



Bulletproof Courtroom Testimony

8- Hour Course

Course Outline

Blue to Gold Law Enforcement Training
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Course Introduction – 10 minutes

- 1) Instructor introduction.
- 2) Explain the course objective.
- 3) Encourage attendees to ask questions and share feedback with other attendees.
- 4) Explain that certificates will be emailed after the class and each student will be registered in the Blue to Gold University.
- 5) Go over the three disclaimers:
 - a) Laws and agency standard operating procedures may be more restrictive. Blue to Gold teaching the federal standard unless otherwise stated. Therefore, students must know their state and local requirements in addition to the federal standard.
 - b) If students have any doubts about their actions, ask a supervisor or legal advisor.
 - c) The course is not legal advice, but legal education. Therefore, nothing we teach should be interpreted as legal advice. Check with your agency's legal advisor for legal advice.

Module One: Overview – 30 minutes

- 1) An officer's objective when testifying
- 2) Three Golden Rules of Testifying
 - a) Be Professional
 - b) Be Confident
 - c) Be Impartial
- 3) Call to the Stand

Module Two: Fundamentals - 45 minutes

- 1) A Brief History of Trials
 - a) US Constitution Article III Section 2 Clause 3
 - b) The Sixth Amendment's right of an accused to confront the witnesses against him.
- 2) "Brady"
 - a) What is a Brady Violation?
 - Brady Exculpatory
 - Giglio Impeachment

- b) Examples of Brady Violations.
 - c) Examples of Giglio Impeachment
- 3) Burdens of Proof
- a) Reasonable Suspicion
 - b) Probable Cause
 - c) Preponderance of the Evidence
 - d) Minimum Level of Proof

Module Three – Types of Proceedings – 90 minutes

- 1) Trial Procedure
- a) Jury Selection
 - b) Opening Statements
 - c) Witness Examinations
 - d) Jury Instructions
 - e) Closing Arguments
- 2) Admissible Evidence
- a) Relevant
 - b) More Probative than Prejudicial
 - c) Authenticated
- 3) DMV Hearings
- a) Difference between DMV and Criminal
 - b) Defense Main Tactics
 - Your opinions
 - FST Procedures
 - Test the waters
- 4) DUI/DWI Misdemeanor Trials

Module Four – Preparing to Testify – 60 minutes

- 1) What to Review
- a) Reports
 - b) Body Worn Cameras
 - c) Diagrams
 - d) Prior Testimony
- 2) Examples of Testimony
- 3) Pre-trial Conference
- 4) Objections and Responses
- a) Overruled
 - b) Sustained
 - c) Rephrase
 - d) Does not Compute

- 5) How to Appear
 - a) What to Wear
 - b) Walking into Court

Module Five – How to Testify – 120 minutes

- 1) Your mood will influence your testimony
 - a) Smile
 - b) Show humanity
 - c) Appear interested
 - d) Speak loudly but at a normal pace
 - e) Use natural pauses
- 2) Behavior on the Stand
- 3) Dealing with the Negative
- 4) Dealing with the Naughty
- 5) How to Answer Questions
- 6) Department Policy

Module Six – Defense Tactics – 90 minutes

- 1) What is the defense attorney's job?
 - a) Get you angry
 - b) Rattle you
 - c) Throw you off
 - d) Embarrass you
 - e) Confuse you
 - f) Poke holes in your investigation
- 2) Common Traps
 - a) Answer train
 - b) Repetitive questions
 - c) If you said that, it will be on BWC
 - d) Summarizing testimony
 - e) Slow crawl to make a point
- 3) Defense Theory of the Case

Module Seven – Suppression Hearings, the Fourth Amendment and Your Credibility – 45 minutes

- 1) Intent – Subjective or Objective

End of class.