



# ***Courtroom Testimony***

## ***Lesson 7.9***



# ***Terminal Learning Objective***



***Upon completion of this lesson and without the aid of references, the student will be able to testify at courts-martial proceedings, Article 32 investigations or administrative hearings using proper courtroom etiquette.***



# *Enabling Learning Objectives*



## *Student will be able to:*

- Identify and understand pretrial responsibilities of police officers*
- Identify and understand techniques for proper courtroom etiquette*



# *Preparation for Testimony*



- *Proper preparation begins with good police work*
- *At the scene:*
  - *Take copious notes*
  - *Document and detail the investigation*
  - *Sketch crime scene*
  - *Properly process evidence*
  - *Conduct witness or subject interviews*



# *Preparation for Testimony*



- ***Continue to take notes throughout entire process***
  - *Notes will aid in preparation of report*
  - *Will serve to refresh your memory prior to testimony*
  - *Must be retained*
- ***Reports should be thorough and complete***
  - *Detail pertinent legal issues and elements of offenses*
  - *Ensure case file is complete*
  - *Prepare a well written and understandable report*



# Preparation for Testimony



- **Pretrial responsibilities:**

- *Review the case file*
- *Review your notes – do not memorize*
- *Refresh memory of incident*
- *Consider legal issues that may be asked*
- *Do not discuss case with other officers or witnesses without guidance from Trial Counsel*
- *Review statements with witnesses, if prosecutor requests*
- *Tasks should be accomplished as soon as notified of a court date*



# Preparation for Testimony



- **Coordinate with Trial Counsel**
  - *Identify prosecutor/trial counsel*
  - *Review evidence*
  - *Go over expected problems, questions and direction of the prosecution*
  - *Prepare for cross examination*
  - *Team effort – government's case - not the police or prosecutor's*
  - *Make sure prosecutor knows what you know*



# Testifying



- ***Fact-finders observe your professionalism or lack thereof***
- ***Maintain professionalism at all times***
  - *You are a witness - do not discuss the case in the open or with people that have no need to know*
  - *There are no “off-the-record” comments*
- ***Professionals appreciate professionals***





# Testifying



- **Appearance**
  - *Look the part of a professional police officer*
  - *Pressed and clean uniform*
- **Confidence**
  - *Look and be confident in all of your actions*
  - *Sit upright with a relaxed appearance*
  - *Know the sequence of events*



# Testifying



- **Do not:**
  - *Chew gum, tobacco, eat or have anything in your mouth while you are on the stand*
  - *Wear sunglasses or colored glasses*
  - *Mumble (use clear speech)*
  - *Talk excessively with your hands*
  - *Attempt to memorize your testimony*
- ***If you forget something, use Military Rule of Evidence 612 - Writing Used to Refresh Memory or “Present Recollection Refreshed”- allows you to review notes***



# Testifying



- **Questioning**

- *Answer truthfully*
- *Keep answers brief, but to the point*
- *Eye contact, friendly approach*
- *Stick to the facts*
- *Never speculate - “what might have been”*
- *Do not be afraid to say “I don’t know”*

- **Dying declarations**

- *Ask relevant questions*
- *Write down exact comments*



# Testifying: Additional Hints



- **Technical Language**
  - *Use plain English not police or rare military terms*
- **Objections**
  - *Overruled vs. Sustained*
- **Courtesy**
  - *Be polite and respect all parties involved*
  - *Do not become upset or angry*



# Testifying: Additional Hints



- **Volunteering Information**
  - *Answer the question asked, no more*
- **Arguing**
  - *Never argue with any parties involved*
  - *Keep a Calm and Professional attitude*
- **Defense Counsel/Cross Examination**
  - *Keep your composure. Show your professionalism*
  - *Tell the truth*
  - *Inconsistencies will be present*



# Testifying: Additional Hints



- **Questions**
  - *Leading questions*
  - *Too friendly of an approach by counsel*
- **After testifying**
  - *Maintain professionalism*
  - *Do not discuss your testimony with anyone not needing to know*
  - *Temporary vs. permanent excusal*



# Review



---

***What are some pretrial responsibilities?***

***What are some of the things you should not do when testifying?***

***What is the most important thing to do when answering questions?***

***What is a leading question?***

---



***Questions?***

