

TESTIFYING IN COURT

Considering the topic of testifying in court, it is important to remember that every investigation can lead eventually to a trial or a hearing. The primary purpose of a police investigation is the identification and apprehension of persons suspected of violating the various laws of the state and the community. The purpose of the apprehension is to enable a court of proper jurisdiction to evaluate the circumstances of the crime or offense to determine whether or not the individual on trial did in fact commit the offense as charged.

A security officer may be called to testify in court regarding their involvement in arresting a suspect, responding to an accident or other matters requiring the court to decide the matter. The security officer's testimony is very important to the case. Some important details that the security officer should consider when required to appear in a court testimony:

- The security officer should make a mental review of the details of the incident, recalling as much of the information as possible.
- Prepare written notes about the incident. The notes should not be memorized as the testimony may then appear to be staged.
- Remain calm and vigilant, and maintain composure.
- Think about the response before speaking.
- Answer questions slowly with a loud and clear tone.
- If the question isn't fully understood, ask to have it re-phrased or explained in further detail.
- Tell the truth and do not exaggerate. Remember, the testimony is given while under oath.
- Provide the facts to the event, and unless otherwise directed, do not provide an opinion.

PRE-TRIAL RESPONSIBILITIES

In considering how to prepare for testifying in court, security officers must bear in mind that the entire investigation process should be considered as preparation for a courtroom presentation. The duties which they performed at the scene to assure that evidence is properly identified and labeled, that witnesses are located and interviewed and that the specifics of the incident such as time, place, weather, etc., are properly recorded all go towards a thorough investigation and the preparation for testifying. In addition to the importance of writing complete, accurate reports on each incident regardless of the apparent chances of a trial or hearing, each security officer should review his personal notebook to assure that it contains comprehensive notations. This will ensure that its use in court is an asset rather than a liability. You should always assume that everything you do from the moment that you are assigned to investigate an incident will someday lead to testifying to it in a formal setting.

PERSONAL APPEARANCE

How important is the personal appearance of a witness? Maybe the best answer is to recall how most suspects appear in court as compared to how they appeared when they were initially arrested. If you are required to wear a uniform while on duty, then you will likely wear one when you go to court. Whether in uniform or in civilian clothes, officers on the witness stand should present an appearance marked by cleanliness, neatness, and concern for the details of their appearance. The basic nature of testimony is not altered by outward appearances however the weight which is given to that testimony by the jury may be greater or lesser depending upon their impression of physical appearance.

TESTIFYING

If you are called to testify, remember that the jury's first impression of you will occur as you walk to the stand and take the oath. The fact that you consider your courtroom appearance as an important duty should be apparent in your manner and bearing.

Security Officer Guard License
Legal Responsibilities Of Private Security

After taking the oath, be seated in the witness chair. Always sit up straight, but in a comfortable and relaxed manner. Sit with both feet on the floor and your hands in your lap or on the chair arms. Refrain from rattling change or keys. Don't make any movements or sounds that will distract the jury's attention from your testimony. You want to convey that what you have to say is important to you as it is to the people to whom you are speaking. Remember the following:

1. Do not bring anything to court with you that you have not discussed with the attorney beforehand.
2. Listen closely to each question. Pause before giving your answer so that you can formulate a calculated response.
3. Speak clearly and loud enough to be heard. Speak slowly and deliberately.
4. Speak directly to the jury, or to the judge if there is no jury.
5. Never get angry. The defense will attempt to discredit witnesses by confusing them and causing them to become angry.
6. Answer the questions only as they are asked. Never volunteer information.
7. Always tell the truth. It is better to say "I don't know" or "I don't remember" than it is to guess.
8. Do all that you can to not be anxious. The best way to avoid anxiety is to be well prepared. Anxious persons are often eager to please or can be easily drawn into an argument.