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?
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 CONVINCE 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
  – 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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