

District 12

Quick Tip No. 11

Tips for Testifying

Recently, our office presented a class on courtroom testimony. In interviewing several experienced prosecutors and reviewing the resources in our profession, we found several recurring principles from the experts:

1. Strive to be as accurate as possible
 - a. Clarify your answer if needed
 - b. "I don't know," and "I don't recall" are perfectly fine answers
2. Be familiar with your report and any prior testimony (but don't read it from the stand) It is perfectly fine to talk to others prior to testifying
3. Don't argue with the attorney
4. Don't take a side
5. Treat the prosecutor and defense attorney alike – don't argue or become combative
6. Attempt to explain a "Yes or No" question if needed
7. Be confident
8. Remember to communicate with your audience
9. Talk in plain and simple English – there is no need to use "Cop Speak"

Be on the lookout for:

1. The defense attorney summarizing (potentially misquoting) your prior testimony
2. Estimates of distance and time
3. An attack on the officer for testifying to something not in the report *
4. "Are you aware of any evidence ..."
5. "Would you be surprised to know ..."

*Reports are a summary and can't possibly include every detail. Also, an officer may not know what facts are especially relevant to counter a defense when the report is written.



Law Enforcement Quick Tips provided by

The Office of Matt Ballard

District Attorney for Rogers, Mayes, and Craig Counties