



PARTNERS IN JUSTICE

**LAW ENFORCEMENT, PROSECUTORS, AND
RESULTS ORIENTED TESTIMONY**

WHY IS TEAMWORK SO IMPORTANT?

- What is the ultimate goal?
 - To convict impaired drivers
- Can't be convicted without an arrest
- An arrest is no good without a conviction
- We're all on the same team!

LEO COMPLAINTS ABOUT PROSECUTORS

- Unrealistic expectations
 - Always want more detail
 - Always want more information
- Lack of knowledge
- Afraid to push the envelope

LEO COMPLAINTS ABOUT PROSECUTORS

- Hard to get in touch with
- Won't take time to discuss case
- Too many plea bargains
- Afraid to try cases
- Others?

PROSECUTOR COMPLAINTS ABOUT LEO

- Bad reports
 - Not enough information
 - Not enough detail
 - Important details left out
- Bad SFSTs
- Bad investigation

PROSECUTOR COMPLAINTS ABOUT LEO

- Bad testimony
- Cut too many corners
- Don't follow legal requirements
- Others?

WHAT TO ALL THESE COMPLAINTS RESULT IN?

- No cooperation
- No communication
- No teamwork
- **Us vs. Them** mentality

END RESULT?

- Bad investigations
- Bad prosecutions
- Impaired drivers going unpunished

How do we fix this?

REALITY

- Prosecutors are overworked and understaffed
- Police departments are overworked and understaffed
- Everyone tries their best with the resources that are available
- Goals are ultimately the same

LEO'S GOALS

- Testimony/Evidence
 - Sufficient to factually and legally satisfy each element of each charge alleged
 - Present evidence in as clear and simple a manner as possible
 - Maximize persuasive weight of evidence to jury

PROSECUTOR'S GOALS

- Testimony/Evidence
 - Sufficient to factually and legally satisfy each element of each charge alleged
 - Present evidence in as clear and simple a manner as possible
 - Maximize persuasive weight of evidence to jury

EVERYONE'S GOAL

Convict
The
Guilty

IDEAL RELATIONSHIP

- How would we know?
- What would be happening?
- What would LEO/ prosecutor be doing?

IDEAL RELATIONSHIP

What is the ideal police officer?

IDEAL RELATIONSHIP

What is the ideal
prosecutor?

HOW NOT TO WORK AS A TEAM

- Complaining
- Bad mouthing your prosecutor/LEO
- Refusing to change
- Failing to communicate
- Failing to recognize hard work and effort

WHAT CAN LEO DO?

- Invite prosecutor on a ride-along
- Teach prosecutor about SFSTs
- Invite prosecutors to training/wet labs
- Observe a trial from start to finish
- Ask questions
- Recognize hard work and effort

WHAT CAN PROSECUTOR DO?

- Invite LEO to observe a trial
- Go on a ride-along
- Attend LEO training
- Provide training on case law, testimony
- Answer questions
- Explain decisions
- Recognize hard work and effort

WHAT CAN EVERYONE DO?

- Understand unique roles and responsibilities of each team member
- Don't assume the worst
- Understand where other person is coming from
- Communicate!

WHEN EVERYONE WORKS TOGETHER

- Good relationships
- Good investigations
- Good prosecutions
- Impaired drivers are convicted

THE OTHER PART OF THE EQUATION

The Court

WHO IS THE TRIER OF FACT:

- A judge
- A jury
- Does it matter?

HOW DO WE CONVINC THE TRIER OF FACT?

- What must we prove?
- What observational evidence do we need?
- What physical evidence do we need?
- What scientific evidence do we need?

WHAT IS WITHIN YOUR CONTROL IN THE COURTROOM?

- Preparation
 - Knowing your case and facts
 - Pretrial motions and briefs
 - Exhibits
 - Others?
- Organization
- Demeanor

WHAT IS OUTSIDE YOUR CONTROL?

- Facts?
- Judicial/ jury bias?
- Others?
- How do we overcome this?

WHO ARE OUR OTHER PARTNERS?

- Toxicologists
- Forensic experts
- Law enforcement specialists
 - DRE
 - Collision Reconstructionists
- MADD
- Others?

TOXICOLOGISTS

- Officers must be aware of requirements and limitations so they get the right tests performed.
- Prosecutors must be aware of limitations, procedures, cut-offs, etc.
- You can't ask the right questions if you don't understand the process!

FORENSIC EXPERTS

- Retrograde extrapolation
- Ratio conversion for serum blood to whole blood
- DNA experts
- Others?

SPECIALIZED LAW ENFORCEMENT

- DRE
 - Prosecutors have to understand the protocol to ask the right questions
 - DREs have to educate the prosecutor and the trier of fact
- Collision reconstruction
 - EDR? Physics of a crash? Roadway evidence?
 - Recon expert has to educate prosecutor and trier of fact

MADD

- Community support system for law enforcement, prosecutors, and victims
- Brings a different perspective to impaired driving offenses
- Help us by:
 - Assisting victims
 - Raising awareness
 - Holding everyone in the process accountable
 - Encouraging and rewarding hard work

KEYS TO SUCCESS

- Partnership
- Passion
- Patience
- Persistence



QUESTIONS?

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