

SYLLABUS-FRSC 600 FORENSIC SCIENCE AND THE LAW

Instructor-Mark Profili

Science Complex 4301-E

Office Hours Tuesday 12:00-1:00 & 5:00-6:00

mprofili@towson.edu, emails will not be accepted between 4:30 Friday-8:30 Monday

Course Description: This course introduces the challenges encountered by forensic scientists regarding whether the state and federal courts will or will not allow the admission of physical evidence into the courtroom. It will analyze and explain the applicability of forensic science in the legal investigation, prosecution and defense of criminal activity. You will be introduced to criminal court activity by acting as a prosecutor or defense attorney or testifying as an expert witness in a mock trial. Legal decisions of cases pertinent to the lecture topics will be read and summarized in writing by you for classroom discussion. Your summary of these legal decisions will be submitted for grading during the semester. Critical Thinking and Ethics with respect to laboratory analysis and reporting and testifying as an expert witness will be central topics of the course.

Course Objectives: Upon successful completion of the course you will:

1. Understand the legal perspective used to determine what is good forensic science.
2. Understand the rules of evidence and laws directing admissibility of forensic evidence in criminal court proceedings.
3. Learn the added responsibility of the forensic scientist to present scientific findings in courts of law and to account for evidence throughout the analytical process.
4. Be familiar with the current legal decisions regarding the use of various disciplines of forensic science.
5. Be familiar with the principles and practice of testifying as an expert witness.
6. Participate in a Mock Trial.
7. Understand the importance of critical thinking, ethics and honesty in forensic science.

Course Outline: The following topics will be covered:

1. Origins of US Law
2. Forensic Science and Evidence-the historical and contemporary context in which legal arguments are directed to the adequacy of findings of forensic science.
3. Forensic Science and Criminal Law-an overview of the subject of the uses of forensic sciences in the investigation, prosecution and defense of criminal cases.
4. The Nature of Evidence-discussion of the content and quality of good evidence with an emphasis on types of evidence including: hearsay, direct, physical evidence (circumstantial and identity), relevant and material.
5. Rules of Evidence- Legal decisions and Constitutional amendments regarding admissibility and weight of evidence, and burden of proof.
6. The US Court's Response to Expert Witness Opinions in Forensic Science

Disciplines such as:

Crime Scene Investigation

Hair and Fiber Analysis

Trace Evidence Analysis

DNA Analysis

7. Professional and Personal Ethical Responsibilities of Forensic Scientists
8. Developing critical thinking skills associated with forensic science

Course Schedule: Topic Outline

Week 1-Syllabus review. Critical Thinking

Week 2- No class (AAFS Meeting)-Critical Thinking Assignment

Week 3- Ethics in the Laboratory-Scientific Documentation, Quality Assurance Standards, Validation of Scientific Instruments, Reagents, and Supplies, Instrument Maintenance, Calibration and Performance Checks and Record Keeping

Week 4-Bias-Student Presentations

Week 5- What is Law

Week 6- The U.S. Constitution-case studies/discussions

Week 7- Spring Break

Week 8-Criminal Law and Crime-case studies/discussions

Week 9-Mid-Term Due The Criminal Justice System-Legal requirements of physical evidence- case studies/discussions

Week 10 -Mock Trial Team Assignment- Federal and State Rules of Evidence, Due Process, Admissibility of Evidence, Discovery –case studies/discussions

Week 11-Nature of Evidence-Trial Evidence, Real Evidence, Demonstrative and Documentary Evidence-case studies/discussions-Mock Trial Preparation

Week 12-Courtroom Ethics-Procedures, Courtroom Demeanor and Effective Communication--case studies/student discussions-Mock Trial Prep

Week 13-Testifying as an expert: court preparation, pretrial conference, use of court charts, power point and other audio/visual aids, courtroom testimony observations and assessments-Mock Trial Prep.

Week 14- Mock Trial & Final Exam Due

Class Structure/Attendance Policy: In addition to instructor's lectures, the class will include student discussions. Thus, it is important that each student attend all classes. Unexcused absences will result in a loss of 2 points each from your final grade computation. In addition to discussion of lecture topics, you will be given legal case review reading assignments that will be discussed during the upcoming class. Each case review will also be summarized by you in a 2 page write-up, a hard copy of your summary will be collected after the class discussion.

Notes about Take Home Assignments, Case Reviews and Mid-Term and Final Exam

As this is a graduate course, it is imperative that graduate students be able to prepare written as well as oral presentations at a level consistent with graduate work, Therefore, in addition to content, the home assignments, case reviews and exams will be graded on grammar, spelling, sentence structure and other writing objectives. For students who feel that they are deficient in writing skills *The Writing Center* is available for graduate students seeking assistance in formal writing and in research design and statistics. It is located in Rm. 5330 LA Building, 410-704-3426, under the supervision of the Writing Lab director. It is recommended that you make an appointment in advance.

Notes about the Case Reviews: The case reviews will consist of students giving an in-class presentation (no longer than 5 minutes) and a written report. The written report will consist of a synopsis of the criminal activity, the courts decision, how this decision affects forensic science or other topics discussed during lecture and a question developed by you with regards to the decision. The report should be no longer than 2 pages.

Notes about Mock Trial-Students will work in groups of 5 depending on class size. Each group will present a case with a scenario and physical evidence that they developed. Each group will include a student who will serve as a prosecutor and another student will serve as a defense attorney. These students will have to present their case including laying the legal foundation for the admission of evidence during a voir dire hearing. The opposing (student) attorneys will object to their opponent's evidence and argue their objection on legal precedence, citing previous cases and case outcomes. A student will testify as an expert witness for the prosecution and another student will testify as an expert witness for the defense. The Mock Trial will be approximately 60 minutes long for each group. The area of expertise of these witnesses will be in areas familiar to students through prior or current courses listed below:

- Crime Scene Investigation
- Drug/Toxicology Analysis
- Trace Evidence Analysis
- Body Fluid Tests-Blood Spatter and Serology Analysis
- DNA Analysis

Grading: The Mock Trial may be graded collaboratively between instructor(s) and a practicing attorney when available.

10 points	Take Home Assignment(s)
20 points	Law Review Write Ups
5 points	Law Review Presentations
5 points	Class Participation
30 points	Mock Trial
20 points	Mid-Term and Final Exam-10 points each
10 points	In Class Ethics Presentation
100-93 points= A	92-90=A-
89-85 points= B+	84-80=B
79-75 points = C+	74-70=C
69-00 points= F	

Bibliography:

1. Pollack, Joycelyn, Criminal Law, 9th edition, Andersen Publishing, 2009
2. Nemeth, Charles, Law and Evidence: A Primer for Criminal Justice, Criminology, Law and Legal Studies, Prentice Hall, 2001
3. Moenssens, Starrs, James, E., Henderson, Carol, E. Scientific Evidence in Civil and Criminal Cases, Foundation Press, 1995.
4. Biggs, Michael Just the Facts, Investigative Report Writing, Prentice Hall, , 2001.

5. Braswell, Michael C., McCarthy, Belinda R., McCarthy, Bernard J., Justice, Crime and Ethics, 7th Edition, Anderson Publishing Company, 2012.
6. Del Carmen, Rolando V., Walker, Jeffrey T., Briefs of Leading Cases in Law Enforcement, 2nd Edition, West Publishing.
7. Faigman, D.L., Modern Scientific Evidence: the Law and Science of Expert Testimony, West Publishing, 2002.
8. Ingram, Jeffrey, Criminal Evidence, 10th edition, Andersen Publishing, 2009
9. Kiely, Terrence, Forensic Evidence: Science and the Criminal Law, 2nd Edition, Taylor and Francis, 2006
10. Faigman, D.L. Legal Alchemy: The Use and Misuse of Science in the Law, W.H. Freeman & Co., 1999.
11. Dwyer, J., Neufeld, P., Scheck, B. Actual Innocence: Five Days to Execution and Other Dispatches from the World of Wrongly Convicted, Doubleday Press, 2000.
12. Souryal, Sam, Ethics in Criminal Justice: In Search of the Truth, 3rd Edition, Andersen Publishing, 2011

Reference Texts: (not required)

1. Forensic Evidence: Science and the Criminal Law, 2nd edition, by Terrence F. Kiely-recommended
2. Law and Evidence, A Primer for Criminal Justice, Criminology, Law and Legal Studies, by Charles P. Nemeth-recommended
3. Ethics in Criminal Justice, 3rd edition, by Sam S. Souryal

Policy on Academic Dishonesty: All types of academic dishonesty are deplorable and will be dealt with accordingly. Towson University Code of Conduct prohibits “all forms of dishonesty, including cheating and plagiarism.” Cheating on exams will result in a zero on the exam in question. Plagiarism is the unacknowledged use of another’s words or ideas. The most flagrant type of plagiarism is turning in someone else’s work as one’s own. But plagiarism also includes borrowing another author’s ideas, as part of an argument developed in written work, without documenting the source properly. Plagiarism will result in a failing grade for the course and could result in expulsion from the program.

Resource Requirements: The internet and library resources are adequate for assignments unless otherwise advised by the instructor. There is no textbook required.

Students with Disabilities Statement: Any student who feels that he or she may need an accommodation based on the impact of a disability should contact me privately to discuss your specific needs. A memo from Accessibility and Disadvantage Office approving your accommodations will be needed. The ADA office is located in the University Union Suite 146, phone number 410-704-2638.