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Police Officers Giving Evidence: Discussing Gaps, Contradictions and Next Steps.

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Abstract

This article reviews Police Research Series Paper 15, *The Presentation of Police Evidence in Court* (Stockdale and Gresham, 1995), and the role of police officers giving testimony in court. Specifically, consideration is given to the recommendations made and subsequent developments, or lack thereof, in police literature and practice. Police officers are well prepared to manage the pre-trial investigation but still receive little preparation, or guidance from researchers, for *performing* as a witness at court. Key factors in effectively presenting evidence are reviewed and directions outlined for building knowledge on preparing police officers to perform in court whilst upholding obligations to victims and the legal standard of public interest.

Introduction

To become a police officer in England and Wales, applicants are asked to consider how they will react to being called to give evidence, alone, in a witness box, under questioning from both defence and prosecution (Police Officer Application process, 2015). This suggests that giving testimony in court is central to the role of a police officer, possessing both legitimacy and value in the wider criminal justice system. Despite this, however, little has been done to develop knowledge and practice in this area since an original review by Stockdale and Gresham (1995). As such, our goals in this paper are to reinvigorate interest in this underdeveloped area, outline the current state of play with regards to giving testimony as a police officer in court, consider the evidence on which future progress may be based, and reflect on where researchers and police leaders might need to go next to advance officers' understanding, legitimacy and effectiveness.

To set the context for this review, being a witness in court has long been identified as a stressful experience (Gudjohnsson, 1985, Stockdale & Gresham, 1995, Wheatcroft and Ellison, 2012, Jacobson, Hunter & Kirby, 2015). Specifically, a range of interlacing issues makes cross-examination difficult for witnesses, including police officers. For instance, being the centre of attention, operating in different social norms, relying on procedural conformity, facing complex questions, adjusting to legal lexicon and an impaired ability to recount events in narrative form can cause anxiety, confusion, and ultimately inaccurate or poorly delivered testimony (Caruso & Cross, 2012, Fielding & Cross, 2013, J Jacobson, Hunter & Kirby, 2015). Significantly, therefore, the presence of these stressors can also hinder the court in obtaining reliable accounts from which accurate decisions or judgements can be made (Fielding, 2013, Jacobson, Hunter & Kirby, 2015, Henderson, 2015a, 2015b). As such, understanding what

being effective both looks and feels like in this scenario can be a critical part of the police officer role.

Our paper is structured into four sections. First, we provide a summary of Stockdale and Gresham's (1995) original paper and their recommendations on the presentation of police testimony in court. Set against developments in police literature and practice since 1995, we secondly evaluate the perceived impact and continued relevance of these recommendations in the applied setting. In the third section, we integrate research from various fields to depict the effective contemporary witness, culminating with a specific focus on the *performance* of presenting testimony in court. Given the apparent limitations in knowledge and training when it comes to performing as a witness in court, we then conclude by identifying some important directions for future policing research and practice.

The Presentation of Police Evidence in Court: A Synopsis of Stockdale and Gresham (1995)

As their overarching message, Stockdale and Gresham (1995) conclude that the foundation of credible testimony is the efficient and effective recording of all relevant information delivered properly as evidence. More specifically, the report identified that personal characteristics, presentation skills and an understanding of impression management were particularly important for an effective witness performance. In particular, the report recommended that officers ought to remain detached and unemotional when their evidence is challenged (Stockdale & Gresham, 1995); a skill that has since been corroborated in later studies (Brodsky, 2010, Cramer *et al*., 2013, 2014).

Unfortunately, however, Stockdale and Gresham (1995) found that officers often performed below the standards expected of them when presenting evidence in court. For example, the

ability to remain calm whilst being challenged, controlling emotions, speaking confidently and inhibiting aggression were identified as areas for improvement. As suggested in our Introduction, cross-examination was highlighted as a specific area for improvement and a connection was identified between an officer's personal characteristics and their ability to cope effectively with cross-examination (i.e., the calmer the witness, the better they tend to be able to cope with cross-examination). Interestingly, Stockdale and Gresham also suggested a direct connection between an officer's ability to cope competently with cross-examination in court and the quality of investigative processes prior to court, with such groundwork perhaps leading to increased confidence in the witness.

Consequently, Stockdale and Gresham (1995) made 12 recommendations for change across the four domains of Training, Supervision, Practicalities and Good Practice. Recommendations 1-6 focused upon police training and, specifically, the development of systems relating to the preparation and presentation of testimony in court; including the rules of evidence. It was also recommended that that clear guidance be developed on the role of officers at court and the implications of their behaviour whilst acting as a witness.

Recommendations 7-8 were specific to the supervision of officers who present testimony in court and concentrated on the provision of developmental feedback. An expansion of supervision was also advised, moving beyond the focus on case papers to include the actual process of giving testimony in court. Finally, recommendations 9-12 were concerned with Practicalities and Good Practice. These were aspirational in tone and suggested that more time be made available for consultation between the Police and Crown Prosecution Service (CPS), less waiting time at court and that a good practice guide for officers be developed.

Overall, Stockdale and Gresham's' (1995) paper claimed to be the first publicly-available, behaviour-focussed report into the presentation of evidence by police officers in court. For the

first time in policing literature, it conceptualised the process of giving testimony in court by police officers as a performance and therefore something which can be improved by effective education, training and preparation. We now evaluate the impact of this paper and its recommendations on policing practice in the years since its publication.

Presentation of Police Evidence in Court: Developments in the last 20 years

What has and hasn't been done?

Since the publication of Stockdale and Gresham's (1995) report there have been significant developments in the criminal investigation process, not least the introduction of the Criminal Procedure Rules, developments in pre-trial disclosure and advances in case management (Matthews & Malek Q.C. 2014). In the context of Stockdale and Gresham's review, such changes have addressed their first condition for the delivery of testimony in court (i.e. the effective gathering and recording of all relevant information during the investigative process). What is less clear, however, is the extent to which police leaders have recognised and responded to these changes, or the impact that these changes have had on how officers are viewed (both internally and by others) as witnesses in court. Indeed, researchers have placed little attention on the perceptions of police officers giving testimony in court, including its connection to public confidence, legitimacy and trust. There has also been limited work on other core groups' perceptions of the Police as effective witnesses, such as the public or those engaged within the criminal justice sector. This is reflected in a recent study that examined the experience of victims, witnesses and those working in the Crown Courts in England and Wales and concluded that police officers are not central to proceedings but simply there in support of the legal professionals (Jacobson, Hunter & Kirby, 2015).

Perhaps as a result of this situation, or perhaps reflecting a view that police officers are no longer required to give evidence in court as often as they once did (Stockdale & Gresham, 1995), we have also arguably seen few significant or coherent developments in police preparation and practice when it comes to presenting testimony in court. Indeed, police officers receive little preparation to present testimony with the training effort directed towards the evidence-gathering phase of criminal investigations. On a research level, work that has been done has tended to follow the traditional narrative of accountability and governance, arguing that the courts should exercise their 'gatekeeping' function of police behaviour more effectively (Thompson, 2012). In short, and despite the stimulus provided by Stockdale and Gresham's (1995) review, we still know relatively little about the effective preparation and performance of police officers giving evidence in court.

Possible reasons for lack of development

Contrasting with the limited developments in police practice and literature, there have been a number of advances in the way that non-police witnesses approach and give testimony in court. Indeed, we now have greater clarity on the role of non-police witnesses, the expectations placed upon them and the factors which impact their ability to testify effectively at court; particularly in relation to handling cross-examination (Kebbell & O'Kelly, 2007, Brodsky, Griffin & Cramer, 2010, Fielding & Cross, 2013). The growth of Witness Preparation Programmes is clear evidence of this developing knowledge base (Solon, 2012).

While a number of police forces and law enforcement agencies also appear to have engaged with witness preparation programmes, the extent, success and sustainability of this engagement has not been well reported. Potentially accounting for this situation, there appears to be a significant degree of confusion or cautiousness in the attitude of the Police towards witness development, something which may result from wider conceptual confusion as to the role of

the Police (both in court and more broadly), what is expected of them from the different actors present in the courtroom (Jacobson, Hunter, & Kirby 2015), and the tension between acting as prosecutors and the legal requirements for procedural fairness (Barrett & Hamilton-Giachritsis, 2013). Indeed, a particularly key reason for limited developments on the police officer's role in court perhaps relates to the question of whether the Police are neutral gatherers of evidence or prosecutors driven by the desire to win at court for the benefit of the victim (Barrett & Hamilton-Giachritsis, 2013). In short, whose side are or should the Police be on? Problematically, this question is perhaps tainted by the fact that many non-police witness preparation programmes are currently motivated by a partisan desire to win the courtroom battle within an adversarial system (Soanes, 2014). In this respect, many view the criminal court not as a place of absolute truth, but as an arena for deciding outcomes and managing conflict within stringent procedural requirements (Jacobson, Hunter, & Kirby 2015).

Clearly, however, if the Police developed a shared view of 'winning' at court and systems that improved performance then this may fundamentally challenge their role, perception and legitimacy. The reverberations of this debate can be seen in the development of the Criminal Procedure and Investigation Act 1996 (CPIA) and its requirement for procedural fairness; similarly, also consider the Core Investigative Doctrine (ACPO/NPIA, 2012) which reaffirms the partisan nature of defence advocacy against the procedurally fair, public interest standard for the prosecution. This latter approach is based upon the proper, fair and efficient administration of justice and reflects the popular governance and accountability narrative on police behaviour (ACPO/NPIA, 2012).

Returning to our main point, it seems reasonable to suggest that the lack of development in studying and preparing officers for presenting evidence in court may largely reflect concern over the implications that such a focus could trigger; potentially moving the Police away from

an even handed, fair minded, public interest approach towards a more partisan attitude based upon winning the contest. In light of this situation, a variety of ideas have been presented on what is, in effect, a fundamental challenge to police legitimacy. For example Tankebe, (2014) has suggested a four factor model of police legitimacy. Comprised of procedural fairness, distributive fairness, lawfulness and effectiveness, the model proposes that, to be legitimate, police organisations must demonstrate effectiveness as a normative requirement which then increases co-operation and compliance by victims of crime. Others also agree that an effective victim-centred police response contributes to improved perceptions of police legitimacy and professionalism (Posick & Policastro, 2014).

While theoretically appropriate, the tension between effectiveness and procedural fairness is, however, inescapable. In recent work on this issue, Barrett and Hamilton-Giachritsis (2013) examined the 'balancing act' that officers face with regards to the needs of the investigation and the needs of the victim. More specifically, this study suggested that these demands often put officers in conflict with the legal requirement of procedural fairness contained with the CPIA. As such, officers will often struggle to serve both the interests of the victim and conduct an effective and rigorous investigation under the public interest requirements of the current law.

Beyond its inherently stressful and confrontational nature, it is therefore unsurprising that debate on preparing officers to perform as witnesses in court is a sensitive topic. Indeed, some suggest that preparing any witness may be contrary to the aim of establishing a level playing field in the courtroom as not everyone has access to the advice and training required to perform effectively (Fielding, 2013, Soanes, 2014). The suggestion that police officers should therefore be prepared properly to deliver the best evidence possible (or perhaps evidence in the best possible way) may also sit uncomfortably with those who already urge greater scrutiny of

police behaviour to ensure procedural fairness and lawfulness (Thompson, 2012). However, while this view is of course entirely valid, it completely neglects the fact that, once at court, officers are currently left to their own devices but yet are still responsible for representing a body and public that demands professionalism throughout. It also negates the potential for optimal shared mental models across members of the Police when it comes to the concluding phases of a case; i.e., cognitive frameworks that enable them to synchronise and anticipate each other's actions towards a shared outcome (De Church & Mesmer-Magnus, 2010). In other words, the final stage of *professional* police involvement in a case is still apparently being left to chance.

Notably, there is now growing debate, principally within academia, on whether this position is acceptable, appropriate and sustainable in an era where issues of police professionalism and victim-centred policing are at the forefront of practice and policy (Barrett & Hamilton-Giachritsis, 2013, Posick & Policastro, 2014, Tankebe, 2014). Therefore, preparing to perform in court shouldn't be a question of winning but one of professionalism; indeed, the preparation of police officers to give evidence in court does not inherently require one to compromise values of fairness and lawfulness. This is supported by a recent study which concluded that witnesses can be ethically trained in a way which improves effectiveness, preserves their integrity as a witness and allows the trainer to adopt the role of educator rather than 'partisan trial strategist' (Soanes, 2014, p196).

Where and what next?

Without palpable evidence to the contrary, therefore, it would seem that there has been only limited acceptance and integration of the conclusions from Stockdale and Gresham's (1995) original report into police practice and literature. It would also seem that either: a) the role, performance and effectiveness of police officers in court is perhaps not as important as the

Police Officer application process may indicate (Jacobson, Hunter & Kirby, 2015); or b) this role and performance is important but has been insufficiently addressed both internally (i.e., by the police themselves) and externally (i.e., by the courtroom recipients and researchers). While some may argue that the Police have failed to establish clarity over their role in court and not engaged with developments in the preparation of knowledgeable, credible, persuasive and well-presented witnesses (Stockdale & Gresham, 1995, Kebbell & O'Kelly, 2007), it is also true that there have been insufficient police-specific research on which to contextualize such development. Indeed, the context, requirements and challenges of presenting evidence as a non-police witness are different to those surrounding a police officer; thus limiting the potential relevance of much non-police based work. In reality, therefore, the lack of progress since Stockdale and Gresham's report might be sensibly seen as a case of limited internal recognition *and* limited external stimuli for improvement.

Notwithstanding the origins of this situation, however, this shouldn't mask the point that significant progress is long overdue and, as we have suggested above, is in fact required if professionalism is to be upheld from the first to last involvement in a case. Indeed, there is still limited understanding on the precise role of police officers giving testimony in court, the expectations placed on them by all courtroom actors, how they are perceived by these actors, and, perhaps most fundamentally, how they might be trained and prepared to perform when presenting evidence (Jacobson, Hunter & Kirby, 2015). As an overlooked, yet critical, aspect of the courtroom process, it is this performance thread that we now consider further. Indeed, although police literature has tended to focus on organisational-level issues, strategies, policies and procedures, it is the individual officer who – while being robustly questioned in the witness box – is responsible for ensuring that the diligent *collection* of evidence (in collaboration with their colleagues) is converted into the effective *presentation* of evidence. Against the recognised limits of transferring advice from non-police areas (as noted above), we now

therefore consider what lessons *might* be taken from developments in the preparation and performance of non-police witnesses as stimuli for improvement.

The Effective Witness

Driven by the development of witness preparation programmes, recent literature has shed light on what can make a witness credible, persuasive and effective; thereby improving their presentation of evidence. Indeed, early indications from witness preparation programmes suggest that the capability to cope with the demands of the courtroom and testify effectively *can* be improved (Boccaccini, Gordon & Brodsky, Cramer, *et al*, 2013). More specifically, enhancing the effectiveness of a witness appears to be possible through understanding the factors which impact upon their credibility, and the link to presentation skills. We now consider these factors in more detail to contextualize the role and expectations of police officers as witnesses at court.

Witness Credibility

Indeed, the importance of establishing credibility (and trust) is a common theme within the literature for all witnesses and it is in this area that the debate on police witnesses has overwhelmingly centred; particularly as it relates to accountability and governance, with some urging the courts to do more in the area of governance of police behaviour (Thompson, 2012). Significantly, credibility is linked to public confidence, trust, and successful outcomes (Brodsky, 2010, Wheatcroft & Ellison, 2012, Solon, 2012 Cramer *et al.*, 2013, Jacobson, Hunter & Kirby, 2015,). As such, understanding the multifaceted construct of credibility and how it is achieved during performance in court is essential and will likely play an important part in any future initiatives to improve police performance in court.

There is a developing body of literature on what makes a credible and persuasive witness, with credibility recognised as a subjective judgement made in court by the Judge and members of the jury (Brodsky, Griffin & Cramer, 2010). As part of this work, Brodsky, Griffin & Cramer (2010) have identified a lack of agreed standards by which to assess the credibility of court witnesses and concluded that the content of the delivered message was more important in a courtroom setting than its source. However, this was not to suggest that how the message was delivered and by whom was not important. Indeed, Brodsky, Griffin & Cramer, (2010) concurred with previous research (Mondak, 1990) and considered that even a strong argument can be rendered more persuasive when delivered by a credible witness. This appears to be the situation for police officers; good evidence alone may not be enough if the evidence is presented badly as part of a poor witness performance, once again suggesting that police officers must devote time and effort to preparing to be individual witnesses in court.

To develop the construct of credibility, Brodsky, Griffin & Cramer, (2010) advance the Witness Credibility Scale (WCS); a measure based around the criteria of confidence, likeability, trustworthiness and knowledge and tested through research using courtroom simulations. Whilst conceptual validity is claimed for the WCS, a notable limitation is also accepted. Specifically, the effect that personality has on witness credibility is not fully understood. Thus, Brodsky, Griffin & Cramer, (2010) recommended that further research should use a wider range of actors in real courtrooms, rather than mock juror simulations, and expand the range of scenarios to include different forms of crimes and testimony from a range of types of witness.

Building on this line of thought, Cramer *et al* (2013) identified that the four main dimensions of the WCS are associated with specific witness personality characteristics and courtroom outcomes. For example, attractiveness and charm are, in particular, associated with juror

decisions (Cramer *et al*, 2013). Such influential characteristics had previously been developed into a theory of Witness Self-Efficacy and then into a Witness Self-Efficacy Scale (WSES), which was based on two characteristics of poise and communication style (Cramer *et al*, 2013). In essence, these two characteristics relate to the emotional and verbal control displayed under questioning (which, it is suggested, may be improved by preparation and training). More recently, Cramer *et al*, (2014) extended their work in this area and conducted an exploratory study on the effect of personality on witness persuasion; or more specifically, traits characterised as demonstrating warmth. They concluded that more research was needed and recommended the use of criminal justice participants other than mock jurors or experts; an approach previously used with criminal defendants (Boccaccini, Gordon & Brodsky, 2005).

There is however, general agreement that underpinning the construct of credibility is the ability to balance anxiety and confidence in equal measure; indeed, anxiety is widely accepted as a factor which can impact negatively on witness credibility, whilst over confidence can also have same effect (Cramer *et al*, 2013, Fielding, 2013).

In sum, the ideal of a charming, likeable, well-presented, calm, measured, eloquent and confident (but not over confident) witness recurs throughout the literature. This is the exact opposite of the fidgety, anxious, uncertain, impolite and ultimately unconvincing witness found in other studies (Bothwell & Jalil, 1992, Boccaccini, Gordon & Brodsky, 2005, Fielding, 2013). Indeed, there is general agreement that witness credibility is underpinned by the ability to balance anxiety and confidence in appropriate measure; with overanxious and overconfident individuals usually viewed negatively by others in the courtroom (Cramer *et al*, 2013, Fielding, 2013). Importantly, this need for balance suggests that performing in court requires much more than the simple possession and demonstration of credible qualities.

Witness Preparation and Presentation

As well as a body of literature emphasising the type and personal characteristics of witnesses, including their links to the key construct of credibility, there is a more limited body of literature related to the presentational skills of the witness. As outlined earlier in this paper, this situation is somewhat surprising given that questioning under cross-examination is stressful, often results in the presentation of inaccurate evidence, and hinders the functioning of the court (Fielding, 2013, Jacobson, Hunter & Kirby, 2015, Henderson, 2015a, 2015b). Nonetheless, witness preparation, or skill in testimony delivery , is being increasingly seen as beneficial for non-police witnesses (Wheatcroft & Ellison, 2012); even going as far as advising who to talk to, what the oath is, where to point the feet, and optimal posture and gaze (Boccaccini, Gordon & Brodsky, 2005, Griffith & Tengah, 2010,). Indeed, as the courts increasingly hold the view that the familiarisation of witnesses with courtroom procedure and the rehearsal of presentational or character-based skills that are non-specific to the case are desirable, it seems logical to suggest that research in this area will also continue to grow. Notably, witness preparation has already been shown to result in more accurate and reliable presentation of evidence (Wheatcroft & Ellison, 2012).

The process of preparing witnesses, other than those deemed expert by the court, was also given a further boost by the assured performance of Roman Abramovich in Berezovsky v Abramovich [2012] EWHC 2463; a recent case, before which Abramovich had undergone a witness preparation programme (Solon, 2012). It can also be seen that, within Civil Litigation, the practice of witness preparation is becoming more widespread (Solon, 2012). Since R v Momodu [2005] EWCA Crim 177, this position is unlikely to diminish; including in England

given that English Law now recognises the practice of witness preparation, but not coaching, as legitimate.

More specifically, as the Criminal Justice System has a preference for the presentation of oral over written evidence (McDermott, 2013), this area has become the subject of much focus in witness preparation. This point is supported by a recent study which found that the familiarisation of witnesses with the cross-examination process had the effect of improving witness accuracy and reduced errors in the information provided under cross-examination. The authors concluded that the prior preparation of witnesses may deliver an improved ability to deal with the situational complexities of the courtroom and thus improve outcomes (Wheatcroft & Ellison, 2012, Solon, 2012). This approach has certainly found popularity with a number of providers of commercial witness preparation programmes, who endorse the view that it is not just what a witness says but how the witness presents testimony evidence, or performs, that is important. What is not clear from the literature, however, is how far the Police have gone in adopting any of the recent findings; or how officers are currently prepared for the performance of giving evidence against the complex mix of courtroom demands.

Convergence

It is apparent in the literature that a complicated assortment of characteristics and skills make up a credible and persuasive witness, especially when that witness is being actively challenged. Characteristics and skills such as confidence, likeability, trustworthiness, calmness, clarity of voice and appearance are all ingredients which seem to add up to the model witness (Brodsky, Griffin & Cramer, 2010); or, perhaps more accurately, play a part in the model witness performance. It is also clear that this performance can be damaged by nerves and the situational complexities of the courtroom (Wheatcroft & Ellison, 2012, Solon, 2012 Cramer *et al.*, 2013, Jacobson, Hunter & Kirby, 2015). Such features were regarded by Stockdale and Gresham

(1995) as having a behavioural genesis and the development of Witness Preparation Programmes continues this theme by attempting to change behaviour, or at least to promote the demonstration of certain model behaviours when giving evidence. It is also apparent, however, that possessing the right characteristics, displaying the right behaviours and delivering strong evidence are not solely sufficient for the accurate and effective presentation of evidence in court. Indeed, all need to be selectively combined and deployed relative to the specific situation if a performance is to be optimally credible and effective; something which implies a significant but hitherto unconsidered cognitive/decision making element. Indeed, we know little on how effective witnesses proactively plan and then think their way through their presentation of evidence in court. Add into this mixture the frame provided by one's personality (Brodsky, Griffin & Cramer 2010), as perceived by oneself and others in the courtroom, and the ability to perform as a witness becomes an increasingly complex issue; a point which is starting to be recognised by academics as having wider implications for the very legitimacy of policing (Barret & Hamilton-Giachritsis, 2013).

Concluding Comments and the Next Steps

In this article we have revisited Stockdale and Gresham's (1995) paper, The *Presentation of Police Evidence in Court*, and critically reviewed the subsequent literature and developments on police officers' presentation of testimony in court. Specifically, our goals were to evaluate the impact of Stockdale and Gresham's (1995) work on continued research and practice and to establish what still needs to be considered and addressed in this significant area over two decades later.

Since the publication of Stockdale and Gresham's (1995) report, there have been considerable developments in the procedures used to gather evidence, culminating with the introduction of a number of legislative changes; including the CPIA and the Criminal Procedure Rules.

Additionally, the use of technology to record actual events in real time is now commonplace with police officers wearing body cameras, recording interviews and making extensive use of other audio and visual technology.

Such developments align with the traditional focus in police literature on transparency of investigation and the governance of police behaviour. As a result of such systems and other factors mentioned earlier, there is now, arguably, less need to call police officers to court to give oral testimony. Instead, the seemingly objective and less controversial sources of information from modern technology are often prioritised a consequence sometimes known as the 'CSI effect' (Cole & Dioso-Villa, 2009). However, these new methods certainly don't record all of the evidence available and so police officers still perform a crucial role when assuming the role of a witness in court. Problematically, however, there has been little emphasis placed upon police officers performing as witnesses since 1995 and a degree of confusion and uncertainty is evident.

Specifically, the English Courts system is adversarial and Police Investigative Practice Advice (ACPO, 2012) accepts the partisan defence position, which is to win the court case. However, this advice also suggests that the Police should be neutral in their gathering and presentation of evidence. More specifically, a public interest approach is promoted, with public interest being framed in terms of the procedural fairness and transparency of court proceedings and evidence collection. This is now enshrined in Part 1 of The Criminal Procedure Rules and known as The Overriding Objective.

As we have outlined earlier, this leaves the Police in a rather confusing situation; operating in an adversarial system but expected to adopt a public interest or neutral approach whilst at the same time being victim-centred (Barrett & Hamilton-Giachritsis, 2013). It is not clear if this is a view shared by operational officers, victims of crime or the wider public. It is also not known

if this view is shared across all levels of the Police, or whether operational officers in practice seek to win at court. Nonetheless our review suggests that this position is impacting upon the Police with police leaders apparently being reluctant to become involved in the training and development of police officer witnesses.

In contrast, the growth of development programmes for non-police witnesses seems to originate from a desire to win the courtroom contest; a position that seems incompatible with the public interest approach demanded of the Police. However, if Tankebe (2014) is correct and legitimacy depends in part on effectiveness which, in turn, encourages victims to co-operate with the Police, preparing officers only to the courtroom steps and leaving the rest to chance may be having unrecognised and significant consequences. In fact, we would suggest that this is more of an extremely likely than a maybe. Crucially, changes to this approach by proactively and deliberately preparing officers to perform in court do not mean that the fundamental values of fairness and transparency have to be compromised. Indeed, these values can be robustly upheld as part of a conscientious and forward-thinking approach to *professionalising* all aspects of the Police role in the Criminal Justice Process (i.e., ensuring that the most accurate and complete version of events is presented effectively to the courts).

In terms of the means by which this area might be specifically addressed, further work is clearly needed to identify which characteristics and skills – on both a behavioural and cognitive level – are required to perform effectively as a police officer in court; a process which would be informed by exploring the expectations and perceptions of all actors within the courtroom (e.g., witnesses, victims, and criminal justice professionals). Another important strand would be to explore the presence and development of shared mental models, or a shared understanding, of the requirements and expectations of performing as a police witness alongside others colleagues in court. Indeed, it would be interesting to consider police officers' views on what

constitutes an optimal collective performance. Given that coping under pressure is a key and a recurring theme for enabling optimum performance, future research might also look to parallel performance domains (e.g., the performing arts, sport) and critically consider the transfer of lessons, processes, and skills for inclusion in future police preparation programmes. If applied, these paths would represent a first and, we would argue, necessary step in enabling police leaders to develop research-informed training systems to appropriately prepare officers to perform as witnesses. Against the need to professionalise all aspects of being a police officer, we hope to have outlined that this can be done in a way which still satisfies contemporary expectations of both effectiveness and legitimacy.

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