

**SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY**

**SAULT STE. MARIE, ONTARIO**



**COURSE OUTLINE**

**COURSE TITLE:** Investigation and Evidence

**CODE NO. :** PFP404 **SEMESTER:** Four

**PROGRAM:** Police Foundations / Law and Security Administration

**AUTHOR:** James Pardy

**DATE:** June 2011 **PREVIOUS OUTLINE DATED:** Aug2010

**APPROVED:**

	DEAN	DATE
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**TOTAL CREDITS:**

**PREREQUISITE(S):** PFP303 PFP301

**HOURS/WEEK:** Three

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## **COURSE DESCRIPTION:**

In this course students will examine the requirements of a continuing investigation. They will learn the rules of evidence and develop the ability to apply said rules in the collection and presentation of evidence in a court of law. Forensic requirements, statute law and other related issues will be emphasized. Students will be introduced to various forms of physical evidence and the evidentiary value of physical evidence.

## **II. LEARNING OUTCOMES AND ELEMENTS OF THE PERFORMANCE:**

Upon successful completion of this course, the student will demonstrate the ability to:

1. Identify the provisions of the Charter of Rights applicable to the gathering and admission of evidence into the court.
  - 1.1 Explain the rights of suspects and the obligations of peace officers as contained in section 10 of the Charter regarding the gathering of evidence.
  - 1.2 Explain the requirements that must be met to comply with the rights and obligations set out in section 8 of the Charter regarding the search for and seizure of evidence.
  - 1.3 Explain the legal rights and obligations set out in section 9 of the Charter regarding the evidence obtained during detention.
  - 1.4 Explain, in the context of section 24 of the Charter, the remedies available to the court regarding evidence obtained in violation of the Charter of Rights and Freedoms.
2. Identify and explain the types of evidence available.
  - 2.1 Explain the standard of proof and burden of proof required to prove a criminal offence.
  - 2.2 Explain the basic rules that govern the admissibility of evidence.
  - 2.3 Identify the “facts in issue” required to prove identified criminal offences.
3. Explain how evidence is ‘weighed’ by the courts.
  - 3.1 Explain relevant and material evidence within the context of a criminal prosecution.
  - 3.2 Explain probative versus prejudicial value of evidence.
  - 3.3 Identify direct and circumstantial evidence.
  - 3.4 Identify situations where corroborative evidence is required or not required.

4. Identify factors that determine the weight and admissibility of evidence.
  - 4.1 Define hearsay evidence.
  - 4.2 Identify the exceptions to the admissibility of hearsay evidence.
  - 4.3 Explain opinion evidence.
  - 4.4 Identify the exceptions to the opinion evidence rule.
  - 4.5 Explain expert opinion evidence.
  - 4.6 Explain the conditions under which expert opinion evidence may be admissible.
  - 4.7 Explain character evidence and the rules governing the admission of character evidence.
  
5. Identify the parties that may be compelled to testify in court and the rules that govern their testimony.
  - 5.1 Explain the significance of oaths and affirmations.
  - 5.2 Identify the conditions under which the testimony of a child may be entered into evidence.
  - 5.3 Explain the factors that determine the competence and compellability of witnesses.
  - 5.4 Identify situations involving 'privileged' communications such as solicitor-client and spousal privilege.
  - 5.5 Identify the exceptions to the rules governing the inadmissibility of privileged communications
  - 5.6 Identify persons that may be compelled to appear in court to provide evidence.
  - 5.7 Accurately complete legal documentation compelling witnesses to appear in court.
  
6. Recognize crime scenes and containment areas.
  - 6.1 Describe how a crime scene should be secured.
  - 6.2 Identify potential hazards that may be found at crime scenes.
  - 6.3 Explain and apply the concept of continuity of evidence.
  
7. Identify Potential Sources of Physical Evidence
  - 7.1 Fingerprint evidence
  - 7.2 DNA evidence
  - 7.3 Blood spatter
  - 7.4 Impression evidence
  - 7.5 Firearm evidence
  - 7.6 Trace evidence

### **III. TOPICS:**

1. The Charter of Rights and Freedoms
2. Types of Evidence
3. Rules Governing Testimonial Evidence
4. Competence and Compellability
5. Crime Scene Preservation
6. Physical Evidence
7. Sudden Death Occurrences

**IV. REQUIRED RESOURCES/TEXTS/MATERIALS:**

**Martin's Criminal Code** (2010 or 2011)

**V. EVALUATION PROCESS/GRADING SYSTEM:**

Mid-Term Exam        30%  
Assignments (6x5%) 30%  
Final Exam            40%

The following semester grades will be assigned to students:

<u>Grade</u>	<u>Definition</u>	<u>Grade Point Equivalent</u>
A+	90 – 100%	4.00
A	80 – 89%	3.00
B	70 - 79%	2.00
C	60 - 69%	1.00
D	50 – 59%	0.00
F (Fail)	49% and below	
CR (Credit)	Credit for diploma requirements has been awarded.	
S	Satisfactory achievement in field /clinical placement or non-graded subject area.	
U	Unsatisfactory achievement in field/clinical placement or non-graded subject area.	
X	A temporary grade limited to situations with extenuating circumstances giving a student additional time to complete the requirements for a course.	
NR	Grade not reported to Registrar's office.	
W	Student has withdrawn from the course without academic penalty.	

**Note:** For such reasons as program certification or program articulation, certain courses require minimums of greater than 50% and/or have mandatory components to achieve a passing grade.

**Students enrolled in Police Foundations, Law and Security Administration or Protection, Security and Investigation Programs must achieve a minimum grade of 60% in each course to achieve a passing grade.**

It is also important to note, that the minimum overall GPA required in order to graduate from a Sault College program remains 2.0.

## VI. SPECIAL NOTES:

### Course Outline Amendments:

The professor reserves the right to change the information contained in this course outline depending on the needs of the learner and the availability of resources.

### Retention of Course Outlines:

It is the responsibility of the student to retain all course outlines for possible future use in acquiring advanced standing at other postsecondary institutions.

### Prior Learning Assessment:

Students who wish to apply for advance credit transfer (advanced standing) should obtain an Application for Advance Credit from the program coordinator (or the course coordinator regarding a general education transfer request) or academic assistant. Students will be required to provide an unofficial transcript and course outline related to the course in question. Please refer to the Student Academic Calendar of Events for the deadline date by which application must be made for advance standing.

Credit for prior learning will also be given upon successful completion of a challenge exam or portfolio.

Substitute course information is available in the Registrar's office.

### Disability Services:

If you are a student with a disability (e.g. physical limitations, visual impairments, hearing impairments, or learning disabilities), you are encouraged to discuss required accommodations with your professor and/or the Disability Services office. Visit Room E1101 or call Extension 2703 so that support services can be arranged for you.

### Communication:

The College considers **WebCT/LMS** as the primary channel of communication for each course. Regularly checking this software platform is critical as it will keep you directly connected with faculty and current course information. Success in this course may be directly related to your willingness to take advantage of the **Learning Management System** communication tool.

### Plagiarism:

Students should refer to the definition of “academic dishonesty” in *Student Code of Conduct*. A professor/instructor may assign a sanction as defined below, or make recommendations to the Academic Chair for disposition of the matter. The professor/instructor may:

- (i) issue a verbal reprimand,
- (ii) make an assignment of a lower grade with explanation,
- (iii) require additional academic assignments and issue a lower grade upon completion to the maximum grade “C”,
- (iv) make an automatic assignment of a failing grade,
- (v) recommend to the Chair dismissal from the course with the assignment of a failing grade.

In order to protect students from inadvertent plagiarism, to protect the copyright of the material referenced, and to credit the author of the material, it is the policy of the department to employ a documentation format for referencing source material.

### Student Portal:

The Sault College portal allows you to view all your student information in one place. **mysaultcollege** gives you personalized access to online resources seven days a week from your home or school computer. Single log-in access allows you to see your personal and financial information, timetable, grades, records of achievement, unofficial transcript, and outstanding obligations. Announcements, news, the academic calendar of events, class cancellations, your learning management system (LMS), and much more are also accessible through the student portal. Go to <https://my.saultcollege.ca>.

### Electronic Devices in the Classroom:

Students who wish to use electronic devices in the classroom will seek permission of the faculty member before proceeding to record instruction. With the exception of issues related to accommodations of disability, the decision to approve or refuse the request is the responsibility of the faculty member. Recorded classroom instruction will be used only for personal use and will not be used for any other purpose. Recorded classroom instruction will be destroyed at the end of the course. To ensure this, the student is required to return all copies of recorded material to the faculty member by the last day of class in the semester. Where the use of an electronic device has been approved, the student agrees that materials recorded are for his/her use only, are not for distribution, and are the sole property of the College.

### Attendance:

Sault College is committed to student success. There is a direct correlation between academic performance and class attendance; therefore, for the benefit of all its constituents, all students are encouraged to attend all of their scheduled learning and evaluation sessions. This implies arriving on time and remaining for the duration of the scheduled session.