

DWI Officer Witness Skills - TZD 2019

October 23, 2019 - St. Cloud, MN

# **Your Presenters**

- David Bernstein, Prosecutor City of Minneapolis
- Joe Van Thomme, Prosecutor Eckberg Lammers, P.C.
- The Honorable Shan Wang Stearns County
- Lt. Don Marose Minnesota State Patrol

### What We Will Cover

- The Best Witness (AKA "P.E.T.")
- Direct Examination
- The Judge's Perspective
- Questions

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# THE BEST WITNESS

"P.E.T."

- <u>P</u>REPARE
- <u>E</u>NGAGE
- <u>T</u>EACH

# THE BEST WITNESS - PREPARE

#### Three Questions to Consider

- 1. Did you do your homework for court?
- 2. Do you know why you're testifying?
- 3. Have you talked with your prosecutor?

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### TIPS FOR BEING PREPARED

### Three Tips

- 1. Review your evidence.
  - Testify from memory (not memorization)
  - Review ALL of your evidence
- 2. Know Your Role.
  - Understanding your role in the process will help you anticipate issues
  - Practice your answers! (Seriously.)
- 3. Be Punctual. (Seriously.)

### THE BEST WITNESS - ENGAGE

#### Three Questions to Consider

- 1. What does your body language say?
- 2. Are you answering the question asked?
- 3. Do you have an "active memory?"

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### TIPS FOR BEING ENGAGED

### Three Tips

- 1. Credibility.
  - Don't be evasive.
- 2. Professionalism.
  - Judges/jurors pay attention to demeanor and attitude.
  - No arguing!
- 3. Impartiality.
  - Don't volunteer information.

From: The Effects of Testimony Training on Law Enforcement Officer Self-Assessment of Testimony Skills, Erica L. Baer, Florida Gulf Coast University; Brodsky, S.L., Neal, T.M.S., Cramer, R.J., & Ziemke, M.H. (2009). Credibility in the Courtroom: How Likeable Should an Expert Witness Be? Journal of the American Academy of Psychiatry and Law, 37, 525-532.

### THE BEST WITNESS - TEACH

#### Three Questions to Consider

- 1. How can you teach the jury?
- 2. How can you/should you talk to the jury?
- 3. How can you be a confident expert without being cocky?

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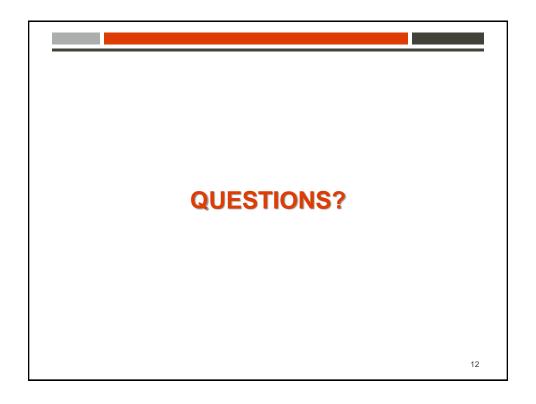
# TIPS FOR BEING A GOOD TEACHER

### **Three Tips**

- 1. Educate.
  - Be able to demonstrate technical topics, your actions, your training/experience.
- · 2. Talk Good.
  - Judges/jurors pay attention to demeanor and attitude.
  - No arguing!
- 3. Be confident.
  - Don't volunteer information.
  - Most jurors want to trust officers.

From: Courtroom Testimony, Bench and Bar, Winter 2009 Issue.





#### CONTACT INFORMATION:

Joe Van Thomme, City Prosecutor, Eckberg Lammers, P.C. <u>jvanthomme@eckberglammers.com</u>

David Bernstein, Assistant Minneapolis City Attorney <a href="mailto:david.bernstein@minneapolismn.gov">david.bernstein@minneapolismn.gov</a>

Lt. Don Marose, Minnesota State Patrol don.marose@state.mn.us

The Honorable Shan C. Wang, Stearns County Clerk: Rebecca.Peterson@courts.state.mn.us