EVAWI

Impression Management for Investigating Officers
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Humanizing Your IO

Juror Stereotypes
Media Driven Narratives

Impression Management for IOs

Professionalism
Knowledge
Credibility
Personally appealing

What is an Investigating Officer?

The investigator is one of the most important witnesses in a sexual assault trial. The Investigating Officer or IO is often the one who sits at counsel table as the investigating officer and ties all the evidence together at the end. The investigator may testify several times if necessary – often during the prosecution’s case in chief and again in rebuttal.
Using the IO as a Witness

- Holds the case together
- Background facts
- Crime scene
- Mechanics of crime
- Explain police response and policy
- Explain evidence collection
- Summarize interviews

Using IO as an Expert Witness

- Years on the job
- Number of Sexual Assault cases
- Personal experiences working with sexual assault victims
- Training in the area
IO Expertise

Training and years on the job
Personal experiences working with Vs to provide insight into V-D dynamics and common reactions to sexual assault.
J may allow IO to testify, explaining that any shortcomings qualifications go to weight of evidence, not admissibility.

IO Expertise

Qualifying an IO as an expert does not preclude prosecution from also calling a psychiatrist or other mental health professional
IO can use their own training and experience in providing testimony from a law enforcement perspective

What Do Jurors Care About?
Of over 1,000 jury eligible individuals surveyed, 2/3 said if they and to choose between following the judge’s instructions and doing the right thing, they would do the right thing.

-American Bar Association Survey

Effective Communication

- Posture
- Microphone placement
- Open body / arms
- Passion
- Professionalism
- Interest in the case
- Facial expressions
Words Matter
- No “cop talk”
- Explain in regular terms
- No legalese
- No Highbrow language
- Use of humor

Resist the Temptation to Embellish

The Devil is in the Detail
Where Do You Start?

- Before the crime
- Hospital bed of V - “How did we get here?”
- Theme: “Case about betrayal of trust”

Scene Selection *

- Def or Victim
- Patterns make the predator
- Broken promises
- History repeats itself
- A hard lesson learned

Order of Events
Countering Character Evidence

In the Hot Seat

Delivery Practice Pointers

- Vivid descriptors: “Disneyland,” not “vacation”
- Sound bites are jury room quotables
- Strong words: “committed” “clear”
Labels, Active Voice, Emphasis
- The D is not “this gentleman. Gentlemen don’t commit crimes.”
- D shot her not once, not twice, but three times

Presentation Styles to Avoid
- The Game Show Host
- The Slick Sales Clerk
- The Clairvoyant
- The Ivory Tower

Avoid Negative Nonverbals
Do I Look Stupid?

Avoid Becoming the Story
Keep Your Connection

- Present tense
- Engage with analogies
- Affirm w/ eye contact
- Open body language
- Maintain connectivity

Terms of Endearment

Lowering the Temperature

Coldest Wind Chill
User Friendly Testimony

Make the Optics Match the Topics
- Modulate like a news anchor
- Show and tell
- Monitor juror reaction
- Avoid desensitization or counterintuition

Connecting Through Common Ground Not Background
The Final Exam: Focus Group Feedback
- Comfort
- Engagement
- Body language
- Voice
- Clarity

Thankfully, Practice Does Not Make Perfect
- No such thing as a perfect performance
- Imperfection humanizes
- Relatability and likability
- Bonding through shared imperfection

The Goal: The IO and the Jury
Tips for Investigating Officers

- Be available. If you agree to follow up with something, do it as soon as possible.
- Work with the court team (don’t be a difficult witness).
- Keep in contact with ALL witnesses yourself.
- Communicate often with the victim and the advocate.
- Be open about the court process without compromising the integrity of the case.
- Explain the court process to the witnesses. Then explain it again. People are more at ease if they know what to expect.
- The Prosecutor must know everything you know, even if it seems unimportant at the time. They will decide what is put out in discovery.
- Once you are working with a Prosecutor you must adhere to the rules of conduct followed by the prosecutor’s office. At times these rules are stricter than those during an investigation.
- Take copious notes during the actual court procedure. This will allow you to keep up with case developments in real time.
- Most of all: Be professional.