



COURT TESTIMONY: *Managing the Stress of Court Appearance*

Testifying in court is often stressful for law enforcement officers. Trials occur months after an arrest and memories of the details fade with time. Leading or ambiguous questions posed by defense attorneys are particularly stressful. At times it may seem to an officer that he, rather than the accused, is the one on trial. For officers working night shifts but testifying during the day, sleep deprivation may also contribute to courtroom stress.

To prepare for courtroom testimony and reduce the stress of courtroom appearances:

- Take advantage of departmental training for courtroom testimony, such as “moot court.” Observe how other law enforcement personnel testify. Skill and comfort in courtroom testimony comes with learning from and observing others, practice and experience.
- Prepare required written reports as soon as possible after the incident/investigation. Memory for details deteriorates over time and having to reconstruct what one heard or saw takes additional time and is often stressful itself.
- Officers often rely on notes or reports when testifying. Pay attention to and document details when taking notes and preparing reports of investigative procedures and/or interviews.
- Cases may not come to trial for a multitude of reasons. Do not assume that an arrest without further prosecution reflects problems with your work on the case.
- Insist on meeting with the prosecutor prior to the trial to ensure that you know the types questions he will ask and that he knows how you will respond. Ask the

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prosecutor to advise you of questions that he thinks are likely to be posed during cross-examination.

- Remember that your testimony must remain unbiased. If your testimony suggests that you are overly invested in the outcome of the trial, your testimony may carry less weight with the jury. Ultimately, you may lose credibility with the judicial system and/or the law enforcement community.
- Sleep deprivation may occur especially if you are assigned to the “grave-yard” shift prior to testimony. Be aware that lack of sleep may interfere with one’s concentration, accuracy of memory, and ability to appropriately respond. Take your time.
- Maintain patience, respond to questions in a concise manner and do not volunteer unsolicited information.
- If you do not fully understand a question or it appears to be vague, indicate that to the attorney. He will either ask it again or the judge will suggest that he rephrase it.
- Avoid responding to numerous questions asked at the same time. Request that each question be asked separately. Respond appropriately to each.
- Address all responses to the panel of jurors or the judge—not the attorney.
- During the trial do not discuss the case with any other witness or with the press. Such discussions may result in a mistrial.
- After the trial ask for feedback from your peers, supervisors and the attorney regarding your testimony. This will better prepare you for future trials.