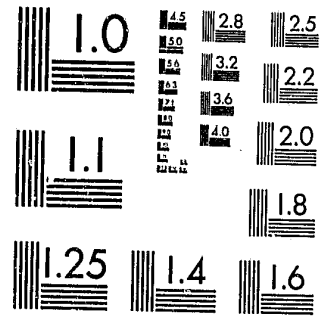


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**Summertime
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Training

The Houston Mock Trial Program

Police officers perform a myriad of tasks, all of which require the learning of several skills. The public, for example, expects police officers to possess the skill needed to arrest perpetrators. Police officers, however, know that their job is much more intricate than just arresting a criminal. Most officers realize that if they are going to arrest a criminal, they must possess specific skills that will facilitate the arrest in a safe, efficient, and effective manner. These skills include the learning of survival tactics, the acquisition of legal expertise, the ability to collect, organize, and transmit information for an offense report, and above all, the ability to testify successfully in a court of law as to what transpired before, during, and after an arrest.

The development of these skills should occur within a department's recruit (cadet) training program. Fortunately, for most police officers, it is in the area of training that law enforcement has made its greatest gain over the last 10 to 20 years.

Gone are the days when police cadets are simply "told" how to perform the numerous facets of their job. Training has evolved to the point where time is now spent not only telling and showing the recruits how to perform various skills but in allowing them the opportunity to perform these skills under controlled conditions.

Serious attempts have been made by numerous departments across the country to bring portions of an officer's job inside the academy for learning purposes. More "hands-on" training programs are being developed for cadets, especially in the areas of officer safety and survival tactics, shoot-don't-shoot exercises, traffic ticket writing exercises, firearms training programs, and in some instances, the development of mock trial programs.

The Houston Police Academy has developed and administered several "hands-on" training programs for cadets. Of all available programs, the mock trial program appears to be one of the most successful and popular with the cadets.

By

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Purpose of the Program

The Houston mock trial program was instituted within the recruit training program approximately 2 years ago. At that time, efforts were made by members of the training staff to meet with various representatives from the Harris County District Attorney's (D.A.'s) Office to discuss the viability of such a program. The idea was readily accepted without any hesitation or reservation by the D.A.'s office.

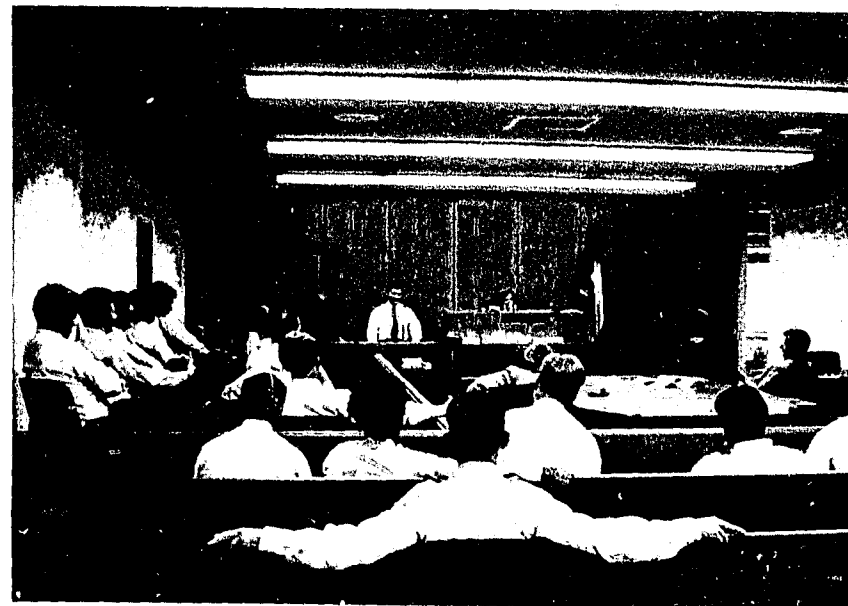
After several meetings, it was concluded that the program should be multifaceted, with special emphasis being placed on the following areas:

- 1) To develop specific courtroom experience by testifying under realistic conditions;
- 2) To experience the stress of having to testify in a court of law before an active judge, a resourceful prosecutor, and a very determined and sometimes ruthless defense attorney;
- 3) To magnify errors on offense reports that jeopardize the successful prosecution of a case;
- 4) To illustrate the importance of preparing oneself prior to being called to testify; and

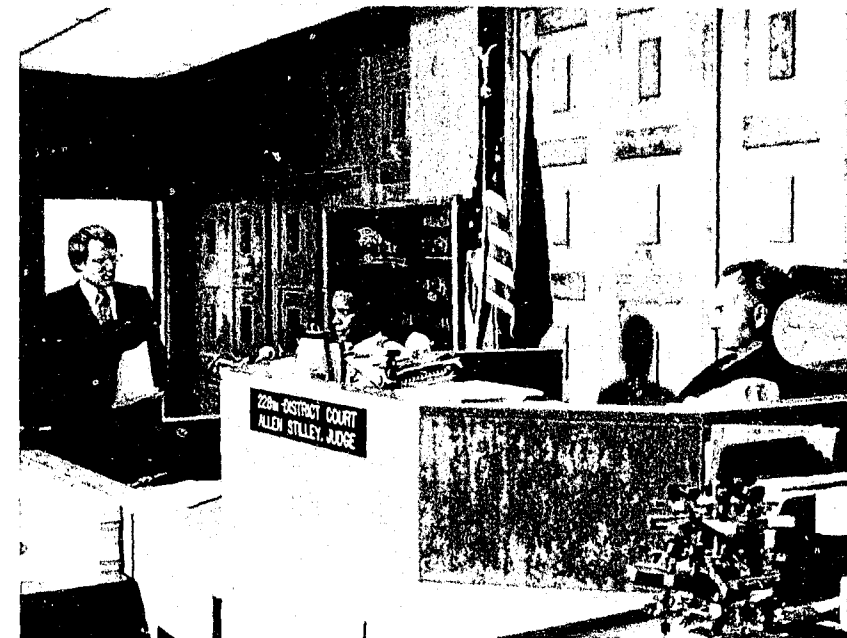
- 5) To identify the most common mistakes made by veteran officers that not only contribute to the demise of a successful prosecution but which can cause personal embarrassment for the officer.

The Program

Logistically, the deployment of the mock trial program called for several important decisions. One of those decisions involved the proper timing of the program within the cadet training curriculum. A large number of mock trial programs are randomly placed within a curriculum—the Houston model immediately follows the crime scene program. The cadets, therefore, must first respond to and resolve several crime-in-progress calls, prepare all the necessary paperwork generated by these calls, and then be expected to testify in any one of the cases some 2 to 3 weeks later. This type of sequencing is vitally important to the recruit for it prepares him in a manner that is consistent with the demands placed on veteran officers. It also facilitates the learning process, as the cadets are able to participate actively in a procedure that is similar to their expectations about what a police officer's job entails.



Complete with judge, prosecutor, and defense attorney, the mock trial program allows recruits to gain valuable experience.



Under the watchful eye of the judge, the defense attorney challenges the cadet's testimony.



Cadets sometimes make mistakes veteran prosecutors have a hard time believing.

Another crucial decision regarding the successful development of the mock trial program involved the recruitment of veteran prosecutors and judges. Due to the large size of the cadet classes, a decision was made to conduct two mock trials simultaneously. It became necessary, therefore, to enlist the assistance of at least four

prosecutors and two judges. Each mock trial used one defense attorney (portrayed by a prosecutor), a prosecutor, and a judge to oversee the courtroom activity.

Members of the D.A.'s office were so impressed by the potential success of this program that the initial volunteers were those persons who were responsible for teaching the legal courses within the Houston Police Academy's recruit training program.

This established even greater consistency for both the cadets and the prosecutors as both groups sought to share and experience similar learning expectations.

The judges are primarily responsible for overseeing the administration of the program from their bench. All courtroom activities are conducted under the watchful eye of a judge. There is no question who controls the tempo of the case being heard. Not only are the cadets able to testify under realistic conditions, but they do so under the intense scrutiny of a trial judge who routinely sustains or overrules objections that are vital to a fair judicial process. Cadets who look to the judge for help when the defense attorney embarrasses them are usually disappointed. Furthermore, much to the cadets' dismay, the judge all too often will appear to let the defense attorney badger them. Given time, they rapidly discover that their discomfort can be attributed to their inexperience.

Testifying is obviously the most exciting aspect of the mock trial program for the cadets. What they sometimes fail to recognize is that a successful prosecution depends upon preparatory efforts. To aid the cadets with this aspect of the program, the training staff critiques their offense reports at least a week before the start of the trial. A copy of the critiqued report is given back to the cadet, while another copy is sent to the prosecutors participating in the mock trial program.

The cadets, consequently, have ample time to analyze their mistakes and seek out answers to any additional questions they may have. They are also expected to check with their partner (from the crime scene program) regarding the uniformity of their upcoming testimony and their offense report.

"It is through this type of program that the cadets learn to conduct themselves in a professional manner in a court of law."

The prosecutors also review the offense reports prior to the start of the program. Their purpose for doing so is threefold:

- 1) To gauge the progress of the cadet's report writing capabilities compared to reports completed by veteran officers;
- 2) To analyze the reports in terms of inconsistencies, such as the listing of inaccurate times, names, addresses, etc.; and
- 3) To evaluate the content of the narrative portion of the report in terms of completeness and accuracy. A final decision is then made as to which cadet(s) will be testifying during the course of the trials.

During the administration of the program, several cadets are called to testify about their own particular case. The length of questioning by the defense and prosecution is dependent upon the success of the recruit's responses. Cadets who have a tendency to make mistakes are subjected to lengthier questioning. While this may cause a great deal of embarrassment for the cadet(s), it serves as a learning catalyst for the observers. Once the questioning of a particular cadet has concluded, another cadet is called to the stand.

Since only one cadet can testify at a time, the remaining recruits play the roles of jurors and spectators. As jurors, the cadets find themselves drawn into the program by the prosecutors as they actively seek to manipulate their attitudes. As spectators, the cadets are somewhat more relaxed. This allows them the opportunity to analyze the motives of the defense and prosecution. It also allows them the luxury of witnessing their fellow classmates make humorous, yet damaging, blunders without having to experience any

personal remorse or regret for having made such critical mistakes. Laugh as they may, before the night is over, the cadets may find themselves sitting on the stand, making an equally devastating mistake.

Just prior to the conclusion of the evening's activities, the judge and prosecutors hold an informative, impromptu session with the cadets. The prosecutors discuss the merits of the cadets' testimony by emphasizing the importance of being consistent and accurate. The judges discuss the importance of courtroom demeanor. Even though the cadets are exposed to the rules of etiquette in the classroom, applying those rules under the bombardment of the relentless questioning by an adamant defense attorney proves to be extremely difficult. The judges help ease the burden by sharing their experiences and offering suggestions for controlling oneself during these circumstances. The interaction between the cadets, the judge, and the prosecutors represents yet another learning experience, further enhancing the overall value of a mock trial program.

Discussions between the training staff and the prosecutors yield additional benefits for the cadets. First, the cadets are given a rare opportunity to interact openly with a district court trial judge. Second, the cadets discover how easy it is to be inconsistent in their testimony, oftentimes leaving out vital elements of the crime from their report in addition to contradicting their partner's testimony. Third, the cadets are given a real taste of the psychological warfare that occurs in a court of law.

Conclusion

It is through this type of program that the cadets learn to conduct themselves in a professional manner in a court of law. Once in the courtroom, the cadets realize that they will come into contact with members of the community, as well as with other professionals. It becomes readily apparent to them that they must be firm, accurate, patient, and courteous throughout the duration of their testimony. This will assist them in projecting a professional image before the members of the community. Failure to do so may not only jeopardize the successful prosecution of their case but could also lead to personal as well as departmental embarrassment. Police departments, therefore, should consider adopting and deploying a mock trial program within their cadet training program in order to avoid these adverse consequences.

The cadets, the training staff, and the D.A.'s office believe the Houston mock trial program has been a success. Efforts are now underway to enlarge the program in order to accommodate even more cadets. Given the cadets' willingness to learn and the continued cooperation from the D.A.'s office, the Houston program will continue to prosper. **FBI**

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