testimony at a preliminary hearing by active and honorably retired peace officer
- I. Courtroom Testimony
- A. Stages of a trial
 1. Voir dire: Jurors are questioned by court and attorneys to determine jury selection
 2. Opening statement: Road map to what the jurors can expect to hear from witnesses
 3. People's Case
 - a) Witness testimony
 - (1) Direct examination – prosecution asks questions of witness
 - (2) Cross-examination – defense asks questions of prosecution's witness
 - (3) Re-direct – prosecution gets to ask questions to clear up anything from cross-examination
 - (4) Re-cross – defense gets to ask questions to clear up anything from re-direct
 - b) People rest: Once all witnesses have gone through the above testimony process
 4. Defense Case
 - a) Witness Testimony: Same process as above but in reverse
 - b) Defense rests
 5. Rebuttal (rarely but sometimes)
 - a) Presented after both sides rest
 - b) Used to impeach a witness
 - c) Not to repeat information given on direct
 6. Argument
 - a) People's opening argument
 - b) Defense closing argument
 - c) People's final/closing argument. The People get a second crack at the jury because they have the burden of proof.
 7. Jury instructions from judge (sometimes given before argument)
 - B. Learning Activity – Mock Trial
 1. Assemble the recruit officers in the mock courtroom
 2. The training cadre will conduct a mock trial of the arrest report given in Session-1 utilizing the recruit officers as police officer witnesses
 3. If recruit officers do not review the Arrest Report prior to class, remind them of their responsibilities taught in Session 1 "Courtroom Testimony."

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4. During the course of the trial, the training cadre will switch witnesses allowing the recruit to take over testimony where the previous witness ended his/her testimony
 5. During the course of the exercise most, if not all, recruits will have the opportunity to testify
 6. At the conclusion of the exercise, conduct a facilitated discussion which covers the following:
 - a) Testimony starts when you begin gathering information in the field
 - b) Police Report
 - (1) The jury recognizes conflicts in testimony and poorly written reports used to impeach the officer. Do not take short cuts
 - (2) Officers make mistakes and leave information out
 - (a) Notify the prosecutor as soon as possible. This eliminates surprise to prosecutor and allows for the missing information to be turned over to the defense as soon as possible
 - (b) Own up to your mistakes but keep it simple
 - (3) All reports for an incident must be consistent
 - c) An officer's career and reputation are on the line in court
 - (1) Brady Package – if you are deemed a liar you are useless as a police officer
 - (2) CORE VALUE – Integrity in All We Say and Do
 - d) Subpoenas
 - (1) Court order
 - (2) On call vs. must appear
 - (3) Must appear for a defense subpoena
 - e) Pretrial preparation
 - (1) Review the report
 - (2) Review with partner
 - (3) Review with prosecutor
 - (4) Go back to scene of incident, if possible
 - (5) Bring evidence to court
- C. Review Key Learning Points
1. Police officer's role as a witness to the prosecution is to:
 - a) Testify to the truth
 - b) Testify only to facts they know from personal knowledge
 - c) Be an unbiased witness for either side
 2. Officers must ensure they dress appropriately and present themselves in a professional manner when testifying in court
 3. Officers must ensure they are prepared to testify by conducting the following:
 - a) Review the case by reading all relevant reports
 - b) Pretrial meeting with the prosecutor
 - c) Ensure physical evidence is available at the time of the trial

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