

AFTER *the* ARREST

An Officer's Guide to the Criminal Justice System
and Preparing for Effective Courtroom Testimony



Blue to Gold
Publications

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and Preparing for Effective Courtroom Testimony*



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Introduction



Part One



After the Arrest

Introduction

You've just placed handcuffs on your suspect after a tense domestic battery call. The victim is shaken, neighbors are watching, and your sergeant is closely observing how you handle the situation. You book the suspect and write a detailed, thorough, bulletproof report. But when you return to your shift a few days later, you learn the suspect has already been released. The prosecutor declined to file charges, citing a "lack of evidence." You're left asking yourself: What happened? Are you frustrated, thinking prosecutors and judges do not understand what it's like on the street?

Most officers are thoroughly trained in everything leading up to an arrest: investigating crimes, gathering evidence, interviewing witnesses and suspects, documenting probable cause, writing bulletproof reports, and making safe, lawful arrests. But what happens after the arrest is rarely covered and often remains a mystery.

The prosecution phase is where critical decisions are made, often behind closed doors, about your investigation and the decision to prosecute your suspect. Those decisions can feel disconnected from the work done in the field. As a result, officers are often unsure of how or why a case moved forward, stalled, or vanished altogether. This training gap leaves officers in the dark about essential parts of a system they contribute to every day.

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The truth is, your job doesn't end with the arrest, and neither should your training. After an arrest, your responsibilities transition and evolve. Every decision you make, every piece of evidence you collect, and every word you write can and will directly influence charging decisions, bail arguments, plea negotiations, and the trial's outcome.

This book has two main goals: first, to explain what happens after an arrest as a case moves through the criminal justice system; and second, to prepare you to be a clear, confident, and credible witness in the courtroom. We'll walk step by step through the prosecution process, including the initial bail hearing and charging decisions, discovery deadlines, preliminary hearings or grand jury proceedings, pretrial motions, and trial.

Then we'll shift focus to courtroom testimony, including how to prepare effectively, handle cross-examination, maintain professionalism, and anticipate the tactics and strategies defense attorneys may use to challenge your investigation and arrest. Finally, we will finish up with looking at some common defenses and jury instructions.

Whether you're a patrol officer, detective, or supervisor, new to the job or bring years of experience, this book is designed for you. When you understand how the system

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works, you don't just make arrests; **you make cases**. And that's what leads to **real** accountability and justice.

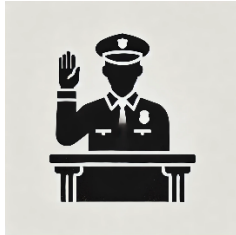
SAMPLE PREVIEW

There's a lot more between these pages.

Part One of the full book keeps going from here — a plain-language Blue to Gold Dictionary, then a step-by-step walk through the entire criminal justice process: bail hearings, charging decisions, discovery, preliminary hearings, pretrial motions, plea negotiations, trial, sentencing, and appeal.

This preview now skips ahead to Part Two — where the book turns to the skill that decides cases in the courtroom: your testimony.

Courtroom Testimony Introduction



Part Two: Courtroom Testimony

Introduction

Testifying in court is one of the most fundamental responsibilities of a police officer, yet it is often given little to no attention in training. Many officers are sent into court armed with little more than the cliché to “just tell the truth,” as if that alone was sufficient to ensure effective communication, preparation and legal adequacy.

While mastering tactics and maintaining a solid understanding of legal principles like the Fourth Amendment are essential, so too is developing the skill to testify clearly, confidently, and competently. These skills include knowing how to prepare, what to bring, managing appearance and demeanor, dealing with cross-examination, recognizing defense tactics, and handling objections.

This book is designed to bridge the gap between the limited instruction most officers receive, and the deeper understanding and knowledge required to succeed in court.

And don't worry, even if you are testifying tomorrow, we still have you covered! You are not too late. What you do between now and your testimony can make a world of difference. Even small improvements, such as just knowing what to expect, can go a long way to calm the nerves, prevent mistakes, and improve performance immediately.

Introduction

**What is the most important piece of advice about testifying in court?**

“Just tell the truth.”

Yes! Easy-peasy. End of story. Chapter over. Book is Done!

Let's be honest, that advice isn't very helpful. When I hear it passed off as legitimate testimony advice, I wonder what the officer is thinking. They say “just tell the truth” as if they genuinely believe the officer was going to lie in court. I imagine the officer's reply would be: “Oh! I am supposed to tell the truth?! No way....I was planning on lying the whole time!”

Of course you're going to tell the truth. You already do. So what gives? Is this not good advice? Don't get me wrong, it is solid advice, but it's not helpful advice. So let's get into what they are *really* trying to tell you when they say “just tell the truth,” as getting a jury to believe you is far more complex than just being honest.

Have you ever told the truth, completely and sincerely, the whole truth and nothing but the truth, and the person you were talking to ***still didn't believe you?*** Think of past interactions with teachers, parents, friends, partners, or

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supervisors. Those who raised you, married you, or hired you... those who trust you the most in life, and the you trust the most in life. Those you trust your life with, like your partner on patrol. And they still do not believe you 100% of the time. It happens. Often. It's simply human nature.

So how do you get twelve complete strangers, who have never met you, who might deep down be suspicious of you, to believe you and believe in your investigation. All while the defense breaks you down on the stand and actively casts doubt on your credibility. That's the real challenge to overcome and is the true key to survival in court.

You must tell the truth in a way that allows the jury to believe you. That means controlling not just what you say, but *how* you say it. Your tone, your facial expressions, your body language, your appearance, and even your pauses.

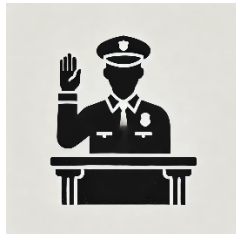
This requires clarity, professionalism, and control. If your body language is defensive or your expression is dismissive, even if you are not doing it intentionally or are even aware of it, you will (maybe unknowingly) undermine your own credibility. It requires making sure you do not give the defense reasons to tell the jury you are lying, are dishonest, or incompetent.

So, there it is. The *actual* most important piece of advice about testifying in court:

Introduction

**“Tell the truth in such a way that
allows the jury to believe you.”**

From preparing for court, courtroom and trial procedures, communication strategies, to your behavior on the stand, surviving cross-examination and recognizing defense tactics, this section will prepare you to testify with clarity, confidence, and credibility ensure that nothing, verbal or non-verbal, gives the jury a reason to doubt you when it matters most.



Three Golden Rules

Three Golden Rules

The golden rules of testifying are simple: be professional, confident, and impartial.

1. Professional

Preparing for court starts with the professionalism you bring to your investigation, the attention to detail in your reports, the respect shown for the process, and the seriousness with which you prepare for court. In the courtroom, you must be professional in your behavior, attitude, and appearance.

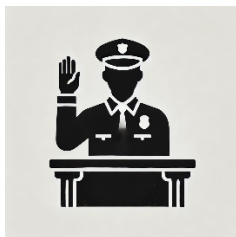
2. Confident

You must show confidence. The jury needs to believe that **YOU** believe in your investigation. If you don't have confidence in your work, why should they? However, confidence can quickly bleed into arrogance. Arrogance can easily turn an otherwise favorable juror against you.

3. Impartial

Your objective on the stand is simple: answer the questions asked by the attorneys. That's it. Your role is not to advocate for the prosecution or seek a conviction. Don't express personal opinions, don't fall for the traps set by the defense, and let your prosecutor handle the arguments.

Follow these golden rules, and testifying in court will be as comfortable as a conversation between old friends.



Fundamentals

History of Trials

Jury trials are often considered a relatively new concept unique to the United States of America. However, the idea of trials by a “jury of our peers” has been around since the early 1200’s. The Magna Carta, written in 1215, provided that “[n]o freeman shall be taken or imprisoned, nor will we go upon him nor send upon him, except by the lawful judgment of his peers and by the law of the land.”

In the United States of America, the right to a trial by jury is as old as the Constitution itself: “[t]he Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed.²⁴”

It was further added to the bill of rights in 1792 in the Sixth Amendment. Not only does it include the right to a “speedy and public trial,” by an impartial jury, but was expanded to include the right to know the nature of the charges, the

²⁴ US Constitution Article III Section 2 Clause 3 (1788).

right to confront witnesses in court and subpoena witnesses on his or her behalf,²⁵ and the right to an attorney.²⁶

Witness Credibility

A jury cannot rely upon a witness's testimony in court unless the jury determines that witness is credible. Since you, as an officer, are also a "witness," this applies equally to you. This isn't to say juries don't *believe* you or are not on your side, in fact, the opposite is often true! But they will be instructed by the court that the credibility instruction will apply to you just the same.

Officers tend to over-complicate the issue of witness credibility for court, but it's quite simple. Think about what you use in the field to determine the credibility or trustworthiness of a witness. Do they resemble the factors listed in the below instruction that is read to the jury? Don't overcomplicate the idea of being a "credible" witness.

²⁵ This is the "Confrontation Clause," and is why trials are so complicated. The Confrontation Clause prevents a prosecutor from convicting someone on your brilliant and bulletproof report alone and is why witnesses are required.

²⁶ This is the Sixth Amendment right to an attorney that attaches once formal criminal proceedings begin, and are not to be confused with the Fifth Amendment right to an attorney that is part of what we know as the "Miranda rights."

Fundamentals

In judging the credibility of a witness and determining the weight to be given to his testimony, the trier of the fact may consider:

- ❏ the witness' demeanor and manner while on the stand,
- ❏ the character of his testimony as being probable or improbable,
- ❏ inconsistencies,
- ❏ patent omissions and discrepancies in his testimony, or between the testimony of different witnesses,
- ❏ contradictory testimony,
- ❏ his interest in the outcome of the case,
- ❏ his relationship to the litigants, and
- ❏ many other factors bearing upon the truthfulness or untruthfulness of the witness' testimony.²⁷

Material Evidence

The United States Supreme Court held in the landmark case of *Brady v. Maryland*²⁸ that it is a violation of the due process

²⁷ *Young Ah Chor v. Dulles*, 270 F.3D 338 (9th 1959).

²⁸ *Brady v. Maryland*, 373 U.S. 83 (USSC 1963).

clause of the constitution to withhold from the defense “evidence [that] is material either to guilt or to punishment.”

Ultimately, the question of whether to disclose a piece of evidence rests with the prosecutor. Keeping the prosecutor in the “dark” about material evidence will not prevent a subsequent *Brady* violation, as the prosecutor is presumed to “know” of all of the evidence in your possession. Even if you think a piece of evidence is not material, you should discuss it with your prosecutor anyway, as the disclosure requirements of *Brady* apply *irrespective of your good faith*.

They cannot make this decision, however, if you fail to document such evidence; and you cannot document such evidence if you are unaware of its importance. Evidence that fits the definition of “material evidence” is often referred to as exculpatory evidence.



Example: Material Evidence

■ Confession by someone other than your suspect

Any statements made by another party that inculcate them in the crime you are investigating (they admit to some or all of it), no matter how improbable or impossible their confession may be, is material evidence and must be turned over to the defense.

Fundamentals

■ A witness's identification of another person

You respond to a violent assault outside a 7-Eleven involving an elderly woman, Ms. Mary, who is 87 years old. The assault is captured on video. The footage clearly shows a white male adult, approximately 40 - 50 years of age, over six feet tall, wearing a blue jacket and red track pants, punching Ms. Mary before fleeing the scene.

Thanks to your solid investigative work, you locate a suspect matching that description running away from the area and detain him. While being taken into custody, the suspect spontaneously states, "Man, I should have left that old lady alone."

You then conduct a show-up with Ms. Mary. Instead of identifying your suspect in custody, she points to a completely unrelated high school student passing by. A student who is wearing an orange jacket and blue jeans.

Meanwhile, the store clerk who witnessed the incident clearly identifies the suspect you have in custody as the person who attacked Ms. Mary.

Now you may ask:

Does Ms. Mary's misidentification undermine probable cause?

Fundamentals

No. You already have a strong match of physical descriptors, flight from the scene, a matching description from the initial call for service, a spontaneous incriminating statement, and a positive ID from an eyewitness.

Does her mistake affect proof beyond a reasonable doubt?

No, at least not significantly. The totality of the evidence, including the video, clerk ID, and the suspect's own statement, remains compelling.

Is anyone worried about this misidentification?

No. No need to worry.

Should you document Ms. Mary's misidentification in the police report?

Absolutely—there is no cause for concern if the prosecutor is informed and the misidentification is properly disclosed to the defense. The risk isn't in the fact that Ms. Mary made a mistake; the risk comes when such information is not documented or shared. What may seem like a minor or harmless detail to you in the field can escalate into a serious issue at trial, or worse, on appeal, if it's later discovered that this material evidence was withheld.

Ms. Mary's misidentification is considered exculpatory evidence *under Brady v. Maryland*, even if it only has a 0.4%

Fundamentals

chance of changing the outcome of the case. It's material to the question of guilt and must be included in your report.

This example highlights why complete and honest documentation is critical. Leaving out facts can jeopardize your case, the integrity of the investigation, and your credibility. Remember, the good faith exception does not apply to discovery violations of material evidence.

■ Alibi evidence

If you have any evidence that tends to show your suspect was in another location at the time of the incident it must be documented, disclosed to the defense, and thoroughly investigated. In fact, you and the prosecutor as "the State" must prove *beyond a reasonable doubt* that the defendant does not have an alibi.

■ Information that could reduce the sentence

This was the exact scenario in *Brady*. Law enforcement had information that the other suspect (Brady's co-defendant) was the actual shooter and failed to disclose that to the defense. Since this was information that could have lessened the sentence or otherwise impacted the sentence, it should have been disclosed to the defense.

■ Self-defense evidence

Fundamentals

If your suspect claims self-defense, do not walk away from that information. Do not tell him “Okay, good luck explaining that to the judge.” You are obligated to investigate his claim. In fact, you and the prosecutor as “the State” must prove *beyond a reasonable doubt* that the defendant did not act in self-defense.

END OF PREVIEW

The part that wins cases is in the full book.

You've seen the setup. What you haven't seen is the core of the book — the training that gets an officer ready for the hardest moments on the stand:

- The full Cross-Examination playbook — and how to hold up
- Getting cross-examined on your own report
- Testifying as a supervisor
- The common defenses you'll face — and what they're doing
- Real courtroom Q&A and evidence questions
- Jury instructions, decoded

Get the complete 282-page book

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AFTER *the* ARREST

What really happens to your case after an arrest?

From the charging desk to the witness stand, **After the Arrest** provides officers an inside look at the criminal justice system and how decisions in the field shape what happens in court. It explains not just what the rules are, but why they exist, and how to navigate them in ways that strengthen cases and build credibility before a jury. More than a courtroom-preparation guide, this book gives officers a working understanding of the justice system and their role in it, helping them anticipate defense strategies and avoid the missteps that can undermine otherwise solid investigations. Clear, practical, and accessible, this book is filled with real-world examples, common failure points, and prosecutor insight rarely shared outside brief the face-to-face conversations with experienced prosecutors. Designed for patrol officers, detectives, supervisors, and academy trainees alike, it serves as both a training manual and a career-long reference.

Whether you are new to the job or a seasoned professional, this book bridges the gap between your work in the field and obtaining justice.



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