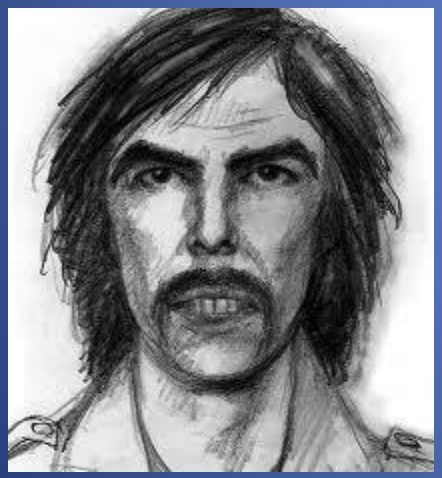
City of Phoenix
Prosecutor's Office
Community Prosecution Bureau

Jacob Steinbach

CAM:5
elRellano.com

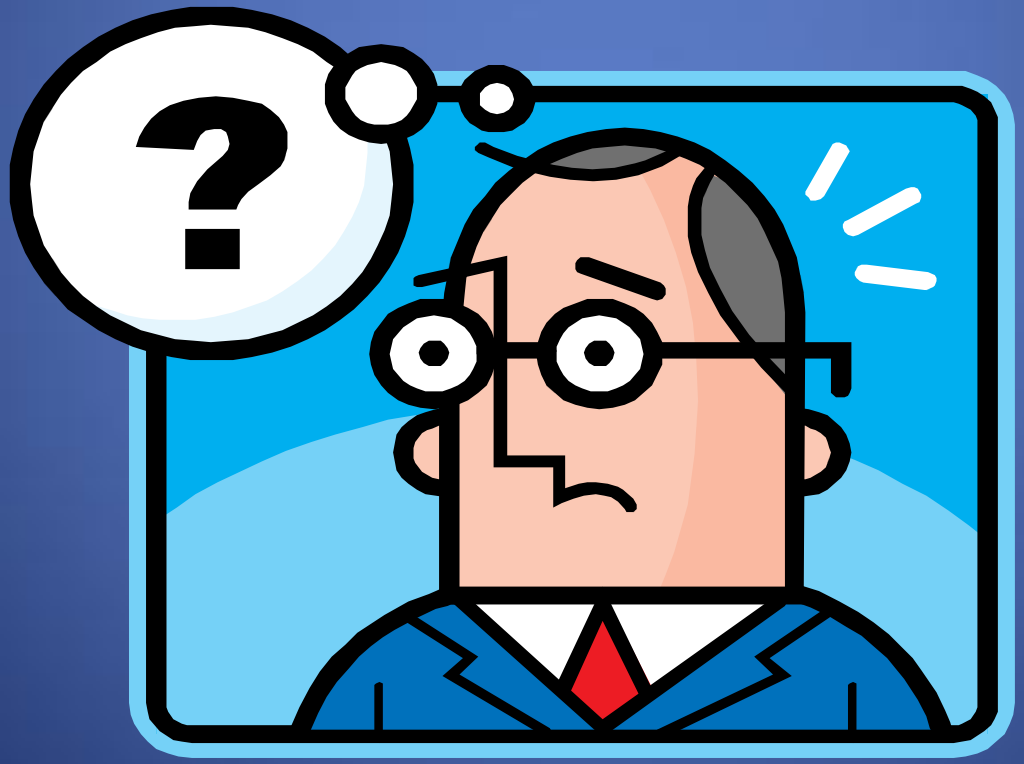
How to be a Good Witness



Why is Being a Witness Important?

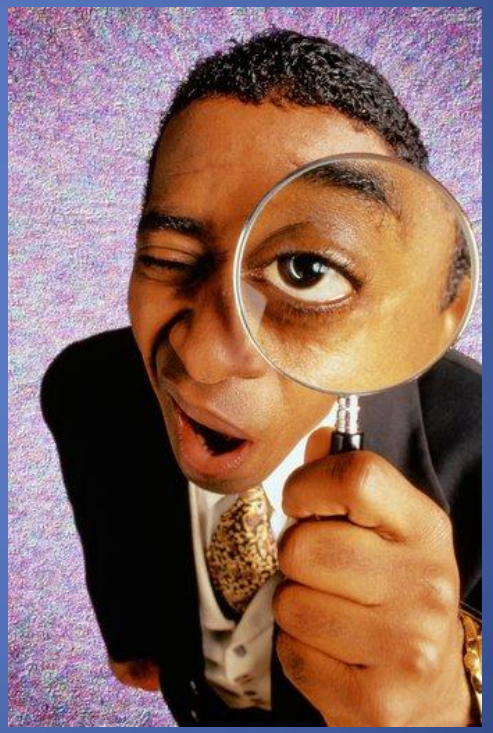
- **Police and Prosecutors depend on witnesses:**
  - In order to arrest and prosecute criminal activity
  - In order to cite and enforce civil laws and ordinances

How Can I Learn to Be a Good Witness Both in & Out of Court?



Becoming a Witness

- Why You?
- You possess information
- Because you saw or heard something



So, There You Are, Minding Your Own Business……When

- You witness something that you think may be a crime or something important or suspicious

- **Now what?**

SAFETY FIRST!!!

- Call **911** if an in-progress and/or emergency situation exists and you need police assistance
- **ALWAYS** ensure you are in a safe location
- **NEVER** put yourself or anyone else in danger to gather information
- Be aware of a fluid, rapidly changing situation

What Should You Do?

Pay attention to the details – take note of:

- Date
- Time
- Location
- Distances
- Items or objects
- Weapons
- Duration
- Who is present/accomplices
- What is said
- Direction of travel
- Identifying information
- Vehicle used (License plate, make, model and color, damage or not)

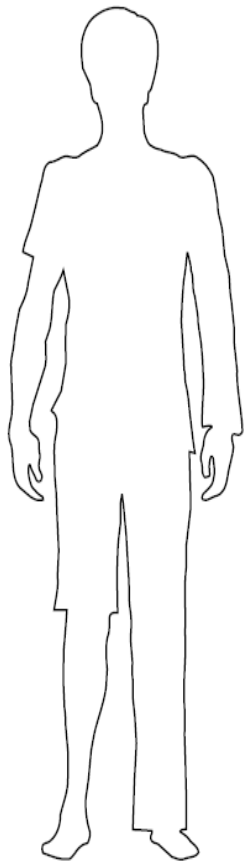
What Should You Do?

If person(s) are involved? Take note of:

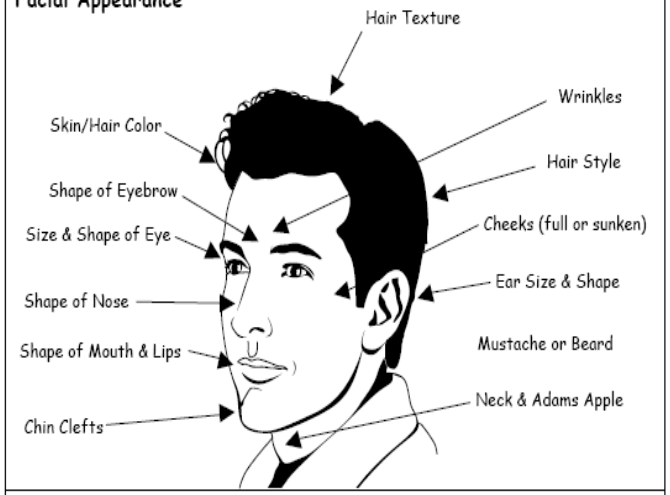
- Race/Ethnicity
- Sex
- Approximate age
- Height
- Weight
- Build
- Hair (color, length,clean,dirty)
- Eye color
- Facial hair
- Clothing
- Hat
- Scars, marks, tattoos
- Other distinguishing features (Jewelry, accent, hearing aid, limp, etc.)

Suspect Description

SEX: Male ❑ Female ❑	RACE: White ❑ Black ❑ Other ❑	AGE
HEIGHT		LEFT/RIGHT HANDED
WEIGHT		HAT (COLOR/TYPE)
HAIR		TIE
EYES		COAT
GLASSES TYPE		SHIRT
TATTOOS		TROUSERS
SCARS/MARKS		SHOES
COMPLEXION		WEAPON



Facial Appearance



Only those specific facial details you definitely remember.

❑ Suspicious Person ❑ Robbery Suspect

What did suspect do or say?

Details of incident

VEHICLE	Color	Make	Model
Body Style		Damage/Rust	License Number
Direction of Travel		Date of Report	Phone
Witnesses			

Suspect Description Form

Gender: Male _____ Female _____

Race: White _____ Black _____ Asian _____ Hispanic _____

Skin Complexion: _____

Height: _____ **Weight:** _____ **Build:** Thin/Average/Heavy **Age:** _____

Hair color: _____ **Hair style:** _____

Jewelry/Ear rings: _____ **Glasses:** _____

Scars/Marks/Tattoos: _____

Hat: _____

Coat: _____

Shirt: _____

Pants: _____

Shoes: _____

Weapon Description: _____

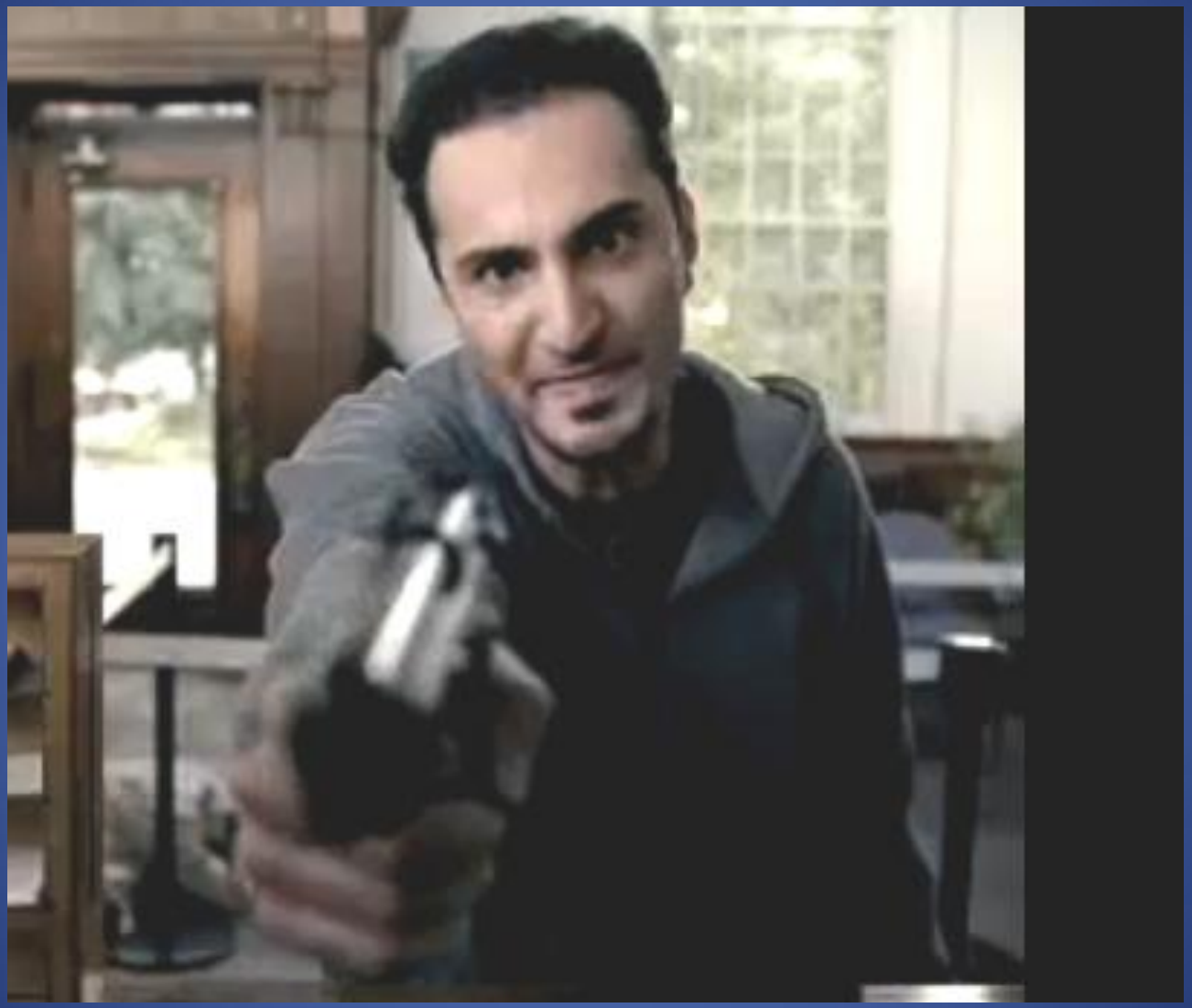
Direction of Escape: _____

What did the suspect say? _____

_____

Vehicle Make: _____ **Vehicle Model:** _____ **Vehicle Color:** _____

Vehicle License Plate: _____



Write it Down!

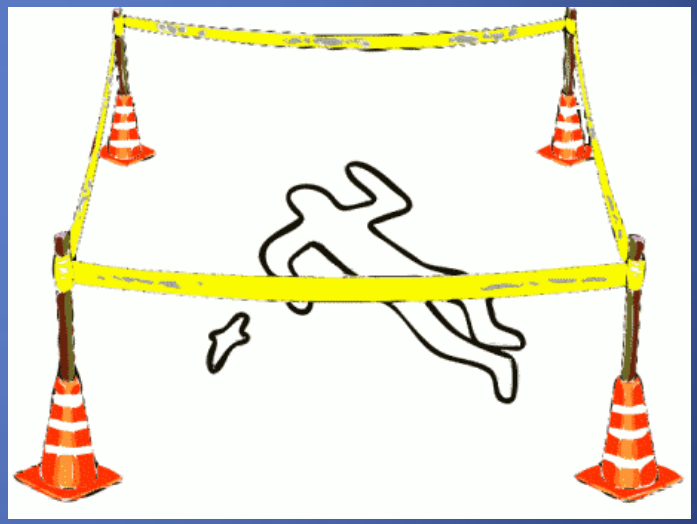
- Write down the details as soon as possible
- Using:
  - Who, what, when, where and how
- Include any notes that will help refresh your recollection
- Whatever you give the police or prosecuting agency, keep a copy
- If the issue is an ongoing problem, keep a regular, detailed information log

Being Interviewed by Police

- Allow the officers to ask questions
- Answer clearly and concisely
- Advise the interviewing officer of your written information
- Obtain the officer's contact information in case you remember additional information
- Obtain the Departmental Report Case Number (D.R.#)

Evidence

- Notify the Police and Prosecutor of any evidence as soon as possible



Witness Interviews

You may be contacted by the Prosecutor or the Defense attorney for an interview

- Request identification
- Prosecutor might contact you to discuss the case
- Request time and location of the interview to be reasonable

Witness Interviews (continued)

- Prosecutor may be present for defense interview
- Designated victims in criminal cases have the right to refuse a defense interview
- Notify the Prosecutor's Office when the defense requests an interview
- Do not ignore defense requests for an interview to avoid a court ordered deposition

Testifying in Court

Representation

Hiring a Lawyer

- Not required – only if you prefer
- The Prosecutor represents the State/City, not witnesses
- A Defense attorney may represent the defendant

What to do Before Court

- Review notes before you testify
- Contact prosecuting agency to confirm that you will be required
- Notify of change in address or phone number

Time to Arrive at Court

- People entering the courthouse must pass through a metal detector and may be subject to search.
- Arrive at the designated courtroom 30 minutes before scheduled appearance

Courtroom Standards

- Observe appropriate standards of dress. Shoes and shirts must be worn and T-shirts that display offensive slogans or pictures are not appropriate. In general, hats should not be worn in the courtroom.
- Cell phones should be turned off in the courtroom.
- Avoid talking or laughing in court. The proceedings are usually recorded.
- Do not chew gum, read books or newspapers, play hand held video games or listen to music.

In Court

- Tell the prosecutor you are present
- You may have to wait
- Be prepared to be sworn in by giving your oath to tell the truth

Examination:
The Question & Answer Process

- Direct examination
- Cross examination
- Redirect examination

Testifying in Court as a Witness

- Answer questions clearly; avoid shaking or nodding your head
- Speak loud enough to be heard
- Respond *only* to the question asked
- Tell the truth, regardless of the outcome
- If you do not remember something, say so
- Give definite answers

Testifying (Continued)

- Stop speaking when an objection is made
- If you do not understand a question, ask for clarification
- Take your time to give an accurate answer
- Be courteous and serious; avoid making wisecracks
- If possible, maintain eye contact with the judge and jury

Cross Examination

- Never argue with defense counsel
- Do not answer a question with a question
- Listen carefully to each question
- Do not volunteer information not asked for

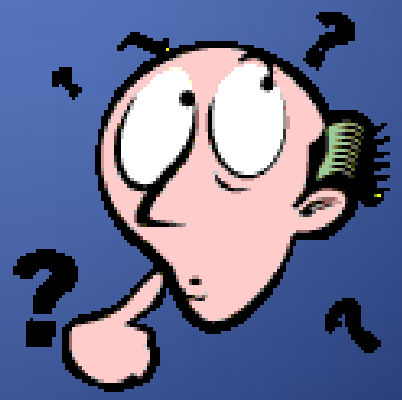
Cross Examination (continued)

- If “yes” or “no” will not truthfully answer the question asked, explain your answer
- Always be courteous, even if the defense counsel is not
- **Never** lose your temper

- Remember, your credibility is everything

Cross Examination (continued)

- If asked whether you spoke about the case with anyone, answer truthfully
- Use your own words when answering
- Do not anticipate questions; do not guess
- If the judge asks you questions, answer them completely and accurately



Jury vs. Judge

Trial by Jury

- Felony cases
- Some sex related crimes
- Theft related cases
- DUI cases

Trial by Judge

- Civil traffic cases
- Neighborhood Preservation and zoning cases
- Most other misdemeanors

After Testifying….

- After your testimony, the judge may:
  - Excuse you as a witness
  - Order you to leave the courtroom
- If you stay in court, be respectful that the trial is still ongoing

Testifying at Other Hearings

- May not be limited to a question and answer format
- Witnesses may or may not be sworn in
- May be required to answer questions from both sides

By telling the truth you have done your part, regardless of the outcome

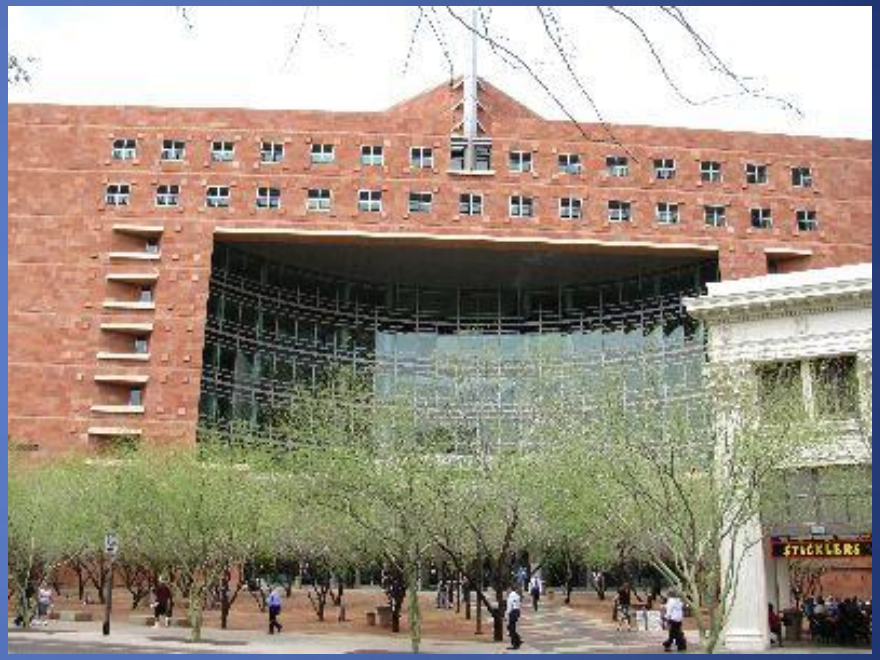
COMMUNITY PROSECUTION

City of Phoenix Prosecutor's Office
P.O. Box 4500
300 W. Washington St., 8th Floor
Phoenix, Arizona 85030-4500
(602)262-6461

Locations of Courts

Phoenix Municipal Court

300 W. Washington St.
Phoenix, Arizona



Northwest corner of Washington St. & 3rd Avenue

(takes up the block between 3rd & 4th Avenues)

Questions?