



Richard Payne, a partner in BSPS Training Consultancy offers practical tips and advice on positive presentation and conduct for enforcement officers appearing as professional witnesses.

The Effective Witness

By Richard Payne, BSPS Training Consultancy

YOUR image can dramatically enhance your credibility in the witness box. It has been estimated that 70% of the impression created is as a result of non-verbal communication and the tone of voice.

The court and advocates will almost certainly expect a professional witness to conduct him/herself in a confident and competent manner, at all times.

Here are some important considerations:-

- Be aware, as you approach the witness box, that people will be forming an impression of you, so don't rush, walk tall and keep your head up. This will make you look confident even if you are nervous. Looking at the floor as one walks is a common mistake.

- Decide in advance whether you will take the oath or the affirmation and practice it beforehand. Often stumbling over words happens at the beginning, when we are most nervous.
- Your advocate may take you through your introduction, however, be prepared to identify yourself clearly to the court. Typically, this should include your full name, role, employer and official address, any relevant authorisations and a brief statement about your relationship to the case. Rehearsing this beforehand is often helpful.
- Eye contact is crucial. Look at and direct all answers to the bench in the magistrate's court and towards the jury in the crown court, include the Judge as well, if possible. Witnesses often worry about what to do with their hands. It is best not to grip the sides of the witness box tightly, as this will make one look panic-stricken. Place your hands on the witness box lightly, making economical yet open hand gestures – avoid pointing or any closed hand gestures.
- Your posture and stance need to be balanced. Distribute your weight evenly, feet about a shoulder's width apart. Leaning, slouching, standing on one hip or fidgeting can diminish your authority in the eyes of the court.
- Dress needs some thought as it also helps to create the right impression. Predominantly dark, formal clothing is

advisable, brightened up with a colourful tie or scarf. Wearing tight clothing will impede the breathing and may cause one to perspire excessively. Trousers are acceptable for ladies as part of a formal outfit and male officers are expected to wear either a suit or dark trousers and a jacket, always with a tie. Large or 'rauling' jewellery is best avoided.

- Remember, nerves are the norm! A little bit of adrenaline is a good thing as it enables one to react accordingly to unexpected questions. A few deep breaths will lower the heart rate and blood pressure sufficiently to function well. Try to think positively whilst waiting to be called and remember – nerves often don't show.
- Your voice is also a crucial consideration. Pause before you respond to questions and don't rush, the bench and clerk may be taking notes. Often, the rate of your speech will mirror your body movement so slow down movement and the speech will follow suit.
- Your advocate will do all in his/her power to put you at ease.

Ensure your voice is loud enough to be heard. Short, shallow breaths will result in a breathy tone or a highly pitched squeak! Remember your posture and take your time to breathe deeply so that the tone will be firm and strong. Sometimes, nervousness makes us clamp our jaw tightly, resulting in a mumbled delivery. A useful tip is to unclamp the jaw whilst taking the initial deep breath! Open the mouth well to aid projection.

- If you don't know an answer, say so clearly and be reassured that the occasional "I don't know" will not damage your credibility. Ensure your pocket book, and particularly the first page, is easily accessible, as this will make you look organised. Keep calm at all times and, although it's sometimes tempting, do not indulge in personal criticism of other parties. Also, avoid engaging in a battle of wits with advocates, as this will not endear you to the bench or the jury. Let your advocate take control and answer one question at a time – do not answer unasked questions. Brief, factual, accurate answers are best and always allow yourself time to think and compose an answer.
- Your advocate will come to the rescue if you stumble or make a mistake. Don't forget your side always has the right to re-examine after you have been cross examined and if they feel you have had your credentials or character attacked or that you have become muddled or confused, they will have ways of repairing the damage.

Considering these vital tips will ensure you present and conduct yourself appropriately.

Richard Payne provides a one day "Effective Witness" workshop for enforcement officers and can be contacted on 01675 443035. ■