

The Performance of Police Officers as Witnesses in Court: Exploring and Advancing Practice

By

David Brian



A thesis submitted in partial fulfilment for the requirements for the degree
of Professional Doctorate in Elite Performance awarded at the
University of Central Lancashire.

August 2021

Student Declaration

Concurrent registration for two or more academic awards

I declare that while registered as a candidate for the research degree, I have not been a registered candidate or enrolled student for another award of the University or other academic or professional institution.

Material submitted for another award

I declare that no material contained in the thesis has been used in any other submission for an academic award and is solely my own work.

Signature of Candidate:



Type of Award: **Professional Doctorate in Elite Performance**

School: **School of Sport and Health Sciences**

Abstract

Despite playing a key role in the criminal investigation process, the performance of police officers giving evidence in court has been largely overlooked in both professional training and research. Indeed, whilst significant effort has been made to improve the investigative processes used by the Police, to *build* a criminal case, little has been done to *present* that case effectively, in court. A vital component of a criminal investigation, the trial, appears not to have been approached with the degree of professionalism afforded to the rest of the investigative process.

To advance practice in the policing domain, this thesis provides an applied solution underpinned by original, evidenced-based, knowledge to support the development of future instructional systems and the development of an expertise-based culture which actively promotes performance improvement. Specifically, a series of sequential studies exploring the principles and process of giving evidence in court were undertaken, with each study informing the development of the next. Initially, a review of relevant literature exposed the cognitive, behavioural, and aesthetic attributes of an effective witness and revealed the importance of the *performance* element of giving evidence. From this, interviews were conducted with experienced courtroom practitioners, which exposed the high expectations of police officers giving evidence, as well as the cognitive, behavioural, and aesthetic factors which were perceived to underpin or challenge an effective performance.

Subsequently, a survey of police officer experiences in court revealed gaps in their knowledge and skills of how to give evidence effectively, plus problematic interactions from how police organisations support them to do so. The results suggested that police performance can be improved, if supported by appropriate training mechanisms. Against this background, a review of contemporary police training revealed a lack of development in relation to the

performance aspects of giving evidence in court and a critical imbalance in the necessary experience, knowledge, and skills to advance performance.

As a result, this thesis recommended that current instructional systems – grounded in competence and behaviourally-focused competencies – should be supplemented by a more cognitively-focused, expertise-driven agenda, to best advance performance. Finally, a Performance Improvement Framework (PIF) to underpin future police training is provided. The response offered by the PIF provides an original, evidence-based, flexible, and pragmatic approach to advancing the performance of police officers in court and provides a catalyst for the development of police officers giving evidence in the future.

Key words: Witness effectiveness, police training, expertise-based training, emotional regulation, performance under pressure, giving evidence in court.

Table of Contents

STUDENT DECLARATION	II
ABSTRACT	III
LIST OF FIGURES.....	XIII
LIST OF TABLES	XIV
PEER REVIEWED PUBLICATIONS	XVI
PRESENTATIONS.....	XVII
ACKNOWLEDGEMENTS.....	XVIII
KEY ABBREVIATIONS	XIX
CHAPTER 1: INTRODUCTION	1
1.1 OVERVIEW.....	1
1.2 MY BACKGROUND AND CURRENT ROLE.....	4
1.3 A PRAGMATIC RESEARCH PHILOSOPHY	9
1.4 AIMS, OBJECTIVES, AND STRUCTURE OF THE THESIS	11
1.4.1 Aims.....	11
1.4.2 Objectives	11
1.4.3 Structure.....	12
CHAPTER 2: POLICE OFFICERS GIVING EVIDENCE: DISCUSSING GAPS, CONTRADICTIONS AND NEXT STEPS.....	16
2.1 INTRODUCTION.....	16
2.2 AIMS.....	17
2.3 THE PRESENTATION OF POLICE EVIDENCE IN COURT: A SYNOPSIS OF STOCKDALE AND GRESHAM (1995)	17
2.4 PRESENTATION OF POLICE EVIDENCE IN COURT: DEVELOPMENTS IN THE LAST 20 YEARS	19
2.4.1 What Has and Hasn't Been Done?	19

2.4.2 Possible Reasons for Lack of Development	20
2.4.3 Where and What Next?.....	24
2.5 THE EFFECTIVE WITNESS	25
2.5.1 Witness Credibility	26
2.5.2 Witness Preparation and Presentation.....	29
2.5.3 Convergence	31
2.6 CONCLUDING COMMENTS AND NEXT STEPS.....	32
CHAPTER 3: POLICE OFFICERS GIVING EVIDENCE: UNDERSTANDING THE ENABLERS AND	
CHALLENGES OF PERFORMANCE	37
3.1 INTRODUCTION.....	37
3.2 AIMS.....	38
3.3 METHODOLOGY.....	39
3.3.1 Research Philosophy and Design.....	39
3.3.2 Participants	40
3.3.3 Data Collection	41
3.3.4 Data Analysis.....	42
3.3.5 Quality and Trustworthiness	42
3.4 RESULTS.....	44
3.5 ENABLERS OF EFFECTIVE PERFORMANCE	45
3.6 BEHAVIOURAL ENABLERS.....	45
3.6.1 Balanced and Rational Delivery	45
3.6.2 Clear and Confident Delivery	46
3.6.3 Consistency of Evidence.....	47
3.6.4 Respect for the Significance and Process of the Courtroom.....	48
3.7 COGNITIVE ENABLERS	49
3.7.1 Case-Specific Understanding.....	49
3.7.2 Emotional Regulation	50
3.7.3 Cognitive Flexibility.....	51

3.8 CHALLENGES TO AN EFFECTIVE PERFORMANCE.....	53
3.8.1 Inconsistencies in Police Systems and Culture.....	53
3.8.2 Lack of Training and Preparation.....	54
3.8.3 Anxiety and Anticipation.....	56
3.8.4 Courtroom Expectations and Dynamics.....	56
3.8.5 Appearance.....	59
3.9 DISCUSSION.....	62
3.9.1 Behavioural Enablers.....	62
3.9.2 Cognitive Enablers.....	63
3.9.3 Challenges to Performance.....	65
3.10 CONCLUSION.....	68
3.11 NEXT STEPS.....	69
CHAPTER 4: POLICE OFFICERS GIVING EVIDENCE: AN EXPLORATION OF POLICE OFFICER EXPERIENCES, ATTITUDES, APPROACHES AND PERCEPTIONS	70
4.1 INTRODUCTION.....	70
4.2 AIMS AND OBJECTIVES.....	70
4.2.1 Aims.....	70
4.2.2 Objectives.....	71
4.3 METHODOLOGY.....	71
4.3.1 Research Philosophy and Design.....	71
4.3.2 Survey Design.....	72
4.3.3 Data Collection.....	76
4.3.4 Participants.....	76
4.3.5 Data Analysis.....	78
4.3.6 Trustworthiness.....	80
4.4 RESULTS.....	80
4.5 OBJECTIVE 1: TO EXPLORE THE EXPERIENCES, ATTITUDES, APPROACHES AND PERCEPTIONS OF GIVING EVIDENCE IN COURT	81

4.6 WHAT WERE POLICE OFFICERS TRYING TO ACHIEVE BY GIVING EVIDENCE IN COURT?.....	81
4.6.1 The Adversarial Nature of a Criminal Trial.....	82
4.6.2 Treatment in Court.....	84
4.6.3 Cross-examination	85
4.6.4 Making a Mistake	86
4.6.5 The Defence.....	86
4.7 FACILITATIVE FACTORS WHEN GIVING EVIDENCE.....	86
4.7.1 Managing Emotions When Giving Evidence	86
4.7.2 Cross-Examination – The Enablers of an Effective Performance	88
4.8 PREPARING TO GIVE EVIDENCE	90
4.8.1 Preparation in the 12 Months Leading up to the Trial	91
4.8.2 Preparation on the Day of the Trial.....	91
4.8.3 Learning to Prepare Mentally to Give Evidence.....	92
4.9 OBJECTIVE 2: TO EXPLORE PERCEPTIONS ON THE REQUIREMENTS FOR EFFECTIVE PERFORMANCE...92	
4.9.1 Behaviours that Negatively Affect Performance	92
4.9.2 Skills Needed to Perform Effectively	93
4.9.3 Self-Assessed Feelings of Confidence.....	95
4.10 OBJECTIVE 3: TO EXPLORE PERCEPTIONS ON ANY INSTITUTIONAL FACTORS THAT SHAPE PERFORMANCE AS A POLICE OFFICER WITNESS IN COURT.....	96
4.10.1 How Often Police Officers Attend Court – Understanding Demand.....	96
4.10.2 The Support Asked for to Give Evidence Effectively	97
4.10.3 Usefulness of Training Received.....	98
4.10.4 Training Received.....	99
4.10.5 The Content of Training Received.....	101
4.10.6 Appearance in Court	102
4.10.7 Feelings of Support.....	103
4.11 ADDITIONAL INFERENTIAL STATISTICS.....	104
4.11.1 Uniformed Operations (Specialist)	104
4.11.2 Training	105

4.11.3 Organisational Support and Confidence	105
4.11.4 Feelings of Stress Towards Giving Evidence	106
4.11.5 Feelings of Skill.....	106
4.12 DISCUSSION.....	107
4.12.1 The Demand for the Police to Give Evidence.....	108
4.12.2 Responding Appropriately to Demand	109
4.12.3 Understanding the Police Role in Court	111
4.12.4 Factors in Effective Task-Specific Performance	115
4.13 CONCLUSION	119
4.14 NEXT STEPS.....	121
CHAPTER 5: POLICE OFFICERS GIVING EVIDENCE IN THE FUTURE: PROGRESSING FROM COMPETENCE AND TOWARDS EXPERTISE TO OPTIMISE PERFORMANCE.....	122
5.1 INTRODUCTION.....	122
5.2 AIMS.....	123
5.3 A REVIEW OF THE FINDINGS SO FAR.....	123
5.4 BUILDING ON THE FINDINGS SO FAR	124
5.5 CURRENT APPROACHES TO TRAINING AND DEVELOPMENT IN THE POLICE.....	124
5.5.1 Full Operational Competence (FOC).....	124
5.5.2 How the Police Currently (Try to) Get There	126
5.5.3 Police Constable Degree Apprenticeship (PCDA)	126
5.5.4 Degree-Holder Entry Programme (DHEP).....	126
5.5.5 Degree in Professional Policing.....	127
5.5.6 Accrediting Competence	127
5.5.7 Delivering Competent Recruits: The National Policing Curriculum and The Policing Education Qualifications Framework	128
5.5.8 The Competency and Values Framework.....	129
5.6 WHAT DOES IT ALL MEAN? THE IMPACT OF ‘FULL OPERATIONAL COMPETENCE’ AND COMPETENCY FRAMEWORKS ON GIVING EVIDENCE IN COURT.....	132

5.6.1 Other General Challenges of Competence and Competency-Focused Training for Giving Evidence in Court	134
5.6.2 Addressing the Challenges: Expertise as an Additional Focus.....	137
5.6.3 Defining Expertise	139
5.7 ADVANTAGES OF AN EXPERTISE FOCUS FOR TRAINING OFFICERS TO GIVE EVIDENCE IN COURT	141
5.7.1 The Emphasis of Expertise on Cognitive Skills	142
5.7.2 The Emphasis of Expertise on Declarative Knowledge.....	146
5.7.3 The Emphasis of Expertise on Lifelong Development	151
5.8 SUMMARY OF THE MAIN MESSAGES AND NEXT STEPS FOR THE THESIS	154
CHAPTER 6: EXPERTISE-BASED TRAINING: ALIGNING WITH KEY PRINCIPLES AND LEARNING FROM OTHERS	158
6.1 INTRODUCTION.....	158
6.2 AIMS.....	159
6.3 PRINCIPLES OF EXPERTISE-BASED TRAINING	159
6.3.1 General Principles.....	159
6.3.2 Reflecting Against Fadde’s First Principle: Inroads Made by this Thesis.....	160
6.3.3 Impacting Police Officers’ Performance in Court NOW: Considering Fadde’s Second and Third Principles	164
6.3.4 Devising Instructional Activities	165
6.3.5 Integrating XBT into Existing Training Programmes.....	168
6.4 HOW ARE OTHERS DOING IT? LESSONS FROM OTHER DOMAINS	169
6.4.1 Contextual Adaptation: Learning “The Rules of the Domain”	174
6.4.2 Skill Development: “Learning to Be on Stage”	175
6.4.3 Development of Technical Skills.....	175
6.4.4 Development of Emotional Skills.....	176
6.4.5 General Performance Pressures	177
6.4.6 Specific Performance Pressures.....	178
6.4.7 What this May Mean for the Police	179

6.5 SUMMARY AND NEXT STEPS FOR THE THESIS.....	181
CHAPTER 7: IMPROVING FUTURE PERFORMANCE: A THEMATIC APPROACH	186
7.1 INTRODUCTION.....	186
7.2 AIMS.....	186
7.3 ESSENTIAL ORGANISATIONAL STEPS TO DEVELOPMENT	187
7.4 A PERFORMANCE IMPROVEMENT FRAMEWORK (PIF) TO IMPROVE PERFORMANCE.....	195
7.4.1 What the PIF Aims to Achieve	196
7.4.2 How the PIF Relates to the Specific Messages in Chapter 6.....	197
7.5 THE PIF CONTRIBUTING TO PRACTICE – EXAMPLES.....	201
7.5.1 Example 1. Mid-Service Female (Surveillance Officer)	202
7.5.2 Example 2. Police Recruit in Year 1 of Initial Training	204
7.5.3 Example 3. Coping with Cross-Examination.....	205
7.6 CONCLUSION	208
CHAPTER 8: SUMMARY OF FINDINGS, IMPLICATIONS, FUTURE RESEARCH AND CONCLUSIONS	210
8.1 INTRODUCTION.....	210
8.2 SUMMARY OF FINDINGS	211
8.2.1 Implications	217
8.2.2 Applying my Research: Recent Developments and Next Steps	220
8.2.3 Limitations	221
8.2.4 Future Research	224
8.3 CONCLUSIONS	227
REFERENCES	229
APPENDICES	249
Appendix A: Chapter 3 - Participant Information Sheet.....	249
Appendix B: Chapter 3 - Participant Consent Form.....	251
Appendix C: Chapter 3 - Interview Guide.....	252
Appendix: D Chapter 3 – Supervision Discussion Note – Research Design.....	256

Appendix E: Chapter 3 – Interviews Developing Codebook.....	257
Appendix F: Chapter 3 - ‘Flow’ document from Interviews	260
Appendix: G Chapter 3- Development of Node Content and Coding - Interviews...	263
Appendix H: Chapter 3 - Interviews Word Frequency Chart	269
Appendix: I Chapter 3 Interviews Early Question Development Matrix	270
Appendix J: Chapter 3 - Developing Node Hierarchy Charts - Interviews	274
Appendix K: Chapter 3 - Review and ‘Flow’ from interviews to Survey	276
Appendix L: Chapter 4 - Participant Survey (Including Information & Consent)	282

List of Figures

Figure 5-1. Typical distribution between declarative and procedural knowledge, reflecting a more competence-oriented approach.	148
Figure 5-2. Typical distribution between declarative and procedural knowledge, reflecting a more expertise-oriented approach.	148

List of Tables

Table 2:1. Characteristics of a Credible Witness	29
Table 4:1. Demographic Characteristics of Participants.....	78
Table 4:2 Perceived Expectations of the Police by Other Actors in Court	82
Table 4:3. The Perceived Nature of the Criminal Trial.....	83
Table 4:4. Feelings of Stress related to Giving Evidence	84
Table 4:5. Skills Required for Effective Performance	94
Table 4:6. Respondents Self-Assessment of Their Own and Their Peers' Level of Skill.....	94
Table 4:7. Respondents Self-assessed Confidence in Giving Evidence in Court	95
Table 4:8. Reasons Given for a lack of Confidence in Court	96
Table 4:9.Frequency and Type of Court Attended	97
Table 4:10.Usefulness of Training Received	98
Table 4:11. Where Officers Learned to Give Evidence	99
Table 4:12. Types of Trainings Events Attended	100
Table 4:13. Content of Training Received in Performing at Court.....	101

Table 4:14. Appearance in Court	102
Table 4:15. Importance of Giving Evidence and Support Received by Respondents	103
Table 4:16. Behaviours Seen as Negative and Characteristics or Skills Seen as Effective In the Context of the Courtroom	116
Table 5:1. Behavioural and Cognitive Characteristics of Effective (Police) Performance and Challenges.....	123
Table 6:1. Discipline-Specific Performance Pressure in the Circus and Proposed Performance Enhancement Techniques.....	180
Table 7:1. A Performance Improvement Framework (PIF)	200
Table 7:2. An Example of a Training Scheme for Mid-Service Female (Surveillance Officer)	203
Table 7:3. An Example of a Training Scheme for a Police Recruit in Year 1 of Initial Training	205
Table 7:4. A Specific Training Response to an Individual or Group of Officers-Dealing with Cross-Examination.....	207

Peer Reviewed Publications

Brian, D. J., & Cruickshank, A. (2019). Police officers giving evidence: Understanding the enablers and challenges of performance. *The Police Journal: Theory, Practice and Principles* 92,4, 1–24. doi.org/10.1177/0032258X19828407

Brian, D. J., & Cruickshank, A. (2016). Police officers giving evidence: Discussing gaps, contradictions, and next steps. *The Police Journal: Theory, Practice and Principles* 90(2) 160–172.

Presentations

Brian, D. (2018). Presentation to the MSc, Cyber Crime Course, University of Central Lancashire.

Brian, D. (2017). Presentation to Senior Fire Service Officers, MSc, Expert Witness Course, University of Central Lancashire.

Acknowledgements

Completing this thesis is the culmination of a long and very personal journey which would have been impossible without the support and encouragement of others, to whom I am deeply grateful. First, to my Supervisor Dr. Andrew Cruickshank. I am forever grateful for his insight, and calming influence throughout this whole, emotional, inspiring, and sometimes overwhelming journey. Without his constant support and guidance, I doubt this thesis would have been completed. I must also thank my second Supervisor, Dr. Tynke Toering, for her invaluable expertise and knowledge, at a crucial time, and of course, thank you, to Dr. Michelle McManus for encouraging me to embark on this adventure and for being there with words of wisdom and encouragement throughout.

I am indebted to the School of Forensic and Applied Sciences at the University of Central Lancashire for providing me with the time and space to complete this thesis. Also, for creating such a thought provoking and stimulating environment to work in, and of course, to all those colleagues and friends who helped in so many ways. I must also, thank the participants in this thesis, the police officers, and other members of the criminal justice system whose contributions were invaluable.

Finally, my heartfelt thanks to Trish and Charlotte, for being there, for once again supporting my personal ambition and for being patient with me during this whole life changing experience, despite everything else going on around us. I have asked so much of you both for so long, and you have never hesitated. I really can't thank you enough.

Key Abbreviations

ACPO	Association of Chief Police Officers
ASP	Applied Sports Psychology
CID	Criminal Investigation Department
CJ	Criminal Justice
COP	The College of Policing
CPD	Continuous Professional Development
CPIA	Criminal Procedure and Investigations Act 1996
CPR	Criminal Procedure Rules
CPS	Crown Prosecution Service
CSI	Crime Scene Investigation
CVF	Competency and Values Framework
DHEP	Degree Holder Entry Programme
EPA	End Point Assessment
ECHR	European Convention on Human Rights
EWCA	England and Wales Court of Appeal
EWHC	England and Wales High Court
FOC	Full Operational Competence
HMTS	Her Majesty's Court & Tribunal Service
HSE	Health and Safety Executive
IPLDP	Initial Police Learning and Development Programme
IPS	Independent Patrol Status
MA	Master of Arts Degree
MSc	Master of Science degree
NPIA	National Policing Improvement Agency
PCDA	Police Constable Degree Apprenticeship
PEQF	Policing Education Qualifications Framework
PIF	Performance Improvement Framework
PIP	Professional Instigators Programme
PJDM	Professional Judgement and Decision Making
RCGP	Royal College of General Practitioners
TVP	Thames Valley Police
UK	United Kingdom

WCS	Witness Credibility Scale
WSES	Witness Self-Efficacy Scale
XBT	Expertise-based training

Chapter 1: Introduction

1.1 Overview

Being a police officer can be a complex, unpredictable and demanding job which attracts considerable scrutiny. Therefore, the Police are constantly evolving and reacting to changes in society and the demands placed upon them. Within this context, the police service is currently trying to change from artisanship to professionalism as part of an effort to improve operational performance and meet contemporary expectations (Green & Gates, 2014; Holdaway, 2017). In support of this, most police recruits are now required to hold a degree upon entry to the service or to undertake degree level qualifications before being appointed as a fully qualified Police Constable. It should be noted, however, that those currently being recruited under the UK Government's drive to recruit twenty thousand extra police officers, are in some forces, being recruited under a previous system (Gov.uk, 2020).

To support these changes, the Policing Education Qualifications Framework (PEQF) and a new National Policing Curriculum (NPC) have been designed to introduce standardised educational levels across England and Wales which are consistent in implementation, assessment, and accreditation (COP, 2019). The new curriculum includes training and educational development in several key areas until officers achieve the accreditation of Full Operational Competence (COP, 2019). At this point, the recruit becomes a fully qualified Police Constable. A key part of this training is attendance at a university and critical engagement with the relevant literature (see Chapter 5).

Historically, however, there has been a scarcity of police specific empirical evidence available to support the development of police knowledge and practice in relation to giving evidence in court, with the most substantial piece of work, in recent times, being that conducted

by Stockdale and Gresham (1995). Since this was published, the focus of efforts to improve the performance of police officers giving evidence have been concentrated on improving the investigative processes, of *gathering* the evidence and of case *building*, activities which occur *prior* to giving evidence in court. The case building concerns raised by Stockdale and Gresham's report have been given considerable attention; unfortunately, efforts to improve performance when *giving evidence* appear to have being overlooked.

Against this background, it has long been recognised that being a witness in court can be a stressful and difficult experience (Gudjohnsson & Adlam, 1985, Jacobson, et al., 2015; Stockdale & Gresham, 1995, Wheatcroft & Ellison, 2012,). Cross-examination, which has been described as “the greatest legal engine ever invented for the discovery of the truth” (Thompson & Scurich, 2019, p. 1379) has long been stressful for witnesses. For some witnesses, the complexities, traditions, and theatre of the courtroom along with the procedural conformity and courtroom specific legal lexicon can lead to inaccurate, poorly delivered, and unreliable testimony, as a result of stress (Caruso & Cross, 2012; Fielding & Cross, 2013; Henderson 2015a, 2015b; Jacobson, et al., 2015).

To remedy this situation, Stockdale and Gresham (1995) concluded that the foundation for successfully presenting evidence in court, for a police officer, was the effective *recording* of all relevant information during the investigation process and then *preparing* to deliver this effectively as evidence. Ultimately however, Stockdale and Gresham concluded that police officers habitually underperform when presenting evidence in court.

In respect of giving evidence in court more broadly, recent literature sheds light on what can make a witness, (a) credible, (b) persuasive, (c) effective, and distinguishes witnesses by their type. There is also some evidence to suggest a connection between witness type, their credibility

and persuasiveness. Notably, police officers do not fall easily into a predefined type (Brodsky, et al., 2010).

In addition to the impact made on the effectiveness of the evidence by the type of witness presenting it, there is some evidence to suggest that the strength of the evidence itself is not enough (Brodsky, et al., 2010). Because of this, police officers may need to specifically establish their credibility as *individual* witnesses. There is value to this practice for the Police, as literature suggests that witness credibility is linked with public confidence (Brodsky, et al, 2010; Cramer et al.,2013; Jacobson, et al., 2015; Solon, 2012; Wheatcroft & Ellison, 2012). Some literature, notably that of Brodsky, et al. (2010), has identified an absence of standards by which to assess the credibility of court witnesses and suggested that even good evidence alone may *not* be enough if the evidence is *presented* badly. This is a key finding for this thesis, as it suggests that the *performance* of giving evidence is of some importance.

Previous studies found that the familiarisation of witnesses with the cross-examination process had the effect of improving witness accuracy and reduced errors in the testimony provided under cross-examination (Solon, 2012; Wheatcroft & Ellison, 2012). However, the relationship between the Police and the witness familiarisation literature or their adoption and engagement with the subsequent findings is not clear. Nor can it be said with any clarity or certainty how officers are currently prepared for giving evidence in court within the context of contemporary demands and expectations. Similarly, the treatment and perception of police officers giving evidence remains unclear and is reflected in a study which concluded that the role of police officers in court is to simply support the legal professionals (Jacobson, et al., 2015).

In summary, there appear to have been few, if any, recent advancements in the practice of police officers giving evidence in court beyond a substantial effort to improve the case *building*

skills of the Police. This effort, as important as it is, addresses only some of the key issues raised by Stockdale and Gresham's (1995) review. It is still the case that relatively little is understood about (a) the factors which make up an effective 'police' presentation of evidence in court, (b) the underpinning knowledge required to perform effectively, and (c) the instructional system best suited to deliver any improvements needed.

In response, my thesis aimed to explore this little understood area of practice and by doing so, to contribute to the development of meaningful, original knowledge, insight and applied solutions, which can support the advancement of *performance* in this key area of policing.

1.2 My Background and Current Role

The purpose of this section is to provide some relevant background information on my involvement with giving evidence in court, and with the criminal justice system more broadly. This will provide an insight into the experiences which have informed and shaped my current views, have evolved my knowledge in this area and underpin my rationale for this thesis and some of the decisions made.

I have been actively involved with the subject of policing and criminal justice for over 40 years and I am currently a Senior Lecturer in the School of Justice at the University of Central Lancashire. Most of the courses I am involved with (BSc, MSc, MA) are concerned with policing and the workings of the criminal justice system. My interest in policing and criminal justice began in my pre-teen years when I suffered an assault, I became a 'victim' of crime. I clearly remember the process of narrating my statement of complaint to the police and being taken out of school, by my dad, many months later, to give my evidence in court. This was a particularly confusing, stressful, and unpleasant experience both during the giving of my evidence, cross-examination and during the lengthy build up to the trial itself.

I had been treated well by the police and patiently allowed to narrate my side of the story at my own pace, in my own words, and in the comfort of my home supported by my parents. However, sometime later, in what appeared to a young boy to be, an old, large, and imposing courtroom it was an entirely different story. Interestingly, the incident itself had no noticeable long-term impact upon me at all. However, that single experience of giving evidence in court – as an 11-year-old boy - shaped forever my view of policing, criminal justice, and of the police. Subsequently, and as soon as I was old enough, I left home and joined the Police, as a 16 - year-old Police Cadet.

There followed a thirty-two-year career during which I rose to the Rank of Detective Superintendent and Head of the force Serious and Organised Crime Unit. Throughout my career I was involved in many types of policing from neighbourhood policing, emergency response policing and public order policing, to the most serious types of international overt and covert criminal investigations. Ultimately, I specialised in covert investigation tackling organised crime. This involved operating across regional and international boundaries in multiple jurisdictions and in different legal systems. It also required using the most up to date and sensitive police tactics and operating within the most complex, contentious, and sometimes uncertain or developing areas of the criminal law, evidence, and procedure.

As a result, I gave evidence in many of the criminal and civil courts including the Magistrates Court and The Crown Court and provided evidence for Judicial Review and the Court of Appeal. The cases I have given evidence in include murder, rape, kidnapping, terrorism, fraud, money laundering, trafficking in people, drugs and firearms, and many others. Thus, I have experienced giving evidence-in-chief and have been cross-examined, sometimes at considerable length, on many occasions. Whilst I did not count those occasions, I would say I have been to court

and been cross-examined hundreds, if not thousands, of times. However, each time I entered the courtroom I was anxious, nervous and in a defensive state of mind, a situation that began as an 11-year-old boy and never altered throughout my entire thirty-two-year police career, despite the considerable experience gained.

Throughout these events my reference point was firmly anchored in my own very personal, but negative, experience of giving evidence as a young victim and how I would like to have been treated by the court. This shaped my view of how difficult it was to be a witness and how I felt a witness *should* be treated, how a witness in the witness box *might* feel and what I intuitively thought the courts, the public and victims *expected* from the police.

Throughout a varied and lengthy career, I received almost continuous training and development. I learned extensively about management and leadership, organisational studies and equal opportunities, diversity, and the law and procedure of the criminal courts. I also received more specialised training including Public Order policing and command, I became a Public Order Commander and a Firearms Commander and Critical Incident Commander. I also underwent the Professional Investigators Programme (PIP) for Senior Detectives and underwent further specialist training in covert policing, surveillance, and intelligence. I became a Class 1 Advanced Police driver and undertook the defensive driving course.

Many of these courses had a clearly defined criterion for selection and defined standards which needed to be reached to be assessed as a competent or more advanced practitioner, some also included accreditation and regular requalification. Most of them were also concerned with the effective and appropriate *gathering* of evidence, none of them included how to *present* that evidence effectively in court.

At the mid-point in my career, I was fortunate to gain a police scholarship to Lancaster University where I successfully studied for a law degree, a course which included the law of evidence as one of its components. This period re-energised my interest in academia and the process of study and learning. Consequently, this was quickly followed up at Leicester University where I studied for a Masters' degree in Employment Law and Industrial Relations, which also included a component on the functioning and requirements of the Employment Tribunal. Again, none of this learning included how to *give* evidence and instead concentrated upon procedures, laws, roles, and the environment of the courts.

My university experience also motivated my desire for further personal and professional development, and I became an avid consumer of the opportunities provided by the Police. I became a reflective practitioner, constantly seeking opportunities to develop and reflecting upon what I had learned and what I felt was missing. One area I reflected on repeatedly over many years was *giving* evidence in court and how this may become a less stressful and more successful experience. It was during this period that I first began to reflect up the behavioural, presentational and *performance* aspects of giving evidence in court.

My first appearance as a witness giving evidence, albeit a specific type of witness, a 'victim', had taught me that it could be a daunting, anxious, and difficult thing to do, and could leave a lasting impression. Throughout my time in the police I often reflected upon this and looked at my own development in this area. It comprised of an observational visit to the Magistrates Court as a very young probationary Police Constable within my initial training. This was supplemented by seeking tips from friendly lawyers I met and from more experienced colleagues, many of whom framed their experiences in court as entirely negative and combative. As I gained authority within the force, I began to look for opportunities to gain experience for myself and for those in my

departments. Sadly, this proved hard to find until towards the end of my career when witness familiarisation courses were becoming more widespread and it was possible, in a very limited way, to access such courses.

These courses typically took the form of familiarisation with the courtroom environment or courtroom procedures and the rules of evidence. Most were only held occasionally and for people on specific courses, such as the then national Criminal Investigation Course (CID) course. Sometimes, it was possible to engage an individual Barrister to present their personal experience of questioning police officers. Typically, on such occasions, I learned how *others* would behave towards *me*, rather than how I should respond. When I left the Police after thirty-two years such courses were still not widely available and the giving of evidence by police officers still not high on the organisational agenda or obvious within organisational discourse. Possibly because this was seen as coaching a witness which was frowned upon by the courts at the time, and still is.

When I retired from the Police, I took a Lectureship at the University of Central Lancashire. In my interview for the post I was asked if I would be interested in studying for a Doctorate. I replied that I would be interested in studying for a Doctorate and that I would like to explore how police officers could be supported to become more effective at giving evidence and by so doing improve the reliability, authenticity and presentation of the evidence they gave to the courts. My enthusiasm for this thesis comes from a long-held desire to understand in more detail the performance of police officers in court and whether it could be more effective or needed to be the stressful and anxious situation that I had experienced.

Against this background, when considering my approach to this thesis, I chose to adopt a pragmatic research philosophy to promote the development of future training systems which

support and inform police officers to give evidence effectively. This is discussed more fully in the next section.

1.3 A Pragmatic Research Philosophy

To achieve the aims of this thesis by generating original knowledge to support practice, in the form of meaningful and relevant insights into the performance of *individual* police officers giving evidence, a pragmatic research philosophy was chosen as the most appropriate approach. This decision was taken to align the nature of the research, its purpose, and the research approach directly with the research aims and objectives of this study (Creswell, 2004, as cited in Armitage, 2007; Levitt et al., 2017).

Pragmatism is ideally suited to the aims of this thesis as its epistemological foundation is grounded in the idea that researchers should utilise research methods which, (a) best suit the research question, (b) are most likely to generate practically useful answers for the end user, (c) are concerned for social justice, and (d) improve the world around us (Brush, 2020; Goldkuhl, 2008; Kaushik & Walsh, 2019; Patel, 2015). The underlying rationale for the choice of pragmatism was that this study should directly address ‘real life’ problems and find, (a) flexible, (b) practical, and (c) sustainable, solutions. With this in mind, I employed a mixture of research methods which is consistent with a pragmatic philosophy (Armitage, 2007; Kaushik & Walsh, 2019) and ensures the fitness for purpose desired by others (Boaz & Ashby, 2003).

By adopting a pragmatic research philosophy, I hoped to establish that I understood and accepted that there are multiple realities present in the world. With this in mind, when considering the appropriate research strategy for this programme I was persuaded by a mainly qualitative and interpretivist approach but with the inclusion of some specific quantitative analysis. This was combined with a pragmatic philosophy to connect both deductive and inductive reasoning at

various points throughout the work (Kaushik & Walsh, 2019; Thi Tuyet Tran, 2017). To assist in this process of connection, pragmatism is returned to throughout this thesis to help with explanation, where appropriate, and within the context of specific studies. Again, this has coherence with the pragmatic approach which accepts that there are multiple realities which are amenable to various forms of empirical inquiry (Kaushik & Walsh, 2019).

My acceptance of multiple realities and search for meaningful insights which generate knowledge *for* improvement (Goldkuhl, 2012) is consistent with a research strategy seeking to find practical solutions to problems and develop an understanding of what works, or what worked, within a given context (Armitage, 2007; Vagle, 2017). Pragmatism supports this approach to finding solutions because as “a research paradigm, pragmatism orients itself toward solving practical problems in the real world” (Kaushik & Walsh, 2019, p. 4). This also accords with those who suggest that academic research should make a difference and provide answers in an applied setting (Giacobbi, et al., 2005). To complement my pragmatic philosophy no attempt was made to remove my own perspectives as a practitioner. Instead, my background assisted in the interpretation of the research data and contributed positively towards understanding which is seen by pragmatists as an accepted strength of the pragmatic philosophy (Kaushik & Walsh, 2019).

Viewed through this lens, universal, statistical-probabilistic, generalisability (Smith, 2017) of the research findings was not the aim. Rather, I sought to expose meaningful and relevant insights into the specific context of police officers giving evidence, enough to support the development of systems and mechanisms to advance practice (Levitt, et al., 2017).

In conducting this research, my aspiration was to provide insight which stimulates change in the development of *individual* police officer’s knowledge, understanding and critical reflection in relation to giving evidence in court. Furthermore, I wanted to provide the relevant insight and

guidance to better inform police organisations to support their officers appropriately to give evidence in court. With this in mind the next section sets out in greater detail the aims and objectives of this thesis.

1.4 Aims, Objectives, and Structure of the Thesis

1.4.1 Aims

The overall aims of this research were first, to critically analyse the presentation of police evidence in court and evaluate the effectiveness of that role, the impact on police legitimacy and how effectively officers understood and were prepared for performing their role as witnesses in court. Second, this research aimed to provide a range of evidence-based recommendations and practical resources to enhance performance in this domain.

1.4.2 Objectives

1. To critically explore the principles of an effective witness performance in court and the specific demands of this performance from a police perspective.
2. To critically evaluate police officers' understanding of contemporary expectations of them at court, their own experiences of giving evidence and what they feel would improve their performance as witnesses.
3. To evaluate how any identified gaps in police preparation, knowledge and training may be filled.
4. To stimulate discussion, awareness and a perspective change within police officers and senior police leaders of the role, expectations and requirements of officers at court.

Against this background, specific objectives were set sequentially for each stage of inquiry with each set of objectives being informed by the preceding study.

1.4.3 Structure

This thesis comprises eight chapters which explore police officers giving evidence in court. To begin with, Chapter 2 considered the current position in relation to police officers giving evidence and critically reviewed the relevant literature on this subject. Key factors for effectively presenting evidence were established, including the importance of the *performance*, and a clear course identified for the building of practitioner knowledge to support police officers to meet contemporary expectations.

Following this first step, Chapter 3 built upon these findings to develop a specific understanding of the enablers and challenges of the *performance* of individual police officers in the context of the courtroom. Semi-structured face to face interviews with a small but experienced and informed group of ten participants, from the police and other courtroom professionals, with considerable experience of, (a) giving evidence in court, (b) listening to police officers giving evidence, and (c) questioning police officers giving evidence, was the chosen method for this inquiry. As a result, this chapter revealed a series of specific behavioural, and cognitive enablers which support effective performance and a further set of challenges to effective performance

Chapter 4 sought to expand on the understanding gained so far, by examining serving police officer's perceptions and attitudes towards giving evidence in court. The method chosen to do this was a self-administered survey circulated to police officers in England and Wales.

The survey found the presence of, and some of the reasons for, anxiety and anticipation amongst police officers which was generally undermining performance coupled with a lack of training and support from their police organisations. Noticeably, the chapter found no agreement

on what the minimum performance levels for giving evidence in court should look like or any agreement on what future training provision should be. That said, the chapter did find agreement that one of the key issues in giving evidence effectively was the *cognitive* ability of the officer concerned. Against this background, Chapter 4 concluded that police officers in the future need substantial organisational support and clarity of purpose for them to perform effectively in court and that future training should be *cognitively* focussed. Finally, Chapter 4 recommended that consideration be given to the development of expertise-based training to deliver the performance improvements needed.

Following these recommendations, Chapter 5, investigated the training and preparedness of police officers to give evidence by way of a desk top investigation of the training available for recruit police officers and more experienced officers. This was done by critically considering the National Policing Curriculum (NPC) and the Policing Education Qualifications Framework (PEQF) and other available types of training found within other domains.

Subsequently, Chapter 5 concluded that the current procedurally based training being delivered within the NPC and PEQF would not, on its own, prepare officers to meet the expectations of them in court. However, the chapter found that the Police might realise the necessary improvements in performance if they were to adopt an *expertise-based* approach to future training. The chapter also revealed several key markers of expertise which could form the basis for any future training or instructional system.

In support of these findings, Chapter 5 recommended that future training should include an *additional, cognitive*, focus and facilitate the transition from novice to expert and that expertise should be developed in conjunction with competence to provide the most appropriate way forward for the task of giving evidence in court.

In Chapter 6, the focus of my thesis moved from looking at the Police to looking outward at other domains to see what lessons might be learned to deliver improvements in police performance. Within that context, Chapter 6 explored the types of instructional systems and training mechanisms available and investigated training to expertise and the specific construct of Expertise-Based Training (XBT). Chapter 6 considered the underlying Principles of XBT and reflected on the contribution made by my thesis, so far, to meeting some of the requirements of the principles underpinning XBT. The chapter specifically revealed an approach found within the circus as a particularly relevant exemplar and reflected on what this might mean for the Police.

Furthermore, the findings in this chapter showed the advantages to the Police of adopting an approach to future development which is situated within a novice to expert continuum of training. Moreover, this chapter recommended the novice to expert continuum as the way forward and suggested that this should be developed in parallel with the acquisition of the appropriate mix of, (a) tacit, (b) declarative, and (c) procedural knowledge, which is a feature of the current police training.

Following this, Chapter 7 moved to describe a Performance Improvement Framework (PIF), grounded in the findings of this thesis, from which tailored training mechanisms can be designed to meet the training demands of a variety of contexts. Grounded in key themes and sub-themes the PIF provides a simple, flexible guide or planner, for the future development of tailored, context specific, instructional mechanisms to deliver novice to expert training. To evidence the flexibility and practicality of this approach, Chapter 7 described a series of ‘real life’ practice based and relevant examples of how the framework may be used in practice.

Finally, my thesis closes with Chapter 8 when conclusions are drawn and the original contributions of this work, its implications, limitations, and recommendations for future research are emphasised.

Chapter 2: Police Officers Giving Evidence: Discussing Gaps, Contradictions and Next Steps

2.1 Introduction

Until recently, to become a police officer in England and Wales, applicants were asked to consider how they would react to being called to give evidence, alone, in a witness box, under questioning from both the defence and prosecution (Police Officer Application Process, 2015). The present system has updated this and now states that a police officer is expected to present “clear and accurate evidence in court” (Joining the Police, 2020). 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 appears to have been done to develop knowledge and practice in this area since an original review by Stockdale and Gresham (1995).

To set the context for this chapter, being a witness in court has long been identified as a stressful experience (Gudjohnsson & Adlam, 1985; Jacobson et al., 2015; Stockdale & Gresham, 1995; Wheatcroft & Ellison, 2012). Specifically, a range of interlacing issues make cross-examination difficult for witnesses, including police officers. For instance, (a) being the centre of attention, (b) operating in different social norms, (c) relying on procedural conformity, (d) facing complex questions, (e) adjusting to legal lexicon, and (f) an impaired ability to recount events in narrative form can cause anxiety, confusion, and ultimately inaccurate or poorly delivered testimony (Kebbell & Johnson, 2000; Caruso & Cross, 2012; Fielding, 2013; Jacobson et al., 2015). Specifically, 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; Henderson, 2015a, 2015b; Jacobson et al., 2015). As such, understanding what being effective looks and feels like in this scenario can be a critical part of the police officer role.

To begin to understand what an effective witness looks like, and to address Object 1. of my thesis, this chapter reflected on developments in police officers' presentation of testimony in court against the specific aims described below.

2.2 Aims

The aims of this chapter were to, critically explore the principles of an effective witness performance in court and what this might mean from a police perspective.

Against this background the chapter is structured into four sections. First, it provides 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. Second, it evaluates the perceived impact and continued relevance of these recommendations in the applied setting. The third section integrates research from various fields to depict the effective contemporary witness. Fourth, the chapter, culminates with a specific focus on the performance of presenting effective testimony in court. Given the apparent limitations in knowledge and training when it comes to performing as a witness in court, the conclusion then identified some important directions for future policing research and practice.

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

As their overarching message, Stockdale and Gresham (1995) concluded 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 (a) personal characteristics, (b) presentation skills, and (c) 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 et al., 2010; Cramer et al., 2013, Cramer et al., 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, (a) the ability to remain calm whilst being challenged, (b) controlling emotions, (c) speaking confidently, and (d) inhibiting aggression, were identified as key areas for improvement. As suggested in the 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.

Against this background, Stockdale and Gresham (1995) made twelve recommendations for change across the four domains of (a) Training, (b) Supervision, (c) Practicalities, and (d) 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 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 presented 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 time be spent waiting 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-focused 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 something that can be improved by effective education, training, and preparation. This chapter now evaluates the impact of this paper and its recommendations on policing practice in the years since its publication.

2.4 Presentation of Police Evidence in Court: Developments in the Last 20 Years

2.4.1 What Has and Hasn't Been Done?

Since the publication of Stockdale and Gresham's original (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, 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 paid little attention to the perceptions of police officers giving testimony in court, including the connection of giving testimony to, (a) public confidence, (b) legitimacy, and (c) 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 are simply there in support of the legal professionals (Jacobson et al., 2015).

Perhaps because 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), there have also arguably been few significant or coherent developments in police preparation and practice when it comes to presenting testimony in court. Indeed, police officers currently appear to 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, relatively little is known about the effective preparation and performance of police officers giving evidence in court.

2.4.2 Possible Reasons for Lack of Development

Contrasting with the limited developments in police practice and literature, there have been several advances in the way non-police witnesses’ approach and give evidence in court. Indeed, there is greater clarity now on, (a) the role of non-police witnesses, (b) the expectations placed upon them, and (c) the factors which impact their ability to testify effectively at court, particularly in relation to handling cross-examination (Brodsky et al., 2010; Fielding, 2013; Kebbell & O’Kelly, 2007). The growth of witness preparation programmes is clear evidence of this developing knowledge base (Solon, 2012).

While several police forces and law enforcement agencies 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 noticeable degree of confusion or caution 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 et al., 2015), and the tension between acting as prosecutors and the legal requirements for procedural fairness (Barrett & Hamilton-Giachritsis, 2013).

A 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 et al., 2015). Clearly, however, if the Police developed a shared view of 'winning' at court and systems that improved performance then this might 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 reaffirmed the partisan nature of Defence Advocacy against the procedurally fair, public-interest standard for the prosecution. This latter approach was 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 my 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. Considering 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. Comprising, (a) procedural fairness, (b) distributive fairness, (c) lawfulness, and (d) effectiveness, the model proposes that, to be legitimate, police organisations must demonstrate effectiveness as a normative requirement that 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 regarding the needs of the investigation and the needs of the victim, whilst a recent report by Sir Richard Henriques (2019) explicitly rejects the notion of police officers referring to those who have suffered crime as a ‘victim’ as this infers bias. Henriques reasoning for this is that the very title ‘victim’ introduces bias to the trial system and leaves it vulnerable to accusations of a lack of fairness, thus breaching the Article 6 (ECHR, 1950) obligation of the ‘Right to a Fair Trial’ (Henriques, 2019). More specifically, this chapter 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 both to serve the interests of the alleged victim and to 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 to deliver 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 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 synchronize 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, the trial, is still apparently being left to chance.

Notably, there is now growing debate, principally within academia, on whether this position is, (a) acceptable, (b) appropriate, and (c) sustainable, in an era where issues of police professionalism and victim-centred policing are at the forefront, albeit controversially, 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 the Police 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, p. 196).

2.4.3 Where and What Next?

Without palpable evidence to the contrary, therefore, 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 have previously indicated (Jacobson et al., 2015); or (b) the 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, (a) knowledgeable, (b) credible, (c) persuasive, and (d) well-presented witnesses (Kebbell & O’Kelly, 2007; Stockdale & Gresham, 1995), it is also true that there has been insufficient police-specific research with which to contextualise such development. Indeed, the context, requirements, and challenges, of presenting evidence as a non-police witness are different from those surrounding a police officer; thus, limiting the potential relevance of much non-police-based work. 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 should not mask the point that significant progress is long overdue and, as this chapter has suggested, 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, (a) the precise role of police officers giving evidence in court, (b) the expectations placed on them by other courtroom actors, (c) how they are perceived by these actors and, perhaps most fundamentally, (d) how they might be trained and prepared to perform when presenting evidence (Jacobson et al., 2015). As an overlooked, yet critical, aspect of the courtroom process, it is this performance thread that this thesis now considers further. Although police literature has tended to focus on, (a) organisational-level issues, (b) strategies, (c) policies, and (d) 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), this chapter therefore considered what lessons might be taken from developments in the preparation and performance of non-police witnesses as stimuli for improvement.

2.5 The Effective Witness

Driven by the development of witness preparation programmes, recent literature has shed light on what can make a witness, (a) credible, (b) persuasive, and (c) effective, thereby improving their presentation of evidence. Indeed, early indications from witness preparation programmes suggest that the ability to cope with the demands of the courtroom and testify effectively can be improved (Boccaccini et al., 2005; Cramer et al., 2013). More specifically, enhancing the effectiveness of a witness appears to be possible by understanding the factors that impact upon their credibility, and the link to presentation skills. The next section now considers these factors in more detail to contextualise the role and expectations of police officers as witnesses in court.

2.5.1 Witness Credibility

The importance of establishing credibility (and trust) is a common theme within the literature for all witnesses and it is on 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 around the governance of police behaviour (Thompson, 2012). Importantly, credibility is linked to, (a) public confidence, (b) trust, and (c) successful outcomes, (Brodsky et al., 2010; Cramer et al., 2013; Jacobson et al., 2015; Solon, 2012; Wheatcroft & Ellison, 2012). 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 et al., 2010). As part of this work, Brodsky et al. (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 et al. 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 et al. (2010) advanced the Witness Credibility Scale (WCS), a measure based around the criteria of, (a) confidence, (b) likeability, (c) trustworthiness, and (d) 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 et al. 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 an assortment of ‘types’ of witness.

Amongst others, a witness can be, (a) a victim-witness, (b) a lay witness, (c) a child witness, or (d) an expert witness. There is also some evidence to suggest a connection between witness type, their credibility and persuasiveness. For example, Tomei & Cramer, (2014) suggest that a witness who is perceived to be independent is considered more trustworthy, reliable, and honest than a witness with a prior relationship to the defendant. Police officers have been described as, amongst others, lay participants who have difficulty in maximising their opportunity in court to state their case effectively (Fielding, 2013) while also being accepted and rejected as expert witnesses (*R v Sekhon* [2014] 1 SCR 272). Underpinning this variation, police officers may witness an incident and present evidence of what they have seen, be the victim of a crime (e.g., an assault), or be instrumental in the gathering and creation of evidence (e.g., in proactive inquiries involving surveillance). They may also, through their work, have a long-established professional relationship with a defendant. As a result, it is notable that, within the different types of witnesses identified in the literature, a police officer does not fall easily into a predefined category.

Building on this line of thought, Cramer et al. (2013) identified that the main dimensions of the WCS are associated with specific witness personality characteristics and courtroom

outcomes. For example, attractiveness and charm are 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 the two characteristics of poise and communication style (Cramer et al., 2013). 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* rather than mock jurors or experts, an approach previously used in a study with criminal defendants (Boccaccini et al., 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 that can impact negatively on witness credibility, whilst overconfidence can have the same effect (Cramer et al., 2013; Fielding, 2013). The emerging characteristics of a credible witness along with several negative characteristics are seen in Table 2:1.

Table 2:1. Characteristics of a Credible Witness

Positive characteristics	Negative characteristics
<i>Emotional & verbal control</i>	
Ability to balance anxiety & confidence	Fidgety
Calm	Anxious
Measured	Over confidence
Eloquent	
<i>Presentational Skills</i>	
Well presented	
Attractive	Uncertain
Knowledgeable	Unconvincing
Communication style	
Persuasive	
<i>Personality characteristics</i>	
Charm	Impolite
Poise	
Warmth	
Likeability	
Trustworthiness	

In sum, the ideal of a, (a) charming, (b) likeable, (c) trustworthy, (d) well-presented, (e) calm, (f) measured, (g) eloquent, (h) confident (but not over-confident) witness recurs throughout the literature. This is the exact opposite of the, (a) fidgety, (b) anxious, (c) uncertain, (d) impolite, and ultimately, (e) unconvincing, witness found in other studies (Boccaccini et al., 2005; Bothwell & Jalil, 1992; Fielding, 2013). Indeed, there is general agreement that witness credibility is underpinned by the ability to balance anxiety and confidence in appropriate measure. Importantly, this need for balance suggests that performing in court requires much more than the simple possession and demonstration of credible qualities.

2.5.2 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; Henderson, 2015a, 2015b; Jacobson et al., 2015). Nonetheless, witness preparation, or skill in delivering testimony, is being increasingly seen as beneficial for non-police witnesses (Wheatcroft & Ellison, 2012), even going as far as advising, (a) who to talk to, (b) what the oath is, (c) where to point the feet, and (d) optimal posture and gaze (Boccaccini et al., 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 nonspecific 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 concept 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 case, before which Abramovich had undergone a witness preparation programme (Solon, 2012). The impact of the courtroom performance can also be seen in the comments of the Judge in this case who, commenting specifically about Abramovich's 'opponent' stated that she found him to be an "inherently unreliable witness" (Belton, 2020, p. 4). 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 and Wales, given that English law now recognises the practice of witness preparation, but not coaching, as legitimate.

More specifically, as the criminal justice system prefers 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 studies that 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 might deliver an improved ability to deal with the situational complexities of the courtroom and thus improve outcomes (Solon, 2012; Wheatcroft & Ellison, 2012). This approach has certainly found popularity with several providers of commercial witness preparation programmes, who endorse the view that it is not just what a witness says but *how* the witness presents evidence, or performs, that is important. Interestingly, there are also those from within academia who advocate that preparing witnesses, as a discrete subject, could be offered as part of a ‘Trial Consulting’ graduate level course within higher education (Cramer & Brodsky, 2014). 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.

2.5.3 Convergence

It is apparent from the literature that a complicated assortment of characteristics and skills make up a credible and persuasive witness, especially when that witness is being actively and skilfully challenged. Characteristics and skills such as, (a) confidence, (b) likeability, (c) trustworthiness, (d) calmness, (e) clarity of voice, and (f) appearance, are all ingredients that seem to add up to the model witness (Brodsky et al., 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 (Cramer et al., 2013; Jacobson et al., 2015; Solon, 2012; Wheatcroft & Ellison, 2012).

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, (a) possessing the right characteristics, (b) displaying the right behaviours, and (c) delivering strong evidence, are not solely enough 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, little is known about 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 an individual's personality (Brodsky et al., 2010), as perceived by themselves 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).

2.6 Concluding Comments and Next Steps

To conclude, this chapter has revisited Stockdale and Gresham's (1995) original paper, *The Presentation of Police Evidence in Court*, and critically reviewed the subsequent literature and developments on police officers' presentation of testimony in court. To meet the aims of this chapter, outlined above, this chapter sought to evaluate the impact of Stockdale and Gresham's 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 rules and procedures used to gather evidence, culminating with

the introduction of several legislative and procedural changes, including the Criminal Procedure and Investigations Act 1996 (CPIA) and the Criminal Procedure Rules (CPR). 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. Because 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 the evidence available and so police officers still perform a crucial function 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 and Welsh courts system is adversarial and Police Investigative Practice Advice (ACPO/NPIA, 2012) accepted the partisan defence position, which is to win the court case. However, this advice also suggested that the police should be neutral in their gathering and presentation of evidence. More specifically, a public-interest approach was 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’. The aim of the ‘overriding objective’ is that cases are ‘dealt with justly’ and it sets out seven ways that this can be achieved (CPR, 2020, s1).

As I 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 managing the requirements of the ‘victim’ (Barrett & Hamilton Giachritsis, 2013; Henriques, 2019). Indeed, this view was reaffirmed recently, in Home Office Guidance on giving evidence which confirmed the investigators role as helping the court to reach a decision and stressed to the investigator:

You are not a professional or expert witness and not therefore expected to demonstrate any special skills whilst giving evidence. However, the courts are entitled to expect you to be truthful, factual, competent and to communicate your evidence effectively.

(Home Office, 2020, p. 6)

It is not clear if this lack of professionalism is a view shared by operational police officers, ‘victims’ of crime, other actors in the courtroom 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, this chapter suggests that this position is impacting upon the Police, with police leaders apparently 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 adversarial courtroom contest, a position that seems incompatible with the public-interest approach demanded of the Police (Henriques, 2019). However, if Tankebe (2014) is correct and legitimacy depends in part on effectiveness, which, in turn, encourages victims to cooperate with the Police, preparing officers only to the courtroom steps and leaving the rest to chance may be having unrecognised and important consequences. In fact, this chapter

suggests 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 must 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, more originally, a *cognitive* level – are required to perform effectively as a police officer in court, a process that would be informed by exploring the expectations and perceptions of *all* actors within the courtroom (e.g., witnesses, 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 officer witness alongside other 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 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 (a) lessons, (b) processes, and (c) skills, for inclusion in future police preparation programmes. If applied, these paths would represent a first and, this chapter would argue, necessary step in enabling police leaders to develop research-informed training systems to appropriately prepare their officers to *perform* as witnesses.

Against the need to professionalise *all* aspects of being a police officer, this chapter has outlined that this can be done in a way that still satisfies contemporary expectations of both

effectiveness and legitimacy. To progress the findings and recommendations from this chapter, my thesis now moves to explore the specific perspectives of police officers giving evidence in court from the viewpoint of informed and experienced individuals who work within the courtroom.

Chapter 3: Police Officers Giving Evidence: Understanding the Enablers and Challenges of Performance

3.1 Introduction

Building upon the findings so far, the following chapter addressed Objective 2. of my thesis and explored further the *performance* factors raised to develop greater understanding of police officers performing as witnesses in court. Specifically, Chapter 3 investigated the *cognitive* factors and *expectations* of officers from the perspective of the other actors in the courtroom including notions of professionalism.

The police service in England and Wales is currently experiencing a process of transformation from an occupation based on artisanship to a profession (Holdaway, 2017). However, the terms ‘professional’ and ‘profession’, in relation to policing, remain ambiguous. Green and Gates (2014, p. 75) when trying to define the term suggested “the definition of a profession is diverse, contested and constantly evolving.” Others suggest the term profession is characterised by developments in practice, accreditation, and support from scientific research (Holdaway, 2017; Lumsden, 2017). Despite ambiguity in the term, one notable consequence of this shift is expressed in the aim of the College of Policing (COP). Specifically, the college anticipates that police officers will “receive professional development throughout their careers” (COP, 2015, as cited in Holdaway, 2017, p. 595).

Within this context, Chapter 3 focused upon one ‘area of professional practice’ which seems to have received limited attention to date (Stelfox, 2011, p. 19), the effective preparation and performance of police officers giving evidence in court. Specifically, this chapter is situated within the development of, (a) effective practice, (b) accreditation, and (c) supporting research, in police officers giving evidence in court. Indeed, some have long argued that criminal investigation

has suffered from a lack of systematic training or evidence-based research (Neyroud, 2011). Accordingly, this chapter builds on the previous findings which suggest, police officers are often ill-prepared to perform effectively as witnesses in court, in contrast with improvements in witness preparation elsewhere (Brian & Cruickshank, 2016; Stockdale & Gresham, 1995). This suggests that officers are falling behind in the development of their professional skills in a key area of policing and are unsupported by academic research and apparent organisational backing.

Accordingly, this chapter responds to calls for research to shed light on, (a) the expectations of police officers in court, (b) the characteristics that exemplify effective performance, (c) factors that challenge effective performance, and, finally, (d) how officers can prepare effectively to deliver that performance and meet expectations.

3.2 Aims

The aims of this chapter were to develop a greater understanding of police officers performing as witnesses in court by obtaining and analysing the specific perceptions and experiences of informed individuals working within the courtroom.

This approach was taken to address a gap in the existing literature (Brian & Cruickshank, 2016), to fulfil the aims of the College of Policing (COP, 2015, as cited in Holdaway, 2017: p. 595) and to start to reveal a relevant and informative depiction of contemporary police officers giving evidence. In a broader sense, my intention was to generate meaningful and necessary information to police forces, individual officers, and to encourage the advancement of systems and processes to further develop performance in this specific area of professional practice.

3.3 Methodology

3.3.1 Research Philosophy and Design

Given its grounding in professional practice, this chapter was approached from a philosophy of Pragmatism (see Chapter 1), in which knowledge is generated to provide a basis *for* action; more specifically, action that creates change and subsequent improvement (Goldkuhl, 2012). For clarity, the pragmatic philosophy does not seek to uncover universal truths from a single reality and is therefore distinct from work undertaken within a realist ontology. Indeed, as part of my pragmatic approach, I accepted that there are multiple constructions of reality and that quality research can generate no absolute truth but rather tangible implications for a given group, time, and context (Vagle, 2017). In this vein and given that no empirical work has been published on police performance in court for a significant period, this chapter therefore sought to interpret practically meaningful insights from a smaller number of well-informed and diverse individuals, as obtained from an “organised and repeatable process” (Hassanli & Metcalfe, 2014; p, 538) rather than general perceptions from a broader population.

First and foremost, the reason for this approach was that, at this stage of inquiry and in order to inform the next stage, I wished to understand the precise perceptions of a sample who had significant experience in courtrooms (rather than the general perceptions of a wider sample who had more varied levels of experience). Consequently, the quality of my research process would be determined by: (a) coherence with my philosophy (i.e., did I select methods that aligned with my stated belief system?); and (b) the generation of findings that could inform advances in practice and further practice-focused study (i.e., do my findings constitute practically-meaningful themes rather than universal truths?) (Levitt et al., 2017). In addition, using a pragmatic approach to harvest the experience and perceptions of the Police in court allowed my own experience as a

practitioner, when appropriately managed, to contribute positively to the understanding and interpretation of the interview responses. In other words, a pragmatic philosophy encouraged me to appropriately harness my own perspectives rather than trying to ‘remove’ them in pursuit of strict objectivity (as a more realist ontology would encourage).

Accordingly, my philosophy and background guided me towards identifying practical solutions to problems and to understanding ‘what works’ or ‘might work’ moving forwards for the Police (Armitage, 2007). More specifically, this philosophy informed the selection of a qualitative interpretive research design to meet the chapter’s purposes, and further still, the decision to utilise semi-structured, face-to-face interviews to obtain the perceptions and lived experiences of a diverse and well-informed sample of participants within the context of the courtroom. Semi-structured interviews were felt to be appropriate for the participants as they provided more scope and flexibility than possible quantitative methods (e.g., a survey), encouraged a conversational style of interview and resulted in a detailed exploration of the research agenda (Pietkiewicz & Smith, 2012). The use of semi-structured interviews also matched my intention to work with a smaller but focused sample and to adopt an approach that had the “potential to yield data that...are indeed rich and deep” (Newby, 2010, as cited in Cockburn, 2014, p. 4).

3.3.2 Participants

To enhance the quality of the data, my focus was on recruiting practitioners who had performed as a witness in court numerous times and those with significant experience of listening to and questioning police officers giving evidence. The participants comprised three senior serving police officers, two retired senior police officers (retired within the previous 12 months), two lawyers and three magistrates with sentencing powers, all of whom have extensive experience working within criminal justice. The five police officers had held positions for between 23 years

and 30 years ($M = 28$ years) whilst the lawyers and magistrates had held positions for between 7 years and 30 years ($M = 18.4$ years). Overall, 10 participants contributed to the study, purposefully selected by, (a) their professional role within criminal justice, (b) their experience in a variety of courtrooms, (c) availability, and (d) willingness to participate. This sample comprised six males and four females with 232 years of criminal justice experience ($M = 23.2$ years).

3.3.3 Data Collection

My institutional ethics committee granted approval for the study (Unique Reference Number BAHS 3257) and each participant followed the same process to participate: (a) initial contact by email or telephone, (b) provision of an information sheet outlining the study's purposes, procedures and assurances of anonymity (see Appendix A), and (c) signature consenting to take part (see Appendix B).

The semi-structured, audio recorded interviews were conducted by me and lasted between 30 and 61 minutes ($M = 43.2$). During the interview, participants answered a series of open questions, which reflected the objectives of the study (see Appendix C). Specifically, these questions sought to uncover: (a) their perception of what optimal witness performance looks like, and (b) their perceptions on any perceived challenges faced by police officers in delivering that optimal performance.

The interviews took place in locations familiar to the participants and at a time of their choosing. Four main questions were asked of the participants in the same sequence and in the same way and then, dependent upon the fullness of the respondent's answers and demeanour, follow-up prompts, and probes were used to explore details. This was done to acquire clarity and elaboration on the perceived enablers and challenges of performing as a police officer witness. The semi-structured design was also chosen to, (a) relax the participants, (b) develop trust, (c) build rapport,

and ultimately, help the conversation to flow and allow the participants to ‘tell their story’ whilst ensuring that the main themes of interest were covered (Smith & Osborn, 2007; p. 59).

3.3.4 Data Analysis

All the interviews were transcribed verbatim and then read several times, I listened to them repeatedly and re-read each of them to optimise familiarity and aid consequent interpretation. Following the principles of inductive, ‘bottom up’ analysis (Braun & Clark, 2006; Parry, 2011, as cited in Sage Research, 2017), open coding was used to identify enablers and challenges of an effective performance using qualitative analysis software (QSR NVivo version 12). More specifically, this involved labelling raw data units with relevant tags before building these into concepts. Commonalities and differences between raw data units and then concepts were identified using the constant comparison method (Boeije, 2002), with the concepts then progressively grouped into more specific categories and sub-categories (Braun & Clark, 2006; Strauss & Corbin, 1998). This iterative, ‘data-driven’ process continued throughout the writing phase of this chapter (Braun & Clark, 2006).

3.3.5 Quality and Trustworthiness

The quality of qualitative research, as often targeted through markers of ‘trustworthiness’, has generated considerable debate and some significant evolution. More broadly, this evolution has seen researchers move from a reliance upon rigid criteria that paralleled markers of quality in quantitative research (Lincoln & Guba, 1985) through to guidelines and now onto principles (Levitt et al., 2017). More specifically, scholars in qualitative inquiry have started to coalesce around the idea that quality is achieved by the selection of methods that are consistent with, (a) the researcher’s stated philosophy, (b) framing of the phenomenon under study; and (c) carry utility in achieving the stated goals of the research (Levitt et al., 2017).

About this first principle, I have outlined the match between my philosophy and chosen design in the ‘Research Philosophy and Design’ section above. In terms of the second principle, several steps were taken during the analysis to enhance the quality of the work. First, To contribute to the trustworthiness of my findings and develop understanding of the topic it was important to manage appropriately my own potential bias, values, and judgements during the research process and in particular their potential effect on the design of the interviews and interpretation of the results (Dodgson, 2019). To better understand my role, judgements and practices when designing, conducting and interpreting the results of the interviews, and to mitigate any bias - conscious or unconscious - (Buetow, 2019; Dodgson, 2019) I engaged in *prospective reflexivity* to establish how I might impact on the research. In this sense I positioned myself as an ‘inside’ researcher able to provide an informed understanding and insight into the findings (Attia & Edge, 2017). My position as an ‘inside’ researcher also allowed me to build trust and reassure the participants of the research purpose and to allay any fears around confidentiality they may have held. To assist in this and before each interview I outlined to the participants who I was and my professional background in this field (Dodgson, 2019). Similarly, I also engaged in *retrospective reflexivity* to establish any impact the research may have upon me (Attia & Edge, 2017). This enabled me to raise my own awareness of any potential bias and to maintain a research focus on the *practical application* of any findings.

Several strategies were employed to develop reflexivity and self-monitoring. These included, (a) engagement with the raw data over a prolonged period and the keeping of organised records, (b) engaging in constant and regular reflective dialogue, and (c) ‘stepping back’ from the research process to critically review my actions, decisions and next steps (Attia & Edge , 2017, Motari, 2015). To support these strategies the interview questions were subject to review, redraft

and then subsequent review by myself, my supervisory team, and others with academic or practical experience until they were felt to be appropriate to achieve the aims of this chapter. Subsequent data were coded and recoded throughout the study and write-up, using the constant comparison method detailed above, whilst diagramming was used to, (a) reflect, (b) clarify, and (c) refine, the themes revealed and their connections. The themes and subthemes were also critically inspected and debriefed on a regular basis (Nowell et al., 2017), whilst peer debriefing (with individuals who had academic and professional policing experience) was utilised to further check and challenge the relevance and consistency of coding. Reflexivity was supported by the use of written research journals, auditing, review documents, research memos, the use of ‘blind’ coding documents to check consistency and the creation of ‘flow’ summaries to triangulate results, inform research design and highlight the inter connectivity between studies. (See Appendices D - K for examples of these documents). This contributed to a continual internal and external dialogue and critical reflection of the research process (Buetow, 2019).

The raw data was also returned to repeatedly for referential adequacy throughout the study and write up (Nowell et al., 2017). This latter process was used to create an ‘intimate connection’ with the data and the presentation of results which are ‘grounded’ entirely in the data, the research context, the diverse range of sources used and my awareness of my own perspective (Levitt et al., 2017). As per my pragmatic philosophy, what I was aiming to achieve by this was to invite the reader “into an experience and move them to act upon what they have read” (Smith, 2017, p. 141) to advance practice.

3.4 Results

Reflecting the chapter’s objectives, this section explored the participants’ perceptions of those factors which enable and challenge police officers performing in court. The results are

presented in the subthemes that were developed from the data analysis and evidenced by exemplar quotes from the participants. To be clear, and in line with my pragmatic philosophy and interpretivist lens, these themes were not necessarily identified by every participant. Instead, themes were generated on the basis that they reflected ‘practically meaningful factors’ rather than ‘universally true’ factors.

3.5 Enablers of Effective Performance

Reflecting the first objective of this study, two specific enablers of effective performance were revealed by the analysis: (a) behavioural enablers, and (b) cognitive enablers. These are now considered in the section below beginning with a consideration of behavioural enablers.

3.6 Behavioural Enablers

Specific behavioural characteristics were revealed as important in the effective presentation of evidence in court: (a) balanced and rational delivery, (b) clear and confident delivery, (c) consistency of evidence, and (d) respect for the significance and processes of the courtroom. These characteristics are discussed in turn in the next section.

3.6.1 Balanced and Rational Delivery

The participants expressed an expectation for police officers to be rational and unbiased when performing as a witness. Six participants valued this behaviour, with a magistrate (P6) commenting: “Be open: you’re not all ways going to be 100% right and we accept that you don’t have to be 100% right.” This was supported by a retired police officer:

Address questions openly. Specifically, not being seen to be leaning towards or hanging towards one way or the other in terms of the opinions you give, but to give your honest interpretation of what you’ve seen. (P1)

These responses demonstrate the expectation of balance in a police officer's presentation of evidence and a desire to see evidence presented in objective and unbiased state, even if it means the officers accepting errors or inconsistencies in their evidence. As another example:

An effective performance requires also the ability to say, 'I don't know'. I think, you know, [police officers] sometimes have a temptation to think they've got to give an answer to everything, maybe they haven't. (P11, police officer)

The expectation of open-mindedness and a presentation of evidence which is objective and balanced is underlined by the expectation that officers would also present their evidence in a clear and confident way.

3.6.2 Clear and Confident Delivery

Expanding on the behavioural enablers, this chapter also revealed an expectation that police officers would demonstrate the necessary presentational skills in the witness box. Specifically, clarity, projection, and vocabulary:

They have to talk like everybody else talks: but be able to convey their experience as a police officer. That shouldn't be in... the use of jargon; we're a very jargonistic organisation really, we reduce everything to pseudonyms and mnemonics and people do get confused with the way we talk.

(P11, police officer)

And speak a lot more clearly: I think that's the biggest difference. I think I expect to see that presentation in court, that ability to look and project their voice clearly is a thing I would expect from them.

(P3, magistrate)

However, clarity of the message can be undermined if not done with confidence:

I think confidence sits at the head of all of this. Even experienced officers find court stressful and that might damage their confidence in the environment so that they might have done everything really well, but just don't perform very well because they're not confident.

(P1, retired police officer)

In summary, the participants reported that clarity and confidence were both required to perform effectively as was the expectation that officers would be consistent in their presentation of evidence.

3.6.3 Consistency of Evidence

The way a police officer articulates evidence included more than the clarity and confidence of the presentation, it required consistency of the message.

When they are questioned: They're not easily sort of caught, not caught off guard, but they're not easily swayed so they know what the truth is, they know what they're saying about that and they don't get themselves tied up in knots.

(P7, police officer)

Yes: [consistency is] important because one of the things you have to say when you're summing up the case is how credible the witnesses were, whether their evidence was consistent, whether they wavered at all, and they are professional witnesses when all's said and done.

(P9, magistrate)

These responses focus on the consistency of the officer's presentation of the evidence, specifically the connection between this and the credibility of the officer. However, even the consistent expression of an officer's evidence was felt to be undermined when respect was absent.

3.6.4 Respect for the Significance and Process of the Courtroom

Behaviours considered ineffective by nine of the participants comprised those demonstrating disrespect or disinterest in the court. For example, consider these two views. First, a lawyer who commented: “[Police officers need to be] civil and polite: it has a massive impact. Civil and polite, both to the defendant and to the magistrates, and not patronising.” (P5, lawyer).

Second, a magistrate who supported this view: “But it’s the way they give their evidence: you would expect them to be polite, and to know who to speak to” (P6, magistrate). A senior police participant also recognised the significance of respecting the occasion and the importance of the court:

Have some degree of respect for the occasion...to circumstances in the fact that it’s gone to court. You look around and there’s a lot of people involved in the case, a lot of work has gone into it and you’ve got a victim who is there to see justice and an offender who has done whatever degree of crime that they’ve done.

(P7, police officer)

A magistrate addressing the same theme revealed that, on occasions, some police officer witnesses had not shown the proper respect for the court:

Well in the last two years I’ve had...police officers chewing in the box. I’ve had a police officer with his radio on and when he was asked to turn it off, we got a ‘pew’, that was the response.

(P6, magistrate)

Similarly, an experienced prosecution lawyer expressing surprise at the attitude of some police officers recognised this theme: “Yes, it was the manner, he was just literally saying I haven’t got a clue, more or less ‘why are you asking me?’” (P5, lawyer).

In sum, this theme raises concerns about the attitudes of some police officers towards the court and their role at court. The next section considers several cognitive themes that may affect a police officer's effectiveness.

3.7 Cognitive Enablers

Three cognitive enablers were revealed by this study, which were necessary for the delivery of an effective witness performance: (a) case-specific understanding, (b) emotional regulation, and (c) cognitive flexibility.

3.7.1 Case-Specific Understanding

When asked how they prepared for their court appearances, the participants prepared in very similar ways which, they believed, underpinned effective performance. A magistrate who, interestingly, also had experience of giving evidence commented: "Before I ever got there, I would read over my evidence and know what evidence I was about to give. So, I would go over it in my mind and if, you like, rehearse my evidence" (P6, magistrate).

Two police officers held similar views:

When I'm giving evidence, the preparation in general would be obtaining the reference materials I need, summary policy book...statements, revisiting that. Familiarising myself with what happened as these issues/cases could take months to get to court. I would...familiarise myself where the court is and its layout... I would be trying to anticipate which way it was going to go by way of what is required of me under cross examination.

(P4, police officer).

I would have a thorough understanding of the case end to end. I will obviously refresh my memory from the statement and pocketbook and other exhibits and notes, incident books, whatever, policy files. It matters not whatever material I had available, I'll read it and then apply some sort of second guessing as to why am I giving evidence. (P5, Police officer).

Interestingly, the participants focused on familiarity with the evidence or the environment of the courtroom. None of the participants considered the cognitive or behavioural skills needed to perform effectively as a witness.

3.7.2 Emotional Regulation

The failure of police officers to regulate their emotions was sometimes perceived as inappropriate and linked to the characterisation of disrespect discussed above. In this respect, the participants distinguished between emotions associated with awkwardness or discomfort and the more negative emotions associated with belligerence, which were undesirable with a magistrate commenting: "If they become belligerent it can affect you because you wonder then if they have bullied somebody, you know, bullied the other witnesses" (P9). This was supported by the comment of another magistrate: "As I said...we're all human, so you think 'well you're being sarcastic', [and so] you [want to] come back with a sarcastic comment. But from...a professional you wouldn't expect that response" (P6).

Interestingly, other emotional responses were perceived as positive, when displayed appropriately:

That police officer could tell that was quite difficult for her when she was giving her testimony, and felt quite an awkward situation to be in, and that emotion in that instance actually helped to really establish that was truth and that actually occurred in the way she said. (P3, magistrate).

Not overreacting to questioning was also seen as positive when under cross-examination with a police officer participant suggesting: “[It’s important] to show everyone in the courtroom that you’ve thought about it and ... you’re thinking about the question” (P7). One manifestation of an overreaction was becoming argumentative and was highlighted by a retired police officer participant: “Well clearly the negatives will be getting into an argument with the barrister [and] being defensive, which I think is a negative thing: [i.e.,] adopting a closed mentality” (P1).

For police officers, displaying emotion was therefore seen as both a negative and a positive characteristic affecting performance, as summed up by one participant who commented: “I think you should not be emotionless but not emotional” (P11, police officer). Notably, it was the *regulation* of emotions that was perceived as an enabler of performance in court. Specifically, the ability to regulate and display emotion in a case appropriate manner was considered a positive characteristic; an ability underpinned by cognitive flexibility.

3.7.3 Cognitive Flexibility

Situational awareness, understanding the options available and a willingness to respond in a flexible way, described in the literature as cognitive flexibility (Martin & Anderson, 1998), was regarded as an enabler of effective performance in court. This was evident in the words of one participant who highlighted the importance, and the challenge, of deploying listening skills during cross-examination:

You are always thinking I’m trying to stay ahead of them, where is this going...the listening skills involved in that are phenomenal...and this an environment which is incredibly tense anyway...I find that cross-examination side really challenging.
(P4, police officer).

Noticeably, the experience of being questioned in court was described in terms of a sometimes-personal attack, from an enemy, which may reduce the flexibility of an officer's thinking and ultimate response:

The tendency, as soon as it moves from prosecution to the defence, is for a sort of invisible shield to come up and you start to become defensive in the way you speak and communicate; a very defensive straight bat all the time and that approach I think that plays into a little bit about psyche, the build up to the court case and your part in it so when the cross examination comes then the enemy are attacking you so you need to build your defences.

(P2, police officer).

A different participant suggested that some police officers: "Apart from being extremely nervous, feel like they are being torn to shreds...and came away with a negative perception of the criminal justice system" (P1, retired police officer). The development of a defensive, less flexible and adaptive cognitive framework was supported by another participant, who spoke of building up a defensive attitude towards the trial in anticipation of the event itself: "I found it unnerving: fear of the unknown and what you're going to be asked and just hoping that you know enough, and you know your stuff...I remember taking it personal" (P7, police officer). The result of this negative anticipatory narrative may be the development of a specific mentality which is then taken into the courtroom: "We go in there with a closed mentality" (P1 retired police officer).

Others can see the evidence given by police officers who are not cognitively flexible in the witness box as lacking in consistency and validity. A point made by a participant magistrate: "If they start fudging or hesitating it makes you question the validity of what they're saying" (P9). This was also supported by (P3), a second magistrate:

I think the confusion sometimes occurs when they are trying to help...and may embellish some things and get into trouble around: 'well I think that's what I said'. 'Well, was it what [you] said, and did you write that in your book?

Crucially, this highlights the challenge facing officers in maintaining enough *cognitive* flexibility and emotional control to enable them to respond to questions appropriately, a skill that may be influenced by the four broader challenges to performance revealed by this study.

3.8 Challenges to an Effective Performance

As well as enablers of an effective performance, this study found several themes which presented a challenge to an effective witness performance: (a) inconsistencies in police systems and culture; (b) lack of training and preparation; (c) anxiety and anticipation; (d) courtroom expectations and dynamics; and (e) appearance. The results are presented below.

3.8.1 Inconsistencies in Police Systems and Culture

Noticeably, all the participants agreed that police officers were needed for the effective functioning of the courtroom: "As a defence lawyer: they're more important to the prosecution perhaps than they are to the defence, but yes, they are important in any criminal case, there is always police evidence to consider" (P8, lawyer). Surprisingly, all but one of the senior police participants suggested that police leaders did not see police officers performing as witnesses as a priority. Asked how prominently this featured in the literature and dialogue of their own force, one senior police leader replied: "not prominent" (P11). Similarly, a senior detective, when asked if knowledge of giving evidence was important for their teams, simply replied: "No" and then stated: "I don't think that we should invest time and money in just training everybody on the off chance that they're going to go to court" (P7). Similarly, another confirmed an apparent lack of support for this part of a police officer's role: "It's a forgotten practice" (P1, retired police officer).

However, a senior police participant suggested that there might be a case for rethinking their force's approach to officers acting as witnesses commenting: "Maybe our performance structure, other than in a professional CJ environment, isn't actually promoting the right values" (P11).

Highlighting a similar organisational theme, a recently retired police officer felt that the renegotiation of the relationship between the courts and the police influences the demeanour and attitude of officers attending court, suggesting a change in police culture had occurred in which attending court no longer had a special place:

So, I think this bit about us not having enough resources has created a situation where court appearance...is just seen to be like another job that the police officer does during the day, rather than something very different. (P1)

Notably, this highlighted a possible lack of thought given to the role, of giving evidence, within police organisational dialogue. Consistent with this, officers reported that their main insight into giving evidence came from informal conversations amongst colleagues, not because of a structured development programme.

3.8.2 Lack of Training and Preparation

As described earlier, the police participants had considerable experience of giving evidence. Asked whether they had received any training to give evidence, each responded that they had received one training event in the first year of service. Two participants, senior detectives, had also received one further three-day event later in their career. One described this as "low level" (P2) and the other remembered only that it consisted of the importance of recording policy decisions rather than the characteristics required to perform effectively as a witness: "There isn't an accreditation of being an evidence giver; you're just a police officer giving evidence. You could

be doing it as a member of the public or a police officer (P11). Moreover, a senior detective corroborated this view, commenting:

We don't really get an awful lot of training around this. They will expect and the public and judiciary expect for the police to actually be professional witnesses and to have trained for it and to have prepared for it. And when it goes wrong it's a big deal, whereas I don't think they realise that we don't do a lot of training around this. (P4).

Similarly, preparing effectively to give evidence was approached in the same way as training to give evidence with potentially little thought given to it by either police leaders or individual officers. When asked how well officers *should* be prepared to go to court, one senior police leader commented: "not a great deal" (P7). However, the same participant suggested that police officers are expected to *know how* to give evidence: "I think they expect us to know it without having any training" (P7). Quite how officers were expected to gain 'from within the police' the required knowledge and skills for giving evidence was not elaborated. Given the apparently limited formal preparation offered to officers, several participants, in anticipation of presenting evidence, had taken their own steps to prepare; an approach supported by a senior detective. "I think that we need to, in the police, move more to dynamic self-development." (P7).

The findings from this section, demonstrate a potential lack of formal accreditation and training within the police in giving evidence and reveals a possible weakness in organisational and personal focus on how best to prepare for what some suggested was an ordeal.

3.8.3 Anxiety and Anticipation

The participants highlighted cross-examination as *the* performance area that officers approached with most trepidation. Against this background, another challenge to the performance of police officers in court was the anxiety that this aspect of the role generated. For example:

If you speak to people in a parade room and say, ‘what do you find the most stressful about the job?’, it’s one of the things that might come up...You know they might put it alongside things like going to fatal road traffic collisions.

(P11, police officer)

Another participant who found cross-examination particularly challenging also corroborated this level of apprehension: “Very challenging because these people [i.e., Counsel] are extremely bright people to start with and they appear to have focussed on your case for last 6 months” (P4, police officer).

A consistently raised challenge to performing in court concerned the expectations and dynamics of the courtroom itself. In short: despite, (a) inconsistencies in police systems, (b) apparently limited witness training, and (c) the anxiety of appearing in court, there was still an expectation from others that police officers would perform to high standards in court and that those standards would be higher than other ‘types’ of witness.

3.8.4 Courtroom Expectations and Dynamics

Perhaps contributing to high expectations, it was surprising to find that not one of the non-police participants had received any training into being a witness. All the non-police participants had received training in how to treat witnesses (in court) and how to question witnesses (in court) but not specifically how to be a witness or how to give evidence effectively with one magistrate commenting: “Any training I had, I’ve got to say, was a long time ago because of resources, but

training was mainly in relation to children” (P5). A lawyer had a similar experience describing: “I have been on CPD training courses which would involve training on cross examination of witnesses” (P8).

Within this context, a notable challenge for the police in court is the expectation of them that they are prepared properly to perform effectively. An example of this was the preference for uniformed police officers to be dressed in a court-appropriate uniform, without body armour or other personal protective equipment.

My feeling is that there’s an expectation on us to look smart. There isn’t an understanding of street uniform versus non-street uniform and we’ve now compounded that under austerity to say you’re not getting a tunic.

(P1, retired police officer)

The apparent lack of understanding of how police officers and police forces work, by others in the courtroom, was also seen in the expectation that police officers were trained in giving evidence: “I and many of my colleagues have a perception that they have probably been advised or tutored in how to give evidence. I don’t know whether that’s right or wrong” (P8, lawyer)

Nine participants referred to the police as ‘professional witnesses’, although no agreed definition was found, with only one participant (P4, police officer) attempting to define the term: “The public and judiciary expect for the police to actually be professional witnesses and to have trained for it and to have prepared for it”. Specifically, the construct of ‘professional’ was used in relation to, (a) an officer’s performance, (b) the way they dress, (c) their knowledge, and (d) attitude. Noticeably, the participants had little expectation of professionalism from non-police witnesses. Only one participant, a police officer, expected professionalism from a non-police witness, who was also a professional in their own field, a pathologist:

I think a non-police witness that is a professional, there might be another expectation of the way that they give their evidence...I think there would be an expectation of a professionalism that comes with their qualification and experience. A normal witness in a case doesn't actually come with their experience and professionalism; they come with what they saw. (P11).

Of note here is that the participants saw the police officer as a 'professional witness' – but had no such expectation of a non-police officer. This supported the view that police officers are seen differently to non-police officers. Within this context, the expectations on them are different in terms of appearance, for example, but also in respect of truthfulness. Indeed, all the participants expressed an expectation that police officers would be truthful in their testimony and act with integrity throughout the preceding investigation. In respect of the evidence obtained during the investigation stage, there was also an expectation, seen in the response expressed by participant (P1, retired police officer), that the court would decide if the evidence had: "been obtained safely in an honest way unto law." Similar views were seen in several responses with a respondent police officer (P4) describing: "The default position for a police officer is that he or she will tell the truth". A magistrate supported this view commenting:

The police officer's job as a witness is] to give the bench the truth of what they've observed ... they don't always observe the whole offence, but the truth of that they've observed, that's their role ... it should unbiased ... it should be an unbiased truth. (P6)

In addition, a defence lawyer (P8) supported this and commented: "Well expectations of everybody from a police officer are honesty, that's the key component you would expect to see in a police officer's evidence." The concept of police officers as 'professional witnesses' and somehow

different from other ‘types’ of non - police witnesses can also be seen in the higher expectations of how officers *appear* in the courtroom.

3.8.5 Appearance

Not surprisingly, this study revealed that police officers’ appearance was important in defining, (a) their professionalism, (b) effectiveness, and (c) credibility, in court. The participants agreed that officers should look smart when giving evidence in court with one (P7, police officer) commenting on police uniform: “Because they are, you know, that role model, that person in uniform, the figure of authority. They should know how to behave and how to give evidence in the right way.” A further participant (P4, police officer) supported this view in respect of plain clothed CID officers: “Appearance is really important: in CID a suit and tie and you dress smartly, you appear smartly, your hair is of smart appearance, you’re shaved or if not shaved you look smart.”

More interestingly, a subtle difference was noted for uniformed officers. Here the issue was more than just being well presented and focused instead upon what was the most *appropriate* attire for court. Specifically, all the participants agreed that the way uniformed officer’s dress in court could negatively, albeit unintentionally, affect opinions of performance. One, (P11, police officer), who specifically mentioned the term ‘professional’, encapsulates the issue stating: “The modern police uniform does not look very smart: it’s practical for the job of patrol, not necessarily professional for the job of giving evidence.” This was also reflected in the view of a magistrate respondent (P6):

It’s difficult nowadays because of the style of the uniform, but it’s often, you know, everybody else in the courtroom is looking smart, including sometimes the defendant, you have a police officer come in court who doesn’t look smart, I think that sometimes detracts from the way they give evidence.

Indeed, there was a clearly expressed view amongst all the participants that police officers should appear, (a) smart, (b) professional, and (c) appropriately, attired when in court and that the modern uniform fails to meet the expectation of appropriateness. Specifically, for non-police participants, the type and appearance of the police uniform was important in determining the professionalism and effectiveness of police witnesses:

If they come in padded up as an example, say a public order case, you've got a number of officers and one defendant and they all come in padded up, big heavy guys, it doesn't go down well. It can sometimes look overpowering. I know it sounds...silly to talk about what they are wearing but it does make a difference.

(P5, lawyer)

Notably, a distinction was made between, (a) the practicality of policing, (b) the uniform requirements appropriate for that role, and (c) the specific and distinct requirements demanded by the expectations, traditions, and theatre of the courtroom. Against that background, there was an expectation that police officers in court should look different from those on patrol and be dressed appropriately for the courtroom: A respondent lawyer supported this view:

I think it is almost contra to what we're trying to achieve when they turn up looking like Robocop's in their stab vests and with batons...attached to their belts...I don't think that does them any service and I don't think it does the court any service. (P8, lawyer)

Interestingly, a senior police participant also saw the appearance of police officers in court as being a consequence of the renegotiation of the relationship between the courts and the police forces:

You know that's led to a change in standards of appearance: negotiated change in standards of appearance with officers appearing in operational uniform within the witness box. Arguably, it's effective and efficient, because they don't have to go back to the police station and get changed, put the tunic on and look different, but also arguably, it's counter-productive to how they appear. (P11)

A magistrate respondent (P5) also recognised the possibly negative impact of the negotiated change in the appearance of police officers. However, they suggested that this was a necessary consequence "for security reasons." A second magistrate (P6) also raised the issue of the appearance of police officers and the effect it may have, whilst accepting this was not in the control of the individual officer: "It's unfortunate that most forces, the uniform they wear, it precludes them from looking smart all the time and that's not the fault of the officer." Interestingly, the impact of appearance on defining the professionalism of a police officer's performance was more important than on the appearance of civilians. Indeed, there was no expectation that a civilian witness would or indeed should turn up at court smart, unless that witness had a professional occupation with one magistrate (P6) stating: "You probably would if it was something like a doctor: you like to see a doctor come smartly dressed but if you don't come smartly dressed, you just listen to the evidence." In this way, the perceived demands on police appearance contrast with the wish that civilian witnesses should turn up smart but not an expectation that they will. In this respect, a magistrate participant (P9) commented: "Well I learned when I was in... that if they turned up wearing their best shorts or their best trackies then you were doing alright."

Overall, the respondents drew a distinction between police officer and nonpolice officer witnesses, with greater expectations placed upon police officers in terms of their appearance. Specifically, the expectation on police officers was not simply that they appear smartly dressed.

The expectation was that officers should appear appropriately attired for the courtroom. This seems to be concerned with the message the officers attire gives out regarding their professionalism and is termed aesthetics in the literature (Nickels, 2008; Simpson, 2018).

3.9 Discussion

Chapter 2 of my thesis concluded that police officers are underprepared to perform effectively as witnesses in court and Chapter 3 supported these and similar findings, twenty years earlier (Stockdale & Gresham, 1995). In addition, Chapter 3 offered an original insight into why, and contributes to a new understanding of the enablers and challenges to effective performance.

Notably, the criminal trial was viewed as adversarial with a winner and loser; the embodiment of this being cross-examination. Against this background, unsurprisingly, the results of the current chapter confirmed findings reported elsewhere that giving evidence is stressful (Brian & Cruickshank, 2016; Gudjohnsson & Adlam, 1985; Jacobson et al., 2015; Stockdale & Gresham, 1995; Wheatcroft & Ellison, 2012). Chapter 3 also highlighted that the complexities of this environment and police cultures, may influence the expectations of the police and act as a challenge to performance. Within this context, two specific categories of enablers, (a) behavioural, and (b) cognitive, were identified, which influence the performance of police officers in court:

3.9.1 Behavioural Enablers

Several behavioural characteristics were found which enable an effective performance: (a) balanced and rational delivery, (b) clear and confident delivery; (c) consistency of evidence, and (d) respect for the significance and processes of the courtroom.

To perform effectively under cross-examination, police officers must demonstrate behaviours indicative of the four characteristics. They should be, (a) professional, (b) truthful, (c) open minded, (d) polite, (e) respectful, and (f) consistent, in their evidence. Notably, the

expectation of truthfulness from a police officer was absolute, for others it was less resolutely required. Additionally, officers were expected to be, (a) confident, (b) clear, and (c) jargon free, in their expression. Professionalism, however, as in the wider debate on police professionalism, remains an elusive construct (Green & Gates, 2014; Holdaway, 2017; Lumsden, 2017,). Regardless, these findings expand upon previous studies suggesting that witness credibility must be underpinned by the ability to balance confidence and anxiety (Brian & Cruikshank, 2016; Cramer et al., 2013; Fielding, 2013). Both confidence and anxiety are examples of factors which are indicative of an officer's ability to manage their cognitive state when giving evidence and this study revealed several cognitive enablers which assist in delivering an effective witness performance. These enablers are discussed in the next section.

3.9.2 Cognitive Enablers

In psychology, cognition relates to how people process information in relation to their 'learning, perception, thinking and memory' (Bruinsma & Crutzen, 2018). Several cognitive enablers were revealed by this study, which were considered to affect an officer's ability to deal with the complexity of information involved in giving evidence in court: (a) case-specific understanding, (b) emotional regulation, and (c) cognitive flexibility.

Notably, there was an expectation that officers will have a thorough and well-prepared knowledge of their case including the evidence to be presented, any supporting documents or items and those aspects of the case they have observed first-hand. They are then expected to present their evidence effectively under cross-examination and regulate their emotions.

The ability of officers to regulate their emotions under pressure, typically during cross-examination, was also a factor affecting performance. The specific expectation of them was that they regulate their emotions and explicitly, emotions associated with anger or belligerence. Such

displays of emotion were found to be perceived as indicating disrespect to the court, if displayed inappropriately, undermining the officer's evidence. There is a limited body of academic literature on police officers regulating their emotions, which suggests that they are not adept in controlling, specifically, negative emotions (Bhowernick & Mulla, 2016), but with proper support and training this can be improved (Berking et al., 2010).

Furthermore, Chapter 3 also revealed cognitive flexibility as an enabler of effective performance. This enabler, characterised by, (a) awareness of the situation, (b) understanding the options, and (c) a willingness to respond, (Martin & Anderson, 1998) is relevant to cross-examination. However, this chapter revealed that some officers may perform poorly and are sometimes underprepared for their cross-examination. The findings suggest that this is demonstrated by a combination of poor listening skills and a defensive, less flexible, or adaptive cognitive framework developed in anticipation of the trial. This can occur when 'stress or pressure' negatively affects performance (Gottlieb, 2015, p. 361). This chapter also noted a negative anticipatory narrative of giving evidence, which may be resulting in officers attending court anxious and defensive. Subsequently, their ability to regulate emotions and maintain appropriate cognitive flexibility (Martin & Anderson, 1998) under cross-examination may be affected. However, recent research concludes that appropriate interventions can improve performance under pressure (Gropel & Mesagno, 2017).

Several additional factors were also revealed that were perceived to affect performance and these are addressed as challenges to performance.

3.9.3 Challenges to Performance

The challenges to effective witness performance revealed were: (a) inconsistencies in police systems and culture; (b) lack of training and preparation; (c) anxiety and anticipation; (d) courtroom expectations and dynamics; and (e) appearance.

Research into mental health disturbances in police officers, including levels of anxiety, concluded that organisational stressors such as a lack of organisational support, rather than operational stressors, are more likely to be a source of stress (Van der Velden et al., 2013). Anxiety amongst police officers in this chapter is discussed in the following sections. However, apparently low levels of organisational support and focus on the requirements of giving evidence were found in this chapter. This was apparent in levels of, (a) preparedness, (b) oversight, (c) organisational narrative, and (d) organisational decisions, which had unintended consequences. It was also seen in the surprisingly limited levels of training found.

Literature on the Police in court tends to emphasise accountability and governance (Thompson, 2012), rather than the performance improvement called for by Stelfox (2011) and Williams et al. (2016). This chapter revealed limited witness related training across all the participants, not just the police officers, which may be affecting the perception, expectations, and performance of police officers. The level of preparedness needed to be a witness of police participants in this study was minimal, typically one training event during a thirty-year career.

Whilst this chapter could not identify if the participants had been offered, and not attended, additional training, the potential consequence was reflected in an apparent lack of understanding by the police officers of the importance of giving evidence and the characteristics needed to give evidence effectively. If indeed, additional training had been offered and not attended, this may also

be indicative of low levels of organisational oversight or support in this area. In turn, this was mirrored by an apparent lack of understanding of the Police by other actors in the courtroom.

Interestingly, none of the participants had any training specific to the characteristics of being an effective witness. This seems to contribute to a courtroom dynamic within which the different actors harbour unrealistic expectations of each other. However, the traditional view of the Police as ‘citizens in uniform’ (COP, 2014), who give evidence, like everyone else, appears dominant in the Police. This approach by the Police, rooted in the ‘citizens in uniform’ tradition, also goes to the root of the role of police officers in court and the appropriateness of trained, possibly partisan, tactical, police witnesses (Home Office, 2020; Brian & Cruickshank, 2016). However, the Police approach contrasts with others in the courtroom, to whom the Police are professional witnesses who look the part and are prepared properly to give evidence. Simpson (2018) refers to this type of perceptual concern as the Police perception nexus and suggests that further qualitative research is conducted to explore the underlying mechanisms.

Within this context, a gap was noted between expectation and reality. For example, the traditional ‘citizen in uniform’ view contrasted with an expectation that police officers are ‘professional witnesses’ something specifically rejected by the Home Office Guidance (2020). The level of preparedness revealed did not meet the expectations of police officers identified by this chapter, which were notably higher than of any other type of witness. Nor did it take account of the indications from literature that proper preparation of witnesses can improve their testimony (Boccaccini et al., 2005; Cramer, et al., 2013).

Related to this idea of preparation, the well-being of police officers is a growing theme within literature (Basinska and Wiciak, 2013; Hesketh et al., 2015; Padhy et al., 2015), with recent research concluding that police officers’ mental well-being was considerably poorer than that of

the general adult population (Houdmont & Elliot Davies, 2016). Interestingly, this chapter also revealed that the lack of preparedness of police officers might be negatively affecting their anticipation of being a witness. This chapter revealed that the way police officers make sense of the world and predict what might happen in the future, shared mental models (Scheutz, et al., 2017), evolved from stories and myths passed amongst them rather than by design. This chapter goes on to conclude that those stories, currently, are primarily negative towards giving evidence.

The level of preparedness for court amongst police officers was also reflected in their appearance. The participants were unanimous in the view that appearance was important to effective witness performance for a police officer and specifically the *appropriateness* of their attire in court. Police officers in court were expected to look different from those doing general police work; their appearance should be specific and appropriate to the context of the courtroom. Described as aesthetics or impression management within the literature, it is recognised that police officers deployed with appropriate aesthetics can positively affect public perceptions by demonstrating the appropriate service values (Brimblecombe et al., 2017; Simpson, 2018; Stockdale & Gresham, 1995). This chapter specifically, revealed that, (a) the current police uniform, (b) uniform accessories, and (c) personal protective equipment, did not meet the requirements of the courtroom. Specifically, the current uniform was not demonstrating the values expected and was impacting negatively on the perception of police officers presenting evidence (Brimblecombe et al., 2017; Simpson, 2018).

Interestingly, this chapter found that changes to the Police–courts relationship, negotiated at an organisational leadership level may have resulted in unintended consequences, specifically to the aesthetics and subsequently the behaviour and perception of police officers in court.

3.10 Conclusion

The original picture revealed by this chapter was that, to *perform* effectively, police officers must appear, behave and think in a way which is *specific* to the courtroom (Simpson, 2018) and the case in question and presents the officers as being *professional* witnesses. Notably, the expectations of police officers also seem higher than for other witnesses, including the expectation that they will be, (a) truthful, (b) properly trained, and (c) prepared for their role; something not expected of other witnesses.

To reach the standard expected, police officers faced several challenges. Based on the findings reported in this chapter and observations elsewhere, however, they do not seem to be supported to reach enough competence in this “area of professional practice” (Stelfox, 2011, p. 19), nor have police forces achieved the heightened self-awareness demanded by some (Williams et al., 2016). Against this background, police officers look ill-prepared to act as witnesses, are often anxious, defensive, and unsupported by their force. For some, attending court appeared to be just another task, no more significant than any other. In fact, attending court may be less important than other tasks and something of an inconvenience.

This chapter has begun to present a shared view of a police officer’s role in court, the (a) cognitive, (b) aesthetic, and (c) behavioural-based, requirements of that role and the consequences of a failure to meet expectations, which Neyroud (2011) suggests will be a challenge to competence. Such a challenge to police competence would fail to satisfy the current desire to professionalise the police service, the expectations of police officers in court and may negatively affect perceptions of police effectiveness and legitimacy (Brian & Cruickshank, 2016; Home Office, 2020; Tankebe, 2014;). Against this background, this chapter concluded that a more professional way of, (a)

appearing, (b) thinking, and (c) behaving, in court is required, underpinned by proper preparation and training for police officers.

3.11 Next Steps

Chapter 3 expands on the findings in the previous chapters and has outlined the need for police forces and their officers to develop an understanding or ‘self-awareness’ (Williams et al., 2016) of how to give evidence effectively. Specifically, the cognitive, aesthetic, and behavioural characteristics, and wider challenges, which influence the delivery of an optimal witness performance. Ultimately, this chapter has provided a framework and stimulus for further research using a larger sample of serving police officers to investigate more fully the enablers and challenges of effective performance. This would sensibly explore, in more breadth, police officers’ (a) understanding of the courts, (b) the behavioural and cognitive skills required to perform effectively at court, and (c) effective ways to manage pressure and anxiety. This will subsequently inform the development of appropriate systems and methods to better prepare police officers and police forces to meet the expectation of professionalism identified in this chapter and desired by the College of Policing (COP, 2015, as cited in Holdaway, 2017, p. 595).

To expand on the findings presented above, the next chapter describes contemporary police officers’ (a) experiences, (b) attitudes, (c) approaches and (d) perceptions, of giving evidence in court set against the context of the issues raised in Chapter 3 and by using the information obtained in the previous chapters to inform the nature and design of the research undertaken.

Chapter 4: Police Officers Giving Evidence: An Exploration of Police Officer Experiences, Attitudes, Approaches and Perceptions

4.1 Introduction

To summarise my thesis so far, Chapter 2 found there was a need to develop a framework for future improvement, underpinned by more understanding of what is expected of modern police officers in court. Chapter 3 then outlined four *behavioural enablers*, three *cognitive enablers* and five *challenges*, to effective police performance in court. Perhaps most novel, when considered against previous literature and current training Chapter 3 highlighted specifically the *cognitive* demands placed on police officers giving evidence, their ability or inability to cope with those demands, and in so doing, their success in reducing displays of damaging and ineffective behaviours when giving evidence.

Against this background the current chapter addressed further Objective 2. of this thesis and explored Objective 3. To achieve this the next section sets out in greater detail the specific aims and objectives of this chapter.

4.2 Aims and Objectives

4.2.1 Aims

The overall aim of Chapter 4 was to investigate, in more breadth and depth, the cognitive, and behavioural enablers of effective performance and the challenges to effective performance revealed in Chapter 3, from the perspective of serving police officers. To achieve this, Chapter 4 was designed to meet three specific objectives.

4.2.2 Objectives

1. To explore serving police officers' experiences, attitudes, approaches, and perceptions of giving evidence in court.
2. To explore serving police officers' perceptions on the requirements for effective performance.
3. To explore serving police officers' perceptions on any institutional factors that shape performance as a police officer witness in court.

To achieve these objectives, a method of inquiry was chosen to reach the greatest number of participants. In this sense, this chapter expanded on the study in Chapter 3 by reaching a much larger, and more diverse, police sample whilst remaining firmly situated within the contemporary discussion on police knowledge and learning outlined in the previous chapters.

4.3 Methodology

4.3.1 Research Philosophy and Design

The primary purpose of this chapter was to advance understanding of police officers' lived experiences, their perceptions of giving evidence and to generate meaningful insights and patterns, rather than entirely generalisable findings, into how improvements to practice might be made in future (Levitt et al., 2017; Smith, 2017). This aligns with my chosen pragmatic approach to research with a focus on practical enquiry which can be useful in an applied setting (see Chapter 1). Subsequently, underpinned by an interpretivist ontology, I adopted a mixed method research design with qualitative and quantitative data collected concurrently to gather the variety of perceptions and experiences that I sought in this chapter (Research Methodology, 2020., Shorten & Smith, 2017). As a result, I chose to use a self-administered survey to gather the data required.

In choosing this method of inquiry, I judged it to be the most appropriate way of encouraging the greatest number of responses from potential respondents who were geographically dispersed, enabling them to be reached quickly, easily and in way that was convenient for them (Dantzker & Hunter, 2012). Crucially, given the intended participants, the anonymity of this method would, I anticipated, encourage more open responses than alternative research strategies, such as interviews or focus groups (Zohrabi, 2013). In sum, I aimed to reach a broad cross section of serving police officers from a range of forces and geographic areas rather than situate the study in a small, experienced, and very context specific group, as in Chapter 3.

4.3.2 Survey Design

Consideration was given within the survey to the most appropriate way of obtaining the information desired. With this in mind, and by using an online survey software package (Survey Monkey), a forty-question survey was designed to capture the, (a) experience, (b) perception, (c) approaches, and (d) attitudes, of serving police officers to giving evidence in court and the questions were aligned to the specific objectives of the chapter (for the full survey, please see Appendix L).

Various options for the design and content of the survey were considered, including, (a) an all ordinal (i.e., Likert rating scale) survey, (b) a mainly matrix style question survey, and (c) an open question, narrative style, survey. After consideration of the nature of the intended participants and the information desired (Maxfield & Babbie, 2009), I decided to construct the survey with a combination of dichotomous (yes or no) questions followed with matrix and Likert rating scale response questions, further supported by free text 'other' category questions to give the participants every opportunity to provide a freely given viewpoint. These questions were organised and sequenced in a logical way starting with non-threatening or contentious questions leading to more

challenging questions. The survey deliberately concluded with questions concerning the police organisation which I considered might be the most challenging for the respondents (Trochim, 2020). My conclusion was that this style of survey would be straight forward to complete and would not immediately ‘put off’ the respondents by the ordering of the questions.

Based on a desire to make the survey straightforward to complete, and to avoid dissuading potential respondents, I decided to use a style of multi modal survey (McRobert et al., 2017). In view of this, the survey contained both open ended, scaled and free text questions which could generate the necessary information to assist in understanding *what* was happening, or not happening, in relation to police officers giving evidence and provide a more meaningful insight into *why* (Singer & Couper, 2017). The ordering and style of the questions was to simplify the collection of the respondents’ answers to specific questions and provide an opportunity for them, to report attitudes and feelings which may be seen as less than socially or organisationally desirable, controversial or critical (Singer & Couper, 2017). The questions consisted of (a) those requiring open-ended verbatim responses, (b) the selection of pre-set answers, and (c) questions asking respondents to indicate their attitude and perceptions on giving evidence on a five-point Likert rating scale.

To assist in developing the survey face validity was tested by conducting a small pilot study using five independent police practitioners who completed the survey and by peer review of the survey by four experienced researchers. From this exercise, adjustments were made to the phrasing, format, and ordering of some questions. For example, questions 41 and 40 were reordered, question 7 re phrased and question 3 changed from a category to a free text question. In addition, the Likert rating scale questions for police officer attitudes and perceptions were tested for reliability and Cronbach’s alpha showed results which are within typically acceptable levels of

reliability (Shrepp, 2020; Taber, 2018). The attitudes subscale consisted of 9 items ($\alpha = .719$), the perceptions subscale consisted 6 items ($\alpha = .667$).

The survey began with an introduction detailing the nature and aims of the study and the process by which respondents would convey consent (i.e., moving beyond the introductory section and answering the questions in the main survey itself). The survey was then structured into six discrete sections which collectively addressed the objectives of the chapter. It should be noted that the objectives were not addressed in strict order within the survey (i.e., a section on Objective 1, then 2 then 3). Rather, questions were developed in relation to all three objectives and then placed in an order with less threatening or challenging questions at the end to offer the best flow for those undertaking the survey, make it easier for the respondents to complete, and therefore increase responses. On average, the survey took 14 minutes and 57 seconds to complete.

The first section comprised questions gathering the demographic makeup of the respondents followed by a second section which addressed Objective 1. by establishing the respondent's experience, approaches, and perception of giving evidence in court. This was achieved by questions relating to the frequency, type, and content of training the respondent had received during their police career as well as the frequency of giving evidence or cross-examination and the type of courts they had attended.

In the third section, Objective 1. was explored further and respondents were asked a series of questions designed to obtain their freely expressed perceptions and expectations of giving evidence in court. Building upon findings from the previous chapters this section specifically wanted to establish: (a) what were police officers trying to achieve by giving evidence at court, (b) what did others expect of them at court; and (c) what were the officers' feelings on the experience of giving evidence at court.

Following this, Section four addressed Objectives 1 and 2 by exploring, (a) police officers' perceptions of the specific performance demands they faced in court, (b) how prepared they felt to meet those demands, and (c) their views on what may be done in future, to deliver an effective performance. Following on from Chapter 3 and continuing with my pragmatic-based principle of building knowledge recursively over this thesis (Braun & Clark, 2006; Parry, 2011, as cited in Sage Research, 2017), this section sought to expand upon the enablers and challenges to performance previously identified in Chapter 3. Specifically, this section sought to explore participant's views on the cognitive and behavioural aspects of an effective performance.

The fifth section also addressed Objective 2. and explored further how prepared the respondents felt they were to meet the behavioural, appearance and cognitive demands of giving evidence in court. This section revealed past levels of preparation and provided opportunities to consider possible future development needs. This section also explored how useful the respondents felt their training had been to them when giving evidence and their strategies to prepare themselves to give evidence in anticipation of a trial (Objective 3).

The sixth section of the survey addressed further the cognitive aspects of Objective 1. and Objective 2. this time in relation to the task-specific context of performance pressure. The respondents were asked to comment on how they managed their emotions under the specific performance pressure of giving evidence in court and how confident they felt when giving evidence and where they felt their confidence came from.

Finally, the respondents were asked to comment on the discrete institutional issues sought by Objective 3. by seeking comment on the level of support they had received from their organisation and what further support they felt they needed. Questions relating to the respondent's organisation were purposively left until the end in anticipation that they may be less willing to

answer them - which would negatively affect completion of the survey - if included earlier (Trochim, 2020).

4.3.3 Data Collection

The eligibility criteria for participation in the survey was that respondents were *serving* police officers in England and Wales. Prior to beginning data collection ethical approval was sought, and granted, by my institutional ethics committee (Unique reference Number BAHS 621). Following approval, the survey was circulated during the months of January, February, and March 2019 via social media, such as LinkedIn, and by email to my professional network within the Police in England and Wales. In addition, the circulation contained an explanatory text asking recipients to forward it on to their police officer contacts. It was not assumed that all potential respondents would use social media and, as it is common practice for police officers to use email, circulating the survey in this way would reduce the potential to skew the results towards only those who have access to, and who use, social media (McRobert et al., 2017).

Circulating the survey electronically also avoided the need for personal contact with possible respondents, situated across forty-three different police forces, who may have wished to avoid direct contact. This approach was considered to be appropriate, achievable and would produce a benefit of reaching participants with views from across a range of different organisations and cultures (Chambers et al., 2020; Pollitt & Beck, 2017).

4.3.4 Participants

Subsequently, my approach to data collection resulted in a total of 121 responses. These were then verified in terms of their eligibility to take part in the study. From the full data set, one respondent withdrew from the study at the point of consent and a further nine were removed as they were not serving police officers. Thirteen respondents opened the survey and did not complete

any questions, or answered only the three demographic questions, and were removed. The final sample comprised ninety-eight respondents who were serving police officers aged 22 to 56 years, with a mean age of 41.5 ($SD = 7.9$; M_{age} males = 42.2, $SD = 8.4$; M_{age} females = 39.5, $SD = 7.2$).

In total, the respondents had 1,609 years of policing experience between them with the mean length of service for females being 13.6 years ($SD = 86.2$) and the mean length of service for males 17.3 years ($SD = 94.8$). Noticeably, the most senior ranks in the police service were not represented in the survey and the supervisory ranks of the respondents who provided data on rank (95.9%) were mostly held by males. This data is presented as a percentage of the individual gender and shows that 32.4% of males held supervisory posts compared to 28.0% of female officers. Descriptive statistics relating to the participants are shown in Table 4:1.

Table 4:1. Demographic Characteristics of Participants

Gender	<i>n</i>	%
Male	68	70.1
Female	25	25.8
Prefer not to say	4	4.1
Total	97	100

Note: 1 respondent did not provide any information.

Role	<i>n</i>	%
Uniformed Operations (General)	28	28.6
Uniformed Operations (Specialist)	7	7.1
Neighbourhood/Community Intelligence	12	12.2
Investigation (General)	2	2.0
Other	12	12.2
Investigation (Specialist)	3	3.1
Training	24	24.5
Organisational	6	6.1
Total	4	4.1
Total	98	100

Rank	<i>n</i>	%
Police Constable	43	44.0
Detective Constable	25	25.6
Police Sergeant	11	11.2
Detective Sergeant	5	5.1
Inspector	7	7.1
Detective Inspector	1	1.0
Chief Inspector	3	3.1
Detective Chief Inspector	1	1.0
Superintendent	2	2.0
Total	98	100

4.3.5 Data Analysis

Analysis of the data was carried out with the intention of revealing meaningful and insightful findings to inform the advancement of practice (Levitt et al., 2017). For the quantitative elements of the survey, descriptive statistics were calculated and analysed i.e., using IBM SPSS, version 27) statistical software for Windows. Following this, the text responses to open questions were subjected to inductive thematic analysis (Braun & Clark, 2020b), as were the participants responses when offered the chance to report ‘other’ accounts or views to those listed (e.g., question 4). This was carried out using qualitative analysis software (QSR NVivo version12) and allowed additional descriptive calculations to be made from free text data.

Thematic analysis was consistent with the analytical approach taken in Chapter 3 and firstly involved reading and re-reading responses to establish familiarity with the data, similarly open coding was then utilised. This initial coding allowed me to ‘open up’ the data and to ‘uncover ideas and meaning it held’ (Strauss & Corbin, 1998). Following this stage, the data was separated into discrete themes and entered as ‘nodes’ within QSR NVIVO, version12, qualitative analysis software. Similarities and differences were identified utilising the constant comparison method (Boeje, 2002) until specific categories and sub-categories were established (Braun & Clark, 2006a, 2020b, Strauss & Corbin, 1998). This process continued through the writing stage of the chapter (Braun & Clark, 2006a, 2020b). To evidence transparency, results are presented in a series of themes and sub themes supported by representative exemplar quotes (Nowell et al., 2017, p. 11). To assist with understanding of the key findings they are further described using frequency distribution data expressed as percentages and, where appropriate, measures of central tendency. For clarity, each respondent was allocated a unique identifying number (P) to demonstrate the range of respondents used across the results.

At the calculation and analysis of descriptive statistics and the completion of the qualitative analysis, a limited number of post-hoc inferential statistical tests were used to develop the descriptive content presented utilising statistical analysis software (IBM SPSS, version 27 for Windows). For clarity, the statistical tests were exploratory and the decision to undertake them was made *after* the data had been collected and the primary qualitative results developed. In this sense, the results reflect areas of interest that were piqued during the review of the descriptive results. To begin with, the data was tested for normality prior to deciding what inferential test to run. Analysis used Chi-squared, *t*-tests, Pearson Correlation and Kruskal-Wallis tests. Specifically, *t*-tests were used with Likert scales following guidance from recent research (Roach et al., 2017, p. 255).

The approach chosen in this chapter had coherence with my chosen pragmatic research philosophy (see Chapter 1), by allowing my own experience and insight, informed by the findings from previous chapters, to contribute in a meaningful way to understanding the data, establishing ‘what works’ and subsequently contributing to performance improvement and developments in practice (Armitage, 2007).

4.3.6 Trustworthiness

To address contemporary expectations of quality in qualitative research, the data were kept in organised files within QR NVivo, version 12 qualitative analysis software and coded and themed with the themes and sub themes regularly subjected to critical reflection, constant comparison, further analysis and debriefing by myself. This process resulted in the “thick description” of the context required to demonstrate trustworthiness (Nowell et al., 2017, p. 4). To achieve referential adequacy, the data was returned to in its raw state continually and constantly updated and refined (Nowell et al., 2017, p. 4). In this regard, organised transcripts of the respondent’s replies were kept and remained under constant comparison as outlined above. As part of this process of quality assurance regular debriefing, reflection, and critical inspection, of the themes and their connections was also used to check accuracy, consistency, and to achieve familiarity with the data. (Nowell et al., 2017). Selection of these methods of analysis was done to ensure that the methods chosen met recent advancements in the markers of quality for qualitative research, were consistent with the research philosophy of this study and would support the research aims (Levitt et al., 2017).

4.4 Results

So far, my thesis has found that the Police appear to have been poorly supported by academic research in this area and little is understood of the performance demands of giving evidence in court (see Chapters 2 and 3). Against that background, this Chapter found a complex

and interconnected set of numerous factors which impact police performance. To understand these, in sufficient depth to inform the next stage of inquiry and support a training response for the Police, it was necessary to present a comprehensive, detailed, and lengthy description of many of the factors found. The subsequent results are now presented against the three objectives of this chapter. For each objective, exemplar quotes and descriptive statistics were obtained using qualitative analysis software (QSR NVivo, version 12) which allowed for calculations to be made of ‘free text’ answers. To complement this approach IBM SPSS, version 27 for Windows was used to analyse all other responses.

4.5 Objective 1: To Explore the Experiences, Attitudes, Approaches and Perceptions of Giving Evidence in Court

This objective was used to establish three aspects of police officers’ performance when giving evidence at court as highlighted by Chapters 2 and 3; namely: (a) what the respondents thought police officers were trying to achieve by giving evidence at court, (b) what was expected of them at court, and (c) how they felt about the experience of giving evidence in court. The findings are presented against the main themes revealed in earlier chapters and explored for this objective (see Chapter’s 2 and 3).

4.6 What Were Police Officers Trying to Achieve by Giving Evidence in Court?

In this respect, 91.6% of respondents reported that they were trying to achieve an objective presentation of the evidence at court whilst 78.9% reported that they were not trying to secure a conviction. It was noticeable that this view was at odds with the respondents’ perception of what the public and victims expected of *them* at court. This revealed a divergence between the *perceived* expectations of these groups and the *actual* expectations of the police themselves. In respect of the

other actors in the courtroom the respondents reported, in varying degrees, that an objective presentation of the evidence was expected. This data is presented in Table 4:2.

Table 4:2 Perceived Expectations of the Police by Other Actors in Court

	An objective presentation of the evidence		A Conviction		Total (%)
	<i>n</i>	%	<i>n</i>	%	
Defence lawyer	69	76.7	21	23.3	90
Accused	56	60.9	36	39	92
Judge	91	97.8	2	2.2	93
Jury	65	69.9	28	30.1	93
Prosecuting Lawyer	56	60.2	37	39.8	93
Magistrate	89	95.7	4	4.3	93
Victim	11	11.8	82	88.2	93
Public	44	47.3	49	52.7	93

Respondents also expressed concerns with regards to specifics of giving evidence in court and the levels of stress they experienced, beginning with the nature of the trial itself.

4.6.1 The Adversarial Nature of a Criminal Trial

The respondents expressed their opinions on the nature of a criminal trial, with 93.9% of the total sample supplying information. From this group, 65.2% expressed a view that the trial was adversarial in nature, with 74.6% feeling that their colleagues felt the same way (Table 4:3).

Table 4:3. The Perceived Nature of the Criminal Trial

The criminal trial is an adversarial contest.			How do you think your peers feel about this statement?	
	<i>n</i>	%	<i>n</i>	%
Strongly agree	25	27.2	25	27.2
Agree	35	38.0	45	47.4
Neither agree nor disagree	15	16.3	11	11.2
Disagree	13	14.0	9	9.2
Strongly disagree	4	4.3	2	2.0
Total	92	100	92	100

In addition to their feelings on the nature of the criminal trial, 84.3% felt a level of stress when first asked to give evidence and revealed a reduction in feelings of stress between the first time they were asked to give evidence and feelings of stress felt during the build up to the last time they were asked to give evidence (Table 4:4). Furthermore, the respondents reported on changes in feelings of stress between the first time they were cross-examined and the last time they were cross-examined (Table 4:4). The data also revealed some concern’s officers held about giving evidence, the most frequent concern (41%) related to their treatment in court with 84.7% of respondents providing a response.

Table 4:4. Feelings of Stress related to Giving Evidence

	Extremely stressful		Very stressful		Moderately stressful		Mildly stressful		Not stressful		Total	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
When first told I was required to give evidence I felt	22	23.2	20	21.1	20	21.1	18	18.9	14	14.7	95	100
How did you feel in the build up to giving evidence the last time you gave evidence?	10	10.2	15	15.3	20	20.4	18	27.6	21	21.4	98	100
Feelings of stress when presenting Evidence-in-Chief	8	8.6	18	19.4	25	26.9	23	24.7	19	20.4	93	100
How did you feel the first time you were cross-examined in court?	30	32.3	28	30.1	24	25.8	9	9.7	2	2.2	93	100
How did you the last time you were cross-examined in court?	10	11.0	20	22.0	20	22.0	28	30.8	13	14.3	91	100

4.6.2 Treatment in Court

In respect of their treatment in court, 41% of this group reported that they were fearful of being treated badly. This was expressed in a variety of ways, such as respondent (P102) who commented: “Badly, police officers are treated worse than the offender.” This perception was also supported by respondent (P18) who felt they would be treated “Like shite.” A third respondent also made comment on how they felt they would be treated by the defence lawyers:

Dependent upon the circumstances as each case differs but generally speaking defence barristers will seek to undermine you. Even if the evidence in a case is strong, they will seek to portray the investigating officers as incompetent in a bid to create that reasonable doubt in the mind of a juror by fair means or foul. (P64)

Whilst several respondents felt they would be badly treated in court, 18.1% felt that they would be treated fairly. A further 27.7% commented on a broader range of feelings towards giving evidence. For example, one respondent (P119) commented: "I think it depends on how confident you appear. The more confidently I have behaved, the more respect I seem to achieve." Similarly, respondent (P112) thought they would be treated: "As any other person providing evidence would be." Respondent (P19) felt they would be treated: "Differently by different people. Ushers: friendly (usually), witness support: kindly; lawyers: usually friendly, sometimes off-hand. Overall atmosphere, business like."

Additionally, 79.6% of respondents reported other areas they worried about when giving evidence. Specifically, (a) 41% were concerned with cross-examination, (b) 25.6% had concerns of making a mistake, and (c) 10.3% raised concerns about the defence.

4.6.3 Cross-examination

Those raising this theme were worried by aspects of cross-examination and this is reflected in the comments made by respondent (P22) who had concerns about their "Inability to answer the questions, being tied in knots and not being able to get out of them, being made to look a fool to peers, the prosecution/CPS, the court and the public." In support of this, respondent (P36) commented: "Everything. Being asked questions I can't answer, not being able to speak loudly or clearly enough, the unknown, being cross-examined, being made to look stupid, saying something

stupid under pressure, letting my victims down.” A third respondent (P29) expressed a broader range of concerns regarding cross-examination:

I think in general it is a stressful environment as despite what you know there is a possibility that your evidence may be manipulated in order to make it appear that your evidence is not accurate. Your integrity may be brought into question despite you knowing that your evidence is true and accurate.

4.6.4 Making a Mistake

With regards to making a mistake 25.6% of respondents reported this concern such as respondent (P12) “Ruining someone's life by making a mistake.” and respondent (P65) “Getting something wrong and being judged for it.”

4.6.5 The Defence

Respondents also expressed concern about the “defence aggressive approach.” (P10) or “tactics used by defence barristers to attempt to undermine you.” (P58). For example, one participant (P39) commented:” Defence Solicitor/barrister trying to play on words or twist what has been said to fit their objective.” Interestingly, 11.5% of the respondents replied that they did not worry about anything when giving evidence in court.

In terms of factors which facilitate giving evidence in court, several themes found in previous chapters were also reported here specifically, (a) managing emotions when giving evidence, and (b) cross-examination.

4.7 Facilitative Factors When Giving Evidence

4.7.1 Managing Emotions When Giving Evidence

Respondents reported the ways in which they managed their emotions when giving evidence in court more broadly. So, for example, (a) under cross-examination, (b) during evidence-

in-chief, or (c) in *voir dire*. In this regard, 79.6% provided information with 27% of this group replying that they tried to remain calm when giving evidence in court.

Try to remain calm and without emotion. It is my job to present the available evidence in a way the jury can understand. It is not for me to determine guilt and I do not allow myself to become emotionally embroiled in any of my cases. It is part of my job for which I am paid. (P64)

This approach was supported by respondent (P30): “Try to remain calm and take a moment to answer questions put to me.” A third respondent (P20) also confirmed that they: “Just stay calm and tell the truth, I don't allow myself to get drawn into an argument.”

Additionally, 24.4% of this group commented that they did *nothing* to manage their emotions with one stating, ‘I struggle’ (P110) and one suggesting that they just reacted in their natural way (P113). That said, 21.8% suggested that they did try to manage their emotions in ways connected to the control of their breathing with respondent (P23) commenting they: “Regulate breathing and take a drink after being asked a question.” Attempting to regulate breathing as a way of achieving a state of calm was also the practice of respondent (P9) who remarked: “Deep breaths. keep hands at side, if they are shaking, to avoid appearing nervous.”

Trying to manage emotions has emerged as a consistent theme through this thesis and, consequently, participants were asked how they had learned to manage their emotions, with 75.5% providing answers. Interestingly, within this group, the most common way that the respondents had learned to manage their emotions was by experience (56.8%). This can be seen in the comments of respondent (P39): “From past experiences, i.e., knowing that it isn't actually that bad to give evidence.” This was supported by respondent (P112): “I am able to suppress my emotions

in most situations within the workplace which is something I have developed over my time as a police officer.” A third respondent (P13) commented:

I have been tricked, I have been duped and on occasions I have been unprepared.

I have learned from these experiences and due to the number of times I have given evidence, I have gained valuable experience and confidence in my own ability.

Against this background, the pressure of cross-examination has also been a consistent theme of this thesis. In this regard respondents reported on how they cope with the pressures during cross-examination.

4.7.2 Cross-Examination – The Enablers of an Effective Performance

Of those providing information (80.6%) the most common approach to dealing with this pressure (32.9%) was that officers try to remain calm, a theme which was also raised in the previous section. Respondent (P5) suggested that they behaved: “Calmly. Remaining respectful but not allowing my evidence to be distorted.” Similarly, respondent (P64) behaved: “In a professional manner, remaining calm and neutral. Not allowing barristers to pre-determine your response.”

The next most frequent approach to coping with cross-examination was that officers are honest in their evidence with 17.7% of this group mentioning this approach. This can be seen in in the response by respondent (P9): “Honesty, regardless of whether it supports the Prosecution or Defence. Honesty is the ONLY way to answer questions and it helps calm the nerves if you are 100% honest even if it supports the defence’s line of questioning”.

Consistency of evidence (8.9%) and listening (8.9%) during cross-examination were also highlighted by the respondents and their views are represented in quotes such as this from

respondent (P14) who comments: “I deal with each question and keep my answer to the evidence already offered.” In addition to trying to focus in this way respondent (P7) revealed that they “Listen to the questions, don't rush to answer and consider what I am going to say before I speak.”

This was a similar approach taken by (P13) who commented that they:

Listen to the question and decide if in fact it a question is. Never back myself into a corner without understanding that there may be other views or opinions and reiterate that my evidence is mine alone. If that is how I recall it then that is how I will give evidence that does not mean that always I will be 100% accurate.

Respondents (78.6%) also reported that they had to deal with a challenge to their competency when under cross-examination. The most common response to this (31.2%) was that officers disagreed with the challenge and can be seen in the comments from respondent (P107):

Typically, this is a last resort strategy of defence counsel. Mentally I feel quite positive that this is what the counsel has felt they have to resort to. I then politely deny any undue criticism (as the court expects an answer) or I would explain that so that the court had the full facts behind my actions.

A similar approach was also taken by respondent (P33) who commented that “I would point out to the jury my levels of experience in the Police generally but be specific as to my specialist role and previous court experience. Stand your ground, Barristers are only human!”

The next most typical response to a challenge to competency was, once again, to remain clam (22.1%) and is reflected in the response from respondent (P119) who suggested they would reply: “Calmly and professionally. I understand that the court is trying to cast doubt in the mind of the magistrate/jury.” However, not all of the respondents were able to remain calm and unaffected by such a challenge and this was reflected in the response of respondent (P48):

In magistrate's court I was repeatedly accused of stating a falsehood. This annoyed me as it was a polite way of saying I was lying. I stayed calm and replied "no" every time and eventually the magistrates intervened with the Defence Solicitor resting her case.

In addition to being challenged as to their competency, 71.4% of respondents had been challenged in respect to their integrity. The most common response from this group was once again, to remain calm (34.3%) or to rebut the challenge (34.3%). This was seen in the response by respondent (P40): "It was hard in the early years as it seems very personal but as you get more experienced you learn that it is not personal and do not take it to heart", similarly from (P68): "I try to remain calm and politely disagree", and "I calmly deny it" (P59). Interestingly, of those who provided data 15.7% had *not* faced a challenge to their integrity in court. Respondents (77.6%) also reported that they, had specifically needed to cope with not knowing the answer to a question when being cross-examined. Overwhelmingly, 85.5% of this group simply answered that they didn't know the answer. To try to understand more clearly how officers dealt with the pressure of giving evidence, the next section investigated precisely how officers prepared themselves mentally prior to giving evidence.

4.8 Preparing to Give Evidence

Three specific areas were tested to understand how officers prepared for giving evidence in court, (a) preparation, mentally, in the 12 months leading up to the trial, (b) preparation, mentally, on the day of the trial, and (c) how the respondents had learnt to mentally prepare for giving evidence.

4.8.1 Preparation in the 12 Months Leading up to the Trial

In relation to how the respondents prepared themselves in the months leading up to the trial, 80.6% of respondents provided data. Interestingly, this revealed that 34.2% of this group did nothing to prepare whilst the majority, 58.2% prepared by reading the case papers. Respondent (P64) described how they try to acquire a: “Detailed knowledge of the evidence I am expected to present. A good working knowledge of the case. Analysis of any defence case statement presented.” A similar approach was taken by (P8) who during this period would: “Review case papers and my role in the investigation, pick up on key themes within the case, what were the points to prove the offence, what is the defendant’s position.” This approach was supported by respondent (P99) who commented:

I simply re-read all the statements and evidence. Re-acquaint myself with all the facts and try to consider any areas which may come up in the trial. This has sometimes led me to consider other enquiries to plug any gaps.

4.8.2 Preparation on the Day of the Trial

The respondents (79.6%) also reported on how they prepared themselves mentally on the day they were *likely* to give evidence in court. This revealed that 48.7% prepared mentally by reading the case papers with emphasis on their own statement. Typical of the responses was that by (P8) who would: “Review case papers and my role in the investigation, pick up on key themes within the case, what were the points to prove the offence, what is the defendant’s position.” Reviewing the case papers was an approach also taken by (P40), “Read up and the case and statements” and by (P22), “Read and re-read the case/my statements/part in the case.”

Notably, 30.8% of this group did *nothing* to prepare themselves on the day of the trial stating “Nothing controls the stress!” (P58), and “I don't prepare mentally” (P51).

4.8.3 Learning to Prepare Mentally to Give Evidence

With respect to learning to prepare themselves mentally, 73.5% of respondents reported on their learning. The key message emerging from this was that the respondents relied upon experience (37.5%), considered themselves as self-taught (27.8%) or a category referenced as ‘nowhere’ (20.8%). Typical of those relying upon experience was respondent (P13) who commented: “I have reflected on past experience and tried to understand where court appearances went wrong for me and have put measures in place to minimise this in the future.” Similarly, respondent (P20) commented: “Generally, from how I mentally prepare for other things in life i.e., job interviews etc.”

Having explored police officers’ (a) experiences, (b) attitudes, (c) approaches, and (d) some perceptions of giving evidence in court, the next section explored those same officers’ perceptions of what factors make up an *effective* witness performance for a police officer.

4.9 Objective 2: To Explore Perceptions on the Requirements for Effective Performance

As stated in the Introduction to this chapter, Objective 2. was included to further explore some of the areas in which changes may be made to enable the effective presentation of evidence in court, as perceived by police officers themselves. To reveal suitable areas for change against this objective, the results that follow are presented in relation to the respondents’ perceptions of (a) behaviours that negatively impact performance; (b) the skills needed to perform effectively; (c) their levels of confidence; and (d) the usefulness of any training received. These are categories that were informed by the previous Chapters findings.

4.9.1 Behaviours that Negatively Affect Performance

Respondents, (81.6%) reported that the most frequent themes negatively affecting performance, with 15% of participants reporting on each, were (a) nervousness, and (b) being a

defensive witness. For example, respondents commented that they identified: ‘nervousness, mumbling’ (P48) or ‘nerves, uncertainty’ (P68) as negatively affecting performance. Similarly, defensiveness was commented on with one respondent saying:

Officers seem to be reluctant to answer questions that will assist the defence case and try to minimise giving evidence that will then assist them. They don’t want to be seen assisting the Defence/ harming the prosecution case. Officers don’t always see that they are there to be independent investigators, probably because we work so closely with the prosecution team. (P65)

The next most frequently (11.3%) reported behaviour, perceived as negative, was unprofessional appearance. For example, “Not correctly attired, scruffy appearance. Attending court thinking it doesn’t matter and it’s not important, poor prep for court. Not communicating clearly. Not speaking to court audience correctly” (P62), “General posture, dress, and attitude. Chewing gum or eating always looks bad. Becoming argumentative.” (P99).

The respondents also revealed specific skills they thought made for an effective police witness, plus how skilled they felt they were as individuals and how skilled they thought their peers felt.

4.9.2 Skills Needed to Perform Effectively

In total, 82.7% of the respondents identified a series of skills an officer needs to perform effectively as a witness (Table 4:5) and reported a self-assessment of, (a) their own skill levels, and (b) their perception of how their peers assessed themselves against their overall skills, in giving evidence. Results are shown in Table 4:6.

Table 4:5. Skills Required for Effective Performance

Skills needed for an effective witness performance?	Frequency mentioned
Confidence	24
Calmness	24
Context appropriate communication	17
Honesty	11
Context appropriate presentation	7
Professionalism	6
Accurate recollection	6
Objectivity	5
Knowledge	5
Listening	4
Patience	3
Case specific knowledge	3
Integrity	2
Politeness	2
Experience	2

Table 4:6. Respondents Self-Assessment of Their Own and Their Peers' Level of Skill

	Self-assessment of skill		Perception of Peers self-assessment	
	<i>n</i>	%	<i>n</i>	%
Not skilled	6	7.1	11	13.1
Slightly skilled	22	26.2	28	33.3
Moderately skilled	34	40.5	38	45.2
Very skilled	19	22.6	6	7.1
Fully skilled	3	3.1	1	1.2
Total	84	100	84	100

Note: 14 respondents did not reply.

As shown in Table 4:6. the respondents viewed themselves as feeling slightly more skilled than they perceived their peers felt; however, of this group, 73.8% self-reported that they were not skilled, to moderately skilled only, with this number increasing to 91.6% when rating their peers' perceived feelings of skill. Aligned to this, these respondents also revealed how confident they felt about giving evidence and how confident they thought their peers would feel.

4.9.3 Self-Assessed Feelings of Confidence

The respondents were asked to rate their own feelings of confidence when giving evidence and how they felt their peers would assess themselves on a five-point scale ranging from Not confident to Fully confident. The results are shown in Table 4:7.

Table 4:7. Respondents Self-assessed Confidence in Giving Evidence in Court

	When giving evidence typically I am		I think most of my peers 'typically' are	
	<i>n</i>	%	<i>n</i>	%
Not confident	9	10.6	16	19
Slightly confident	16	18.8	27	32.1
Moderately confident	35	41.2	36	42.9
Very confident	19	22.4	4	4.1
Fully confident	6	7.1	1	1.2
Total	85	100	84	100

Note: 13 respondents did not reply.

Note: 14 respondents did not reply.

Like their self-assessment of skill, the respondents assessed their *own* confidence levels as being higher than their perception of how their peers felt, with 70.6% self-reporting that they were not confident, to moderately confident, with this number increasing to 94.1% when rating their peers' feelings of confidence. The respondent's self-assessments of both confidence and skill show that they feel more confident about themselves than they perceive their peers feel about themselves.

The current study explored in more detail, by way of a free text question, the possible source of the respondent's confidence. Data was provided by 73.5% of respondents and the overriding view, expressed by 69.4%, was that confidence to give evidence in court came from experience. This can be seen in the response from respondent (P83) who commented: "Self-taught. Simply by giving evidence on lots of occasions." Two further respondents supported this perspective with (P99) suggesting: "The more I have done it the more confident I have become" and (P9) commenting: "I don't have much confidence, but certainly have more than when I was a

junior Officer. The only way you can gain it is from being exposed to it.” Conversely, 32.7% of respondents reported that they *specifically* lacked confidence (Table 4:8).

Table 4:8. Reasons Given for a lack of Confidence in Court

Reasons provided for lack of confidence	<i>n</i>	%
Lack of training	8	25.0
Infrequency of giving evidence	6	18.7
Poor preparation	6	18.7
Nerves	4	12.5
Total	32	100

In trying to understand how officers perform in court and how they prepare to perform, this chapter also sought to establish any institutional factors influencing performance. The results are presented in the next section and provide an insight into what may be needed to improve performance in the future.

4.10 **Objective 3: To Explore Perceptions on any Institutional Factors that Shape Performance as a Police Officer Witness in Court**

This section explored the respondents’ views on any institutional factors that impact upon their performance in court. First, this section provides an overview of the demand to give evidence in court.

4.10.1 **How Often Police Officers Attend Court – Understanding Demand**

Turning to the third objective of this chapter, the number of times the respondents had given evidence in court ranged from 0 to 300 times, with a mean of 32.8 (*SD* = 50.3), a median of 20, and a mode of 20 (based on the response from 93.9% of respondents). The respondents had attended court as recently as within the month before the survey and up to 14 years previously, with a mean of 26.3 months (2.2 years; *SD* = 31.55), a median of 12 months, and a mode of 1 month. Additionally, the data revealed how frequently the respondents had been cross-examined in court. This ranged from 0 to 250, with a mean of 21.9 (*SD* = 37.68), a median of 10 and a mode

of 10. The respondents had also given evidence in several different type of court. The results are presented in Table 4:9.

Table 4:9.Frequency and Type of Court Attended

Court attended	<i>n</i>	%
Magistrates Court	93	95.9
Crown Court	79	81.4
Other	45	46.4
Court of Appeal	8	8.2
High Court	6	6.2

4.10.2 The Support Asked for to Give Evidence Effectively

When asked what support, the respondents would like to receive in relation to giving evidence, 60% provided data. Of this group 83% wanted to receive more training in relation to giving evidence. The respondent's views were expressed by way of free text answers with respondent (P119) commenting: "I think it would be useful to have refresher training for all types of court. From the uniform we are expected to wear to what to expect when cross examined". Appropriate additional training was also supported by respondent (P53) who commented: "Comprehensive training should be available, particularly for those young in service. (Force) insist upon mandatory training for all sorts of irrelevant crap but do virtually nothing to prepare officers for such a crucial part of their job." A third respondent (P57) supported the idea of additional training and was more specific as to the possible content:

Training on what you can and can't say in court. How to answer the questions of Defence counsel which predominantly closed questions are to suit their clients. How court works, who is who, roles etc. ... There just appears to be a total lack of training around court.

Having revealed areas where improvement in task-specific performance may be made, Chapter 4 then explored those areas of the current training provision which were considered useful and those which were not.

4.10.3 Usefulness of Training Received

The respondents were asked to indicate on a five-point Likert rating scale their level of agreement with the statement: *‘The training I have received to date has generally been useful to me when giving evidence’*. 86.7% of respondents provided information to this question, with most respondents (62.4%) disagreeing with this statement; in fact, only 20% offered agreement on any level (Table 4:10.).

Table 4:10. Usefulness of Training Received

The training I have received to date has generally been useful to me when giving evidence		
	<i>n</i>	%
Strongly agree	1	1.2
Agree	16	18.8
Neither agree not disagree	15	17.6
Disagree	22	25.9
Strongly disagree	31	36.5
Total	85	100

Note: 13 respondents did not provide data to this question

The respondents were then asked to report by way of a free text answer which aspects of the training they had found the most useful. In response, 67.4% provided an answer. The most frequent answer was role play training, with 22.7%. For example, respondent (P96) commented: ‘We had a mock court day when I first started.’ This was supported by respondent (P54), ‘Rehearsal in a crown court situation, mock-up cross examination on a Saturday morning by a prosecutor. Very useful.’ Respondent (P107) also supported this approach and provided a little more insight:

We were given a role play in which we acted as officers. We then wrote statements and finally we had a mock court session about the incident we had role played, with our statements and cross examinations being used as evidence.

Slightly less felt that the most useful aspect of their training was concerned with the courtroom environment (18.2%) and training in respect of cross-examination was valued by 7.6% of respondents. Notably, 13.6% of this group felt the training they had received was not useful.

Having established what the respondents would like in relation to training to give evidence and what they found useful in any training they had experienced; the next section provides more detail of the training received.

4.10.4 Training Received

Having outlined the perceived usefulness of the training received the respondents also revealed *where* they had learned to give evidence in court. The results are shown in Table 4:11.

Table 4:11. Where Officers Learned to Give Evidence

Learning type	<i>n</i>	%
Experience	76	77.6
Training by organisation	60	61.2
Learning from colleagues	54	55.1
Provided by external organisations	5	5.1
Other	6	6.1
Organisational documents	4	4.1
Academic study	2	2.0
Total		100

The respondents (75%) also reported on the frequency of training events they had undertaken during their career, which showed the number of training events attended ranged from 0 to 30 ($M = 1.4$, $SD = 3.2$). In total the respondents had collectively attended 135 events which they recognised as a training event and had undertaken their last formal training from within the month prior to the survey to 28 years previously; the mean was 11 years ($SD = 7$), the median was 10 years and the mode 10 years.

When elaborating on the ‘other’ category, the free text data provided showed that 49% of the respondents provided information. The most frequent response provided within this group (79.2%) indicated that they had undertaken training regarding giving evidence during their initial training. The type of training undertaken during the initial training of police officers was found to take several forms such as that described by respondent (P104), “2 days as part of initial police training” and that described by (P35) who had received: “An hour in basic training” Similarly, (P48) had received, “Just 1 hr familiarisation when I first joined at Bruche Police Training Centre”.

Outside of the training received during initial training, the respondents reported the next most frequent (8.2%) training to give evidence was provided to more experienced officers training to be detectives, typically during their initial Criminal Investigation Department (CID) Course and Professionalising Investigation Programme (PIP) level 2 course. This took the form of “CID course, presentation by defence barrister including attending a mock Crown Court hearing” (P51), “CID course, 1-day mock trial” (P 111), and “Training featured as part of PIP 2 course. Lasted 1 - 2 days of the course.” (P57). Notably, 23.5% of this group reported that they had received no training at all. The types of training events attended by the respondents are shown in Table 4:12.

Table 4:12. Types of Trainings Events Attended

Training events attended	<i>n</i>	%
Other	48	49.0
No Training	23	23.5
Non-assessed CPD	15	15.3
1-3-day assessed attendance course	7	7.1
3-5 days assessed attendance course	4	4.1
Online self-learn	4	4.1
5 days plus assessed attendance course	2	2.0
Formal Academic Training University	1	1.0
Formal Academic Training Further Education College	0	0
Total		100

4.10.5 The Content of Training Received

The respondents (98%) reported that the most frequent training content received was familiarisation with the courtroom environment (47.9%), followed by the role of others in court (40.6). In addition, respondents (99%) reported that training on courtroom procedures had been received by 46.4%. Beyond these procedural and environmental aspects, 98% of respondents reported that they had received some form of nonspecific training to help them to prepare effectively for giving evidence (22.9%). In addition, 52.1% of this group had received no training at all to prepare effectively for *giving* evidence in court, 29.2% had received some training on what was expected of them in court and 45.8% had not received any training on what was expected of them in court. Moreover, some respondents had received training in those factors which were categorised as cognitive and behavioural and are described in Table 4:13.

Table 4:13. Content of Training Received in Performing at Court

Training content (cognitive)	<i>n</i>	%
What to do when you don't know the answer	30	31.3
How to avoid becoming defensive under questioning	22	22.9
Listening effectively when questioned in court	21	21.9
Remaining consistent in your evidence	19	19.8
Remaining objective when giving evidence	17	17.7
Managing emotions in court	17	17.7
How to avoid becoming confused under questioning	11	11.5
Note: 2 respondents did not answer this question		
Training content (behavioural)	<i>n</i>	%
Speaking appropriately when giving evidence	33	34.4
Projecting your voice effectively when giving evidence	21	21.9
How to dress in court	27	28.1

Note: 2 respondents did not answer this question

Overall, the respondents reported that the most common court the officers had given evidence in was the magistrates court (Table 4:9) and the respondents had most frequently learned about giving evidence from personal experience (Table 4:11). However, some had also been

provided with training by their organisation, typically 10 years prior to this study. That provision typically had been non-assessed Continuous Professional Development (CPD) (Table 4:12) and was undertaken during the early years of an officers' career. The most frequent content of the training offered was seen to be familiarisation with the courtroom environment and procedures and some very limited training on preparing to give evidence. The most frequent type of *cognitive* training was found to concern what to do when you don't know the answer in court (Table 4:13) and the most frequent *behavioural* training content to be speaking appropriately when giving evidence (Table 4:13).

Reflecting an issue raised in Chapter 3, the respondents also reported how they had been advised to dress in court by their organisations and is described in the following section.

4.10.6 Appearance in Court

Appearance was a consistent theme throughout this thesis and as a result the respondents reported on how they are advised to dress in court. The results obtained are presented below in Table 4:14.

Table 4:14. Appearance in Court

How the respondents were advised to dress in court by their organisation		
	<i>n</i>	%
Normal Patrol Uniform	43	50.0
Court specific Uniform	1	1.2
Smart Business attire	26	30.2
Other (please specify	3	3.5
No specific advice given	13	15.1
Total	86	100.0

Typically, the respondents reported that normal patrol uniform is the preferred dress option in court, closely followed by smart business attire for those who work in non-uniform roles. Following on from establishing guidance in respect of appearance, this chapter sought to establish

the level of organisational support felt by the respondents more broadly in respect of giving evidence in court. The next section describes the results of this below.

4.10.7 Feelings of Support

To establish how supported the respondents felt by their organisations, they were asked how much they agreed with the question: *'giving evidence is NOT an important part of a Police Officers role.'* The answers were scaled on a Likert rating scale with five possible answers ranging from strongly agree to strongly disagree. Noticeably, none of the respondents 'agreed strongly' with this statement and only 2.5% reported any level of agreement. The respondents were then asked how their organisation viewed giving evidence and the level of support they received to enable them to give evidence (Table 4:15).

Table 4:15. Importance of Giving Evidence and Support Received by Respondents

	Strongly Agree		Agree		Neither agree nor disagree		Disagree		Strongly Disagree		Total	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Giving evidence in court is NOT an important part of a Police Officers role	0	0	2	2.5	5	6.2	34	42.0	40	49.4	95	100
Giving evidence IS seen by my organisation as important	7	8.5	29	35.4	26	31.7	17	20.7	3	3.7	82	100
My organisation supports me appropriately to give evidence	2	2.5	7	8.6	16	19.8	34	42.0	22	27.2	81	100

In addition to the qualitative results presented above and to provide supplementary understanding and reveal any statistically significant trends or issues of statistical significance, a specific but limited number of additional inferential statistical tests were carried out on areas of interest revealed by the qualitative analysis. The results are presented in the following section.

4.11 Additional Inferential Statistics

Complementary to the qualitative results presented above, several post-hoc inferential statistical tests were carried out utilising statistical analysis software (IBM SPSS version 27 for Windows). These findings relate to several objectives and so are presented as findings and then referenced back to the chapter objectives with appropriate narration, rather than presented under the specific objective headings. For clarity, the decision to undertake these tests was made *after* the data had been collected and the primary results (as presented in the last section) developed. For this reason, the results are presented under a separate section and reflect areas of interest that were found during the review of the descriptive results (i.e., those presented up until this point). These results concern several specific areas of practice: (a) the role of uniformed operations (specialist), (b) training, (c) organisational support and confidence, (d) feelings of stress towards giving evidence, and (e) feelings of skill.

4.11.1 Uniformed Operations (Specialist)

Noticeably, a Kruskal-Wallis Test revealed a highly significant difference when exploring the effect of respondent's role (NB, a full list of roles can be seen in Table 4:1) on frequency of giving evidence. Results showed that the role of Uniformed Operations (Specialist) gave evidence significantly more than other roles ($H(8) = 23.92, p = .002$). The same test also showed a highly significant difference associated with the respondent's role and the *frequency* of being cross-examined in court. Those undertaking the role of Uniformed Operations (Specialist) were again

cross-examined the most ($H(8) = 19.96, p = .010$). These findings may point towards areas of institutional demand or areas where future training may be prioritised (Objective 3).

4.11.2 Training

In respect of training to give evidence, Pearson correlation indicated a non-significant relationship between the respondent's length of service and the frequency of training attended ($p > .05$). However, it did reveal a significant positive relationship between a respondent's age and when they last attended a training event ($r = .482, p < .001$). More specifically, patterns suggest that training is not a planned event throughout the duration of an officer's career. Rather the data revealed that training is most common in the early stages of a career and specifically in recruit training itself. Interestingly, this may indicate an institutional blocker in that training is not being provided (Objective 2) and a future opportunity to improve, by developing the training needed (Objective 3).

Noticeably, Chi square test for independence was calculated comparing the frequency of training and gender. A non-significant, interaction was found between gender and take up of training ($p > .05$). In relation to how useful the respondents felt their training had been to them, a t -test showed a non-significant difference between genders ($t(78) = -.066, p > .05; M_{male} = 3.80, SD 1.19, M_{female} = 3.83, SD 1.11$; Objective 2).

4.11.3 Organisational Support and Confidence

On another aspect, a Pearson correlation indicated a significant positive relationship between feelings of support from the organisation and confidence when giving evidence ($r = 0.236, p < .035$; Objectives 1, 2 & 3). When examining the difference between gender on feelings of confidence using a t -test, a significant difference was shown, ($t(78) = 4.238, p < .05; M_{male} = 3.3$

$SD = .99$; $M_{female} = 2.27$, $SD.87$). This showed males had a higher feeling of confidence than females when giving evidence in court.

4.11.4 Feelings of Stress Towards Giving Evidence

A t -test showed a significant difference between the respondents' feelings the first-time they were informed they were required to give evidence and the last with a lower score indicating higher stress levels ($t(92) = -3.807$, $p < .001$). This showed that respondents were significantly more stressed ($M = 2.85$, $SD = 1.37$) on their first occasion of being required to give evidence, compared to the last time ($M = 3.36$, $SD = 1.29$). A similar significant difference was noted when comparing stress levels between the first and last-time respondents were cross examined, ($t(89) = 8.753$, $p < .001$). This showed that respondents were significantly more stressed on the first occasion of being cross-examined ($M = 2.18$, $SD = 1.06$) compared to the most recent occasion ($M = 3.16$, $SD = 1.25$; Objective 1.)

However, a t -test also showed a significant difference between feelings of stress when last cross examined and gender. This showed that females rated significantly higher feelings of stress when last cross examined than males, $t(84) = 3.137$, $p < .002$; $M_{male} = 3.35$, $SD = 1.16$; $M_{female} = 2.43$, $SD 1.21$; Objective 1). Noticeably, a t -test, showed a significant difference between feelings of stress towards giving evidence in chief and gender. This showed that females rated significantly higher ratings of stress when giving evidence in chief than males, $t(86) = 4.847$, $p < .001$, $M_{male} = 3.36$, $SD = 1.08$; $M_{female} = 2.43$, $SD 1.21$; Objective 1).

4.11.5 Feelings of Skill

When exploring the difference between gender and feelings of skill a t -test showed a significant difference, with a higher score indicating greater feelings of skill ($t(77) = 3.225$, $p < .002$) $M_{male} = 3.15$, $SD = 0.87$; $M_{female} = 2.44$, $SD 0.95$. This showed that males had a higher self-

assessment of their skills than females and provides an insight of the attitude of officers when going into court to give evidence and reveals areas for possible remedial action (Objectives 1, 2 and 3).

The results presented above, and their implications are now discussed in more detail in the following section.

4.12 Discussion.

In summary, the results presented in Chapter 4 highlight the context within which the respondents have approached giving evidence and reveal how they prepared for court and the levels and usefulness of the training they have received. The chapter also paints a picture of what may be done to improve performance in the future and in which areas individual police officers and police forces could focus their performance improvement efforts. How officers felt about their training and how they prepared to give evidence also provides useful context for this study when trying to understand the cognitive state of officers when they enter the witness box and the potential impact of this on their performance.

Criminal trials are widely recognised as a complex and stressful environment (Gudjohnsson & Adlam, 1985; Jacobson et al., 2015) and previous research suggests that this carries specific risks for the Police in terms of, (a) public confidence, (b) credibility, and (c) legitimacy, (Brian & Cruickshank 2016a, 2019b; Flores, 2002). Surprisingly in such an environment, my thesis, so far, has found that effective police performance in court has been largely left to chance and lacks sufficient investment in the training required to prepare officers to perform effectively (Brian & Cruickshank 2016a, 2019b). Indeed, findings from the current chapter demonstrated little attention being paid to giving evidence by the wider police leadership. Concerningly, the respondents revealed that amongst police officers themselves, giving evidence

in court, was typically spoken of in almost entirely negative terms which appears to have contributed to an anxious and defensive mind-set in officers attending court. The value of shared mental models is recognised within performance literature for the *positive* effect they can have on team performance when properly managed (Li et al., 2019). However, Chapter 4 has revealed that the mind-set in policing has contributed to the, apparently unchallenged, emergence of a shared set of attitudes which may *negatively* affect an officer's performance when giving evidence in court.

To meet this challenge, four specific areas of interest emerged from this chapter, which, if understood more fully, would begin to address the requirements outlined above and positively influence police officers to perform more effectively when giving evidence. The specific areas of interest are described below, together with the Chapter objective they are grounded in.

1. The demand for the Police to give evidence (Objective 1 & 3).
2. Responding appropriately to demand (Objective 1 & 3).
3. Understanding the Police role in court (Objective 1 & 2).
4. Factors in effective task-specific performance (Objective 2 & 3).

Each of these areas are discussed in the following sections.

4.12.1 The Demand for the Police to Give Evidence

A recurring theme revealed by this chapter was the perceived benefit to officers giving evidence of experience. This concurs with views found in previous research (Brian & Cruickshank 2016a, 2019b; Stockdale & Gresham 1995), which suggested that police officers do not give evidence often and are therefore inexperienced and less effective. The perception that police officers do not give evidence often may be a reason for the apparent lack of support given to police officers in this area. Contrary to this however, this chapter has revealed that police officers *do* give

evidence in court on a regular basis and were required to give evidence across a much broader range of courts than just the criminal courts and can be found in the, (a) Coroners court, (b) foreign courts, and (c) in Public Inquiries. It should be noted at this point, that despite the respondent's *perception* of improved performance resulting from greater experience, the literature does not universally agree. Whilst some academics accept that experience can play a part in developing beyond simply being competent and can assist in increasing expertise, others reject this (Cruickshank et al., 2018; Norcross and Karpiak, 2017).

Further investigation showed that some roles required police officers to give evidence more often than others and, in this chapter, those respondents undertaking the role of Uniformed Operations (Specialist) had given evidence more frequently than those in other roles. This highlighted a considerable demand in this specific area which seems to have been largely unrecognised by the forces represented. This chapter also found that there is a need for more *task-specific* training for police officer's dependent upon the role they are carrying out and which type of court they are most likely to be performing in. It is noted that this may in turn *increase* the demand on police resources.

4.12.2 Responding Appropriately to Demand

One of the factors in effective performance revealed by this chapter was how police forces responded to this demand and trained their officers for the task of giving evidence in court. The most useful aspects of the training received was described as, (a) role play, (b) rehearsal, or (c) mock events training. Interestingly, all of these particular types of training provided the opportunity to practice, which is something that the respondents saw intuitively as valuable to effective future performance and which has been recognised within the literature to be useful in developing cognitive skills in police officers (Suss & Boulton, 2019).

The level and frequency of training found by this chapter was low, with the most officers learning about giving evidence from *internal learning*, i.e., personal experience, or from *unmediated learning*, i.e., feedback from colleagues (Olsson et al., 2016). The training received appeared inconsistent and concentrated at the start of an officer's career, during initial training, with little thereafter. Against this background, the average number of training events attended, related to giving evidence, was one with several of the respondents receiving no training at all. The focus of the training offered had been familiarization with the court room environment and procedures, rather than the skills or characteristics needed to perform effectively when giving evidence, which reveals a potential skills gap in this area of practice.

Notably, over half of the respondents had received no training in how to *prepare* for court and less than half had not received any training to help them to understand what was *expected* of them at court. Exploration of the relevant literature found no support for approaching a *performance* in this way. In fact, the opposite was found, with substantial support for performers of many kinds *preparing* effectively and regularly for their task-specific performance (Filho et al., 2016; Huttermann et al., 2014). Sadly, these findings support those of previous literature that police officers are often underprepared for the complexities of the criminal trial and lack understanding of their role or the expectations of them (Brian & Cruickshank 2016a, 2019b; Stockdale & Gresham, 1995).

Returning to the theme of preparing for court, any preparation found, in this chapter, took the form of familiarisation with statements or case papers and focused largely upon case specific knowledge. This may be an intuitive response from officers or motivated by organisational narrative (Brian & Cruickshank, 2019b) and appears to be a response to the specific performance pressure of court and the cognitive demands faced by officers in that context. On the day of the

trial itself, the respondents tried to remain calm, but it was noticeable that many made no effort to prepare themselves. Interestingly, whilst aspiring to remain calm, none of the respondents offered any specific strategy for doing so. When explored further, the overwhelming strategy in response to the demands of performance was seen to be learning by experience or to self-teach, an approach which is constrained by the officer's ability to do this effectively (Abraham & Collins, 2011).

Against this background, this chapter found that the minimum level of acceptable performance required, by the Police, for an officer giving evidence was ill defined and lacked both structure and support. This was evident when the chapter explored the respondents' understanding of the, (a) cognitive, (b) appearance, and (c) behavioural, demands they faced when under cross-examination. Training in respect of these demands was found to be limited and whilst several respondents had received some training in respect of both the cognitive and behavioural aspects of an optimal performance the training appeared infrequent and inconsistent.

Noticeably, the police response to the demands of giving evidence and the training provided was not part of a well-developed or evolved approach to professional development and is unlikely to prepare officers to meet contemporary demands and expectations of them at court (Brian & Cruickshank 2019b; Stockdale & Gresham, 1995). This seems to support earlier research which questioned the organisational narrative in Police forces in relation to giving evidence, and the apparent lack of understanding of the role by individual officers and police forces (Brian & Cruickshank 2019b).

4.12.3 Understanding the Police Role in Court

Chapter 4 found a clear view amongst the respondents that they were trying to present an *objective* version of events when giving evidence at court which was combined with a view that they were *not* trying to secure a conviction. This perspective is also seen within the contemporary

discourse on policing and criminal justice and the ongoing debate as to whose side the police are on, specifically in relation to victims of crime (Henriques, 2019). It also sits within the context prevalent in police literature which seeks to regulate, hold the police accountable and prevent partisan or tactical evidence being presented (Thompson, 2012).

The back and forth of this debate adds to a lack of clarity in the role and purpose of police officers giving evidence and may form part of the reason why this chapter found a lack of police leadership, engagement, and some incoherence in their approach. A lack of purpose and clarity is a criticism levelled at the Police more broadly in respect of their ability to complete specific operational tasks. Some argue that the Police focus too much on leadership and management development and not enough on individual, *task-specific* development of officers (Holdaway, 2017; Lumsden, 2017; Stelfox, 2011). That is not to say that police forces do not invest in specialist training for police officers – they do. However, whilst this is the case for ‘specialist’ officers such as firearms or sexual offence investigators, this chapter found that some specific operational tasks, for example giving evidence are not being given the same priority or attention (Tidmarsh et al., 2019).

Interestingly, Chapter 4 found that the respondents felt that the other actors in court expected them to give evidence in an objective way, except the public and the victim. If this perception is correct, it seemingly positions the police at odds with the expectations of both the public and victims of crime and creates an interesting situation whereby the professionals in the courtroom seem to be out of step with the public and victims of crime alike. This would suggest a lack of knowledge and understanding in this respect and highlights why this research was necessary to develop insight into, (a) what is expected of police officers in court, (b) what their role is, (c) who they represent, and (d) what support they need to perform effectively.

This is an important and timely point, as the position of the Police vis-à-vis the public and victims has been the subject of much debate since the publication of the Henriques Report (2019) and other academic studies (Barrett & Hamilton-Giachritsis, 2013). One side of this debate fundamentally seeks to reposition the Police as ‘neutral’ or as on the side of the Court. Conversely, the Police, have in recent years diverged from this and towards a more ‘victim centred’ approach to policing (see Chapter 2). The courtroom is a key area where this debate is played out and where the consequences of the discussion can be seen in failed and sometimes controversial cases (Barrett & Hamilton-Giachritsis, 2013; Henriques, 2019).

The outcome of this debate may have a significant impact upon the legitimacy and credibility of the Police and sheds light on the possible consequences for police officers giving evidence in court if they do not perform their function well. This makes it even more surprising – that within the context of the present chapter – little appears to have been done to address gaps in police officer’s professional competence in this area.

Indeed, the minimum level of acceptable performance expected of police officers in this area of practice, if judged against the level of training and support found in this chapter, seems to be set very low and is at best unclear and incoherent. It is fair to say that the Police have recognised there are gaps in task-specific training and as part of the developing Police Educational Qualification Framework (PEQF) a key aspiration is that “As the framework develops, additional educational qualifications will be introduced for police staff and specialist roles” (COP, 2020). It is timely then for the results of this chapter to inform the developing PEQF and provide a practically useful evidence base for future performance improvements (see Chapter 5).

The consequences of incoherence in the Police approach was seen in how the respondents in this chapter reacted to giving evidence in court. Most felt that the courtroom was still an

adversarial place which demanded both a winner and a loser. Within this context most respondents indicated that they felt stressful when warned to give evidence at court and were more stressed the first time they gave evidence than the last, and more stressful the first time they were cross-examined than the last time. Within such an adversarial context, this chapter found the presence of a negative and anxious shared understanding of how police officers would be treated at court. This concurs with earlier research (see Chapter 3) which raised the spectre of a negative narrative in police forces feeding a defensive posture by officers in court (Brian & Cruickshank 2016a, 2019b). Such a narrative was found to potentially, (a) add to anxiety and stress, (b) negatively affect performance, and (c) result in inappropriate behaviour in court (Brian & Cruickshank 2016a, 2019b).

The findings from Chapter 4 appear to confirm those in previous literature that giving evidence under cross-examination is stressful (Henderson, 2015a, 2015b). However, this chapter provides an original insight that evidence-in-chief was also viewed as stressful. This suggests that the focus of future training would be ill advised to focus solely on cross-examination and may need to be tailored to meet the needs of specific groups and tasks within the Police. Moreover, the respondents generally felt less than fully skilled in giving evidence, with female officers, feeling less assured and less confident, in their ability than males.

Whilst this may be a result of male over-confidence, this position accords with previous academic work which recognised that females may underestimate their own abilities especially in competitive environments (such as the courtroom) and may suffer greater levels of anxiety than males (Baraskar & Shinde, 2018; Gneezy et al., 2003). Against these findings, the Police have an incentive to generate the training necessary to meet the specific needs of diverse sections of the

workforce. To assist in this, the current chapter revealed a range of factors which police officers worry about when giving evidence and which may impede performance.

4.12.4 Factors in Effective Task-Specific Performance

Several factors were found which may impede effective performance including, (a) anxiety about making mistakes, (b) not being able to answer questions, (c) embarrassment, and despite the aspiration of *objectivity* outlined, (d) letting down the victims. Furthermore, the respondents worried about the tactics and methods used by the defence to undermine them, which was part of a broader theme that they would be treated unfairly at court. In this respect, only a minority of respondents felt they would be treated fairly. The presence of such a defensive and negative mindset when entering court may impede the cognitive ability of officers to perform well under the specific pressure of giving evidence.

Previous research has suggested that police officers are more effective when they regulate their emotions in court (Brian & Cruickshank 2019b) and that with the appropriate training this ability can be improved (Berking et al., 2010). Indeed, Berking (2010) highlighted the lack of academic support to police officers in this area and recommended that a focus on emotion-regulation skills would improve police mental-health overall. Berking suggested that police officers struggle to deal, specifically, with negative emotions or to manage them effectively and highlighted a number of factors which could be used to assess an officers ability to cope with challenging, emotional, and negative situations, such as the courtroom: (a) awareness, (b) clarity, (c) sensations, (d) understanding, (e) modification, (f) acceptance, (g) tolerance, (h) readiness to confront distressing situations, and (i) self-support. The importance of police officers managing their emotions was highlighted in more recent work by Bhowmick and Mulla (2017) who concluded that failing to manage emotions, and in particular, negative emotions, can lead to a range

of physical and mental conditions including, (a) exhaustion, (b) depersonalisation, and (c) ultimately ‘burn out’.

Chapter 4 found some of these same issues and patterns of negatively perceived behaviour, which may be affected by regulating emotions, and which might undermine an officer in court. Specifically, this chapter found that displayed behaviours such as nervousness and defensiveness were sometimes perceived negatively. That said, the chapter also found a range of characteristics and skills which the respondents felt would lead to an *effective* performance. These *negative* and *effective* characteristics and skills are shown in Table 4:16.

Table 4:16. Behaviours Seen as Negative and Characteristics or Skills Seen as Effective In the Context of the Courtroom

Displayed behaviours seen as <i>negative</i> in court	Characteristics or skills seen as <i>effective</i> in court.
Nervousness	Confidence
Defensive	Calmness
Disrespect	Good Communication
Lack of knowledge	Honesty
Inappropriate appearance	Effective Presentation
Uncertainty	Professionalism
Arrogance	Accurate recollection
Poor communication	Objectivity
Lack of preparation	Knowledge
Aggression	Listening
Argumentative	Patience
Complacent	Case Specific Knowledge
Confrontational	Integrity
Evasiveness	Politeness
	Experience
	Consistency

Chapter 4 also found that displays of negative behaviour were compounded in some cases by inappropriate appearance which presents an overall image of an officer with a poor, (a) general posture, (b) appearance, and (c) attitude. Known in contemporary literature as aesthetics (Brimblecombe et al., 2017), the issue was also highlighted in 1995 when it was referred to as impression management (Stockdale and Gresham, 1995), and yet little has been done subsequently to address the issue.

Despite recognising the skills needed to give evidence effectively, none of the respondents felt they were anything more than moderately skilled in giving evidence. Interestingly, the respondents did self-assess that they were more skilled than their peers, which seems to be evidence of the Lake Wobegon effect being present in policing. This is a practice whereby individuals over assess their own ability in relation to others, also known as illusory superiority (Fehlhaber, 2017; Norcross & Karpiak, 2017).

Despite wanting to remain calm, the respondents displayed little evidence of coping strategies to achieve this state. However, they did highlight a view that calmness could be achieved by managing their emotions when giving evidence. Learning how to do this was done, once again, by experience and invariably involved some attempt to control breathing. Interestingly, when asked how they prepared to give evidence, none of the respondents made any reference to any of the available academic literature or studies on breathing control (Naik et al., 2018; Wuyts et al., 2017) or ‘choking under pressure’ (Mesagno & Beckmann 2017) to assist them in developing strategies for remaining calm when giving evidence.

A range of different approaches were seen with several respondents seeking to remove emotion from their evidence completely and others trying to behave ‘naturally’, even if that meant displaying emotions previous research had identified as negative (Brian & Cruickshank 2016a, 2019b). Earlier research suggests that emotion when properly deployed can be useful to officers in improving their performance in court, but emotions more usually associated with belligerence are detrimental to effective performance (Brian & Cruickshank 2019b; Brodsky et al., 2010b). In view of this, the regulation of emotion may be an area where future training may prove beneficial in improving performance. However, this study found no police engagement with the relevant literature in relation to regulating emotion (Calimero et al., 2014; Lena Azbel-Jackson et al., 2016,)

Remaining calm and deploying emotions appropriately are key aspects of performing effectively when under cross-examination, which is widely accepted within literature as a stressful experience (Henderson, 2015a, 2015b). Chapter 4, confirmed this and that officers tried to deal with cross-examination by achieving, (a) a state of calmness, (b) being consistent in their evidence, and (c) listening closely to the questions being asked of them, all are characteristics considered as markers of an effective witness (Brian & Cruickshank 2016a, 2019b; Brodsky et al., 2010b). During cross-examination most respondents had been challenged on both their professional competence and their personal integrity and some indicated that trying to remain calm involved trying not to take such challenges personally, something which previous research suggests officers may struggle to do (Berking, 2010). Again, this study revealed that officers found this easier to do as they grew more experienced.

Throughout this chapter a consistent theme emerged which was the respondent's reliance upon their own personal experiences (internal learning) or their colleague's experiences (unmediated learning), good or bad (Olsson et al., 2016), to inform how they behaved in court. However, approaching learning in this way is of course dependent upon the frequency and type of those experiences and the quality of any personal reflection after the experience (Abraham & Collins, 2011). Interestingly, such *reflection* known as *internal learning* in the literature (Olsson et al., 2016) does not form part of any structured learning and development plan for police officers and was not thoroughly promoted within the police forces represented in this chapter, something which is also considered contrary to good practice (Cruickshank et al., 2018). This situation does not seem to meet the expectations of the COP for continuous professional development for police officers (COP, 2015, as cited in Holdaway, 2017, p595). Indeed, the respondents in this chapter appear to have developed a shared mental model which has contributed to them lacking confidence

in their abilities, something which is compounded by, (a) poor training, (b) lack of experience, (c) poor preparation, and (d) nervousness.

Despite this, most officers in this chapter felt that giving evidence in court was still an important function of a police officer and that their organisation also saw giving evidence as important, but conversely, they did not feel *supported* by their organisation. Against this background, the respondents wanted to see more frequent and improved training for police officers giving evidence, which they felt would improve, (a) their understanding, (b) their skills, (c) their confidence, and consequently, (d) their performance, in court.

4.13 Conclusion

In light of the requirements revealed by this thesis to address the complexities of police officers giving evidence in court, this chapter has been able to provide an original insight to inform future developments and address some of the issues raised in previous chapters. The current chapter expands upon these findings and highlights, in a more detailed way, the complex, dynamic and interrelated nature of the expectations and demands faced by police officers giving evidence.

The expectations and demands highlighted are interlinked, and the original, meaningful insight provided by this chapter is of a police service with a negative organisational narrative and a negative shared view towards giving evidence, which appears to feed anxiety and nervousness in police officers resulting in reduced confidence in their ability to perform effectively in court.

Collectively, these factors seem to have a negative impact on the cognitive flexibility of police officers which tends to result in negative behaviour in court. The effect of this is to generally, (a) undermine police officers' evidence, (b) fail to meet contemporary demands and expectations, and (c) damage trust and confidence in the Police. Furthermore, the current chapter has found that,

in this specific practice area, far from aspiring to professionalism and excellence, the level of acceptable competent performance for a police officer is basic and ill defined.

To conclude, this chapter has provided an original insight and markers towards areas where development can occur in relation to police officers giving evidence. This chapter found that in addition to needing the appropriate knowledge, understanding, and support, to perform effectively, police officers need more focus and development of the *cognitive* requirements of giving evidence (Olsson, 2016). It is clear that greater focus on, (a) *why* some officers perform as they do, (b) *why* they reach the conclusions they do, and (c) *why* they make the choices they do, has the potential to benefit future performance. In view of this, these findings sit within the current performance debate on the potential benefits of, the cognitively focused, expertise-based training (Cruickshank et al., 2018). Further research in this area may prove beneficial to the development of training mechanisms which develop officers to give evidence effectively.

Ultimately, Chapter 4 concluded that to meet the expectations and demands on them police forces need to clearly define the minimum level of competence required for a police officer giving evidence. This needs to be at the level of the *individual officer* and underpinned by specific cognition-based training to support and complement the current focus on, (a) environment, (b) systems, and (c) procedures. Bespoke training beyond the minimum level of competence is also required for those officers with, (a) specific characteristics, (b) more experience, (c) in roles where the requirement to give evidence is more frequent, (d) more complicated, or (e) the expectations on them higher.

4.14 Next Steps

This chapter has revealed a gap in the understanding of individual police officers and police forces in how to give evidence effectively and importantly how to support officers effectively to do so. It has found that giving evidence, rather than being an important part of professional practice, is often ignored and overlooked as a police function. This chapter has also found the lack of an agreed minimum standard of competence in this specific area and little agreement on the most appropriate training mechanism to equip officers to understand and perform their role.

Against this background, Chapter 4 finally recommends that the Police build a coherent, structured, and systematic approach to the development of the skills needed to give evidence effectively. The focus of my thesis now moves to consider the development of a structured, and evidence-based performance improvement framework (PIF) as a mechanism to develop the skills needed, to perform more effectively. Specifically, this would focus upon the, (a) cognitive, (b) behavioural, and (c) aesthetic requirements of giving evidence. Such an approach sits within a wider debate on levels of competence and expertise and supports further research into expertise-based training (Cruickshank et al., 2018) as potential way to deliver the changes needed. To begin, the next chapter now investigates the constructs of *competence* and *expertise* and how they may be appropriately *developed* and *delivered* to improve the quality of performance when police officers give evidence in court.

Chapter 5: Police Officers Giving Evidence in the Future: Progressing from Competence and Towards Expertise to Optimise Performance

5.1 Introduction

To this point in my thesis, I have undertaken a desktop study plus two empirical studies (see Chapters 2-4) focused on the current context, challenges, and requirements of police officers giving evidence in court. The messages emanating from these prior chapters have been significant – and in most cases – consistent. In short, it appears that several related and important organisational and cultural changes (see Chapter 4) must take place within the Police if performance in this vital area of giving evidence in court is to be optimised in the future:

- The Police, both organisationally and at the individual level, need to acknowledge the issues and treat giving evidence with the same seriousness as other specific policing tasks.
- Police training should include the performance elements revealed in Chapters 2-4 of this thesis in addition to the current focus on environment and process.
- Specific training methods should be identified and developed for some of the more specialised roles where the demands of giving evidence in court are greater and more complex.

Against these *broad* headlines, this chapter sought to address Objectives 3 & 4 of my thesis and considers what the findings so far might mean for the Police against the specific aims described below.

5.2 Aims

The aim of this chapter was to consider what the findings of this thesis might mean for the Police in the future. To begin, the next section briefly reviews the findings so far.

5.3 A Review of the Findings so Far

Findings so far, have emphasised a lack of progress in relation to police officers presenting *evidence* appropriately, and revealed four *behavioural* and three *cognitive* characteristics of an *effective* police performance in court together with five *challenges* to effective performance. The results are shown in Table 5:1.

Table 5:1. Behavioural and Cognitive Characteristics of Effective (Police) Performance and Challenges

Behavioural characteristics of an effective performance	Cognitive characteristics of an effective performance	Challenges to effective performance in court
Balanced and rational delivery	Case-specific understanding	Inconsistencies in police systems and culture
Clear and confident delivery	Emotional regulation	Lack of training and preparation
Consistency of evidence	Cognitive flexibility	Anxiety and anticipation
Respect for the significance and processes of the courtroom		Courtroom expectations and dynamics
		Appearance (Aesthetics)

It was noteworthy that following this Chapter 4 exposed a general lack of understanding, individually and organisationally, of what success in court looks like or what an effective and competent police performance looks like or, importantly, how to achieve it. In fact, little evidence was found of any agreed idea of task specific-performance or any agreement on the appropriate training requirements to achieve optimal performance in court.

5.4 Building on the Findings so Far

My goal from this point was to consider what all the work reported in this thesis so far might mean, for the Police, if they wish to advance levels of performance in this vital area of giving evidence in court. Or, more specifically, to identify what needs to be done next to inform the future training and development of police officers with regards to giving evidence in court. To achieve this goal, the remainder of this chapter is structured around the following three major sections.

First, to understand the ‘starting point’, current approaches to training and development in the Police in general are outlined, highlighting the present focus on *competence* and *competency-based* training; second, I consider what these current approaches would offer – and fail to offer – if they were more directly applied to giving evidence in court; and third, I consider the advantages of adopting *expertise focussed training* as an *additional* focus moving forward.

5.5 Current Approaches to Training and Development in the Police

To begin with I explored the minimum acceptable standard of competent performance that the Police service expects from all officers and second, how new recruits are trained and accredited to those standards. The minimum acceptable standard of competent performance for a generic police officer is defined by the standards required to achieve the status of Full Operational Competence (FOC) which is now described more fully in the next section.

5.5.1 Full Operational Competence (FOC)

Before engaging in any detailed analysis of the training for Police Constables it should be noted that much of the curriculum detail is left to the training provider, is currently under development and so not available to this study. That said, it has been possible to consider the National Policing Curriculum (NPC), (COP, 2020) for each of the three ways into policing and to map the routes towards Full Operational Competence.

For recruit police officers the first key stage towards FOC is for the recruit to be assessed as fit for independent patrol, known as the Independent Patrol Status (IPS). This must be achieved within the first year of study and represents the first formal stage towards competence and is defined as:

Independent Patrol Status (IPS): the stage of professional development at which the probationer constable has demonstrated sufficient competence in role so as to function independently, safely and lawfully in the workplace, alongside their other policing colleagues in the operational arena.

(COP, PCDA, National Policing Curriculum, 2018, p 11) ‘© College of Policing Ltd – Reproduced under licence number SF00234’

Following this stage of development which focusses upon working independently, safely and in a legally and procedurally compliant way FOC is achieved after a further one or two-years study dependent upon the route into policing being followed and is defined as:

Full Operational Competence (FOC): the stage of professional development at which the police constable has demonstrated full competence in all operational and academic aspects of the role, to a standard sufficient to permit confirmation of successful completion of probation.

(COP, DHEP, National Policing Curriculum, 2018, p15) ‘© College of Policing Ltd – Reproduced under licence number SF00234’

This stage augments the operational knowledge of a police recruit by adding additional academic emphasis to the recruit’s development and introduces elements of, (a) critical thinking, (b) self-reflection, and (c) a deeper understanding of the Police role. The specific process recruits will follow to develop their abilities when they join the Police is still under development but the main

progression routes for a police recruit are outlined below and describe the way a police officer is progressed through their training until they are accredited as fully operationally competent.

5.5.2 How the Police Currently (Try to) Get There

There are three principle ways to join the Police as a Police Constable (there are however other direct entry routes into the Police in a Senior Leadership role. The basic routes into policing are (a) The Police Constable Degree Apprenticeship (PCDA), (b) The Degree Holder Entry Programme (DHEP), and (c) The Degree in Professional Policing.

It should be noted that, confusingly, some police forces are instead of or alongside the new system, continuing with the traditional Initial Police Learning and Development Programme (IPLDP) that has gone before. It is anticipated that this will continue until funding arrangements are resolved across all forces to meet Government targets for a short-term increase of twenty-thousand new recruits (Gov.uk, 2020). A description of the three principle routes is provided below.

5.5.3 Police Constable Degree Apprenticeship (PCDA)

Recruits without a degree join the Police as a Police Constable and follow a paid apprenticeship in Professional Policing Practice. This route normally takes three years with both on and off-the-job learning within a Higher Education Establishment. Upon completion of the Apprenticeship and a probationary period the students are awarded a Degree.

5.5.4 Degree-Holder Entry Programme (DHEP)

Recruits who have a degree in any subject join the Police as a Police Constable and follow a paid two-year work-based programme, supported by off-the-job learning within a Higher Education Establishment. Upon completion of this programme and a probationary period the student is awarded a Graduate Diploma in Professional Policing Practice.

5.5.5 Degree in Professional Policing

For those students who want to study *before* joining the Police this route offers a three-year unfunded degree in Professional Policing. Graduates of this route can then apply to the Police and if successful would follow an additional training programme. At the time of writing this stage is still under discussion.

5.5.6 Accrediting Competence

In respect to delivering an acceptable (to the Police) minimum level of competent performance the students who join the PCDA and DHEP route can attain both the IPS and FOC accreditation. However, the Degree in Professional Policing which is a Pre-Join degree does not currently award IPS or FOC although this may form part of the additional follow on training being discussed (COP, 2020). Close examination of the content of these programmes confirms that they follow a similar procedure as that outlined by Cruickshank et al. (2018) and are composed of the:

Acquisition of a degree alongside or before a period of practice-based supervision by a qualified practitioner followed by competency-based validation and final assessment in an objective and standardised model. (p. 3)

Similarly, the competencies are based on what officers know and can-do set against, (a) prescribed, (b) observable, (c) measurable, and (d) standardised, expectations (Cruickshank et al., 2018). Interestingly, each of the curricula describe the key elements or ‘chunks’ of learning that officers must achieve through their chosen pathway against a set of generalised domains. Surprisingly, the task-specific content of each of those domains is not standard and is left to the discretion of the university provider or the individual force, a situation recognised (unfavourably) in earlier research on the use of competencies (Hager & Gonczi, 1996). Moreover, this raises the risk of the

pedagogical philosophy and style adopted by the provider not being consistent or coherent with the desired cognitive and critically reflective results desired by the COP (Giblin, 2019).

Once the selected route into the Police is successfully completed the student achieves the certification of 'Full Operational Competence' (FOC), which is not task specific (COP, 2019). This characterisation is the minimum level of competent performance expected in the generic role of a Police Officer. Within this context, the next section now moves to consider in more detail *how* the police try to deliver the training necessary to produce competent recruits.

5.5.7 Delivering Competent Recruits: The National Policing Curriculum and The Policing Education Qualifications Framework

Police training and education is delivered by the interrelated mechanisms of The National Policing Curriculum (NPC) and The Policing Education Qualifications Framework (PEQF). The NPC is comprised of several domains which provide a framework for developing Police knowledge (COP, 2020). The domains are:

- Core learning
- Ensuring Public safety
- Protecting Vulnerable People
- Preventing and Reducing crime
- Maximising Information and Intelligence
- Conducting Investigations
- Supporting Victims

To help to deliver against these domains the Police have developed a mechanism known as the PEQF which provides, 'a new, professional framework for the training of police officers and staff' (COP, 2020) and which aims to bring about *consistent* practice in the 'implementation, assessment

and accreditation of initial police training across all forty-three accredited Police Forces in England and Wales' (COP, 2020). The COP has produced a guiding document for each of the three routes into policing which outlines the requirements of the PEQF and the NPC for that mechanism of training. For example, the document for the DHEP programme outlined above is entitled Policing Education Qualifications Framework: Degree Holder-Entry Programme (DHEP), National Policing Curriculum (COP, 2018).

Within that context and to understand in more depth the potential impact of the Police approach to training on giving evidence in court, the NPC (COP, 2019) was examined in detail as it relates to police officers joining from September 2019. Across the seven domains outlined by the NPC no specific mention was made in relation to police officers giving evidence in court although in the Conducting Investigations domain mention was made of Criminal Justice (COP, 2020). Further exploration of this domain was made across all three routes into policing and revealed the domain to be predominantly concerned with the process and procedures involved in the courtroom and wider criminal justice matters. For clarity, little is detailed on the actual performance of giving evidence in court.

Collectively, the NPC and the PEQF are the mechanisms of choice for the Police to deliver against the performance requirements set by the already existing Competency and Values Framework (CVF) which is explored below.

5.5.8 The Competency and Values Framework

Police officers in England and Wales have, for some time, been judged against a national Competency and Values Framework (CVF) comprising a set of standardised generic competencies designed to outline: "Nationally recognised behaviours and values, which will provide a consistent foundation for a range of local and national processes." (COP, 2020)

The framework, which is applicable to both recruit and experienced officers is intended to be used as part of an officers ongoing Professional Development Reviews and any future assessment and role selection processes. This comprises six competencies arranged into three clusters supported by four levels of behaviours, which demonstrate the competence. These are then underpinned by four values that support “everything we do as a police service” (COP, 2019). The competencies are further split into three levels which reflect different levels of responsibility and role complexity such as rank (COP, 2019). This structure is reproduced below with an example of the requisite behaviours and values given for the specific cluster Resolute, Compassionate and Committed, the competency of Emotional Awareness and the level of Practitioner.

(a) Cluster: Resolute, Compassionate and Committed

(b) Competency: We are emotionally aware

(c) Level 1 (Practitioners)

- I treat others with respect, tolerance, and compassion.
- I acknowledge and respect a range of different perspectives, values, and beliefs within the remit of the law.
- I remain calm and think about how to best manage the situation when faced with provocation.
- I understand my own emotions and I know which situations might affect my ability to deal with stress and pressure.
- I ask for help and support when I need it.
- I understand the value that diversity offers.
- I communicate in clear and simple language so that I can be easily understood by others.

- I seek to understand the thoughts and concerns of others even when they are unable to express themselves clearly.

(d) Underpinning Values

- Impartiality
- Integrity
- Public service
- Transparency

It should be noted that the CVF structure is composed of a standardised set of behaviours and values which indicate a broad and minimum level or ‘consistent foundation’ of acceptable competence for a generic police officer (COP, 2019). It is notable that both the CVF and the PEQF strive for levels of *consistency* in performance. However, neither are task-specific to giving evidence in court nor specifically designed to satisfy the expectations in court of police officers outlined in Chapter 3. That said, aspects of the CVF such as the Level 1 characteristics of, (a) clear communication, (b) calmness, and (c) respect, *are* features which are considered enablers of an effective performance and expected of police officers in court (see Chapters 2 and 3).

It is evident that the Police have an established and comprehensive training system for producing recruit officers who can deliver, (a) the minimum acceptable (to the Police) level of performance, (b) are considered competent, and who can operate, (c) ”Independently, safely and lawfully” (COP, PCDA, National Policing Curriculum, 2018, p. 11). However, it has also been found in this thesis that the competencies within this system, at least those contained within the CVF and outlined above, seem to have had little impact on the respondent officer’s abilities to give evidence effectively (see Chapters 3 and 4) and their application to specific areas of practice is a little ‘fuzzy’ (Collins et al., 2015). Within this context the next section seeks to clarify what this

means to the Police and what the current approaches would or would not offer if applied to my main theme of giving evidence in court.

5.6 What Does it all Mean? The Impact of ‘Full Operational Competence’ and Competency Frameworks on Giving Evidence in Court

Overall, the COP (2019) has recognised the need for an agreed minimum and generic level of competence, objectively measured and assessed by the use of a framework of competencies underpinned by a procedurally rich knowledge base, for police officers in the early years of service. Current police training for recruits is therefore predicated on police officers reaching a *minimum* level of acceptable performance (competence) which is principally based on the acquisition of procedural knowledge in the generic role of, police officer. The aim is to deliver a standardised performance which results in officers who can operate “independently, safely and within the rule of law.” (COP, PCDA, National Policing Curriculum, 2018, p. 11). Interestingly, the current police approach to developing competence parallels approaches in several other domains such as Applied Sport Psychology: “The competence referred to by training bodies represents an acceptable standard of practice, characteristics of which are often evaluated through observable behaviours framed as competencies” (Cruickshank et al., 2018, p. 3).

Overall, and of interest to this thesis, the IPS and FOC status is *generic* and not *task-specific* to the context of giving of evidence in court. Indeed, it is noticeable that recruit officers who have been accredited as IPS - typically in the first year of service - may be required to give evidence *before* being accredited as FOC. However, despite there not being an explicit link to giving evidence in court it can be seen in the CVF, for example, in the Emotionally Aware Competency, that some aspects of this competency do have relevance to the task giving of evidence. Elements of the Emotionally Aware Competency that may be relevant and beneficial include:

- I remain calm and think about how to best manage the situation when faced with provocation.
- I understand my own emotions and I know which situations might affect my ability to deal with stress and pressure.
- I communicate in clear and simple language so that I can be easily understood by others. (COP, 2019).

The police training scheme for recruits outlined above is a complicated mixture of values, behaviours and competencies set within a framework which together are used to measure and assess a recruit officer. The training of officers undertaking these programmes is left largely to the judgement of training providers in universities and individual police forces (there are forty-three recognised Home Office police forces in England and Wales) who have significant discretion as to the content and focus of the training programmes at a micro level. The effect of this on the consistency desired by the COP is, as yet, unknown and is one of a number of challenges faced by this type of training.

Returning now to the specific task of giving evidence, a culture of competence or long-term learning is something which this thesis suggests may have been absent, or at best, unclear in the Police (see Chapters 2, 3 and 4). Indeed, this thesis found a situation more akin to a culture of avoidance with respect to acknowledging the importance of giving evidence and developing police officer's professional abilities in this area. This is an important finding and represents the organisational response or, lack of response, from the Police to the task of giving evidence. So far this lack of response has been highlighted as a challenge to performance, which contributed to the negative organisational narrative found and potentially impacted, negatively, individual officers' ability to give evidence effectively (see Chapters 2,3 and 4).

In respect to giving evidence in court, the competency framework used within the PEQF and the NPC is left to the discretion of a training provider and the transferability of that learning to a key area of practice appears to be left to fortune (Abraham & Collins, 2011; Filho et al., 2016). Indeed, across the three police initial entry programmes, aspects of their content can also be beneficial for an officer in court, but only if the officer recognised the value of them and was able to transfer them appropriately and deploy them effectively in the courtroom (Abraham & Collins, 2011, Filho et al., 2016). Unless this task-specific link is made then the usefulness of the competency or skill developed becomes lost in the complexity, or ‘fuzziness’ of the overall programme, (Collins et al., 2015).

Elements of such losses can be seen in Chapter 4 which revealed how officers drew upon their own or their colleagues’ experience in other contexts to cope with cross-examination and *not* necessarily their training. Chapter 4 also found that when under the pressure of being questioned in court and specifically when under cross-examination, the experience officers typically relied upon was a *negative* one. This pattern of behaviour was found to have a potentially detrimental effect on, (a) preparing them for court, (b) on their cognitive state, and (c) on their ability to the perform well under cross-examination.

5.6.1 Other General Challenges of Competence and Competency-Focused Training for

Giving Evidence in Court

It is apparent in the literature that competence is typically associated with developing a systematic, standardised level of observable behaviour and knowledge using a framework containing standardised competencies. From this, it is assumed that the development of skills can be, (a) objectively assessed, (b) evaluated, and (c) future performance predicted, as reflected in the current training approach by the Police (Beebe et al., 2018). Whilst the use of competencies in this

way can be traced back to medieval times, more recently they have become recognised as a response to the proliferation of intelligence testing and aptitude testing as a way to predict ‘on the job’ performance (Beebe et al., 2018). Typically, competency frameworks are being used in increasing numbers and characteristically contain elements from practice structured into organised learning with the provision for the *assessment* of competent performance (Harris et al., 2017, Mills et al., 2020).

As stressed so far, competencies are typically attempting to cover a comprehensive range of criteria to develop the acceptable *minimum* performance standard. Such mechanisms are typically limited to a focus on what is *physical* and *measurable* across a range of skills (Collins et al., 2015). Accordingly, the use of competencies to improve performance and develop competence are typically associated with improving *behavioural* performance (while overlooking or underplaying *cognitive* performance), a situation which has been recognised for some time (Green et al., 2010). Latterly however, this has developed to include ‘values’ and ‘attitudes,’ constructs which are inevitably variable (Child & Straw, 2020). The complexity of competencies and the construct of competence has also led to difficulties in designing effective competency frameworks which can deliver their stated aims and drive improvements in performance beyond the demonstration of specific behaviours. Recent academic work in this area has identified several distinctions made by framework designers to structure their competency framework (Child & Straw, 2020). These are outlined below:

- Binary vs Continuum
- Atomistic vs Holistic
- Context-specific vs Context-general

Of relevance to my main theme of giving evidence in court, my thesis has identified elements of a binary and context-general approach to the use of competencies in the Police and notes the lack of any contextual specificity with which to maximise and optimise its use (Child & Straw, 2020). The complexity and volume of competency-based systems such as this has attracted criticism in the past and the current police system may be open to criticism that: “The completeness of the competency-based descriptor is clearly compromised by the volume of items covered, making it virtually impossible to address all facets” (Collins et al., 2015, p. 3).

Within this context, conceptualising the minimum standard of competence across all settings and in relation specifically to police officers is not an easy task given the, (a) hard to measure, (b) diverse, (c) unpredictable, (d) complex, and (e) dynamic, nature of police work. This kind of environment is sometimes termed ‘low validity’ in the literature (Cruickshank et al., 2018). Policing maybe considered just such an environment and is generally characterised by the unpredictable, difficulties in measurement and the need for highly developed *cognitive* and task-specific skills (see Chapters 2,3 and 4).

In respect to the focus of this study, police officers giving evidence in court, it is unlikely that the current police training will deliver anything more than a minimum level of police competence in giving evidence, if the focus is primarily (or even exclusively) on training *behaviours* and *procedural* knowledge, with little consideration given to the balance of these with the necessary *cognitive skills* and *declarative* knowledge. By way of example, a standard textbook used for many years on police training courses both within the Police and at universities is Blackstone’s Police Manual. Indeed, this resource is used at my own university on policing courses including the newly created PCDA, DHEP and Degree in Professional Policing (Hutton & Johnson, 2020). Volume 2 of four volumes contains the learning for Evidence and Procedure. A close

examination of this volume shows that it is procedurally based and provides no guidance or input on how to *prepare for* or how to *give* evidence, effectively (Hutton & Johnson, 2020). In short, this resource takes a traditional focus on process and environment and does not consider the individual performance issues raised by my thesis.

To address the challenges faced by the police in developing police officers to give evidence effectively through a *competence* and *competency* lens, the next section explores how the development of *expertise* may bring an *additional* and beneficial focus to police training.

5.6.2 Addressing the Challenges: Expertise as an Additional Focus

Whilst developing competence quickly, as a minimum standard of performance for officers beginning their career is desirable, (Fletcher, 2017; Smith et al., 2019), a more intensive approach – which places greater emphasis on *cognitive skills* and *declarative* knowledge – may be necessary to develop the *expertise* required to give evidence effectively and to meet the expectations revealed by this thesis. To support a move towards expertise, some argue that it is possible to develop task-specific expertise in police officers for specific roles and that their expertise is characterised by the individual officer's ability to: “Adaptively apply one's skills, knowledge, and attributes to novel and complex (e.g. uncertain, time-pressured, dangerous) situations and environments”. (Suss & Boulton, 2019, p. 767).

To inform the development of expertise-focussed training mechanisms, my thesis so far has revealed a clear operational imperative to develop performance in a key area of policing practice. In support of this approach, there are those who argue that in policing there is a need to develop beyond the ‘one size fits all’ and minimal level of generic *competence* and instead to develop more task-specific and *expertise-focussed* training in identified areas. (Ward et al., 2019).

It should be noted at this point that my thesis *is not* advocating that the Police *replace* the existing procedurally focussed training for recruit police officers. Indeed, establishing a minimum level of understanding and agreed competence sufficient to meet the expectations of officers in court is an important goal. However, this thesis has found that the current *behaviour* and *procedurally* based training may not be sufficient to produce officers with enough of the task-specific *cognitive* skills and *declarative* knowledge required to give evidence effectively and meet expectations (see Chapters 2,3 and 4).

Therefore, to enhance and complement the existing training framework my thesis recommends that expertise-focused training, as an *additional focus*, is firstly developed and then integrated within existing programmes to advance levels of cognitive performance underpinned by the acquisition of appropriate knowledge. For clarity, ‘expert status’ is not the aim here, rather it is proposed that developing expertise earlier in an officer’s career and integrating this with the development of competence is the most appropriate way forward for the task of giving evidence in court and to advance officers from a baseline of operating, (a) independently, (b) safely, and (c) lawfully (COP, PCDA, National Policing Curriculum, 2018, p. 11).

To support this viewpoint there is agreement in performance literature that developing expertise can produce, particularly if coupled with experience that often evolves into tacit knowledge, (Hill et al., 2017), consistent increases in the quality of performance, predominantly in unpredictable and difficult to measure ‘low validity’ environments (Cruickshank et al., 2018; Suss & Boulton, 2019). The next section now moves to consider what is meant by ‘expertise’ in more detail.

5.6.3 Defining Expertise

To convey the challenge of defining expertise as clearly as possible, Nash et al. (2012) identified twenty-seven different explanations of expertise in their study of expertise in sports coaching. It might therefore be easy to conclude that there is little agreement amongst scholars or practitioners on what expertise looks like in each context, which may inhibit development (Norcross & Karpiak., 2017). Alternatively, others contend that the need to clearly define expertise is a moot point, highlighting that the aim is not definition but performance improvement (Fadde, 2010). In this vein, others suggest that the development of expertise is not an end in itself and that developing expertise is a lifelong quest, is never mastered, and that ultimately the journey towards expertise is what counts (Nunn, 2008, as cited in Turner et al., 2012). Further still, others argue that even with a clear definition of expertise there would be difficulty in distinguishing what expert performance looks like – in contrast to novice performance - in order to evaluate and develop it (Bohle-Carbonell et al., 2015, Hill et al., 2017).

Despite these concerns, however, Ward et al. (2018) have helpfully and comprehensibly conceptualised expertise and, of relevance to this study, drew a distinction between defining expertise in relation to performance improvements in areas which can be, (a) reduced to single tasks, (b) measured, and (c) simulated, easily (*routine expertise*) with those areas which are, (a) *cognitive* in nature, (b) complex, and (c) not easily measurable (*adaptive expertise*). This distinction can also be found across the broader literature where training for tasks which can be measured and simulated easily is referred to as routine expertise and is acquired through routine practice to develop procedural skills more effectively (Hatano & Inagaki, 1986, Tozer, et al., 2007). More recent work suggests that routine expertise is characterised by a focus upon developing the performance of functional tasks without error and is less concerned with, (a) innovation, (b)

adaptability, and (c) the acquisition of new knowledge or comprehension, typically seen in adaptative expertise (Mees et al., 2020). Furthermore, McMullen et al. (2020) suggest that routine expertise is comprised of knowledge, which is less interconnected, less transferable and is applicable only to tasks which are typical or common and is insufficient to resolve novel problems or situations. As such, routine expertise would therefore seem to offer a limited contribution to the, (a) always unique, (b) cognitively demanding, (c) socially complex, (d) highly dynamic, and (e) pressurised, process of giving evidence in court.

In relation to *adaptive* expertise, it has been suggested that this variant of expertise both evolves and speeds up the development of routine expertise which can be developed by routine practice, outlined above, and is also reflective of consistent performance in “unstructured situations” which, it is argued, distinguishes an expert from a novice (Tozer et al, 2007, p. 62). This type of expertise is also characterised by those who can effectively *vary* performance as appropriate to different environments (Cruickshank et al., 2018) and adapt their performance to the specific, non-routine, context, who seek to develop new knowledge, to learn, understand and inform the knowledge of the domain, or what has been referred to as “the rules of the domain” (Filho et al., 2016, p. 69). Indeed, recent research (McMullen et al., 2020; Mees et al., 2020) agrees that adaptive expertise is built upon routine expertise and that the two share some common features. However, they suggest that the primary distinction between routine and adaptive expertise is that adaptive expertise is distinguished principally by the ability to apply interconnected knowledge in an *innovative* and *flexible* way to generate original and creative solutions to novel situations.

Within this context, my thesis suggests there is a value to this thesis in adopting a clear definition of expertise. This will provide focus for the next stages of inquiry and provide clarity to what is trying to be achieved, which is the development of police officers giving evidence in court

to better meet the needs of ‘the moment’ when giving evidence and adapt and apply their skills to that need. As a result, and based on the distinction made between routine and adaptive expertise, the definition of adaptive expertise proposed by Suss and Boulton (2019, p. 767) will inform the next stages of this thesis and describes an individual with this type of expertise as being able to: “Adaptively apply one’s skills, knowledge, and attributes to novel and complex (e.g. uncertain, time-pressured, dangerous) situations and environments”.

Based on the messages presented in this thesis thus far, it is clear that *adaptive* expertise and the ability to consciously vary performance as appropriate to novel environments (Cruickshank et al., 2018) may benefit the Police. Indeed, research by Bohle-Carbonell et al. (2015, p. 5) suggests that those who are able to develop adaptive expertise are more able, “Not to rely on their automatic processes; when this happens, they can “slow down” and make conscious efforts to deal with the problem.”

In sum, the requirements for police officers giving evidence in court seem to have coherence with developing *adaptive* expertise. As a result, all mentions of expertise from this point in my thesis should be read as referring to ‘adaptive expertise.’ Before potentially committing to this approach in full, however, it is critical to explore precisely *why* such a focus would be adopted instead of a sole focus on developing competence through competency-based assessment. As such, the next section details the advantages that an expertise focus has over a competence/competency focus for best training police officers to give evidence in court.

5.7 Advantages of an Expertise Focus for Training Officers to Give Evidence in Court

The advantages to the Police of adopting an expertise focussed approach to training police officers to give evidence are now described in the following section, which contributes to understanding expertise in the context of my main theme of giving evidence in court. More

specifically, the advantages relate to the following intertwined aspects: (a) the emphasis of expertise on cognitive skills, (b) the emphasis of expertise on declarative knowledge, and finally, (c) the emphasis of expertise on lifelong learning.

5.7.1 The Emphasis of Expertise on Cognitive Skills

So far, my thesis has highlighted the cognitive emphasis of expertise as being of particular relevance to this thesis and within the literature on expertise there was broad agreement found that a particular feature of expertise, which distinguishes it from competence, is the aforementioned *cognitive focus* (Fadde, 2010., Olsson., 2016). Moreover, it was seen that, (a) adaptability, (b) flexibility, and (c) consistency, of performance, are key cognitive components (Suss & Boulton, 2019). Those who possess expertise were seen to be characterised by an ability to act and think flexibly in novel situations and to recognise features, cues, and patterns “not noticed by novices” (Tozer et al., 2007, p. 58). In addition, these characteristics appear to be underpinned by the consistent ability to, (a) make decisions with limited information, (b) to solve problems, and (c) to be comfortable with uncertainty. (Tozer et al., 2007., Collins et al., 2015).

Examples of the mainly cognitive characteristics found in those individuals who possess a level of expertise and seen in the literature more broadly are provided by Tozer et al. (2007, p. 58) who outlined several characteristics possessed by experts:

- Experts recognize features and patterns that are not noticed by novices.
- Experts organise content knowledge around central ideas, which guide their thinking about certain situations.
- Experts appear to be able to ‘chunk’ together related pieces of information, thereby enhancing short-term memory and decision-making.
- Experts are able to retrieve knowledge effortlessly.

- Experts display different degrees of flexibility in being able to adapt and attend to novel situations.

Importantly, those who possess expertise were distinguished not by their *acquisition* of such characteristics but by the ability to *act* upon them (Tozer et al., 2007) and apply or transfer the characteristic appropriately to dynamic and complex situations (Suss & Boulton, 2019). More recent work by McMullen et al. (2020) suggested that those who possess expertise are also able to build disparate pieces of knowledge into an interconnected and fluid base of domain-specific knowledge, which they are able to transfer or apply to novel or uncommon situations. Mees et al. (2020) expand upon this when discussing adaptive expertise in particular and suggest that key cognitive skills of those who possess adaptive expertise are the ability to, (a) comprehend and anticipate, (b) situational awareness, (c) the ability to innovate, and (d) a desire for acquiring new knowledge.

Typically, those seeking to develop expertise also highlight the cognitive skills of, (a) pattern recognition, (b) anticipation, (c) situational awareness, (d) prediction, and (e) decision making, as key features of those who possess expertise (Fadde, 2010). Expertise then appears to be a collection of largely cognitive characteristics and skills underpinned by a substantial and appropriate knowledge base and which coalesce around consistently making innovative, adaptable and flexible decisions under pressure in new or novel situations, underpinned by a desire for personal growth.

Contrary to this approach, my thesis found that the competency approach to learning being used in the Police is based upon developing objectively measurable and observable competence, known as FOC (COP, National Policing Curriculum, 2018) in the *generic* role of a Police Officer. This thesis, however, suggests that a more expertise focussed approach is needed to advance

performance in the *specific task* of giving evidence in court. This approach is different to developing competencies in that typically developing expertise has a greater cognitive focus and is more time consuming (Fletcher, 2017; Smith et al., 2019). Developing competencies, whilst quicker, is focussed on a *minimum level* of acceptable performance, on what the students *know* and are able to *do*, and with standardised expectations which are assessed via observable behaviours covering a comprehensive range of *physically observable* and *measurable* skills (Collins et al., 2014; Cruickshank et al., 2018; Green et al., 2010).

Given the emphasis of competence on a minimum, standard level, of performance, there is a view within literature that this is the ‘starting point’ on a developmental continuum from the level of novice up to a more advanced, expertise-based stage of professional development (EI-Abd, 2019; Fletcher & Maher, 2014) and is more associated with novice performers (Fadde, 2010). From this perspective, expertise can provide the *additional* benefit of delivering further, and more consistent, improvements in performance over time (Cruickshank et al., 2018).

What this suggests for future practice is that the development of a physical and measurable foundation of competence can be a useful springboard from which to develop a more, (a) flexible, (b) task-specific, and (c) *cognitively*, based regime, for improving performance within the specific task of giving evidence in court; an approach which has support within the performance literature (Hager and Gonczi, 1996). Indeed, it is a feature, some may say a weakness, of competence that it is generic and comprehensive, sometimes ‘fuzzy’ (Collins et al., 2015) and does not necessarily transfer well into those more dynamic and complex areas which require a detailed, clear and precise, task-specific approach.

In these circumstances, the specific advantages to the Police of developing expertise is that expertise is typically associated with the delivery of consistent, longer term performance

improvements and a commitment to learning and growth than developing competency. Furthermore, expertise is considered better suited to unpredictable and hard to measure ‘low validity’ environments, like Policing and has a more substantial empirical base (Cruickshank et al., 2018, Suss & Boulton, 2019).

The specific *cognitive* emphasis of expertise focussed training has particular relevance to my thesis, as a police officer’s professional judgment and decision-making abilities have been shown in this thesis to be an important element of an effective performance when giving evidence, especially when under cross-examination. Indeed, professional judgement and decision making, known as PJDM, is considered by some to be an important part of *any* performance development, education, or training, where practitioners have to make continual choices from a multitude of options about the way to act (Cruickshank et al., 2018; Smith et al., 2019). Such an approach is also in alignment with the College of Policing (COP), who aspire to expertise within policing and with the findings from this thesis which revealed the importance of the *cognitive* requirements of giving evidence (see Chapters 2,3 and 4).

In summary, a competence and competencies focused approach is unlikely to prepare police officers to give evidence in a way which meets contemporary expectations of them in court. In particular, the specifically *cognitive* demands of giving evidence such as, (a) dealing with anxiety, (b) anticipation, (c) listening, and (d) regulating emotions, when under the pressure of cross-examination, require the kind of cognitive flexibility outlined in this thesis (see Chapters 2,3 and 4). This type of specificity of need and cognitive focus appears more suited to the expertise-focussed approach outlined above whose cognitive focus provides the Police with advantages over a purely competence-based training system. Key advantages of this approach are the ability to

typically deliver, (a) consistent, longer term improvements, in cognitive performance, and (b) a commitment to learning and growth (Mees et al; 2020; McMullen et al; 2020).

5.7.2 The Emphasis of Expertise on Declarative Knowledge

To optimise performance in giving evidence in court, there is also a pressing need to integrate and re-balance the procedural knowledge typically associated with competence with a different kind of knowledge, more usually associated with *cognitive* development, and which has long been seen as a characteristic of, expertise (Williams & Davids., 1995). Knowledge of this type is known as declarative knowledge and is emphasised within expertise focussed training (Hu et al., 2020; Nash et al., 2012; Olsson et al., 2016). It should be noted however that declarative knowledge is not the sole constituent of expertise, an individual possessing high levels of expertise may simultaneously possess substantial declarative, tacit (experiential) and procedural knowledge and that it is the *domain specific* knowledge possessed and the experience to *use* it that matters (Hill et al; 2017; Nash et al; 2012). As such, the key point here is that to perform effectively in the type of challenge that giving evidence presents, individuals need to have an appropriate *balance* of all different types of knowledge (rather than being strong in some and deficient in others).

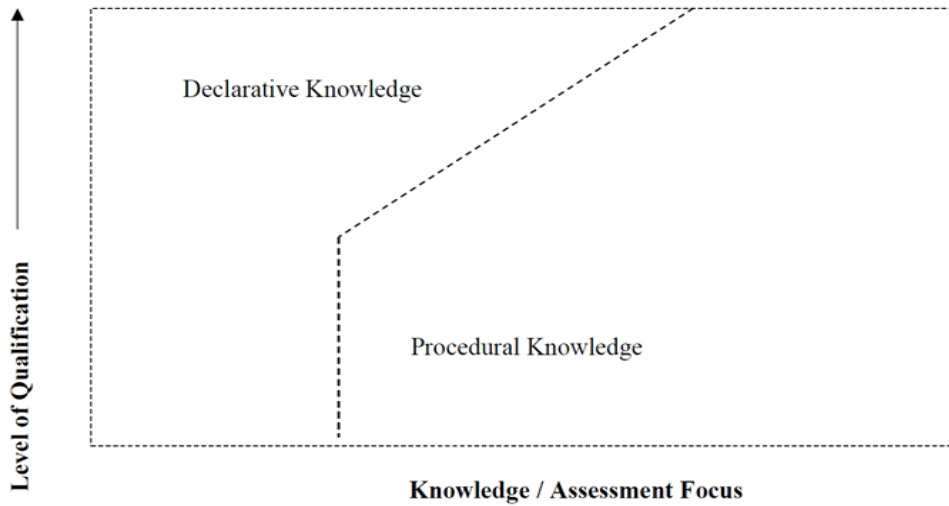
Understanding the need to balance declarative and procedural knowledge together with relevant experience such as that suggested by Nash et al. (2012) is useful to the police in the context of giving evidence in court. Developing a shared understanding that procedural knowledge can form a bedrock or springboard of knowledge, from which trainees are able to move incrementally and progressively onto a continuum to expertise, whilst gaining in parallel, sufficient tacit and declarative knowledge (Sturmer, 2013), may be beneficial to the development of future police training. One possible reason why expertise focussed training places an emphasis upon (declarative) knowledge is that it typically develops, (a) understanding, (b) comprehension, and

(c) an ability to perform innovatively, effectively, flexibly and consistently, in the “grey” or the ‘low validity’ areas mentioned above (Olsson et al., 2016).

Furthermore, within expertise-based literature it was seen that training to develop the (a) innovation, (b) flexibility, and (c) consistency, outlined required an incremental emphasis upon declarative knowledge to facilitate the development of such characteristics progressively (Cruickshank et al., 2018; Nash et al., 2012). When training expertise, a student’s declarative knowledge can be situationally broadened and deepened by the acquisition of new and fresh knowledge which can be retrieved to suit novel situations by the use of cues which trigger the release of small amounts of information, this is then applied or transferred ‘in the moment’ to the particular circumstance (ten Berge., 1999).

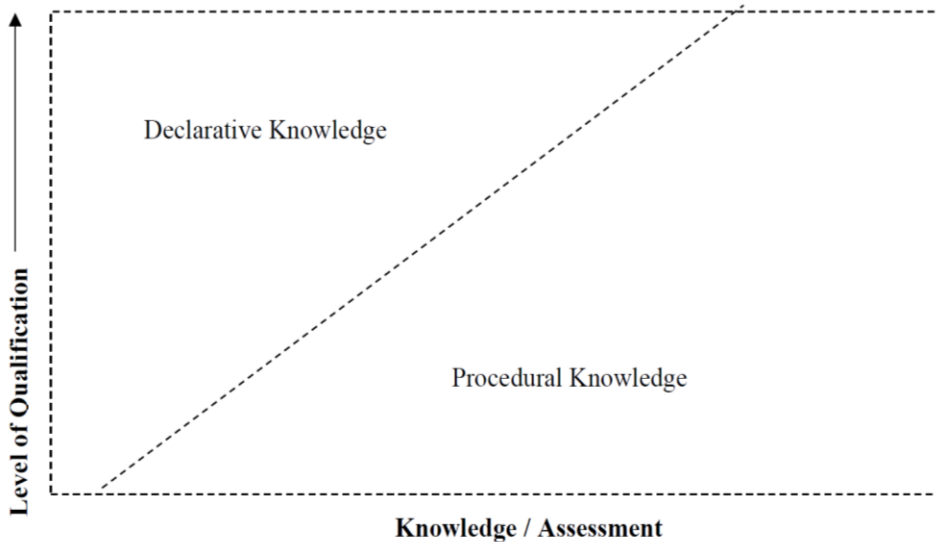
To assist in understanding the appropriate balance of procedural and declarative knowledge needed to affect consistent performance improvements over time and the difference in emphasis between a competency based or expertise focussed approach, Olsson et al. (2016) provides two useful diagrams which are reproduced in Figures 5-1 and 5-2 below.

Figure 5-1. Typical distribution between declarative and procedural knowledge, reflecting a more competence-oriented approach.



Adapted from “Making Mentoring Work: The Need for Rewiring Epistemology” by, Olsson, C., Cruickshank, A., & Collins, D. (2016), *Quest*, (DOI: 10.1080/00336297.2016.1152194)

Figure 5-2. Typical distribution between declarative and procedural knowledge, reflecting a more expertise-oriented approach.



Adapted from “Making Mentoring Work: The Need for Rewiring Epistemology” by, Olsson, C., Cruickshank, A., & Collins, D. (2016), *Quest*, (DOI: 10.1080/00336297.2016.1152194)

It can be seen in Figure 5:1. that the development of declarative rich knowledge usually only occurs as the student progresses *out* of the competency phase and up the scale of qualifications gathering tacit knowledge as they progress. However, it is Figure 5:2 which has congruency with the findings of this thesis and which recommends emphasising declarative rich knowledge much *earlier* in a police officer's career by integrating at least some of the *cognitive* concepts of expertise into initial police training and then developing expertise repeatedly and progressively throughout the rest of a student's career, as their declarative and procedural knowledge build up in parallel.

Knowledge such as that found in police training and developed by the mechanism of competencies, concentrates upon the, (a) technical, (b) practical, (c) common, and (d) routine, aspects of the domain, and is known as procedural knowledge (Olsson et al; 2016). This is typically associated with a desire to develop a standardised, measurable competence and to learn *How* to apply accepted, (a) rules, (b) procedures, (c) routines, or (d) drills (Hu et al., 2019; Olson et al., 2016). Knowledge such as this is referred to by some as 'knowing *how*', whereas expertise focussed, declarative, knowledge is differentiated from this and is referred to as 'knowing *that*' or 'knowing *why*' (Hu et al., 2019, p. 163; Leyva, 2018).

Typically, declarative knowledge is distinguishable from the procedural knowledge developed using competencies by its *cognitive* focus and the aspiration to develop a deeper understanding of the specific context, purpose and performance options within the given situation, such as giving evidence in court. Knowledge of this type, develops understanding and comprehension of *why* something is done or *why* it is *not* done and allows the student to develop options and to gain familiarity and comfort with a lack of certainty and to transition into dealing more effectively with the "shades of grey" (Olsson et al., 2016, p. 5).

Declarative knowledge can also be distinguished from the more procedurally focused knowledge typically acquired via competencies in that, those with declarative knowledge are characteristically associated with an ability to, (a) verbalise, (b) describe, and (c) discuss, underlying principles, rules and facts from the domain (Hu et al., 2019; Leyva, 2018). Furthermore, those with better developed declarative knowledge are considered by some to be able to recognise and interpret patterns and solutions in complex situations and to effectively apply and transfer their knowledge into these situations, rather than display a particular behaviour or execute a specific or otherwise complex movement in a largely stable and predictable context (Sturmer et al., 2013). This is a situation sometimes described as an ‘intellectualist strategy’ (Leyva, 2018, p. 138) in that this distinction separates knowledge from skill (Hu et al., 2019).

Developing declarative knowledge in the progressive way outlined above is advantageous to the Police in that it can build upon an already existing procedural and behavioural foundation, help to develop an additional but complementary cognitive ability to reason, predict, verbalise and make sense of new or novel situations (Heilman & Miclea., 2015) and has been described as a practitioners’ ”professional vision” (Sturmer., 2013, p. 469). This potentially makes it more advantageous in the complex, dynamic and uncertain setting of giving evidence in court (and policing in general) than an over-represented focus on developing procedural knowledge and the ability to perform routine physical tasks or complex movements (Sturmer et al., 2013).

In view of the demands of giving evidence in court (see Chapters 2,3 and 4) it is apparent that officers, when under the pressure, may benefit from the kind of declarative knowledge, understanding, comprehension, reason and the ability to perform innovatively, effectively, flexibly and consistently in the “grey” or the ‘low validity’ areas mentioned above (Olsson et al., 2016). Moreover, giving evidence in court is less of a physical activity than undertaking complex physical

movements or performing specific physical routines as outlined by Sturmer et al. (2013). This suggests that possessing *additional* declarative knowledge may be more advantageous to police officers in the courtroom than possessing *only* the type of procedural knowledge and behaviours more associated with competencies (as outlined above).

Ultimately, the advantages to developing declarative knowledge in the Police seem to coalesce around the basis that it provides the best opportunity to acquire cognitive skills and deploy the best behaviour at the best time for the best purpose, which seems particularly suited to the performance demands of giving evidence (see Chapters 2,3 and 4). Specifically, skills such as, (a) pattern recognition, (b) anticipation, (c) situational awareness, (d) prediction, and (e) decision making, are key features of those who possess expertise and are also skills which require a developed body of declarative knowledge (Fadde, 2010). Moreover, declarative knowledge provides the Police with the advantage of being able to advance the ability to, (a) reason, (b) verbalise, (c) understand, (d) comprehend, (e) make sense of the situation at hand, and (f) to consider and transfer, options for new and novel situations (Mees et al., 2020). Furthermore, developing declarative knowledge is associated with, (a) innovation, (b) flexibility, (c) consistency overtime, and specifically, (d) a commitment to lifelong learning (Suss & Boulton, 2019).

5.7.3 The Emphasis of Expertise on Lifelong Development

So far, this chapter has revealed the need to promote an *additional* expertise-focussed approach to raise the performance levels of police officers giving evidence in court, and that this may require a set of cognitive skills and sub-skills underpinned by significant declarative knowledge. One other advantage of this approach is that a key characteristic of people who work towards and possess expertise (as defined in the way above) is a commitment to continued, lifelong learning (Bohle-Carbonell et al., 2015; Cruickshank et al., 2018; Nunn, 2008, as cited in Turner et

al., 2012, Suss & Boulton, 2019). Usefully, a commitment to lifelong learning meets an aspiration of the College of Policing for continued development throughout an officer's career (COP, as cited in Holdaway, 2017) and encourages both individuals and the system to keep developing after they have acquired the initial 'minimum' standards.

Within literature there is a general consensus that a noticeable feature of those who possess expertise is a desire and an ability to learn from experience, by being able to think differently in new or novel situations and to subsequently think about the way they think, and feel, about their experiences (Mees et al., 2020; Sternberg, 1995; Quirk, 2006). From this process new knowledge, solutions and learning can be created which provide the opportunity to continuously learn and refine the skills required to practice effectively, throughout a professional lifetime (Quirk, 2006). This has the advantage of being able to break through what has been described as the "thinking ceiling of competence" (Cruickshank et al, 2018, p. 1).

The ability of those pursuing an expertise-oriented goal to endlessly think, and reflect on how they think, referred to in the literature as metacognition, is a key feature of lifelong learning, and is considered to reflect a higher order way of thinking (Hidayat et al., 2018; MacIntyre et al., 2014; Mees et al., 2020; Sternberg, 1999). Furthermore, metacognition is a key element of both routine expertise and adaptive expertise (Mees et al., 2020; Sternberg, 1999). Those who possess metacognitive awareness are typically able to balance the benefits and drawbacks of a given situation and respond flexibly whilst being able to engage in reflective assessment of their own understanding to promote professional development (De Arment et al., 2013).

This is a different process than that found in competencies, which are typically more concerned with an ability to achieve an objective and measurable standard by which a domain can improve and be held accountable or to complete a task or complex physical movement well, rather

than to think about thinking or to think about feelings. Ultimately, the use of competence and competencies promotes the aim of achieving a specific outcome and of accountability (Quirk., 2006). Competence, or at least competency-based training, appear to place less emphasis on thinking about thinking and instead focus on observing and measuring standardised and objectively assessed behaviour which can be attained by all those being trained (Cruickshank et al., 2018; Quirk, 2006). A disadvantage of this, is that achieving competence can become a static accomplishment which lacks the dynamism or progression needed for lifelong improvement (Quirk, 2006) and can lead to the” thinking ceiling” referred to by Cruickshank et al. (2018, p. 1).

Conversely, the underpinning philosophy behind expertise is to reveal specific skills which assist an *individual* to improve, continuously and progressively, in specific whole task performance to continually reach – and push beyond – their full potential (Cruickshank et al., 2018, Fadde, 2010; Norcross & Karpiak., 2017; Nunn, 2008, as cited in Turner et al., 2012). The extent to which individuals can, adapt, create new knowledge from novel situations, and advance performance in this way, is also termed capability within the literature (Cruickshank et al., 2018, Quirk, 2006).

Given the generic nature of police competence and its lack of focus on giving evidence, it seems unlikely that current approaches to training are optimal in their efforts to meet the contemporary expectations of police officers (as revealed by the previous chapters) or provide officers themselves with sufficient cognitive skills and declarative rich knowledge and understanding to prepare properly to give evidence – and then perform – as effectively as they potentially could. In view of this, officers leaving early years training may benefit from *additional* and progressive task-specific training throughout their careers focused on their *individual* needs at the time, in the way seen in other domains (Cruickshank et al., 2018; Filho et al., 2016). This type

of learning is a feature of the development of expertise, key components of which are, (a) personal growth, (b) original knowledge development, and (b) continuous learning (Cruickshank et al., 2018, Fadde; 2010; Norcross & Karpiak., 2017; Nunn, 2008, as cited in Turner et al, 2012).

In summary, there are several key advantages to developing expertise over and above competence to promote lifelong learning and develop metacognitive awareness. Specifically, developing expertise, (a) encourages trainees to break through the ‘thinking ceiling,’ (b) the development of declarative knowledge by building expertise has a stronger empirical basis, (c) is better suited to complex environments, and (d) is a more *individual* way to learn. Additionally, developing expertise provides an evidence-based way for trainee police officers to become the best they can be rather than to achieve a static, measurable and objective standard (Cruickshank et al., 2018., Fadde., 2010., Norcross & Karpiak., 2017; Quirk., 2006).

5.8 Summary of the Main Messages and Next Steps for the Thesis

Within the context of my whole thesis, the primary purpose of the present chapter was to focus on exploring and establishing options to underpin the development of a Performance Improvement Framework (PIF) as a mechanism to advance and promote performance, as suggested in Chapter 4. In other words, before the content of future training and development programmes are designed and deployed in the Police (i.e., through a PIF), it was essential to consider what such provision was ultimately trying to achieve. More specifically – and reflecting two dominant approaches to training and development in other performance domains to date – it was essential to consider the extent to which future training and development programmes should be underpinned by a pursuit of *competence*, or a pursuit of *expertise*. Indeed, this distinction is particularly important when it comes to performances that have significant, (a) cognitive skill, (b) declarative knowledge, (c) career-long/role-specific requirements, and (d) take place within

complex and dynamic environments (Hatano & Oura, 2003; Suss & Boulton, 2019). Reflecting this point, a major contribution of this thesis so far has been the finding that the cognitive, declarative, and career-long/role-specific aspects of giving evidence in court are critical to performance and outcome, but, have thus far, been overlooked or under-emphasised in formal police training and preparation.

In this respect, this chapter has outlined that one of the advantages of pursuing expertise-based training is the potential to enhance police officers' cognitive skills. As discussed above the types of cognitive skills which are amenable to development in this way coalesce around the skills of, (a) pattern recognition, (b) anticipation, (c) situational awareness, (d) prediction, (e) decision making, (f) adaptability, (g) flexibility, (h) dealing with anxiety, (i) listening, and (j) regulating emotions.

As well as the cognitive demands of presenting evidence in court, another reason to consider the distinction between a pursuit of competence or expertise relates to the type of *knowledge* required to perform optimally. In this respect, my thesis has shown that presenting evidence in court requires much more than 'knowing the process' indeed, a major finding has been the need to perform adaptively and flexibly in the face of significant and shifting demands. As such, decisions on whether to pursue competence or expertise also need to be considered against the need for police officers to build a high level of declarative knowledge (i.e., knowing *why* to perform a certain way; and *why not* another way), as well as procedural knowledge (i.e., knowing *what* to perform). In sum, it was essential to consider what both competence and expertise 'offer' with respect to the types of knowledge that they promote, in order to make recommendations that can provide optimal impact on the future performance and outcomes of police officers giving evidence in court.

Within the relevant literature there is some agreement that expertise is an advanced version of competence, is committed to continual personal growth, takes time to develop and is supported by substantial declarative rich knowledge, expert-novice research and underpinned by a focus on the development of task specific cognitive skills. Whilst competence and expertise share many similar features expertise is distinguished principally by, (a) the breadth of the learning, (b) the time taken to acquire expertise, (c) the focus on cognitive skills, and importantly, the commitment to (d) adaptability, flexibility, innovation, and (e) a philosophy of individual long-term growth (Bohle-Carbonell et al., 2015; Cruickshank et al., 2018; Nunn, 2008, as cited in Turner et al., 2012; Suss & Boulton, 2019).

A key message emanating from this chapter is that any move to develop expertise, in the Police, must be focussed first, upon developing the cognitive characteristics of expertise seen in those considered to have expertise and second, developing a substantial declarative rich knowledge base to complement the largely procedural base being delivered by the training to competence currently being offered. An important distinction therefore between competence and expertise for my thesis is, (a) the *cognitive* focus of expertise-based training, (b) the focus on thinking skills, and (c) the development of a philosophy of long-term individual growth.

Against this background the remainder of my thesis is structured around *how* the Police may develop these cognitive characteristics as they apply to giving evidence in court. In light of this, my thesis now moves to consider *how* the police may advance an expertise-based approach to gain the performance improvements required and looks in more detail across other domains at suitable instructional systems and appropriate mechanisms to deliver the training required.

To begin, the next chapter considers the findings from Chapter 5 against the principles of an instructional system to develop expertise, known as expertise-based training (XBT), to further

inform the potential development of a PIF and advance and promote the performance of police officers giving evidence in court. In doing so, Chapter 6 starts with a consideration of the underpinning principles of XBT against the context and findings of this thesis so far, before reviewing the application of XBT in other domains to reflect on what may be learned from that experience and what might be done next to advance the performance of police officers giving evidence.

Chapter 6: Expertise-Based Training: Aligning with Key Principles and Learning from Others

6.1 Introduction

The preceding chapter suggested that the Police consider implementing an expertise based (XBT) approach to training police officers to give evidence in court. For recruit officers, the XBT approach is something that can be integrated into existing training schemes whilst for more experienced officers, i.e. those who have completed basic training, the Police face the bigger challenge of integrating XBT into existing provision and developing new training mechanisms. Against this background, the aim of any future development must be the creation of training mechanisms which are, (a) appropriate for integration into existing recruit training, (b) suitable for the long-term needs of more experienced officers, and (c) available consistently and progressively throughout an officer's career.

It is clear from the literature that, the Police are not alone in looking towards expertise to advance performance and important lessons may be learnt from other domains. For example, medicine, the military, and avionics industries are considering many of the same issues (Ward et al., 2019). Similarly, those involved in athletic coaching, training, education, outdoor leadership, and psychotherapy are developing their own, domain specific, approaches to developing expertise (Hill et al., 2017; Neibert, 2009; Mees et al., 2020; Norcross & Karpiak, 2017; Olsson et al., 2016; Tozer et al., 2007). Comparable approaches have also been seen in the teaching of mathematics to young children, in the development of business leaders in Pakistan and in the circus (Filho et al., 2016; Hanif et al., 2020; Sancar-Tokmak & Incikabi, 2013). In view of this, learning lessons from – or comparing potential approaches with – other industries may well prove beneficial to the Police, and was recommended early in this thesis (see Chapter 2).

A common feature of these examples is that they all comply with the first central principle of XBT in that they are grounded within XBT research (Fadde, 2010), a feature that will be considered in full in the next section. With this in mind, XBT has been suggested as a credible and flexible option for developing police performance (see Chapter 5) and one that has some support in the available literature (Cruickshank et al., 2018; Fadde, 2010; Sancar-Tokmak & Incikabi, 2013; Suss & Boulton, 2019). Against this background the current chapter addressed Objectives 3 & 4 of this thesis.

6.2 Aims

The aim of Chapter 6 was to provide a bridge between the identification of expertise as an *additional* training focus for police officers giving evidence in court and the development of a coherent, achievable, and sustainable framework to guide performance improvement. In view of this, the next section now moves to consider the general principles which underpin expertise-based training (XBT).

6.3 Principles of Expertise-Based Training

6.3.1 General Principles

To explain XBT more fully, Fadde (2010) usefully explains how the theory of XBT emerged from research into the expert-novice paradigm and the desire to isolate – by research - specific tasks within a whole performance. One of the advantages of this approach, which Fadde refers to as an instructional design theory, is the ability of those designing instructional systems to isolate specific tasks for development, within the whole task and which require cognitive skills typically associated with expertise. Typical cognitive skills highlighted for development include (a) pattern recognition, (b) anticipation, (c) prediction, (d) emotional control, and (e) decision making. Once specific tasks are revealed and isolated Fadde argues that they are then amenable to

targeted, part-task, cognitive training. This increases the efficiency of both the training delivered and how the training can be designed or redesigned to grow expertise more quickly.

Underpinning this theoretical approach to delivering expertise are three central principles of XBT.

1. Key cognitive sub-skills that underlie expertise and expert performance can be revealed through expert-novice research.
2. Instructional activities can be designed, often by repurposing expertise-novice - research tasks, to systematically train key cognitive sub-skills of expertise.
3. Targeted training of key cognitive skills can hasten learners along their individual paths to expertise. (Fadde (2010, p.180)

Turning now to the possible future development of XBT in the Police, one of the strengths of the XBT approach is that it has been successfully used, and for some time, across a range of other domains. In view of this, the next section moves to consider in more detail the general principles which underpin (XBT) and this is done in two stages. First, the next section considers the findings, so far, of this thesis against the first principle of XBT to reveal the extent of the inroads into this principle - within the police context- made by this thesis. Second, the section considers the second and third principles of XBT within the context of making an immediate and then enduring impact upon police performance.

6.3.2 Reflecting Against Fadde's First Principle: Inroads Made by this Thesis

The distinguishing feature relevant to this thesis of Principle 1. is that it is not exclusively concerned with developing initial knowledge or skill but is intended to develop beyond this and assist the student to progress or transition towards expertise. To achieve this, the focus is on the

development of relevant aspects of expert performance to distinguish them from less expert performance by undertaking expert-novice research.

It is a key feature of this stage of development that the domain in question, in this case policing, need to establish a credible foundation of expertise-based research either by conducting domain specific expertise-based research or by locating existing research within other domains. This allows those charged with designing appropriate instructional systems to draw from the lessons revealed by domain specific research and to learn from other domains. Fadde (2010) contends that this practice allows designers to identify and isolate the benefits and advantages of developing a *part-task* and *specific* performance skill within a whole task and to distinguish more clearly between novice and more expert performance. It is the *specificity* and *precision* of isolating key part-task skills within a whole performance and then distinguishing, by research, the benefits to performance that developing those skills can deliver, that is a key feature of the XBT approach.

To achieve the ambition of this principle, the Police first need to acknowledge the value of the XBT approach and actively promote its use to advance performance. This would require a change of mindset and a recognition of the issues raised in previous chapters (see Chapters 2,3,4 and 5) and can be facilitated if the Police use the limited, but police specific, research available to them as a foundation from which to build more domain specific expertise-based research.

To underwrite this, my thesis has already made significant inroads into the development of Principle 1. by providing research which has revealed relevant tasks and part-tasks together with the appropriate skills and sub-skills required to produce a more expert whole-task performance. My thesis has revealed key moments (Fadde, 2010) within the performance of giving evidence when expert advantage may occur such as, (a) when being cross-examined, (b) giving evidence in

chief, or (c) when an officer's integrity is challenged in court (see Chapters 2,3,4, and 5). These are described in more detail below.

Furthermore, my thesis has done much to identify the individual skills required in such moments and those skills which require further development. Specifically, my thesis revealed the need to develop the cognitive, behavioural and aesthetic skills needed to give evidence effectively such as, (a) pattern recognition, (b) anticipation, (c) impression management, and (d) the regulation of negative emotions when in court (see Chapters 2,3 and 4). This provides the Police with a solid foundation of knowledge and supporting literature, from which to corroborate and extend the findings of this thesis by developing detailed comparisons between novice practitioners and those considered to have expertise. This can support the Police in their understanding of how skills develop across levels and over time, throughout an officer's career, and may well generate the new knowledge needed to inform future instructional design.

However, while expert-novice research is clearly needed moving forward, this thesis has provided some initial insight into skills that seem likely to feature strongly. Indeed, within this context my thesis has revealed some of whole task requirements of giving evidence and has, in addition, revealed and isolated for development, several of the key cognitive sub-skills needed to perform part-tasks effectively (see Chapters 2,3, and 4). Reflecting on previous Chapters (2, 3 and 4), it has been a consistent theme throughout this thesis that *specific* and *targeted* skills and sub-skills are required to improve the quality of performance in court for police officers, over and above those needed to be an accredited police officer, as outlined in Chapter 5. It has also been a consistent theme that the focus of future developments should be on the cognitive aspects of giving evidence which underpin many of the key moments at court.

To illustrate this point, my thesis has identified several key moments which challenge officers *cognitively* and can impact upon the whole task performance of giving evidence (see Chapter 4). These are described below and fall under two themes:

Preparing to give evidence:

- The moment officers are *first* told they will be required to give evidence in court.
- How officers then prepare mentally to deal with the *anticipation* of giving evidence.
- How officers prepare themselves *on the day* of giving evidence.

Giving evidence in court:

- How officers cope with the demands of giving evidence-in-chief.
- How officers cope with the demands of being cross-examined.

To help officers to meet the demands of these key moments in giving evidence in court, my thesis has isolated key characteristics of an *effective* performance for police officers at both the behavioural and cognitive level and has exposed a series of organisational challenges which may affect an officer's performance (Table 5:1).

Beyond this my thesis can isolate specific skills and sub-skills such as, (a) regulating emotion, (b) cognitive flexibility, (c) managing anxiety, (d) case specific understanding, (e) clarity of delivery, (f) consistency, and (g) anticipation, within each of the key moments in more detail. A particularly relevant example of this is cross-examination. This specific activity has consistently been revealed as a key moment in the criminal trial when the specifically *cognitive* skills of an officer are tested (see Chapter 2,3 and 4). However, it is possible to further deconstruct this performance into key moments where expertise-based skills may be of benefit and which

demonstrate the need for the skills outlined in Table 5:1 and the value of the approach promoted by Principle 1.

Key moments in cross-examination begin with the instant an officer enters the courtroom and the impact of appearance on their credibility in the eyes of those watching, followed by more *cognitive* challenges such as their (a) ability to deal with the presence of an audience, (b) challenges to their integrity and competence, (c) how they regulate negative emotions, (d) their cognitive flexibility, and (e) how they listen effectively, anticipate, make decisions and understand their evidence (see Chapter 4 and 5). Cognitive factors affecting police performance in court are typical of the part-task skills being developed in other domains and outlined in this chapter. Comprising principally of the skills of (a) decision making, (b) pattern recognition, (c) anticipation, (d) emotional control, (e) adaptability, and (f) flexibility; they are all skills that are amenable to an XBT approach (Fadde, 2010).

Against such a background, my thesis recognised the need for expert-novice research in relation to giving evidence in court and has exposed several of the *cognitive* demands faced by police officers to perform effectively. Furthermore, this thesis has also found that this is a ‘here and now’ challenge for the police. Whilst future research is certainly needed, the Police also need to act on the *current* research rather than delay improvements which are needed now. Against this requirement, the next section moves to consider what the police might do with the information currently available to make the improvements needed sooner rather than later.

6.3.3 Impacting Police Officers’ Performance in Court NOW: Considering Fadde’s Second and Third Principles

Within the above context and the operational necessity to impact upon police officers giving evidence quickly, the Police may benefit from designing activities grounded within the

available research, which specifically develop performance in the key moments of expert advantage (Fadde, 2010) when giving evidence and when preparing to give evidence.

My thesis now moves to consider specifically the second and third of the principles outlined by Fadde (2010) beginning with how XBT activities may be devised, followed by a consideration of how such activities may be quickly integrated into existing systems to progress individuals along a continuum from novice to expertise.

6.3.4 Devising Instructional Activities

To develop the typical expertise skills revealed by this thesis, and needed by the Police, XBT developers and instructional designers across several domains have used a variety of activities. For example, in sport and law enforcement we can see the use of *video-based stimuli* and *gamified web-based systems* to develop some of the skills identified by this thesis as relevant to police officers giving evidence in court, such as, (a) pattern recognition, (b) managing anxiety, (c) anticipation, and (d) PJDM (Alder et al., 2016). Furthermore, the use of *problem-based learning* in which ‘real world’ situations can be considered in the classroom may prove beneficial in managing large cohorts of police officers to develop skills revealed as relevant by this thesis. This would include, (a) thinking skills, (b) creativity, and (c) the ability to think beyond the limits of their particular domain, and find innovative, creative solutions to new dynamic and challenging situations such as the courtroom (Fadde, 2010; Gallagher, 2015; Suss & Boulton, 2019). Moreover, the use of *problem-based learning* can develop the declarative knowledge needed by police officers and the ability to, (a) discuss, (b) critique, (c) verbalise, and (d) articulate, their responses to novel situations and contribute to a constructive, not negative, organisational narrative (Kaslow, et al., 2007). *Problem-based learning* can also be a valuable contribution to developing police officers understanding of *why* they are at court and the expectations on them. In addition, scenario-

based learning of 'A' typical scenarios is also being used - for example in ASP and medicine - to develop expertise and develop the ability to address variability in practice. This may prove useful when under cross-examination (Cruickshank et al.,2018; Mylopoulos et al., 2018). Similarly, the use of role play has been found to be useful in developing the student's ability to, (a) manage situations, (b) pattern match, (c) make decisions, and (d) develop intuition (Smith et al., 2019).

Moreover, deliberate practice has the potential to work well within the existing police use of mock courtrooms and the HYDRA system of immersive learning, which is now in common use in the Police and in universities, including my own. HYDRA also provides an opportunity for structured and flexibility-based feedback which allows the students to, (a) reassess or reconsider their performance, (b) to establish what worked and what did not work and is found consistently within the literature (Ward et al.,2018). Within this approach training activity is focused specifically upon the student's *current* needs and their *proficiency* at the time. Known as Case Proficiency Scaling this activity stretches the student's abilities at particular points in their progression (Cruickshank, et al., 2018; Ward et al., 2018). Typically, this would be combined with complexity preservation, which uses training activities which have not been simplified, and which remain complex to enable students to learn how to deal with complexity or adapt to novel situations. When combined with reflective exercises this type of activity provides the opportunity to unlearn, change or to learn, new ideas and strategies and can contribute to developing, (a) metacognition, (b) continuous learning, and (c) a changing organisational narrative, in the Police (Cruickshank, et al., 2028; Ward et al., 2018).

The designing instructional activities aspect of the theoretical model proposed by Fadde (2010) comprises XBT activities that are both compatible with existing training and complementary to it. Something which Fadde describes as 'problem finding and problem solving'

(2010, p. 193). Such an approach can be seen in the examples of XBT activities described above such as *Case Proficiency Scaling* (Cruickshank, et al., 2018; Ward et al., 2018) and demonstrates the use of theoretical models combined with simulation and *active reflection* to both identify a development need and a proposed solution. A similar approach to instructional design can be seen in volleyball to develop players abilities to make decisions under time pressure, which had been isolated as a key moment of expert advantage. In addition to their normal training routine, researchers recorded a series of match videos which chronicled individual players behaviour outside of the normal match play followed by self-confrontation interviews with the players recorded (Macquet, 2009).

During the interview players were asked to comment on the behaviour seen and to actively reflect upon it (Macquet, 2009). This type of activity can develop the trainee's, (a) metacognitive awareness, (b) decision making, and (c) recognition, e.g. of relevant cues (Cruickshank, et al., 2018). These types of skills have been highlighted by this thesis as of benefit to police officers giving evidence in court and, in the case of metacognition, the development of lifelong learning described in Chapter 5. The use of cues has been highlighted recently by Smith et al. (2019) who supported the deliberate incorporation of *critical cues* into the anecdotes used by coaches during training, to expand more quickly the trainee's knowledge base. Interaction of this type, between the trainer and the student is a moment that some supporters of XBT suggest needs to become much more interactive (Cruickshank et al., 2018) and is an approach which can be combined quickly into current police instructional systems.

Combining complementary approaches is a key feature of XBT and one of the requirements for the Police, should they adopt XBT, would be the integration of expertise focused activities into existing training programmes to simultaneously enhance and complement them. Against this

background the following section describes how XBT may be integrated successfully into existing training programmes.

6.3.5 Integrating XBT into Existing Training Programmes

Integrating XBT into existing police training programmes should not be too problematic for the Police. Key elements of the XBT approach can be successfully integrated into existing programmes by adding part-task training incrementally into existing whole-task delivery and then recoupling or joining up again with the whole-task training, as programmes evolve over each training cycle (Fadde, 2010).

With the above context in mind, the approach recommended by my thesis is already under discussion with the course leaders within my own institution for the three routes into policing (see Chapter 5) and those involved in developing police education and training nationally in the National Higher Education (HE) Forum for Policing. It was apparent when considering the Police curriculum that key elements of the XBT approach are potentially straightforward to integrate and combine with the current programme (see Chapter 5). For example, integrating sessions comprising theoretical classroom discussion with video simulation activity and combining those with deliberate practice in a mock courtroom followed by observation in a real courtroom and a debriefing interview are all achievable, by designing, redesigning, and repurposing tasks to rebalance the procedural, tacit, and declarative input being delivered (see Chapter 5).

Whilst integration of discrete training activities may be straightforward, several longer-term questions remain to be considered. First, how can XBT be integrated into existing training for recruits sequentially and progressively over the 2 -3-year period of their initial training? Second, how can XBT be integrated into training currently being offered to mid-service officers and what additional training mechanisms need to be developed? Third, how can XBT be integrated into

training currently being offered to late-service officers and what additional training mechanisms need to be developed? Fourth, what specific disciplines within the Police and what groups within the Police may need more bespoke training to address a particular issue? (see Chapter 4).

The instructional activities discussed in the previous section can all be integrated into existing systems with some, such as the use of, (a) *critical cues*, (b) *problem-based learning*, (c) *'A' typical scenarios*, (d) *flexibility-based feedback*, and (e) *role play*, appearing to be straightforward to do. This can address some of the 'here and now' issues raised by this chapter. To address the longer-term need to progressively develop expertise over time a new instructional mechanism may be needed to guide both the design and implementation of future activities.

Against this background the integration of XBT into existing police training programmes appears to be an exercise in, (a) thinking, (b) planning, and (c) logistics, as the concept is not diametrically opposed to the current training system. Indeed, the use of XBT would *add* a distinct cognitive emphasis which would be complementary to it, as recommended by Fadde (2010).

To further inform the progression and integration of expertise in the Police, the following section now moves to build upon a recommendation made early in this thesis (see Chapter 2) and considers what the Police might learn from how other domains are successfully *implementing* and *using* XBT to improve performance.

6.4 How are Others Doing it? Lessons from Other Domains

In light of the findings described above, the next section moves to consider how an XBT approach might be implemented and some of the instructional mechanisms used in practice elsewhere which add clarity and structure to training, and which might direct activities to advance performance in the Police. It is important to the aims of this thesis to be able to, (a) demonstrate *how* police training might move to an expertise-focussed approach, beyond simply knowing

activities that may work, and to (b) demonstrate that such a move has benefits. To help to overcome any potential resistance to this, it is important that the Police are able to clearly see a mechanism which brings together a range of activity options and which provides a way for them to structure the progressive deployment and use of the relevant activities. It is also important for implementation that this can be done in, (a) an achievable, (b) flexible, and (c) understandable way.

This is a key concern; my thesis has found that in respect of giving evidence in court, there is a need for the Police to change, (a) their mindset, (b) the way they approach giving evidence in court, and (c) the way they learn about giving evidence in court (see Chapter 5). Moreover, it has proven difficult in the past for academic research to change the way the Police act which has hindered the implementation of potentially useful research. This has subsequently become the subject of academic debate (Bradley, & Nixon, 2009; Engel & Whalen, 2015). Indeed, this thesis has revealed that researchers have urged the Police to engage and collaborate with academics to promote and implement change (Suss & Boulton, 2019). Against this background, the next section briefly outlines several mechanisms used in other domains, to develop expertise, before focusing on a particularly relevant exemplar found within the circus.

There are numerous suggestions to be found within literature, across a range of domains, as to the most effective way to progress expertise, which has resulted in a variety of mechanisms being used to structure and drive the development of expertise. For example, within outdoor leadership a mechanism is proposed for progression through several stages of development comprising: (a) practice, (b) reflecting, (c) variation in practice, (d) thinking, (e) adapting, and (f) applying (Tozer et al., 2007). Within education, recent research proposed a rubric comprising the themes of: (a) habits of mind, (b) attitudes, (c) skills, and (d) knowledge, each subdivided into

markers of expertise covering a continuum from Novice, to Apprentice, to Practitioner, and then Expert (El-Abd, 2019).

Others in the commercial training field have developed their own mechanisms to deliver XBT and the cognitive characteristics associated with expertise. For example, the Shadow Box approach supported by Klein et al. (2018) or the concept of the Cognitive Fitness Framework proposed by Aidman (2020), composed of several stages of development: (a) foundational training, (b) advanced cognitive training, (c) mission ready training, (d) operational augmentation, and (e) recovery. Similarly, efforts to develop expertise in the circus have also concentrated upon identifying key performance themes and then breaking them down into critical tasks for specific targeted development (Filho et al., 2016). All these systems seem to share the same general principle of, (a) isolating the moment of expert advantage, and then, (b) targeting that moment for specific cognitive development.

In sum, the use of XBT can be seen across a range of domains from which the Police can learn and, incorporating such new knowledge into the training already offered by the Police would sit within the Fadde (2010) recommended approach. Within the circus domain a similar well thought out mechanism for developing expertise was found and is explored in the next section as a particularly relevant exemplar of the XBT approach.

Before considering the details of the circus approach, my thesis recognises some possibly obvious but none the less, key, differences between the circus context and the Police context, plus some similarities. To begin with, the circus performance is a predominantly physical activity whereas giving evidence is not - although it is recognised in Chapter 2 that physical positioning when giving evidence can be a factor in effective performance. It is also recognised that giving evidence in court for lengthy periods of time can induce fatigue. However, undertaking repetitive

or complex physical movements is not the focus of giving evidence. In addition, the circus performance is focussed on entertainment whereas policing is not.

Indeed, it is a recognition of these differences which is the attraction of the first element of the circus approach, in that, it is specifically developed to help practitioners to understand and adapt to the *context* within which they practice. The need for context specific, (a) adaptation, (b) variability, and (c) flexibility, in performance, has been one of several key messages emanating from this thesis, since Chapter 2.

Furthermore, the circus approach has a specific element within it which is concerned with engaging and performing for an audience, “learning to be on stage” (Filho et al., 2016, p. 71). The Police, in court, also have a stage i.e. the witness box and ‘an audience’ in the jury, to be credible and effective they must be believable (see Chapter 2). In short, they must display the, (a) behavioural, (b) cognitive, and (c) aesthetic, qualities which have been highlighted throughout this thesis. Given this requirement there is an attraction for the Police in a system which has as a key element ‘learning to be on stage.’

Moreover, this system is attractive for the Police context in that the bulk of the system is concerned with developing the specific technical and emotional skills needed to perform and dealing with the wider pressures of performance as well as the performance specific pressures. This gives the system a cognitive focus which has been revealed as a key requirement of a future police system (see Chapters 2,3,4 and 5). In addition, the circus approach addresses wider pressures which can impact upon ‘in the moment’ pressure of performance. This is a key consideration for my thesis which has revealed the way officers prepare to give evidence as a key factor affecting the performance itself (see Chapters 4 and 5).

Finally, the circus approach is attractive for the Police context given its underlying aspiration of professionalism. Being ‘professional’ when giving evidence was also raised by this thesis and whilst the construct is not defined, for police officer witnesses, it remains an expectation and an aspiration (see Chapters 2 and 3). Furthermore, an ambition to professionalism is a key driver behind the changes to police education and learning (see Chapter 5) and this has congruence with the circus and the characterisation of circus artists, “That they are professionals embarking on a potentially life-long career” (Filho et al., 2016, p. 70). Interestingly, the mechanism used to develop expertise amongst circus performers is comprised of several key areas – or performance themes - for the development of circus artists in the pursuit of expertise (Filho et al., 2016, p. 69). These themes are described below:

- contextual adaptation: Learning the “rules of the domain”.
- skill development: “Learning to be on stage”.
- development of technical skills.
- development of emotional skills.
- general performance pressures.
- discipline specific performance pressures.

In addition to this approach being attractive for the Police context it also has an advantage, in that, it can be closely mapped across to police officers giving evidence. Against this background, the circus approach to developing expertise appears to be particularly beneficial to this chapter. The key themes outlined above are now described and mapped against the findings of my thesis, including reflections on the steps required to achieve parallel levels of XBT in the police, in relation to giving evidence in court.

6.4.1 Contextual Adaptation: Learning “The Rules of the Domain”

So far, my thesis has described how police officers and police forces may tend to have a limited understanding of, (a) their role at court, (b) whose side they are on, (c) the consequential expectations of them in court, and (d) the impact of underperformance on confidence and legitimacy (see Chapters 2, 3, 4 and 5). Ultimately, this thesis has revealed a potential lack of a shared understanding amongst police officers and of what they need to do to perform effectively in court. In this respect, the Police can learn from the circus experience and how the concept of ‘learning the rules’ may be used to develop shared mental models and a mindset amongst practitioners that they are professionals, who will be required to perform in this way throughout a potentially lengthy career. The purpose of this approach is to balance the demands of the workplace and to prevent stress and burnout (Filho et al., 2016), something which has resonance for policing and current concerns for reduced well-being amongst officers (Basinska & Wiciak., 2013; Houdmont & Elliot-Davis., 2016).

As such, the key lessons for the Police are that they can benefit from developing, (a) understanding of the specific context of the courtroom, (b) the expectations placed upon them in that environment, and (c) the context specific way they are required to perform. Issues which are raised by this thesis in Chapters 2, and 4. Understanding the specific performance requirements of giving evidence can aid understanding of what is needed to *deliver* an effective performance and increase declarative knowledge. Moreover, the circus experience suggests that understanding of this type can contribute to the building of a shared mental model and an organisational narrative, which is not negative – in contrast to that found by my thesis, in the Police - (see Chapters 3 and 4) and can, instead, help officers to develop strategies which assist them to, (a) deal with the

demands of giving evidence, (b) manage their own well-being, and (c) build a sense of professionalism (Filho et al., 2016).

6.4.2 Skill Development: “Learning to Be on Stage”

Throughout, my thesis has taken an innovative stance and treated the giving of evidence in court as an individual human *performance*. Therefore, within the specific context of the courtroom, the ‘stage’ upon which police officers perform would be the witness box. Filho et al. (2016) describe how circus performers view the interaction between the performer and the audience as a key moment. The circus approach targets for development the skills necessary to *interact* and *perform* effectively on stage. Within the Policing context, Chapter 3 of this study revealed a series of factors which enable or challenge an effective performance when under cross-examination or giving evidence-in-chief, such as (a) controlling emotions, (b) aesthetics, and (c) confidence. For the Police, understanding when and how to deploy such characteristics appropriately may be assisted by ‘learning to be on stage.’

Moreover, for a police witness to be credible and believable they must not alienate the jury, or others in the court. To avoid this, when on ‘stage’ they must be, (a) polite, (b) charming, (c) warm, (d) calm, (e) confident, not arrogant, (f) well-presented, and (g) communicate clearly (see Chapter 2). Learning from the circus experience the Police can develop a better understanding of the effect of an ‘audience’ on the performance and how to develop a more effective ‘conversation’ between the police officer witness and the ‘audience’ (Filho et al., 2016).

6.4.3 Development of Technical Skills

Circus performers systematically *learn* how to transfer existing skills into new environments (Filho et al., 2016). So far, my thesis has found that within the Police this process of transfer may be much less planned and appears to happen by chance and intuition. This is shown

by the survey responses when officers drew upon, prior experience in other environments to help them in court, without prior knowledge or training on how to recognise this process or how do this effectively (see Chapter 4).

The Police can learn from the circus experience how the process of transfer between contexts and environments can be successfully achieved. Part of this learning in the circus was for circus artists to undertake and experience each other's roles something which can be achieved in the Police using activities such as *Role Play* outlined above. However, the key point for the Police in this context is that transferability of skills was *explicitly* considered and *actively* promoted and developed in the circus. In sum, transferability was part of the organisational discourse. Within the Police, my thesis has highlighted that this aspect of giving evidence in court was often left to chance, was not part of organisational discourse and indeed, did not appear to have been considered (see Chapters 3,4 and 5).

6.4.4 Development of Emotional Skills

Circus performers were helped to specifically develop their personal artistic identity, a process that Filho et al. (2016) described as being like the development of the cognitive - affective-behavioural state sought by athletes to enter their 'zone of optimal performance'. Within my thesis, emotional skills, specifically the regulation of negative emotions, have been repeatedly acknowledged as a key developmental requirement for police officers giving evidence in court (see Chapters 2, 3, and 4). My thesis has identified that when *preparing* to give evidence, the police officer respondents had received little or no training to find, recognise and enter their 'zone of optimal performance' (Filho et al, 2016), nor did they have a sense of who they are as a police officer or a common identity or clarity of purpose when appearing at court.

The lesson for the Police, is that this can be developed by appropriate training. In this respect, the circus experience shows that developing, in practitioners, a sense of who they are and why they are there can impact positively on performance. In the context of the Police my thesis has consistently raised the issue of police officers, (a) being unclear why they are at court, (b) sometimes not wanting to be there, and (c) a lack of clarity as to their role (see Chapters 3 and 4).

Translating this from the circus experience, suggests that police officers lack a sense of personal and professional identity in the context of giving evidence in court. For example, are they ‘professional’ witnesses or ‘citizens in uniform’? (see Chapter 3). This conflict can also be seen in Chapter 4 when some respondents were concerned about being challenged on the way they had performed their work - a professional challenge - and on their *personal* integrity, which was seen as a personal attack and therefore challenged their opinion of themselves. In turn, this may be contributing to the negative narrative towards giving evidence revealed in Chapters 3 and 4 and is a key point to be addressed.

For the Police, the circus experience suggests that developing mindfulness may be a way to, (a) manage these concerns, (b) reduce anxiety, and (c) improve performance. This might be achieved by developing in officers a sense of who they are as a police officer and a state of attention which is directed to the present and the performance demands, ‘in the moment’ (Filho et al, 2016, p. 72)

6.4.5 General Performance Pressures

Circus performers face both actual and perceived pressures when performing, from an audience, albeit a usually supportive one (Filho et al., 2016), and it is well known within those studying performance that the presence of an audience can affect optimal performance (Felz et al., 2008; Filho et al., 2016; Jamieson, 2010). Unlike circus performers, the Police officers in this

thesis, saw the audience in court i.e. The jury, the Judge and others in court, as overwhelmingly hostile – possibly influenced by the negative narrative outlined above - even though it was revealed that this may not always be the case in practice (see Chapters 3 and 4). Police officers can learn from the circus experience or indeed the athletic experience mentioned above, by developing techniques to maintain their focus and reach their ‘zone of optimal performance’ when giving evidence, rather than being distracted by the audience and other perceived or actual pressures (Felz et al., 2008; Filho et al., 2016; Jamieson, 2010).

A key lesson for the Police to take from the circus experience, is that, a balance is needed between attentional techniques which reduce or eliminate distraction and maintain focus and the absolute requirement for circus artists to perform *for* the audience, not just in front of the audience (Filho et al., 2016). Performing *for* the audience puts an emphasis upon engaging with them and is a key finding from the circus experience. In Chapter 2, of this thesis, it was seen that it was not enough to simply tell the court the nature of the evidence. Police officers must meet the behavioural, cognitive and aesthetic requirements of the courtroom. In sum, police officers must meet the expectations and demands of the courtroom audience and performing *for* the audience is a key part of that.

6.4.6 Specific Performance Pressures

In addition to the general pressure of performing *for* an audience, hostile or otherwise, the study into circus performers also recognised task-specific pressures and how ‘mental skills training’ (Filho et al., 2016, p. 73) can be used to mitigate such pressures. This approach can also be mapped across to policing and to the process of cross-examination specifically, which this thesis has repeatedly revealed as one of the key moments in a trial when officers may underperform. An interesting difference was noted at this point between the respondents to this thesis and the circus

performers in Filho's (2016) study in that *all* of the circus performers demonstrated some knowledge of (a) attentional control strategies, and (b) pre-performance routines, whereas the participants in this thesis demonstrated little knowledge or understanding of either.

Notably, the circus domain approached the development of performers and their inherent idiosyncrasies in different ways. There are lessons in this for the Police. My thesis has recognised that different groups of police officers may need bespoke training to address stressors inherent in a specific role or personal characteristic. For example, Chapter 4 highlighted this need for officers in certain roles such as Uniformed Operations (Specialist) or female officers possible lack of confidence. Furthermore, the circus approach revealed specific performance concerns and anxieties which need particular attention. For example, some circus performers had a fear of, (a) failure, (b) embarrassment, (c) making mistakes, and (d) feelings of isolation, during the performance. The same concerns have been found by this thesis in relation to police officers giving evidence in court (see Chapter 2 and 4). This suggests that the Police may well benefit from the experience of the circus in dealing with these concerns. The circus has approached this by training with an emphasis on (a) stress recovery, (b) attentional control, (c) mindfulness, and (d) communication activities, to build group dynamics (Filho et al., 2016, p. 75).

The consequences of all this and what it may mean for the Police in the future are now described in the following section.

6.4.7 What this May Mean for the Police

The approach taken by the circus outlined above and their use of detailed and specific themes together with the range of training responses for *specific* circus tasks which were then developed and deployed appropriately, may be relevant to the creation of expertise-based training in the context of giving evidence in court. Examples of this discipline specific approach are shown

in Table 6:1 and describe, (a) the precise circus discipline, (b) the isolated performance issue (or moment of expert advantage), and (c) the proposed training response. An approach which, if modified, and combined with findings from this thesis, may prove useful to the pursuit of expertise in the Police.

Table 6:1. Discipline-Specific Performance Pressure in the Circus and Proposed Performance Enhancement Techniques

Discipline	Key performance issue	Proposed mental training approach
Aerial acts (solo trapeze and tight rope)	Fear of injury	<i>Attention Control</i> training to help performers to learn how to focus on task-relevant factors during high-risk acts. <i>Pre-Performance Routines</i> that involve checking equipment to ensure proper set-up, positioning, and functionality.
Clowns	Social pressure from the Audience	<i>Attentional Control</i> training directed at controllable aspects of performance, such as “core components of action.” <i>Performance Simulation</i> training to gain a feeling of skill mastery, thus increasing self-efficacy beliefs.
Contortionists	Pain control	<i>Relaxation and Biofeedback</i> training to promote a healthy stress-recovery balance.
Dual acts (dual trapeze and hand-to-hand)	Group dynamics	<i>Team Building and Communication Exercises</i> to develop team processes such as cohesion, team coordination, and collective efficacy.
Jugglers	Fear of failure	<i>Mindfulness Acceptance Training</i> to enhance the ability to focus in the present while diminishing overly judgmental thinking.

Note. Adapted from Filho, E., Aubertin, P., & Petiot, B. (2016). The making of expert performers at Cirque du Soleil and the national Circus School: A performance Enhancement outlook. *Journal of Sports Psychology In Action*, (7) 2, p. 74, doi.org/10.1080/21520704.2016.1138266

To produce maximum performance gains within the circus, development efforts have coalesced around the *cognitive* aspects of performance and then progressed to focus on specific disciplines and part-tasks within the whole performance. This has similarities to the way my thesis has evolved to highlight the behavioural, aesthetic and specifically *cognitive* aspects of giving evidence in court. The result for circus artists is that within the whole performance, specific skills and sub-skills have been isolated and targeted for development to enable individual artists to perform effectively. The circus approach demonstrates a considered and sophisticated method of individual performance improvement, very similar to the XBT approach proposed by Fadde (2010). However, with regards to police officers giving evidence in court, such a well-conceived and sophisticated approach is lacking, under researched and appears unprofessional in comparison. To improve on this situation, the next section describes how the police may, (a) progress expertise-based training in the future, (b) reveal key moment(s) of expert advantage, and (c) gain maximum performance improvements.

6.5 Summary and Next Steps for the Thesis

Ultimately, the purpose of this chapter was to provide a bridge between revealing XBT as a desirable training system for the Police (see Chapter 5) and the development of a Performance Improvement Framework (PIF), first raised in Chapter 4, as a suitable mechanism to guide future performance improvements (see Chapter 7).

In doing so, this chapter considered the underpinning principles of XBT (Fadde, 2010) and reflected on how they do, or can, apply to the Police. First, when reflecting against Fadde's (2010) first principle this chapter confirmed that significant inroads into this principle had been made by my thesis. Specifically, my thesis has done a great deal to identify the behavioural and cognitive skills and sub-skills needed to give evidence effectively. Moreover, this thesis has exposed and

isolated some of the tasks and part tasks within giving evidence when key moments of expert advantage may occur. In addition, this chapter emphasised from the findings of this thesis, several key moments which challenge officers *cognitively* and can impact upon the whole task performance of giving evidence (see Chapter 4). These are repeated below and fall under two themes:

Preparing to give evidence:

- The moment officers are *first* told they will be required to give evidence in court.
- How officers then prepare mentally to deal with the *anticipation* of giving evidence.
- How officers prepare themselves *on the day* of giving evidence.

Giving evidence in court:

- How officers cope with the demands of giving evidence-in-chief.
- How officers cope with the demands of being cross-examined.

Overall, these key moments and the findings across Chapters 2 to 4 provide the Police with a valuable insight into which skills and sub-skills are likely to feature in any future development. This chapter described how the above key moments can be broken down further to reveal specific skills for development. Principally, based on the skills of, (a) decision making, (b) pattern recognition, (c) anticipation, (d) emotional control, (e) adaptability, and (f) flexibility, they are skills that are amenable to an XBT approach (Fadde, 2010) and typical of skills being developed in other domains. Importantly, when reflecting against this first principle, Chapter 6 revealed that the requirement for improvement needs to be acted upon sooner rather than later.

Second therefore, this chapter reflected against Fadde's (2010) Second and Third Principles within the context of a 'here and now' requirement to improve police performance. Within this context, this chapter outlined a variety of ways to deliver XBT in practice. This includes the design and implementation of specific activities that complement and integrate effectively with existing police training schemes and which focus specifically on the skills and sub-skills needed to give evidence effectively. In particular, the following, mainly cognitive, activities were considered to be appropriate for promoting greater expertise in police officers.

- video-based stimuli
- gamified web-based systems
- problem-based learning
- 'A' typical scenario
- role play
- deliberate practice
- flexibility-based feedback
- case Proficiency Scaling
- active reflection
- critical cues

In terms of their fit with officers at different stages of their careers, activities of this type can be integrated successfully into existing training, particularly for recruits, and form the basis of more bespoke, progressive, training for more experienced officers and those with individualised needs.

In the third major section, this chapter then considered the variety of mechanisms in use across domains to implement XBT and how integration of expertise focussed activities has been

successfully achieved in other domains. This chapter considered an approach taken in the circus domain as a particularly relevant exemplar of the XBT approach.

The circus approach was attractive as a method suitable for the policing context first, because it can be closely mapped across to the context of police officers giving evidence in court. Second, the circus approach is designed to assist practitioners to understand and adapt to their domain environment. Third, the circus approach has a *cognitive* focus. Fourth, the circus approach addresses pressures which impact upon ‘in the moment’ cognitive demands of performance like those experienced under cross-examination. And finally, the circus approach is attractive because of its underlying aspiration to career long professionalism.

Having considered the circus approach in more detail there are clear lessons which the Police can learn. It is evident from the circus practice that the Police can benefit from developing greater understanding of, (a) the specific context of the courtroom, (b) the expectations placed upon them, and (c) the context specific way they are required to perform. A key learning point for the Police is that the circus experience clearly highlights the performance gains to be made by a specific and deliberate effort to understand how to *transfer* skills across into new, novel, situations. Something which has been raised as a key requirement for the Police, by this thesis (see Chapter 4).

Importantly, in the context of the courtroom, the Police may find it beneficial to develop a better a better understanding of the effect of an ‘audience’ on performance and how to create a more effective ‘conversation’ between the police officer witness and the ‘audience’ to establish the officers credibility, as a witness (see Chapter 2). However, the Police can also learn in respect of the audience that they must strive for balance between attentional techniques which mitigate the

effects of distraction and maintain focus and the absolute need to perform *for* the audience, not just *in front* of them.

In this respect, a key lesson to be taken from the circus is the possible benefits to be gained by developing in police officers a keen sense of who they are – as a police officer - and why they are in court. Ultimately, and perhaps most importantly, the Police can see from the circus experience the importance of developing *cognitive* skills and that this can be achieved by the appropriate, (a) commitment, (b) planning, and (c) training

On this basis, the next chapter synthesises these strands into a coherent mechanism to guide the implementation of XBT in the Police. Drawing upon the lessons learnt from other domains and outlined in this chapter the mechanism chosen is in the form of a Performance Improvement Framework (PIF) of expertise-based themes and sub-themes. This approach can inform and enable, the Police, (a) to plan, (b) design, and (c) guide, the development of future XBT systems to prepare police officers to give evidence more effectively. Indeed, the variety of ways to develop expertise revealed by my thesis so far are already in use across a broad spectrum of organisations (see Chapter 5 and 6). There is every reason to believe that if properly, (a) designed, (b) implemented, and (c) applied, they can also be used successfully in the Police, a view which has some support in the literature (Suss & Boulton, 2019).

Chapter 7: Improving Future Performance: A Thematic Approach

7.1 Introduction

The overall goal of my thesis was to provide original insight and offer applied solutions to improve the performance of police officers giving evidence in court. Noticeably, the way the Police, organisationally, support or do not support, officers to give evidence in court has been raised consistently throughout this thesis (see Chapters, 2,3,4,5 and 6) and a key theme found during Chapter 6 was the need to promote a culture of growth and learning and to create an organisational environment which supports, not challenges, the effective performance of police officers in court. Against this background this chapter provides a more in-depth response to Objectives 3 & 4. of my thesis and suggests a *mechanism* to deliver the changes in police training needed.

7.2 Aims

The aims of Chapter 7 were to synthesise the findings so far and clarify the development of a PIF as a suitable *mechanism* capable of providing, (a) the guidance, (b) support, and (c) clarity of purpose needed to benefit the Police.

In view of this, and based upon the chapters presented thus far, several organisational steps are recommended as a first essential stage to create such an environment, support future developments, and ensure sustainability. These steps are intended to stimulate the building of a positive organisational narrative in the Police and a shared understanding of the demands and importance of giving evidence. As such, the narrative suggested, acts as a counterweight to the potentially damaging and negative narrative, in the Police, revealed in Chapters 3 and 4 of my thesis. Against this background, the building of a new positive narrative is seen as essential to the development of a shared epistemology with which to underpin future performance improvement and the implementation of the suggested PIF (Olsson et al., 2016).

7.3 Essential Organisational Steps to Development

After careful consideration of the findings of my thesis so far, it is proposed that five essential organisational steps are needed to support, (a) the development of expertise, (b) successful implementation of a PIF, and (c) drive the change needed in the epistemology of the Police, in relation to *learning* to give evidence and *understanding* the *performance* of giving evidence. In sum, my thesis endorses a fundamental change to the way police forces, (a) understand the *type* and *scope* of the knowledge needed to give evidence in court, (b) *how* that knowledge can be obtained, and ultimately, (c) how that knowledge can be applied to advance practice (Olsson et al., 2016). The five steps and the rationale for them are described below:

1. Forces should acknowledge giving evidence in court as a specific and important *performance* which, if not carried out effectively, can damage public confidence in the Police and undermine legitimacy.
2. Forces should develop a comprehensive understanding of what is *expected* of their officers in court to inform the development of appropriate performance standards.
3. Forces should create instructional systems based upon an agreed, shared view of the *minimum level* of acceptable *competent* performance in relation to giving evidence in court, and its limitations.
4. To advance from minimum to optimal levels of performance, forces also need to recognise, understand, and proactively promote the value and key characteristics of *expertise* and develop more expertise-based instructional systems for police officers giving evidence in court.

5. Forces need to develop suitable instructional systems to *improve performance* in the future which are available throughout an officer's whole career and supported by continuous professional development.

Prior to considering the underpinning rationale for these steps in more detail it is useful to note that to provide a degree of social validation the steps suggested have been discussed with key stakeholders in this process to obtain their views on the, (a) practicality, (b) acceptability, (c) implications, and (d) feasibility of the approach suggested (Leko, 2014). I have spoken informally with the course leaders for all three routes into policing, tutors, and students involved, plus the key individuals responsible for designing, developing, and delivering these courses. All of those involved in the discussions were overwhelmingly receptive to the approach suggested and keen to begin the process of implementation as quickly as possible. Following this, formal discussions are now ongoing to develop appropriate ways to implement and integrate the approach to developing expertise suggested by my thesis (See Chapter 8.2.2).

This chapter now moves to describe the underpinning rationale (or supporting evidence) for the steps outlined above before second, moving to promote the development of a Performance Improvement Framework (PIF) as an appropriate mechanism to guide the development of future instructional systems.

Step 1; Forces should acknowledge giving evidence in court as a specific and important *performance* which, if not carried out effectively, can damage public confidence in the Police and undermine legitimacy.

Supporting evidence for this step was found early in my thesis and outlined the importance of the *performance* element of giving evidence in court and the negative effect that underperformance may have on public confidence in the Police and on police legitimacy (see

Chapter 2). Importantly, Chapter 2 also demonstrated that little appears to have been done by the Police to ensure that the performance of police officers in court meets contemporary expectations. One of the reasons may be that within the Police, giving evidence in court has not been seen as a priority or as a policing task for which specific and context relevant training is required, which has been consistently highlighted in my thesis. The Police approach may have been influenced by a degree of organisational confusion as to the precise role of the Police in court, who they represent and concerns of appearing partisan which are also discussed early in this thesis (see Chapter 2). The potentially restrictive influence of this approach was seen in how the Police train and prepare officers to give evidence (see Chapters 4 and 5).

Within recruit training, provision is included in respect of the criminal justice system more broadly and the processes, environment and theatre of the courtroom, but little evidence was found of a focus upon giving evidence, and even less on the skills needed to give evidence effectively. Indeed, it became clear throughout this thesis that giving evidence was seen by some police officers, as something of an inconvenience or as something to be avoided (see Chapters 3 and 4). Organisationally, the Police were seen to focus upon the process and procedures of criminal investigation, of evidence *gathering* and case *building*, at the expense of the final important part of a criminal case, the trial.

In seeking to understand this situation my thesis found a lack of empirical evidence to support or motivate the changes needed to advance police performance in court. There is not a substantial body of police specific research to support developments in this area and the step recommended next would go some way to persuading the Police to actively promote, seek out and generate future knowledge in this area.

Step 2; Forces should develop a comprehensive understanding of what is *expected* of their officers in court to inform the development of appropriate performance standards.

Support for this step was revealed in the fourteen key characteristics of an exemplary and credible *generic* witness and six characteristics which undermine a generic witness's credibility that were found by this thesis (Table 2:1). Similarly, this thesis exposed a set of cognitive, behavioural, and aesthetic characteristics which support effective *police* performance in court such as the regulation and appropriate deployment of emotions or inappropriate appearance which challenges effective performance (see Chapter 3). Moreover, a range of expectations from police officers have been revealed in respect of what *they* expect to face at court such as hostility and challenges to their integrity and competence from defence lawyers (see Chapter 4). Police officers' concerns over their ability, or inability, to cope with the demand and the pressures they face such as struggling to remain calm and regulating their emotions, were also found by this thesis (see Chapter 4). Moreover, my thesis revealed a lack of confidence in the training received by the respondents to help them, to meet current expectations (see Chapter 4).

Importantly, Chapters 2 and 4 recognised that police officers may not be meeting current expectations of them and appear to be falling behind in their professional development in this context. To meet this challenge this thesis recommended that police officers need to develop a shared understanding of what competent performance looks like in this area and should focus on developing the predominantly *cognitive* skills required to give evidence in court effectively, if they are to meet contemporary expectations of them (see Chapter 4).

Against this background, my thesis promotes the future development of police training by describing in more detail how the Police currently conceptualise the minimum level of acceptable performance in relation to giving evidence in court as against the expectations outlined above and

how officers are trained and prepared to give evidence (see Chapter 5). Step 3 develops this further beginning with a consideration of the minimum level of acceptable or competent police performance.

Step 3; Forces should create instructional systems based upon an agreed, shared view of the *minimum level* of acceptable *competent* performance in relation to giving evidence in court, and its limitations.

Supporting evidence for this step can be seen in Chapter 5, which described the ways in which the Police may be able to develop their training progressively from *competence* towards *expertise* and advance performance in the future. This highlighted how the Police currently approach training and development and illustrated how a minimum level of performance (competence) is currently defined, and achieved, within police (recruit) training, which appeared to emphasise procedural skills. This was considered in detail and found that the minimum level of acceptable (to the Police) performance for a police officer was that required by the accreditation of having achieved Full Operational Competence (FOC).

The minimum level of acceptable performance discovered was found to be generic to the role of a police officer and not task specific to giving evidence and not sufficiently focussed on cognitive skill development. A possible reason for this might be that the aim of the current approach was to deliver police officers who can operate within the strict procedural and legal confines of what is considered safe, lawful and independent, rather than meet contemporary, *performance*, expectations of them in court (see Chapter 5). Considering this, the conclusion drawn was that this would not be enough to meet contemporary expectations as outlined above – in relation to the specific context of giving evidence. To meet the expectations outlined a fundamental

overhaul of police training was considered necessary, together with a more long-term approach to advancing performance which included both recruit officers and those with more experience.

Subsequently, Chapter 5 recommended a move towards the use of a cognitively focussed expertise-based approach for the future development of police officers. Thus, Chapter 5 moved to outline the advantages to the Police of adopting an expertise-focused approach to police training and highlighted specifically, (a) the emphasis on cognitive skills, (b) the development of declarative knowledge, and (c) the commitment to lifelong learning and growth. Moreover, Chapter 5 demonstrated the value to advancing performance that introducing expertise-focused training into *current* police training schema may provide. An important component of this approach is the creation of a domain specific body of research to underpin instructional designs of the future.

Within this context my thesis found that for the Police to change performance for the better they need to develop a clearer understanding of the key issues involved in giving evidence and specifically they would benefit from a recognition and an acknowledgement of the benefits of the expertise-based training suggested. Such training would cover a spectrum from the recruit (novice) up to the more advanced, more expert, practitioner. Furthermore, Chapter 5 suggested a possible approach to deliver the improvement gains desired in the form of expertise-based training (XBT), combined with lessons learnt from other domains. Importantly, Chapter 5 recommended that the approach taken by the Police should move incrementally from developing procedural knowledge to progressively develop an officer's declarative knowledge in parallel with the acquisition of relevant tacit knowledge.

Step 4; To advance from minimum to optimal levels of performance, forces also need to recognise, understand, and proactively promote the value and key characteristics of *expertise* and develop more expertise-based instructional systems for police officers giving evidence in court.

Supporting evidence for this step is outlined in Chapter 5, which highlights how variably *expertise* is defined within the relevant performance literature and provides generic descriptors of *expertise* to assist the Police in recognising and understanding the typical characteristics, or factors of expertise which may form part of any future PIF. In addition, Chapter 5 presents a range of specific features, cues or attributes seen in people who are considered to *possess* a level of expertise which may also be included in a future PIF.

To support the development of understanding and recognition of expertise, Chapter 5 outlined some of the key features of expertise which are relevant to the policing context such as, (a) decision making, (b) pattern recognition, (c) anticipation, (d) emotional control, (e) adaptability, and (f) flexibility. In addition, Chapter 5 recognised that advancing the development of expertise via the instructional design theory known as XBT may provide an opportunity for the expansion of a specific research base relevant to giving evidence. This approach would support the police to further understand, promote and develop this area over time. In particular, such an approach may help the Police to identify and then isolate specific moments of expert advantage within the whole task of giving evidence in court and thus support specific and targeted development of part-task performance skills (see Chapter 6).

Once specific part-task skills have been isolated and targeted for improvement this thesis recommends that further research is undertaken to help the Police to conceptualise the distinction between novice and more expert performance in the policing context (see Chapter 6). This

information can then provide a basis for the development of future instructional systems to advance performance.

Step 5; Forces need to develop suitable instructional systems to *improve performance* in the future which are available progressively throughout an officer's whole career and supported by continuous professional development.

Support for this step was revealed throughout this thesis and specifically Chapter 6 outlined the underpinning principles of XBT and how different domains have successfully designed and implemented expertise-based activities in practice to improve performance sustainably and progressively over time. Examples highlighted include education where rubrics combined with specifically designed activities have been used to progressively advance practice, those involved in commercial training have also devised their own frameworks to progressively advance practice such as the Cognitive Fitness Framework or Shadow Box approach discussed above (see Chapter 6).

Specifically, Chapter 6 focussed upon lessons which can be learned from the circus domain, which had emerged as a particularly relevant exemplar of the expertise-based approach. As a result, Chapter 6 focussed upon describing five key elements of the circus approach which can be applied to the progressive development of expertise in the Police. This begins with developing police officers understanding of, (a) the rules of the domain in respect of giving evidence, (b) building the ability to perform effectively *for* an audience, (c) developing technical skills, (d) emotional skills, and (e) dealing with the general pressure of giving evidence and the 'in the moment' specific pressures performing in court (Filho et al., 2016).

The kind of activity and systems highlighted above are a key part of progressive long-term development and are not isolated events which quickly develop expertise. Indeed, it is a feature of

expertise-based training that developing expertise takes many years of systematic development to acquire (El-Abd, 2019; Fadde, 2010). In this regard, the systems above are all designed to assist in the incremental acquisition of specific knowledge, understanding and skills, progressively over time.

Within this context, Chapter 6, drawing upon findings from Chapter 5, considered what the development of expertise may mean for the Police in practice and in particular how they might develop expertise progressively over time and simultaneously make a more immediate impact on the ‘here and now’ of police officers giving evidence. Specifically, Chapter 6 revealed that this can be done by identifying the sub-skills of expert performance as they relate to giving evidence and devising, new, XBT activities to progressively support development. To make a more immediate impact Chapter 6 also recommended integrating XBT into existing training systems. Against this background, Chapter 6 proposed the development and implementation of a PIF as a mechanism to guide the development of future instructional systems and advance expertise in practice.

7.4 A Performance Improvement Framework (PIF) to Improve Performance

Following the findings in Chapter 5 that developing expertise may improve police performance in court and the finding in Chapter 6 that the instructional design theory of XBT is particularly suited to the policing context, the following section considers the development of a PIF as a mechanism capable of providing, (a) the guidance, (b) support, and (c) clarity of purpose, needed to help the Police to understand the benefits of developing expertise and to design appropriate instructional activities to advance performance. More specifically, in this section, consideration is given to clarify what the PIF aims to achieve, as well as how the PIF relates to the specific messages in Chapter 6.

7.4.1 What the PIF Aims to Achieve

The purpose of the PIF, presented in Table 7:1, is to provide a flexible framework of *performance* themes and sub-themes. From these it should be possible to design applied training mechanisms for differing circumstances and different types of police officers operating in a variety of operational contexts. The PIF aims to provide the Police with a ‘pick and mix’ approach of themes and sub themes which can be tailored depending on the context and purpose of the training and can be combined with a variety of methods for delivering learning.

Grounded in the findings of this thesis, the suggested PIF seeks to advance practice by applying an original knowledge base to inform and guide:

- The identified training and development need to target specific cognitive and behavioural skills of performance.
- The training and development need to build sufficient declarative and procedural knowledge.
- The training and development need to target the aesthetic or appearance requirements of performance.
- The identified organisational need to provide structured support and clarity of purpose.

In addition to informing and guiding the development of future instructional systems and activities the proposed Performance Improvement Framework (PIF) contributes original, evidence-based knowledge and an applied approach to the development of the habitual training, cognitive growth and the development of expertise recommended in Chapter 5. Moreover, the PIF follows the fundamental underpinning principles of XBT (Fadde, 2010) and actively promotes the acquisition of expertise and career long learning as recommended in Chapters 5 and 6.

To deliver sustainable performance improvement, the PIF is founded upon several key *themes* revealed by this thesis and which together, provide a response to the issue of police officers underperforming in court. The themes described are, (a) understanding of the criminal trial, (b) understanding of performance demands, (c) behavioural skills, and (d) cognitive skills. The themes suggested are in turn supported by sub-themes which are similarly synthesised from the findings of this thesis.

Informed by other disciplines described in Chapter 6, such as ASP, circus performance and outdoor leadership, this performance framework provides a model to develop police understanding of the key moments, complex characteristics and task specific skills needed for a police officer to give evidence effectively. Importantly, the PIF provides a practical, useable, and flexible mechanism to achieve that. Furthermore, the framework signposts key areas for future development and highlights relevant theoretical and practical approaches which may be beneficial in delivering the performance gains required.

7.4.2 How the PIF Relates to the Specific Messages in Chapter 6

The PIF, described in Table 7:1, is presented in the way it is so as to be, (a) accessible, (b) flexible, and (c) easily understood, by practitioners and academics alike. This is a response to previous criticism of academic work by practitioners, in the police, who have found it difficult to translate academic research into applied and practical solutions. Within policing, this became known as ‘the dialogue of the deaf’ and has been a source of long-standing tension between academia and policing (Bradley, & Nixon, 2009; Engel & Whalen, 2015). Similarly, I have tried to be cognisant of those academics who argue that the conclusions from qualitative research are not always clear to those in practice, given that they are often based upon, (a) subtle judgement,

(b) implication, and (c) understanding, in contrast to those domains where categorisation and measurement is the norm (Hammersley, 2007).

Against this background, it is useful to clarify how the PIF meets these requirements and relates to the messages emanating from Chapter 6. To effectively advance the performance of police officers giving evidence in court several key messages emerged from Chapter 6 which confirmed the operational necessity to develop expertise in police officers and recognised the instructional design theory of XBT as a suitable and credible approach to develop expertise.

To underpin this approach Chapter 6 described how my thesis has already made substantial inroads into the first principle of XBT – the need for expert-novice research to reveal the key cognitive sub-skills needed (Fadde, 2010). Specifically, my thesis has revealed ‘key moments of expert advantage’ in the performance of giving evidence in court and highlighted that the skills needed to give evidence effectively are based around, (a) decision making, (b) pattern recognition, (c) anticipation, (d) emotional control, (e) adaptability, and (f) flexibility. Importantly, Chapter 6 highlighted that the need to develop expertise is both ‘here and now’ and in the longer-term, which will require the development of new training plus the integration of XBT into existing training schemes. Chapter 6 also highlighted the approach seen in the circus as a particularly relevant approach to designing a mechanism to deliver expertise for the Police. Finally, Chapter 6 supports the development of a PIF as the most appropriate mechanism to inform and guide the development of future instructional systems in the Police.

The PIF described in Table 7:1 delivers against the key messages from Chapter 6 in that it is designed to guide the development of suitable instructional systems to deliver the development of the cognitive skills and sub-skills of expertise desired by this thesis. By doing this the PIF has congruence with the key underpinning principles (1,2 and 3) of Fadde’s (2010) approach to the

development of XBT and specifically provides, (a) the guidance, (b) support, and (c) clarity of purpose needed within the Police. In addition, the PIF can facilitate the growth of new knowledge and the design of activities to target key cognitive skills needed by police officers, such as, (a) emotional control, (b) anticipation, (c) ‘in the moment’ flexibility, and (d) adaptability, mentioned above.

The ease of use and flexibility of the PIF facilitates application to the key moments of expert advantage within the whole process of giving evidence and provides for a straightforward application and integration into *existing* training to impact ‘the here and now’ needs of the Police. Furthermore, the comprehensive nature of the PIF allows it to be applied flexibly to the development of longer-term instructional systems to develop expertise and personal growth progressively over the longer term of an officer’s career.

A key aspect of the PIF is that it is grounded in the findings of this thesis and in particular lessons learned from other domains in respect of the type of mechanism used, successfully, to develop expertise. In this respect, the example of the circus was particularly relevant in informing the simplicity of design and in ensuring that the PIF is accessible, flexible, and easily understood by practitioners. To this end the PIF was built around, (a) understanding ‘the rules of the domain,’ in the context of giving evidence, (b) performing effectively *for* an audience, (c) developing technical skills, (d) emotional skills, (e) coping effectively with the general pressure of giving evidence, and (f) the ‘in the moment’ pressures of performing in court. The PIF itself is now described in Table 7:1.

Table 7:1. A Performance Improvement Framework (PIF)

Understanding of the Criminal Trial
<p><u>Why are you in court?</u> Why are Police officers in court – performance, legitimacy, public confidence, whose side are you on? The role of the truth and integrity in court What courts do and how i.e. recreate past events, the role of the ‘victim’</p>
<p><u>The courtroom environment</u> Who is who in court Understanding the courtroom environment Courtroom lexicon The theatre and tradition of the court</p>
<p><u>The rules</u> Rules of Evidence and Procedure. What you can and cannot do in court.</p>
Understanding of Performance Demands
<p>The reality of the courtroom The effect of the audience on performance Negative narrative and perceptions Expectations (internal and external) Fear of failure – embarrassment, self-esteem, making a mistake Where pressure comes from When to expect pressure (key moments in the trial)</p>
Behavioural Skills
<p>Deploying Aesthetics appropriately – appearance Communication skills Using confidence effectively Consistency of evidence Behaviour seen as effective in court Behaviour seen as ineffective in court</p>
Cognitive Skills
<p><u>Giving evidence in court</u> Managing the cognitive state: regulating and deploying emotions appropriately, relaxation, decision making, and mindfulness, Cognitive flexibility: anticipation, recognition, listening effectively, pattern recognition, adaptability, flexibility Sensemaking (understanding and accepting the situation. It’s happening) Professional Judgement and Decision making in court (PJDM) Identifying and ordering priorities Skill transference Developing confidence</p>
<p><u>Preparation for giving evidence</u> Pre court routines Court day routine Performance simulation Case specific understanding – know your case.</p>

Moving on from describing the PIF the next section provides examples which demonstrate, how the framework may be applied in practice, to deliver flexible and adaptive training in specific contexts and for identified needs.

7.5 The PIF Contributing to Practice – Examples

It is important to note at this point that the examples chosen are included because they address real situations revealed by this thesis. As such they are not hypothetical, they are directly relevant to the operational performance of police officers giving evidence in court. In Example 1. the issues relating to female officers' possible lack of confidence when giving evidence and the lack of training available to mid-service officers was demonstrated in Chapter 4.

In relation to Example 2. a recruit officer in the first year of training, this was discussed in detail in Chapter 5 which outlined the current police approach to training and delivering competent police officers. This chapter concluded that the current training system was generic, lacked sufficient declarative knowledge, and was weighted towards procedure and process, and as a result was unlikely in its current form to prepare recruit officers to deliver an effective performance in court (see Chapter 5).

Example 3. addresses an issue which has been raised consistently throughout this thesis. First raised in Chapter 2, as a key stressor, cross-examination was again raised as a significant challenge for police officers giving evidence in Chapter 3. In Chapter 4 cross-examination was once more raised and highlighted how officers tried, without any specific training, to deal with the challenges this posed. Indeed, cross-examination may well be *the* key source of the negative organisational narrative exposed by this thesis and a considerable cause of anxiety for officers giving evidence (see Chapter 4).

7.5.1 Example 1. Mid-Service Female (Surveillance Officer)

The first example is in respect of a mid-service (female) officer whose day to day work is carrying out surveillance (Table 7:2). An officer such as this may need a level of development, which contains a majority of the proposed themes and sub-themes to refresh and build upon existing procedural, knowledge and provide *additional* cognitive focussed declarative knowledge as outlined by Olsson et al. (2016), (see Chapter 5). This would be because the officer is in a highly specialised and demanding role (see Chapter 4), is likely to face significant challenge when under cross-examination and has typically not received any training since her recruit training (see Chapter 4). Moreover, as a female, in addition to the factors outlined above, current literature and this thesis found that such an officer may not generally feel as confident or as skilled as others to give evidence in court (see Chapter 4).

Table 7:2. An Example of a Training Scheme for Mid-Service Female (Surveillance Officer)

Theme	Key sub themes	Possible training approach/technique
Understanding of the Criminal Trial	<p>Why are police officers in court? performance, legitimacy, public confidence, whose side are you on?</p> <p>The role of the truth and integrity in court</p> <p>What courts do and how i.e. recreate past events, the role of the ‘victim’</p>	<p>Higher Education</p> <p>Simulation</p> <p>Role Play</p> <p>Observation and reflection</p>
Understanding of Performance Demands	<p>The reality of the courtroom</p> <p>The effect of the audience on performance</p> <p>Negative narrative and perceptions</p> <p>Expectations (internal and external)</p> <p>Fear of failure – embarrassment, self-esteem</p> <p>Where pressure comes from</p> <p>When to expect pressure (key moments in the trial.</p>	<p>Higher Education</p> <p>Problem based learning</p> <p>Active reflection</p> <p>Role play</p>
Behavioural Skills	<p>Deploying Aesthetics appropriately – Appearance</p> <p>Communication skills</p> <p>Using confidence effectively</p> <p>Consistency of evidence</p> <p>Behaviour seen as effective in court</p> <p>Behaviour seen as ineffective in court.</p>	<p>Higher Education</p> <p>Complexity preservation</p> <p>Critical cues</p> <p>Role play</p> <p>Simulation</p> <p>Video-based stimuli</p>
Cognitive Skills	<p>Managing the cognitive state: regulating and deploying emotions appropriately, relaxation and mindfulness</p> <p>Cognitive flexibility: developing anticipation, listening effectively, pattern recognition</p> <p>Sensemaking (understanding and accepting the situation. It’s happening)</p> <p>Professional Judgement and Decision-making in court (PJDM)</p> <p>Identifying and ordering priorities</p> <p>Skill transference</p> <p>Developing confidence</p> <p>Pre-Court routines</p> <p>Court day routines</p> <p>Performance simulation</p> <p>Case specific understanding.</p>	<p>Higher Education</p> <p>Problem-based learning</p> <p>Simulation</p> <p>Active reflection</p> <p>‘A’ typical scenario</p> <p>Flexibility-based feedback</p>

7.5.2 Example 2. Police Recruit in Year 1 of Initial Training

By way of a contrasting second example, a new recruit in the first months or year of procedurally focussed training, may benefit from a more rudimentary input using fewer but more specific and targeted themes which progressively introduce elements of declarative knowledge into the training as proposed by Olsson et al. (2016), (see Chapter 5). This would provide a foundation for the future inclusion of a broader range of themes across their remaining two or three years of initial training until Full Operational Competence is reached and aligns with an approach known as Case Proficiency Scaling outlined earlier (see Chapter 6). Such provision would ideally be integrated within current training arrangements within the National Policing Curriculum. The learning which results from the approach outlined in the PIF would ideally complement and advance the current environmental and procedurally based training to competence (see Chapter 5).

Table 7:3 below outlines one possible example of a training scheme, for a recruit in the first months or year of training. It should be noted at this point that this is not exhaustive or exclusive, the PIF recommended is intended to provide sufficient flexibility within the themes and sub themes to be tailored, integrated, and removed from training systems according to local or individual needs.

Table 7:3. An Example of a Training Scheme for a Police Recruit in Year 1 of Initial Training

Theme	Key sub themes	Possible training approach
Understanding of the Criminal Trial	Why are police officers in court – performance, legitimacy and confidence, whose side are you on? Who is who in court? The role of truth and integrity in court Understanding the courtroom environment Courtroom lexicon The theatre and tradition of the court What courts do i.e. recreate past events. The role of the ‘victim’.	Higher Education Simulation Role Play Observation and reflection Problem-based learning
Understanding of Performance Demands	Expectations (internal and external) The reality of the courtroom	Role Play Observation and reflection Problem based learning
Behavioural Skills	Behaviour seen as effective in court Behaviour seen as ineffective in court Deploying aesthetics appropriately - appearance	Higher Education Complexity preservation Critical cues Role play Simulation Video-based stimuli Observation and reflection

7.5.3 Example 3. Coping with Cross-Examination

This example (Table 7:4) demonstrates the adaptability of the proposed PIF in practice and provides an example of a training scheme which is focussed towards declarative knowledge and which may be used to progress a specific officer or group of officers who require development in respect of dealing with the cognitive challenges that cross-examination brings.

Returning to a theme raised in Chapter 6, of moments of expert advantage, (Fadde, 2010), it can be seen in cross examination that such moments exist and can be isolated and targeted by the PIF. For example, (a) deploying aesthetics appropriately, (b) displaying behaviour seen as effective in court, (c) listening effectively, and (d) emotional control, are all part-tasks of cross

examination which can be targeted for development. These are examples of key moments in cross-examination, but they are not the only moments, and cross examination can, if required, be broken down further. For example, such a moment of expert advantage raised earlier in relation to circus performers - interaction with the audience – would also be a key moment in relation to cross examination (see Chapter 6). A targeted approach in this way, may also benefit police officers who suffer from damaging levels of anxiety and can be used to enhance the Police response to the well-being of their officers and consequently address the low level of feelings of support and preparedness outlined in Chapter 4.

Table 7:4. A Specific Training Response to an Individual or Group of Officers-Dealing with Cross-Examination.

Theme	Key sub themes	Possible training approach
Cognitive Skills	<p>Managing the cognitive state and deploying emotions appropriately relaxation and mindfulness.</p> <p>Cognitive flexibility: developing anticipation, Listening effectively, pattern recognition.</p> <p>Sensemaking (understanding and accepting the situation. It's happening).</p> <p>Professional Judgement and Decision making in court (PJDM).</p> <p>Identifying and ordering priorities</p> <p>Skill transference</p> <p>Developing confidence</p> <p>Pre court routines</p> <p>Court day routine</p>	<p>Higher Education</p> <p>Problem-based learning</p> <p>Simulation</p> <p>Active reflection</p> <p>'A' typical scenario</p> <p>Flexibility-based feedback</p> <p>Observation and reflection</p>
Behavioural Skills	<p>Case specific understanding – know your case</p> <p>Deploying Aesthetics appropriately – appearance management</p> <p>Communication skills</p> <p>Using confidence effectively</p>	<p>Higher Education</p> <p>Simulation</p> <p>Role Play</p> <p>Observation and reflection</p>
Understanding of Performance Demands	<p>Consistency of evidence</p> <p>Behaviour seen as effective in court.</p> <p>Behaviour seen as negative in court</p> <p>The reality of the courtroom</p> <p>The effect of the audience on performance.</p> <p>Negative narrative and perceptions</p> <p>Expectations (internal and external)</p> <p>Fear of failure – embarrassment, self-esteem</p> <p>Where pressure comes from</p> <p>When to expect pressure (key moments in the trial)</p>	<p>Observation and reflection</p> <p>Problem-based learning</p> <p>Higher Education</p> <p>Active reflection</p> <p>Role play</p>

The PIF recommended by this chapter and the examples used are intended to address ‘real life’ situations described in this thesis and the usefulness of the PIF to future police training sits in its, (a) comprehensiveness, (b) practicality, (c) flexibility, and (d) ease of use, across a variety of training needs and modes of delivery. Importantly, the PIF provides a useful tool for the Police to discover which aspects of the courtroom performance are important to them (see Chapter 5) and provides a mechanism to deliver the shift towards expertise as described in Chapter 6. The next section now moves to bring together the findings of this chapter and describes how they can be directly applied to policing.

7.6 Conclusion

To conclude, Chapter 7 has moved to consider (a) how the findings from this thesis can be applied directly to practice within the context of giving evidence in court, and (b) proposes a practical, evidence-based and applied solution to police officers underperforming in court. This solution is underpinned by relevant theory and principle (Fadde, 2010) supported by original knowledge and is based upon a five-step approach to organisational change and a framework of themes and sub-themes to improve performance. Indeed, the general principles outlined in Chapter 6 for the advancement of practice have been evolved and drawn together into a comprehensive, practical and flexible tool, which can be used confidently to develop the required training response to police officers underperforming in court. In so doing, the PIF described addresses the three main performance factors identified by this thesis for future development, namely the (a) cognitive, (b) behavioural, and (c) aesthetic, factors which affect police officer performance in court (see Chapters 2 and 3).

Within this context, my final chapter draws together the findings of this thesis, provides a summary of the key findings, and explores any possible implications of this for the Police in the

future. In addition, Chapter 8 considers recent developments in moving the Police towards applying the findings of this thesis and outlines the limitations of my research. Finally, options for future research to build upon the findings of my thesis are explored and conclusions drawn on how far my thesis has met its original aims.

Chapter 8: Summary of Findings, Implications, Future Research and Conclusions

8.1 Introduction

To support police officers to give evidence more effectively in court the aims of this thesis were first, to critically analyse the presentation of police evidence in court and evaluate the effectiveness of that role, the impact on police legitimacy and how effectively officers understood and were prepared for performing their role as witnesses in court. Second, this research aimed to provide a range of evidence-based recommendations and practical resources to enhance performance in this domain (see Chapter 1).

These aims were achieved by addressing the research objectives set out below:

1. To critically explore the principles of an effective witness performance in court and the specific demands of this performance from a police perspective.
2. To critically evaluate police officers understanding of contemporary expectations of them at court, their own experiences of giving evidence and what they feel would improve their performance as witnesses.
3. To evaluate how any identified gaps in police preparation, knowledge and training may be filled.
4. To stimulate discussion, awareness and a perspective change within police officers and senior police leaders of the role, expectations, and requirements of officers at court.

Underpinning the design and method of investigation selected was a desire to produce meaningful and practical insights into the specific context of police officers giving evidence in court and generate practical and sustainable solutions to improve future performance. Accordingly, I adopted

a pragmatic research philosophy (see Chapter 1) which supported the development of the desired practical solutions and embraced my own experiences and insight as an experienced practitioner. Subsequently, my thesis has been able to provide: (a) a clear rationale to justify raising the profile and importance of giving evidence in court and for treating it as a distinct and vital police task, (b) an evidence-based assessment of the current position with regards to police performance and the expectations placed on officers in court, (c) a set of areas for development to improve future performance, and (d) a set of themes and sub-themes contained within a flexible Performance Improvement Framework (PIF) which can form the basis for future instructional systems.

The PIF suggested (Table 7:1) is grounded in the instructional design theory known as XBT, an approach which has already been adapted to a range of training requirements in other domains (see Chapter 6). Furthermore, my insight as an experienced practitioner, together with the findings of this thesis, has contributed to an assessment that this approach can be successfully applied to other policing tasks and, is presented in way which will be understandable to the Police. To develop this assessment in more detail a summary of the key findings of this thesis and its contribution to practice are described below.

8.2 Summary of Findings

Prior research confirmed that there have been limited training and development opportunities available to support police officers to become effective witnesses in court. Those opportunities which have been available have not been adequately supported by a substantial body of, police-specific, academic research. Accordingly, Chapter 2 of this thesis investigated giving evidence in court more broadly and revealed that the expectations on police officers are, greater than for any other 'type' of witness, are often described in terms of professionalism, and are such, that the Police may be unable to meet those expectations.

Nevertheless, Chapter 2 found that little has been done to understand the expectations or to prepare police officers effectively to give evidence in recent years. A range of witness attributes were exposed within the chapter which enable or challenge an effective performance in court (see Table 2:1). Importantly, the chapter revealed that to be effective, evidence needs to be *presented* in way which is persuasive. This confirmed, (a) the importance of the *performance* rather than the *procedural* element of giving evidence, (b) the impact of this on the credibility and effectiveness of the evidence, of the witness themselves, and (c) provided the context for the rest of the thesis.

On this basis, Chapter 3 revealed the contemporary expectations on police officers when giving evidence in court and the significance of the *performance* element of giving evidence by revealing several behavioural, cognitive, and aesthetic factors which support or sometimes, challenge effective performance.

The implication of these findings was that the *performance* component of giving evidence in court was an important factor in shaping the overall effectiveness of a police officer's testimony, over and above the procedural and systematic gathering of the evidence, which had been the focus of developments in this area of practice since the report by Stockdale and Gresham, (1995).

To address the clear gap in understanding of the performance aspects of giving evidence in court, Chapter 4, using a much larger and broader sample of police officers, then investigated police officers, (a) lived experience, (b) perceptions of giving evidence, and (c) how they prepared for and delivered an effective performance in court.

Key findings from this investigation were that the provision of support and development for police officers giving evidence was typically focused upon, process, procedure, and environment, rather than effective *individual* performance. Furthermore, the support received typically took place at the start of an officer's career. Against this background, my thesis found

that feelings of stress and anxiety had developed around giving evidence which typically undermined performance and reduced officer well-being. This appeared to have been fuelled by a negative organisational narrative, created around the past experiences of police officers in court, which impaired their cognitive ability when under pressure and was found to be the typical way officers learned about giving evidence in court (see Chapter 4).

In addition, my thesis discovered that far from there being a limited demand for police officers to give evidence, as suggested previously (Stockdale & Gresham, 1995), the respondents in Chapter 4 had been required to give evidence, sometimes a substantial number of times, across a broad range of the Criminal Courts in England & Wales and also other tribunals (Table 4:9). Furthermore, Chapter 4, highlighted the *cognitive* nature of the improvements required and pointed towards developing *expertise* as a possible way to deliver them, and, for the first time, raised the idea of using a Performance Improvement Framework (PIF) as a potential mechanism to guide the delivery of future police training.

With this in mind, Chapter 5, explored how the police understood the *minimal* performance levels required to give evidence effectively and emphasised that for police officers, the minimum level of acceptable performance, known as Full Operational Competence (FOC), was achieved whilst a recruit and did not appear to formally change throughout an officer's entire career (see Chapter 4).

In response, Chapter 5 investigated what this might mean for the Police in the future and explored the advantages and disadvantages of taking a *competence* or *expertise* focussed approach, to Police officers giving evidence in court. What this revealed, was little, if any, consensus on the meaning of competence or expertise, but some agreement was noted that expertise is characterised by its cognitive nature, and can result in, (a) more consistent, (b) adaptable, and (c) sustainable,

improvements to performance. Against this background, Chapter 5 found that current police training, in respect of giving evidence in court, was focussed on, (a) process, (b) procedure, (c) environment, and (d) the development of procedural knowledge.

With this in mind, Chapter 5 concluded that to advance performance the Police would benefit from developing their knowledge and understanding of *why* something is done and *why* something is *not* done and to become familiar with the ‘shades of grey’ in a performance (see Chapter 5). This type of knowledge is more commonly associated with the development of *expertise*, is focussed on developing cognitive skills and is known as declarative knowledge.

In response to these findings, Chapter 5 recommended that the Police adopt an *expertise-based* approach to future training schema which can be integrated into existing systems as an *additional* focus for recruits. Such training could then be progressively tailored, via new training schema, throughout an officer’s career to meet the needs of experienced officers or particular groups. In addition, Chapter 5 found several key cognitive skills which may be particularly suited to giving evidence, such as (a) pattern recognition, (b) anticipation, (c) situational awareness, (d) prediction, (e) decision making, (f) adaptability, and (g) flexibility, which could potentially form the basis for a future expertise focussed police training system(s).

Ultimately, Chapter 5 found that there are several specific advantages for the Police in adopting an *additional* expertise focussed approach to training police officers. First, the emphasis of expertise on cognitive skills, second, the emphasis of expertise on declarative knowledge, and third, the emphasis of expertise on lifelong learning.

Reflecting on this, Chapter 6 considered more fully the instructional design theory of XBT and its underpinning principles, as a possible approach to help in delivering the training to expertise desired. Specifically, the chapter explored what this might mean if applied to the Police context

and how XBT activities may be designed and integrated into existing training. In response, the chapter revealed a need to advance performance in the short term i.e., now! and over a prolonged period during an officer's career. Moreover, Chapter 6 described how this thesis had made substantial inroads into meeting the requirements of the underpinning principles of XBT by revealing how the key skills needed to give evidence effectively may be found through expert-novice research. Specifically, my thesis was able to isolate several key moments of 'expert advantage' which can occur when giving evidence. For example, key moments in cross-examination comprise of, (a) entering the courtroom and the impact of appearance on credibility, (b) dealing with the presence of an audience, (c) challenges to integrity and competence, and (d) regulating negative emotions. (see Chapter 4 and 5).

Reflecting upon the second and third principles of XBT (Fadde, 2010) Chapter 6 concluded that devising instructional activities and integrating XBT into existing training systems to make an impact quickly, is possible, if the Police have the will to do it and essentially would be an exercise in, (a) thinking, (b) planning, and (c) logistics,

Chapter 6 also investigated other domains, to reveal any lessons which may be learnt, by the Police, to assist them in developing future training and in designing specific instructional activities. This emphasised the support found for the XBT approach in other domains and how some in the circus had consciously and methodically developed expertise amongst their performers and described how the thematic approach used in the circus may be of particular relevance to the Police. This particular approach focussed on the themes of, (a) learning the rules of the game, (b) learning to be on stage, (c) technical skills, (d) emotional skills, (e) general performance pressures, and (f) specific performance pressures (Filho et al., 2016, p. 71). As a response to these findings,

Chapter 6, recommended the development of a workable and credible PIF as a mechanism to help in the building and implementation of future training.

Against this background, Chapter 7 synthesised the findings above into a coherent, flexible, and workable Performance Improvement Framework (PIF) from which to advance performance, underpinned by five essential organisational steps (see Chapter 7). Moreover, the chapter describes examples of how the PIF can be applied in practice to address; ‘real life’ examples highlighted by my thesis. The PIF suggested is comprised of themes and subthemes from which tailored training activities can be developed to improve performance (Table 7:1). Moreover, the approach presented can be applied to other policing tasks in addition to giving evidence in court. The PIF provides a comprehensive, practical and flexible tool, to develop the required training response for police officers underperforming in court and addresses the three main performance themes found by this thesis for future development, namely the (a) cognitive, (b) behavioural, and (c) aesthetic, factors which affect police officer performance in court (see Chapters 2 and 3).

To summarise, within the previous chapters, my thesis has presented an innovative perspective on the role of police officers giving evidence in court by distinguishing giving evidence in court as a personal performance and a specific function of policing. Against this background, my thesis has recognised that police officer performance in court may not currently meet the expectations on police officers giving evidence. To improve this situation, a tailored set of mainly cognitive characteristics, skills and sub-skills reinforced by *targeted* support and future research are needed. The approach recommended to deliver this outcome is that of expertise-based training (XBT).

The findings outlined above position my thesis within a recently identified research gap, it is difficult to find any evidence of consistent or systematic use of expertise-based training within

the Police. Indeed, only limited consideration of the value of developing expertise was seen at all and recent research on expertise found that expertise-based research had made little impact upon law enforcement training (Suss & Boulton, 2019, p. 783). However, the research concluded that - if made easily accessible to law enforcement - the impact could be 'significant' and encouraged the law enforcement community to develop its understanding of expertise by working collaboratively with academic researchers. (Suss & Boulton, 2019, p. 783). Suffice to say, no evidence of XBT in practice has been found in relation to police officers giving evidence in court. Against this background, the approach suggested above by Fadde et al. (2010) and supported by (Suss & Boulton, 2019) that future police development should be based upon (expert-novice) research demonstrates the appropriateness of this thesis and its approach.

Maintaining the status quo by not addressing the typical level of underperformance found by this thesis, may result in several long-term negative consequences for the police and the criminal justice system. The implications of my thesis are now described in the section below.

8.2.1 Implications

The implications of the changes to investigative practice described above (see Chapter 2) have for the Police, been significant, and required considerable investment in time and resources to provide the necessary training and development to large numbers of police officers. It has also required, (a) a fundamental shift in the way the Police understand knowledge, (b) how the Police see learning and development, and (c) the type of knowledge police officers need to perform their broader role effectively (COP, 2019). The result of this shift and consequent investment has been the drive to, (a) professionalise the Police, (b) the requirement for officers to hold a degree, and (c) the introduction of the three ways into the Police, (see Chapter 5). My thesis recognises that a

similar effort is now needed in respect to giving evidence to strengthen and professionalise the final part of an investigation, the prosecution in court.

The findings of my thesis are a natural evolution of this suggestion and the progress towards professionalism made by the police to date (see Chapter 7). The results offered by this thesis provide an evidence base from which to develop the appropriate balance of knowledge and a more expertise-based level of practice when giving evidence in court, which has not been adequately supported by the substantial developments elsewhere.

The aim of the proposed PIF is that it should integrate seamlessly with existing recruit training programmes by tailoring the elements of the framework required to the circumstance (see Table 7:1). Moreover, the PIF can be custom-made for new training schemes to improve performance when giving evidence in court and the training examples provided demonstrate this (see Chapter 7). Accordingly, it is anticipated that integrating this approach into existing systems need not prove too problematic for the Police which positions the PIF as an achievable option for advancing performance. Based upon the instructional design theory of XBT (Fadde, 2010) and focused on the development of task specific skills, the PIF proposed and its underlying theoretical approach can also be applied to other situations. For example, those contexts which require a broader grasp of the wider context and enhanced understanding of the *why* and *how* or *why not* and is a useful mechanism to complement and enhance existing training.

Whilst integration with existing systems is achievable, there will be implications for the Police to deliver the entirely *new* training schema needed to address some of the issues raised by this thesis. In particular, there will no doubt need to be new systems in place for officers as they progress through their careers and into the higher demand or more specialised areas; something which appears to be missing in the Police (see Chapters 3 and 4). Similarly, for those officers in

particular groups or with specific requirements new training systems will need to be designed which will of course take time and resources to accomplish. In some instances, for example, addressing specific cognitive issues such as regulating emotion or listening skills, the Police themselves may not have the resources to deliver the training. This will mean bringing in people with the necessary specialist skills and may have several knock-on effects for cost or vetting for example. In parallel to the development of new training schema, there will also need to be the development and design of a corresponding system of oversight and evaluation to monitor the anticipated performance improvements and encourage appropriate adjustments over time.

Given that the substantial organisational support required to enable officers to perform effectively in court has tended to be lacking in this area of practice (see Chapters 2,3,4 and 5), this may prove to be time consuming to achieve and will require a well-thought-out and implemented change management programme to impact both the cultures and practices of the Police in relation to giving evidence in court. Whilst implementation of the recommendations of this thesis will be different in each police force my suggested starting point in building an effective and comprehensive change management programme, would consist of the points below:

- Use this thesis as a foundation of evidence-based knowledge and as a ‘starting point’ or springboard for further research to inform the Police of the benefits of developing expertise.
- Integrate expertise initially and progressively into recruit training to deal with the ‘here and now’ issues.
- Begin the development of future training schema to address more long-term issues for more experienced officers.

8.2.2 Applying my Research: Recent Developments and Next Steps

My rationale for undertaking this research was to advance the performance of police officers giving evidence in court by stimulating the development of police understanding and knowledge and simultaneously raising awareness of the performance demands of giving evidence. This aligns with Fadde's' (2010) first underpinning principle of XBT that cognitive skills required for expert performance can be discovered through expert-novice research. My goal now would be to introduce as many policing practitioners and researchers as possible to the findings from this research and to engage them with the subject to raise awareness and stimulate the development needed.

With this in mind and to stimulate further discussion and inquiry in this domain, emerging findings from this thesis have been presented to students on two master's degree programmes for expert witnesses in court. Both programmes included police and non-police students and the purpose was to raise the participants awareness of giving evidence and to motivate them to *think* about the *performance* aspects of giving evidence. In addition, to contribute original knowledge to this domain and to reach a broader constituency two peer reviewed articles reporting emerging findings from this thesis have also been published in a policing journal. My ambition now is to enhance this by publishing further journal articles which report the final conclusions of this thesis.

Reflecting against the requirements of principles two and three of Fadde's' (2010) work the concept of training to expertise and developing from novice to expert progressively over time has now been introduced into course modules across four master's degree programmes within my own institution. These modules are concerned with developing international, police and non-police, investigators in the fields of, (a) criminal investigation, (b) financial investigation, and (c) counter terrorism, and typically reach hundreds of students a year.

Returning to my main theme of police officers giving evidence in court I have had formal and informal discussions with the Course Leaders and Tutors from all three of the ways into policing outlined in Chapter 5, in my own institution, to explore how findings from this thesis may be integrated into existing police recruit training in the next academic year. Furthermore, I was recently invited to discuss the findings of this thesis with the Chair of the National Higher Education (HE) Forum for Policing and to consider opportunities to disseminate the findings across the policing domain nationally. Following these discussions, I am now working with stakeholders to design and implement a structured set of learning activities to develop expertise in relation to giving evidence in court, integrated across the Degree Entry Programme and Police Apprenticeship. For the Professional Policing Degree, it is proposed to integrate training to expertise across four specific areas of the curriculum. Precisely which four areas is currently under discussion but will include giving evidence in court. Alongside this, consideration is also being given to how performance might be evaluated in the future. Whilst this is at an early stage the model of Ascending Intellectual Demand (EI-Abd, 2019) is potentially of value at this point and will be the subject of further consideration. My aim in this respect is to inform the future development of the PEQF and the NPC, to embed the findings from this thesis into the national curriculum and to raise the awareness of the Police professional body of the issues raised by this research.

8.2.3 Limitations

My thesis has remained coherent with my pragmatic research philosophy and has generated the practical, meaningful, and relevant insights necessary to meet the specific aims and objectives of the thesis (see Chapter 1). The use of a small but highly experienced sample of interviewees combined with a much larger survey, of real courtroom participants, was appropriate to my aims

and the approach taken to optimise the trustworthiness of the findings enhanced the research procedure (see Chapter 3 and Chapter 4). However, there is still much that can be done and more insight and knowledge which is available and there are of course several limitations to this thesis.

For example, the research methods chosen did not reach all the actors in the courtroom to capture their views on police performance. To develop this, the views from ‘victims’ of crime, defendants, and Judges, to establish how they perceive police performance in court and whose side they think the police are, or should be, on, would be a valuable additional insight. Similarly, the views of police leaders from within the most senior ranks would provide a useful insight into how important they feel giving evidence is, to the overall function of the Police today. It is noticeable in this thesis that only one senior police leader contributed.

In addition, this study is limited by its specific focus upon police officers giving evidence. There are numerous other roles within the Police which are not carried out by police officers, but which require attendance in court to give evidence, such as police staff investigators and crime scene investigators. Indeed, this became very clear towards the end of my thesis when I was asked if the findings could be made available to crime scene investigators. Against this background, understanding the requirements for giving evidence of a broader range of police staff may also enhance and broaden the Police organisations understanding of giving evidence in court.

Returning to my main theme, of developing the required training for police officers, more insight as to the patterns of courtroom attendance may also prove useful. My thesis was able to provide information on the frequency of attendance in relation to the numbers of times an officer attended court and the most recent times of attendance. However, this thesis did not provide details of any patterns of attendance, i.e. how often per year did officers attend court, the time of year that took place and whether specific types of cases require more attendance than others or did

officers with specific characteristics attend more and be cross-examined more than others. All of which may prove useful in designing and scheduling specific and progressive role related training.

My thesis also found a generally lower level of confidence within female respondents, when compared to males, who may require tailored training to address their precise needs (see Chapter 4). However, it is noted at this point that my thesis was not able to establish if this was affected by potential ‘over-confidence’ in the male population. None the less, it does not seem unreasonable to consider the presence of other groups within the police who may also have their own specific needs which could be revealed by further research. The significance of the impact of giving evidence on female police officers was revealed by the additional inferential statistics reported (see Chapter 4.). However, the results in this section are tentative in nature as the sample size available for the inferential analysis undertaken was not representative of the population of police officers in England and Wales (Carminati, 2018). The reliability and internal validity of these findings are therefore affected and raises questions of their consistency over time, their representation of the total police population, and the degree of causality between variables (Carminati, 2018).

The survey itself was designed to be easy to understand and structured in a way to leave the most potentially contentious issues until the last (see Appendix L). As a result, it was intended that potential participants would not be ‘put ‘off’ completing the survey (see Chapter 4). In the event several potential participants did open the survey but did not complete any of the questions and were removed from the analysis. The reasons for this are unknown but the limiting effect of this was to reduce the number of survey responses (see Chapter 4). Moreover, because of the way the survey was circulated it cannot be discounted that the respondents were those with an existing interest – positive or negative - in the subject and may have introduced a degree of bias.

In addition, despite making inroads into understanding the requirements for effective police performance in court and the factors which enable and challenge that performance, my thesis was limited by not being able to add any further clarity on the specific effect of personality on performance. First raised in Chapter 2, (Brodsky et al., 2010; Cramer et al., 2013) this aspect of performance remains an area in need of future research.

Whilst meeting the aims set in Chapter 1 this thesis found several areas where additional research would be beneficial and the next section describes these in more detail.

8.2.4 Future Research

In contrast to the lack of focus previously seen on police officers giving evidence in court, my thesis has illuminated giving evidence as a key role for the Police which impacts the wider criminal justice system and public confidence. Furthermore, the performance demands involved require a similar level of commitment, development, and priority as many other areas of policing and would benefit from, (a) additional, (b) habitual, (c) domain specific, and (d) academic, research.

Now that my thesis has outlined the complicated mixture of the organisational and individual factors needed to improve the performance of police officers in court, the time is appropriate to continue the momentum provided, by expanding upon the foundational evidence base produced. This can be done in a way which has coherence with this thesis, and the future research considered below is capable of delivering against all of the three underpinning principles of XBT outlined in Chapter 5 (Fadde, 2010) and which provide the foundation for the solutions offered.

First, there is a clear need to undertake further research and develop more fully the epistemology of the wider police organisation, specifically the senior leadership and training establishment. The focus of this research can help to develop a shared understanding and

acknowledgement of the role of giving evidence in court and the, (a) cognitive, (b) behavioural, and (c) aesthetic, *performance* demands it places upon police officers (Olsson, 2016). Furthermore, this thesis did not undertake an expert-novice comparison of police officers giving evidence in the way recommended by Fadde (2010) but instead *began* the process of identifying key skills and sub-skills required for further development (see Chapter 5). As knowledge and understanding of the Police develops over time a useful key future step must be to distinguish more clearly between those who perform competently and those with more expertise.

Second, my thesis has revealed that the relationship between Her Majesty's Court and Tribunal Service (HMCTS) and the Police, has resulted in unintended *negative* consequences with regards to how and when officers attend court and the behaviour and aesthetics they display. This is an important issue for both the Police and the wider criminal justice system and a key issue for future research to reduce the negative unintended consequences revealed by this thesis.

A future study of HMCTS who administer the court system in England and Wales can provide further insight into the expectations of HMCTS of Police officers at court and greatly enhance knowledge and practice in this area. Insight from this group of people can inform the issue raised in this thesis of the unintended consequences of intra organisational decisions between the Police and HMCTS. It would be illuminating to establish if decisions of this kind were based upon organisational imperatives, or the need for the best evidence to be presented in court (see Chapter 3).

Turning to the value of this thesis to practice, my background and professional experience give me confidence that this thesis provides a solid foundation from which further research into important practice issues can be progressed. If successful, this can provide both HMCTS and

Police leadership with greater insight into a key issue of confidence and legitimacy of both the Police and the criminal justice system more broadly.

Further studies will still be required in this specific practice area, and there is a current and ongoing debate about the role of the Police and the nature of the criminal justice system. The Police will need to respond to this debate and be required to perform effectively during, (a) evidence gathering, (b) case building, and (c) presenting evidence, in a very context specific way, a way which meets an ever-changing set of expectations. To keep up with these changes and to perform effectively, police officers will need, (a) understanding, (b) up to date knowledge, (c) clarity of purpose, and (d) support. To develop this knowledge and expand upon the findings from my thesis, further research could explore the views of those actors in the courtroom *not* captured by this study such as victims of crime, Judges, and court administrators.

In addition, the findings of this thesis may well contribute to the development of a particular type of police research. Future research into the Police giving evidence can evolve the traditions of police research seen so far. The study of policing has undergone several cultural and philosophical changes since the 1960s and the ‘consensus stage’ of policing studies which tended to support the Police. This changed during the 1970s when police research took a greater interest in police failings and became known as the ‘controversy stage.’ This was followed in the 1980s by a focus on police accountability and governance. This became known as the ‘conflict stage’ and since then the study of the Police has passed through numerous evolutions including the ‘problem-oriented policing’ stage and, the ‘evidence-based policing’ stage (Thomas, 2014).

Recent commentators argue that those studying the Police have been preoccupied with finding out how *similar* police officers are to each other and the perceived negative effects of police culture(s) on social justice. Subsequently, the focus has been on issues such as poor use of

operational discretion and relies upon a generalisation of what police culture is in practice and fails to account for differences between *individual* police officers (Kammersgaard, 2018).

A key contribution of my thesis is that a specific policing task has been approached from the perspective of developing an evidence-base from which to improve the *individual performance* of police officers. My thesis concurs with those like Kammersgaard (2018) and promotes the recognition of differences between individual police officers. With this in mind, this thesis supports the continuing development of an emerging strand of policing research conducted from the perspective of improving the *individual performance* of police officers who each have individual development needs which differ according to, (a) the officer, (b) the task specific demands of the role, and (c) the context.

8.3 Conclusions

The overall aims of this research were first, to critically analyse the presentation of police evidence in court and evaluate the effectiveness of that role, the impact on police legitimacy and how effectively officers understood and were prepared for performing their role as witnesses in court. Second, this research aimed to provide a range of evidence-based recommendations and practical resources to enhance performance in this domain (see Chapter 1).

In meeting these aims, my thesis has provided an original evidence base to support the future development of performance improvement mechanisms in the Police. This provides an important ‘starting point’ from which to advance knowledge in the Police of the benefits in adopting an *additional* cognitive focused and expertise-based approach to improving performance, at the level of the *individual* officer. In addition, such an approach has the potential to be used across a range of police roles beyond the giving of evidence in court, which was the context of this thesis. As such, approaching the development of police officers specifically from an (a) *individual*,

(b) expertise-based, (c) performance, and (d) task specific, perspective may deliver a contribution to practice which is much broader than originally anticipated.

Returning to my main theme of police officers giving evidence in court, my thesis demonstrates the importance of the task to, (a) the effective administration of justice, (b) confidence in the criminal justice system, (c) the Police, and (d) upon officer well-being. In response, my thesis and the recommended PIF provide an evidence-based approach to improving performance when giving evidence in court, which is, (a) flexible, (b) practical to use, and (c) can be applied more broadly to other police roles. The findings of my thesis provide a comprehensive and meaningful insight into police officers giving evidence in court and as such, contributes to practice by providing a well-informed springboard for the continued development of police officers to give evidence effectively, throughout their career.

Ultimately, preparing police officers in this way to give more, (a) effective, (b) authentic, (c) accurate, and (d) reliable, evidence in court, should not concern those who seek to prevent malpractice or who fear bias or partisanship in the courtroom. Presenting authentic, reliable, and accurate evidence effectively to the court “is not a question of winning, but of professionalism” (Brian & Cruickshank, 2016, p. 6).

References

- Abraham, A., & Collins, D. (2011). *Effective Skill Development: How Should Athletes' Skills Be Developed?* In D. Collins., H. Richards., & A. Button. (Eds.), *Performance psychology: A practitioner's guide*. p. 207-227, Kidlington: Elsevier.
- Alder, D., Ford, P. R., Causer, J., & Williams, A. M. (2016). The Effects of High- and Low-Anxiety Training on the Anticipation Judgments of Elite Performers. *Journal of Sport & Exercise Psychology*, 38, 93-104. doi.org/10.1123/jsep.2015-0145
- Aidman, E., (2020). Cognitive Fitness Framework: Towards Assessing, Training and Augmenting Individual-Difference Factors Underpinning High Performance Cognition. *Frontiers in Human Neuroscience, Perspective*. <https://doi.org/10.3389/fnhum.2019.00466>
- American Bar Association, (2020, August 21) Rule 1.1: Competence. Retrieved from https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/
- Armitage, A. (2007). *Mutual Research Designs: Redefining Mixed Methods Research Design*. Paper presented at the British Educational Research Association Annual Conference, Institute of Education, University of London, 5-8 September 2007. Retrieved from www.leeds.ac.uk/educol/documents/167799.htm
- Association of Chief Police Officers/National Policing Improvement Agency. (2012). *Practice Advice on Core Investigative Doctrine*. 2nd ed. London: ACPO/NPIA.
- Attia, M., & Edge, J. (2017). Be(com)ing a reflexive researcher: a developmental approach to research methodology. *Open Review of Educational Research*, 4:1, 33-45. <https://doi.org/10.1080/23265507.2017.1300068>
- Azbel-Jackson, L., Butler, L. T., Ellis, J. A., & van Reekum, C. M. (2016). Stay Calm! Regulating emotional responses by implementation intentions: Assessing the impact on physiological and subjective arousal. *Cognition and Emotion*. 30 (6) 1107–1121, [dx.doi.org/10.1080/02699931.2015.1049515](https://doi.org/10.1080/02699931.2015.1049515)

- Baraskar, V.J., & Shinde, P. P. (2018). To study the gender difference in personality factor and Anxiety in Adolescents-Sociability self Confidence Ambition and Anxiety. *Journal of Evidence Based Medical Health.*, 5 (18)
- Barrett, C., & Hamilton-Giachritsis, C. (2013). The victim as a means to an end: Detective decision making in a simulated investigation of attempted rape. *Journal of Investigative Psychology and Offender Profiling* 10: 200–218
- Basinska, B. A., & Wiciak, I. (2013). Impact of Work on the Well-being of Police Officers and Firefighters. *Internal Security*, 5(1), 247-258
- Beebe, C. W., Brouillard-Bruce, T., Golz, C., Harrison, S. K., & Iwamiya, S. I., (2018). The Competent Housing Officer: Evolving Perspectives on Professional Competencies in Student Housing. *The Journal of College and university Student Housing.*44(2), pp 109-123
- Belton, K. (2020). *PUTIN'S PEOPLE. How the KGB took back Russia and Then Took on the West.* William Collins
- Berking, M., Meier, C., & Wupperman, P. (2010). Enhancing emotion-regulation skills in police officers: Results of a pilot-controlled study. *Behaviour Therapy* 41(3): 329–339
- Bettenay, C., Ridley, A. M., Henry, L. A., & Crane, L. (2015). Changed Responses Under Cross-examination: The Role of Anxiety and Individual Differences in Child Witnesses. *Applied Cognitive psychology* 29 485- 491. DOI: 10.1002/acp.3125
- Bhowmick, S., & Mulla, Z. (2016). Emotional Labour of Policing: Does authenticity play a role? *International Journal of Police Science & Management* 18(1) 47-60. DOI: 10.1177/1461355716638113
- Blair, L. (2016). Implementing Expertise-based Training Methods to Accelerate the Development of Peer Academic Coaches. (Unpublished Ph.D. Thesis). Southern Illinois University at Carbondale
- Boaz, A., & Ashby, D. (2003). Fit for Purpose? Assessing research quality for evidence-based policy and practice. *ESRC UK Centre for Evidence Based Policy and practice*

- Boccaccini, M. T., Gordon, T., & Brodsky, S. (2005). Witness preparation training with real and simulated criminal defendants. *Behavioural Science and the Law* 23: pp.659–687
- Boeije, H. (2002). A Purposeful Approach to the Constant Comparative Method in the Analysis of Qualitative Interviews. *Quality & Quantity* 36: pp. 391–409
- Bohle-Carbonnel, K. D., Könings, M. Segers, & J. J. G. van Merriënboe (2015) Measuring adaptive expertise: development and validation of an instrument. *European Journal of Work and Organizational Psychology* 25(2). DOI: 10.1080/1359432X.2015.1036858
- Bond Solon, (2020) *Witness familiarisation - An Overview*. Retrieved from <https://www.bondsolon.com/witness-familiarisation>
- Bothwell, R. K., & Jalil, M. (1992). The credibility of nervous witnesses. *Journal of Social Behaviour and Personality*, 7: pp.581–586
- Bradley, D., & Nixon, C., (2009). Ending the “dialogue of the deaf”: evidence and policing policies and practises. An Australian case study. *Police Practice and Research*, 10,5-6, 423-435
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology, *Qualitative Research in Psychology*, 3:2, pp. 77-101
- Braun, V., & Clark, V. (2020) *Thematic Analysis: a reflexive approach*. Retrieved from www.psych.auckland.ac.nz/en/about/thematic-analysis.html
- Brian, D. J. & Cruickshank, A. (2016). Police officers giving evidence: Discussing gaps, contradictions and next steps. *The Police Journal: Theory, Practice and Principles*, 90(2) pp.160–172
- Brian, D. J., & Cruickshank, A. (2019). Police officers giving evidence: Understanding the enablers and challenges of performance. *The Police Journal: Theory, Practice and Principles*, 92, (4), pp. 1–24
- Brimblecombe, S., Davidson, G., Robinson, M., Purtill, S. & Kent, G. (2017). *Understanding Public Perceptions of Police Uniform: How is the Queensland Police Service Uniform*

perceived by the public? Retrieved from <https://mypolice.qld.gov.au/wp-content/uploads/2017/12/Feedback-Summary-Sheet-police-copy.pdf>

- Brodsky, S. L., Neal, T. M. S., Cramer, R. J., & Ziemke, M. H. (2009). Credibility in the Courtroom: How likeable should an expert witness be? *Journal of the American Academy of Psychiatry and Law*, 37, 525–5
- Brodsky, S. L., Griffin, M. P., & Cramer, R. J. (2010). The witness Credibility Scale: An Outcome Measure for Expert Witness Research. *Behavioural Sciences and the Law*, 28, 892–907
- Brodsky, S. L., & Cramer, R. J. (2014). Bringing Psychology to the Courtroom and Vice Versa: Conceptualization and Design of a Course in Trial Consulting. *Journal of Forensic Psychology Practice*, 14, 145–157
- Brush, E. (2020). Inconvenient truths: pluralism, pragmatism, and the need for civil disagreement. *Journal of Environmental Studies and Sciences* 10:160–168
<https://doi.org/10.1007/s13412-020-00589-7>
- Buetow, S. (2019). Apophenia, unconscious bias and reflexivity in nursing qualitative research. *International Journal of Nursing Studies*, 89, 8-13.
<https://doi.org/10.1016/j.ijnurstu.2018.09.013>
- Calmeiro, L., Tenenbaum, G., & Eccles, D. W. (2014). Managing pressure: patterns of appraisals and coping strategies of non-elite and elite athletes during competition. *Journal of Sports Sciences*. 32, No19, 1813-20, doi.org/10.1080/02640414.2014.922692
- Carminati, L., (2018). Generalizability in Qualitative Research: A Tale of Two Traditions. *Qualitative Health Research*. 28 (13), 2094-2101. doi.org/10.1177/1049732318788379
- Caruso, D., & Cross, T. (2012). The case in Australia for further reform to the cross-examination and court management of child witnesses. *The International Journal of Evidence & Proof*.16: 364–397. DOI:10.1350/ijep.2012.16.4.412
- Chamber, M., Bliss, K. & Rambur, B. (2020). Recruiting Research Participants via Traditional Snowball vs Facebook Advertisements and a Website. *Western Journal of Nursing Research* 1 –6. DOI: 10.1177/01939459209044455

- Child, F.J., & Shaw, S.D., (2020). A purpose-led approach towards the development of competency frameworks. *Journal Of Further and Higher Education*, 44, 8, 1143–1156
<https://doi.org/10.1080/0309877X.2019.1669773>
- Cockburn, A.D. (2014). Using Semi-Structured Interviews to Study Mediocre Teachers: Ethical Issues. *SAGE publications* doi.org/10.4135/978144627305014533935
- Cole, S., & Dioso-Villa, R. (2009). Investigating the ‘CSI effect’: Media and litigation crisis in criminal law. *Stanford Law Review*, 61(6), 1335–1374
- Collins, D., & Cruickshank, A. (2015). Take a walk on the wild side: Exploring, identifying, and developing consultancy expertise with elite performance team leaders. *Psychology of Sport & Exercise*, 16, 74–82. doi: 10.1016/j.psychsport.2014.08.002
- Collins, D., Burke, V., Martindale, A., & Cruickshank, A. (2015). The illusion of competency versus the desirability of expertise: Seeking a common standard for support professions in sport. *Sports Medicine*, 45(1), 1–7. doi:10.1007/s40279-014-0251-1
- Collins, L., & Collins, D. (2016). The foci of in-action professional judgment and decision-making in high-level adventure sports coaching practice. *Journal of Adventure Education and Outdoor Learning*, 17(2), 122–132. doi:10.1080/14729679.2016.1227717
- Cramer, R. J., DeCoster, J., Neal, T. M.S., & Brodsky, S. L. (2013). The observed Witness Efficacy Scale: A measure of effective testimony skills. *Journal of Applied Social Psychology*, 43: 1696–1703
- Cramer, R. J., Parrott, C. T., Gardner, B. O., Stroud, C. H., Boccaccini, M. T., & Griffin, M. P. (2014). An exploratory study of meta-factors of expert witness persuasion. *Journal of Individual Differences*. 35(1): 1–11
- Cruickshank, A., Martindale, A., & Collins, D. (2018). Raising Our Game: The Necessity and Progression of Expert-Based Training in Applied Sport Psychology, *Journal of Applied Sport psychology*. 1-19, DOI: 10.1080/10413200.2018.1492471
- College of Policing, (2020, 25, August) Code of Ethics, (2014). Retrieved from
https://www.college.police.uk/What-we-do/Ethics/Documents/Code_of_Ethics.pdf

- College of Policing (2020, 21, August), Join The Police. Retrieved from https://recruit.college.police.uk/Pages/home.aspx?utm_campaign=join-the-police&utm_medium=website&utm_source=navigation-homepage&utm_content=homepage&utm_term=recruitment-site
- College of Policing. (2018). Policing Education Qualifications Framework: Degree Holder-Entry Programme (DHEP), *National Policing Curriculum*.
- Dantzker, M. L., & Hunter, R. D. (2012). *Research methods for Criminology and Criminal Justice*. (3rd ed). Jones and Bartlett Learning
- De Church, L. A., & Mesmer-Magnus, J. R. (2010). Measuring shared team mental models: A meta- analysis. *Group Dynamics: Theory, Research, and Practice* 14(1): 1–14
- Department for The Home Office. (2019). *Be A Force for All*, Retrieved from <https://www.gov.uk/government/news/home-office-announces-first-wave-of-20000-police-officer-uplift>.
- Department for the Home Office. (2020). *Giving Evidence in Court*. Version 5.0, Retrieved from [giving-evidence-in-court-v5.0-gov-uk.pdf](https://www.publishing.service.gov.uk/giving-evidence-in-court-v5.0-gov-uk.pdf) (publishing.service.gov.uk)
- Dodgson, J. E. (2019). Reflexivity in Qualitative Research. *Journal of Human Lactation*. 35:2, 220-222. <https://doi.org/10.1177%2F0890334419830990>
- Earhart, B., Brubacher, S. P., Powell, M. B. Westera, N. J., & Goodman-Delahunty, J. (2017). Judges delivery of ground rules to child witnesses in Australian courts. *Child Abuse & Neglect*, 74, 62-72. doi.org/10.1016/j.chiabu.2017.08.005
- EI-Abd, M. (2019). A teacher's guide to developing expertise through Ascending Intellectual Demand. *Gifted Education International*, 35(3), 250-274
- Engel, R. S., & Whalen, J. L. (2015). Police-academic partnerships: ending the dialogue of the deaf, the Cincinnati experience. *Police Practice and Research*, 11,2, 105-116
- European Convention on Human Rights, Rome, 4. XI.1950, Retrieved from www.echr.coe.int/Documents/Convention_ENG.pdf

- Fadde, P. (2010). Expertise-Based Training: Getting More Learners Over the Bar in Less Time. *Tech., Inst., Cognition and Learning*, 7, 171–197
- Fehlhaber, K. (2017). *The Consequence of Illusory Superiority*. Retrieved from <https://knowingneurons.com/2017/02/06/illusory-superiority/>
- Feltz, D., Short, S., & Sullivan, P. (2008). *Self-efficacy in sport*. Champaign, IL: Human Kinetics.
- Fielding, N. G. (2013). Lay people in court: the experience of defendants, witnesses and victims. *The British Journal of Sociology* 64(2). doi: 10.1111/1468-4446.12018
- Filho, E., Aubertin, P., & Petiot, B. (2016). The making of expert performers at Cirque du Soleil and the national Circus School: A performance Enhancement outlook. *Journal Of Sports Psychology In Action*, (7) 2, 68-79, doi.org/10.1080/21520704.2016.1138266
- Fletcher, D., & Maher, J. (2014). Professional competence in sport psychology: Clarifying some misunderstandings and making future progress. *Journal of Sport Psychology in Action*, 5(3), 170–185. doi:10.1080/21520704.2014.965944
- Fletcher, D. (2017). Supervisor commentary. *Sport & Exercise Psychology Review*, 12(2), 72
- Flores, D. M., Miller, M. K., Chamberlain, J., Richardson, J. T., & Bornstein, B. H., (2002). Judges Perspectives on Stress and safety in the Courtroom: An Exploratory Study, *Court Review*, 45-89
- Fouad, N. A., Grus, C. L., Hatcher, R. L., Kaslow, N. J., Smith Hutchings, P., Madson, B., (...) Crossman, R. E. (2009). Competency Benchmarks: A Model for Understanding and measuring Competence in Professional Psychology Across Training Levels. *Training and Education in Professional Psychology*, 3 (4), s5-s26
- Fulford, T. R. (2011). Writing Scripts for silent movies: How officer experience and high-crime areas turn innocuous behaviour into criminal conduct. *Suffolk University law Review*, 45, 497-522
- Gallagher, S.A., (2015). The role of problem-based learning in developing creative expertise. *Asia Pacific Education Review*. 16:225-235. Doi 10.1007/si12564-015-9367-8

- Giaccobi Jr., P. R., Poczwadowski, A., & Hager, P. (2005). A Pragmatic Research Philosophy for Applied Sport psychology. *The Sports Psychologist*, 19, 18-31
- Giblin, F. (2019). Promoting student engagement with a large class (400+): (Implications for large sized lectures, small group workshops and online teaching and learning. *Pedagogy for Higher Education Large Classes*, DOI: 10.5281/zenodo.3484669
- Gneezy, U., Niederle, M., & Rustichini, A. (2003). Performance in Competitive Environments: Gender Differences. *The Quarterly Journal of Economics*, 118, (3) 1049–1074
- Goldkuhl, G. (2008). What kind of Pragmatism in Information Systems Research? Paper presented at the AIS SIG Prag Inaugural meeting, Dec 14, 2008, Paris.
- Goldkuhl, G. (2012). Pragmatism vs interpretivism in qualitative information systems research. *European Journal of Information Systems*, 21(2), 135–146. <http://dx.doi.org/10.1057/ejis>
- Gottlieb, G. (2015). “Know-How, procedural knowledge, and choking under pressure.” *Phenomenology and the Cognitive Sciences*, 14(2),361-378
- Green, T., Dickerson, C., & Blass, E. (2010) Using competences and competence tools in workforce development. *British Journal of Nursing*, 2010, 19, 20, DOI: <http://dx.doi.org/10.12968/bjon.2010.19.20.79687>
- Green, T., & Gates, A. (2014). Understanding the Process of Professionalisation in the Police Organisation. *Police Journal: Theory, Practice and Principles*, 87, 75–9
- Griffith, R. & Tengahan, C. (2010). Principles of good evidence giving. *British Journal of Community Nursing*, 15(110), 542–546
- Gropel, P., & Mesagno, C. (2017). Choking Interventions in sports: A systematic review. *International Review of Sport and Exercise Psychology*
doi=10.1080/1750984X.2017.1408134
- Gudjonsson, G. H., & Adlam, K. R. (1985). Occupational stressors among British police officers. *Police Journal*, 58(1): 73–80
- Hager, P. & Gonczi, A. (1996) What is Competence? *Medical Teacher*, 18, No 1.
doi:10.3109/01421599609040255

- Hammersley, M. (2007). The issue of quality in qualitative research. *International Journal of Research & Method in Education*, 30:3, 287-305, doi:10.1080/17437270701614782
- Hanif, S., Ahsan, A., & Wise. (2020). Icebergs of Expertise-Based Leadership: The Role of Expert Leaders in Public Administration. *Sustainability*. 12, 4544, doi:10.3390/su12114544
- Harris, P., Bhanji, F., Topps, M., Ross, S., Lieberman, S., Frank, J. R. (...) Sherbino, J. (2017). Evolving concepts of assessment in a competency-based world. *Medical Teacher*.6, 603–608. 39, dx.doi.org/10.1080/0142159X.2017.1315071
- Hassanli, N., & Metcalfe, M. (2013). Idea Networking: Constructing a Pragmatic Conceptual Frame for Action Research Interventions. *Systemic Practice Action Research*, 27:537–549. <https://doi.org/10.1007/s11213-013-9312-x>
- Hatano, G., & Inagaki, K., (1986). *Two courses of expertise*. Retrieved from https://eprints.lib.hokudai.ac.jp/dspace/bitstream/2115/25206/1/6_P27-36.pdf
- Hatano, G., & Oura, Y. (2003). Commentary: Reconceptualizing school learning using insight from expertise research. *Educational Researcher*, 32, 26–29. doi:10.3102/0013189X032008026
- Heilman, R. M., & Miclea, M., (2015). The Contributions of Declarative Knowledge and Emotion in the IOWA Gambling Task. *Cognition, Brain, Behavior. An Interdisciplinary Journal*, XIX, 1(March), 35-53./ Retrieved from (PDF) The contributions of declarative knowledge and emotion regulation in the Iowa gambling task (researchgate.net)
- Henderson, E. (2015a). Communicative competence? Judges, advocates and intermediaries discuss communication issues in the cross examination of vulnerable witnesses. *Crim LR* 659.
- Henderson, E. (2015b). Theoretically speaking English judges and advocates discuss the changing theory of cross-examination. *Crim LR* 12: 927
- Henriques, R. (2019). The Independent Review of the Metropolitan Police Service's handling of non-recent sexual offence investigations alleged against persons of public prominence. Retrieved from, www.met.police.uk/henriques.

- Hesketh, I., Cooper, C. L., & Ivy, J. (2015). Well-being, austerity and policing: Is it worth investing in resilience training? *The Police Journal: Theory, Practice and Principles*, 88(3) 220-230
- Hill, C. E., Spiegel, B. S., Hoffman, M. A., Kivilghan, Jr., & Geslo, C. J. (2017). Therapist Expertise in Psychotherapy revisited. *The Counselling Psychologist*, 1-47. DOI: 1177/00116641192
- Holdaway, S. (2017). The re-professionalisation of the police in England and Wales. *Criminology and Criminal Justice*, 7(5) 588-604
- Houdmont, J., & Elliot-Davies, M. (2016). Police Federation of England and Wales 2016 Officer Demand, Capacity, and Welfare Survey. Initial report- descriptive Results. *Police Federation of England and Wales*. Retrieved from, <https://www.polfed.org/our-work/demand-capacity-and-welfare/2016-survey-results/>
- Hu, L., Wirth, K. M., Harris, R. & Pear, J. J. (2019). The Evaluation of Declarative and Procedural Training Components to Teach the Assessment of Basic Learning Abilities to Senior Tutors. *The Psychological Record*, 70:163–173. doi.org/10.1007/s40732-019-00359-0
- Huttermann, S., Memmert, D., & Baker, J. (2014). Understanding the Microstructure of Practice: Training Differences Between Various Age Classes, Expertise Levels and Sports. *Talent Development & Excellence*, 6, (2), 17-29
- Jacobson, J., Hunter, G. & Kirby, A. (2015). Structured Mayhem: Personal Experiences of the Crown Court. *Criminal Justice Alliance Briefing*. Retrieved from <http://criminaljusticealliance.org/wpcontent/uploads/2015/11/Structured-Mayhem.pdf>
- Jamieson, J. P. (2010). The home field advantage in athletics: A meta-analysis. *Journal of Applied Social Psychology*, 40, 1819–1848. doi:10.1111/j.1559-1816.2010.00641.x.
- Johnson, R. B., & Onwuegbuzie, A. J. (2004). Mixed Methods Research: A research Paradigm Whose Time has Come. *Educational Researcher*, 33, 14-26

- Kammersgaard, T., (2018). Police Research Methodology: Studying Police Officers Who Deviate from ‘the Police Culture’. *Nordisk politiforskning*, 2, 141-156.
doi.org/10.18261/issn.1894-8693-2018-02-04
- Kaslow, N. J., Rubin, N. J., Bebeau, M. L., Leigh, I. W., Lichtenberg, J. W., Nelson, P. D., ... Smith, I. L., (2007). Guiding Principles and Recommendations for the Assessment of Competence. *Professional Psychology: Research and Practice*, 38(5),441-451. DOI: 10.1037/0735-7028.38.5.441
- Kaushik, V., & Walsh, C. A. (2019). Pragmatism as a Research Paradigm and Its Implications for Social Work Research. *Social Sciences*. 8, 255; doi:10.3390/socsci8090255
- Kebbell, M., & Johnson, S. (2000). Lawyers’ questioning: The effect of confusing questions on witness confidence and accuracy. *Law and Human Behaviour*, 24(6): 629–641
- Kebbell, M. R., & O’Kelly, C. M. E. (2007). Police detectives’ perceptions of giving evidence in court. *An International Journal of Police Strategies and Management*. 30:1
- Khan, K., & Ramachandran, S. (2012). Conceptual framework for performance assessment: Competency, competence and performance in the context of assessments in healthcare – Deciphering the terminology. *Medical Teacher*, 34: 920–928., doi: 10.3109/0142159X.2012.722707
- Klein, G., Borders, J., Newsome, E., Mittelo., & Klein, H.A., (2018). Cognitive skills training: Lessons learned. *Cognition technology & Work*, 20:681-687.
https://doi.org/10.1007/s10111-018-0528-5
- Kumar, R. (2014). *Research Methodology. A step by step guide for beginners*. 4th ed. SAGE.
- Levitt, H. M., Motulsky, S. L., Wertz, F. J., & Morrow, S. L. (2017). Recommendations for Designing and Reviewing Qualitative Research in Psychology: Promoting Methodological Integrity. *Qualitative Psychology* 4,1,2-22
- Lincoln, Y., & Guba, E. G. (1985). *Naturalistic inquiry*. Newbury Park, CA: Sage.

- Lumsden, K. (2017). 'It's a Profession, it Isn't a Job': Police Officers Views on the professionalisation of Policing in England. *Sociological Research Online*, 22 (3) 4-20. <https://doi.org/10.1177%2F1360780417724062>
- Leko, M. M. (2014). The Value of Qualitative Methods in Social Validity Research. *Remedial and Special Education*. 35(5), 275-286
- Leyva, A., (2018). Embodied Rilkean sport-specific knowledge. *Journal of the Philosophy of Sport*, 45, No. 2, 128–143. doi.org/10.1080/00948705.2018.1455148
- MacIntyre, T. E., Igou, E.R., Campbell, M. J., Moran, A. P., & Mathews, J. (2014). Metacognition and action: a new pathway to understanding social and cognitive aspects of expertise in sport. *Frontiers in Psychology*. Doi: 10.3389/fpsyg.2014.01155
- Macquet, A. C., (2009). Recognition Within the Decision-Making Process: A Case Study of Expert Volleyball Players. *Journal of Applied Sports Psychology*, 21:64-79. DOI: 10.1080/10413200802575759
- Mangieri, J., & Collins, C., Block, (ed.) Creating Powerful thinking in teachers and students. (pp/141-186). Retrieved From: www.academia.edu/29686158/Expertise_The_wonder_of_exemplary_performances
- Martin, M. M., & Anderson, C. M. (1998). The cognitive flexibility scale: Three validity studies. *Communication Reports*, 11, 1–9. <http://dx.doi.org/10.1080/08934219809367680>
- Matthews, P., & Malek, H. M., QC. (2014). *Disclosure*. London: Sweet & Maxwell.
- Maxfield, G., & Babbie, E. (2009). Basics of research Methods for Criminal Justice and Criminology. *CENGAGE*.
- McDermott, Y. (2013). The admissibility and Weight of Written Witness Testimony in International Criminal Law: A Socio-Legal Analysis. *Leiden Journal of International Law* 26, 971–989.
- McMullen, J., Hannula-Sormunen, M. M., Lehtinen, E., & Siegler, R. S., (2020). Distinguishing adaptive from routine expertise with rational number arithmetic. *Learning and Instruction*. 68, 101347. P1-10. doi.org/10.1016/j.learninstruc.2020.101347

- McRobert, C. J., Hill, J. C., Smale, T., Hay, E. M., & van der Windt, D. A. (2017). A multi-modal recruitment strategy using special media and internet-mediated methods to recruit a multidisciplinary sample of clinicians to an online research study. *PLOS One* <https://doi.org/10.1371/journal.pone.0200184>
- Mees, A., Sinfield, D., Collins, D., & Collins, L., (2020). Adaptive Expertise – a characteristic of expertise in outdoor instructors? *Physical Education and Sport Pedagogy*, 25:4, 423-438. DOI: 10.1080/17408989.2020.1727870
- Mesagno, C., & Beckmann, J. (2017). Choking under pressure: theoretical models and interventions. *Current opinion in Psychology*; 16:170-175.
- Mills, J. A., Middleton., J. W., Schafer, A., Fitzpatrick, S., Short, S., & Cieza, A. (2020). Proposing a re-conceptualisation of competency framework terminology for health: a scoping review. *Human Resources for Health*. doi.org/10.1186/s12960-019-0443-8
- Mintzberg, H. (2004) cited in Collins, D., Burke, V., Martindale, A., & Cruickshank, A. (2015). The illusion of competency versus the desirability of expertise: Seeking a common standard for support professions in sport. *Sports Medicine*, 45(1), 1–7. doi:10.1007/s40279-014-0251-1
- Mondak, J. J. (1990). Perceived legitimacy of Supreme Court decisions: Three functions of source credibility. *Political Behavior*, 12: 363–384
- Motari, L. (2015). Reflexivity in Research Practice: An overview of Different Perspectives. *International Journal of Qualitative Methods*. 1-9. DOI: 10.1177/1609406915618045
- Myers, J. (2017). Cross-examination: A Defense. *Psychology, Public Policy, and Law*, 23(4), 472-477
- Mylopoulos, M., Kulasegaram, K., & Woods, N.N., (2018). Developing the experts, we need: Fostering Adaptive Expertise through education. *Journal of Evaluation in Clinical Practice*. 24: 674-677. DOI:10.1111/jep.12905
- Naik, G. S., Gaur, G. S., & Pal, G.K. (2018). Effect of Modified Slow breathing Exercise on Perceived Stress and Basal Cardiovascular Parameters. *International Journal of Yoga*: 11:53-8, Retrieved from, <http://www.ijoy.org.in/text.asp?2018/11/1/53/222096>

- Nash, C., Martindale, R., Collins, D. & Martindale, A. (2012). Parameterising expertise in coaching: Past, present and future. *Journal of Sports Sciences*, 30, p.985-994
- National Police Chief Council, (2016, 7 November) Policing Vision 2025. Retrieved from npcc.police.uk/FreedomInformation/Reportsreviewandresponsetoconsultations.aspx
- Neibert, J. (2009). Novice to Expert Practice via Post professional Athletic Training Education: A Grounded theory. *Journal of Athletic Training*, 44(4), 378-390
- Neyroud, P. (2011). Valuing Investigations. *Policing* 5, No 1, Editorial, 1-2
- Nickels, E. (2008). Good guys wear black: uniform colour and citizen impressions of police. *Policing An International Journal of Police Strategies and Management*. 31,1, 77-92
- Norcross, J. C., & Karpiak, C. P. (2017). Our best selves: Defining and actualizing expertise. In *Psychotherapy. The counselling psychologist*, 45(1), 66–75
doi:10.1177/0011000016655603
- Nowell, S. L., Norris, j. M., White, D. E., & Moules, N. J. (2017). Thematic Analysis: Striving to Meet the Trustworthiness Criteria, *International Journal of Qualitative Methods*, 16 1-13
- Olsson, C., Cruickshank, A., & Collins, D. (2016). Making Mentoring Work: The Need for Rewiring Epistemology, *Quest*, DOI: 10.1080/00336297.2016.1152194
- Owusu-Bempah, A. (2013). Defence Participation through Pre-Trial Disclosure: Issues and Implications. *The International Journal of Evidence & proof*, 17 (2), 183-201
- Padhy, M., Chelli, K., & Paddir, R. A. (2015). Optimism and Psychological Well-Being of Police Officers With Different Work Experiences. *Sage Open*,
doi.org/10.1177/2158244015580852
- Patel, S. (2015). The research paradigm – methodology, epistemology and ontology – explained in simple language. Retrieved from: <https://salmapatel.co.uk/>
- Pathak, A., & Intratat, C. (2012). Use of Semi-Structured Interviews to Investigate Teacher Perceptions of Student Collaboration. *Malaysian Journal of ELT Research*, 8(1)

- Pietkiewicz, I., & Smith, J. A. (2012). A Practical guide to using Interpretative Phenomenological Analysis in qualitative research psychology. *Psychological Journal*, 18(2), 361-369
- Posick, C., & Policastro, C. (2014). Victim injury, emotional distress, and satisfaction with the police: Evidence for a victim-centred, emotionally based police response. *Journal of the Institute of Justice and International Studies*, 13,1–11
- Polit, D., & Beck, C. (2017). Nursing research: Generating and assessing evidence for nursing practice. *Wolters Kluwer Health*. doi.org/10.1016/j.iccn.2015.01.005
- Quirk, M. (2006). Intuition and metacognition in medical education: Keys to developing expertise. Retrieved from Ebook Central <a onclick=window.Open('http://ebookcentral.proquest.com', '_blank') href='http://ebookcentral.proquest.com' target='_blank' Created from uclan-ebooks
- Rennie, D. L. (2012). Qualitative research as methodical hermeneutics. *Psychological Methods*, 17,385–398. <http://dx.doi.org/10.1037/a0029250>
- Roach, J., Cartwright, A., & Sharratt, K. (2017). Dealing with the Unthinkable: a Study of the Cognitive and Emotional Stress of Adult and Child Homicide Investigations on Police Investigators, *J Police Crim Psych*, 32:251-262. DOI 10.1007/s11896-016-9218-5
- Sancar-Tokmak, H., & Incikabi, L. (2013). The effect of expertise-based training on the quality of digital stories created to teach mathematics to young children. *Education Media International*, 50:4, 325-340. DOI: 10.1080/09523987.2013.863469.
- Sage Research Methods Encyclopaedia of Social Science Research Methods, (30, November 2017). <http://dx.doi.org/10.4135/9781412950589>
- Scheutz, M., DeLoach, S. A., & Adams, J. A. (2017). A Framework for Developing and Using Shared Mental Models in Human-Agent Teams. *Journal of Cognitive Engineering and Decision Making*, 11(3), 203–224
- Segal, J. (2012). All of the mysticism of police expertise: legalizing stop-and-frisk in New York, 1961-1968. *Harvard Civil Rights-Civil Liberties Law Review*, 47, 573-616

- Selwyn, N. (2014). 'So What?' ...a question every journal article needs to answer. *Learning, Media and Technology*, 39:1,1-5. DOI: 10.1080/17439884.2013.84854
- Simpson, R. (2018). Officer Appearance and Perceptions of Police: Accoutrements as Signals of Intent. *Policing: A Journal of Policy and Practice*, <https://doi.org/10.1093/police/pay015>
- Schrepp, M. (2020). On the Usage of Cronbach's Alpha to Measure Reliability of UX Scales. *Journal of Usability Studies*, (15) 4, 247-258. Retrieved from, Archive - JUS (uxpajournal.org)
- Singer, E., & Couper, M. P. (2017). Some Methodological Uses of Responses to Open Questions and Other Verbatim Comments in Quantitative Surveys. *methods, data, analysis*, (1) 1-19. DOI: 10.12758/mda.2017.01
- Smith, J. A., & Osborn, M. (2007). Interpretive Phenomenological Analysis. *Qualitative Psychology. A Practical Guide to Research Methods*. 2nd edn SAGE.
- Smith, B. (2018). Generalizability in qualitative research: misunderstandings, opportunities and recommendations for sport and exercise sciences. *Qualitative research in Sport, Exercise and Health*. doi.org/10.1080/2159676X.2017.1393221
- Smith, M., McEwan, H. E., Tod, D., Martindale, A. (2019). UK Trainee Sport and Exercise Psychologists' Perspectives on Developing Professional Judgment and Decision- Making Expertise During Training. *The Sport Psychologist*, 33, 334-343
- Soanes, M. (2014). The well-educated witness: witness familiarisation training in England and wales. *The Law Teacher* 48(2), 196–208. DOI:10.1080/03069400.2014.914733
- Solon, M. (2012). Preparing company witnesses. *International In-House Counsel Journal*. 5(19), 1275–1280
- Stelfox, P. (2011). Criminal Investigation: Filling the skills Gap in Leadership, Management and Supervision. *Policing*, 5(1) 15-22. [doi:10.1093/police/paq055](https://doi.org/10.1093/police/paq055)
- Sternberg, R. J. (1999). Intelligence as Developing Expertise. *Contemporary Educational Psychology* 24, 359-375. doi.org/10.1006/ceps.1998.0998

- Strauss, A., & Corbin, J. (1998). Basics of qualitative research: Techniques and procedures for developing grounded theory. Thousand Oaks, CA: SAGE. Cited in *SAGE Research Methods*. <http://dx.doi.org/10.4135/9781412957397.n54>
- Stockdale, J. E., & Gresham, P. J. (1995). The Presentation of Police Evidence in Court. *Police Research Series, Paper 15*. London: Home Office Police Research Group.
- Sturmer, K., Konigs, K. D., & Seidel, T., (2013). Declarative Knowledge and professional vision in teacher education: Effect of courses in teaching and learning. *British Journal of Educational Psychology*, 83, 467–483
- Suss, J., & Boulton, L. (2019) *Expertise in Law Enforcement*. In Ward et al., *The Oxford Handbook of Expertise*. Oxford University Press, 765-79, DOI:10.1093/oxfordhb/9780198795872.013.33
- Taber, K.S. (2018). The Use of Cronbach’s Alpha When Developing and reporting Research Instruments in Science Education, *Res Sci Educ*, 48:1273-1296, DOI 10.1007/s11165-016-9602-2
- Tankebe, J. (2014). Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology*, 51(1),103–135. DOI: 10.1111/j.1745-9125.2012.00291. x.
- Taylor, T. Z., Elison-Bowers, P., Werth, E., Bell, E., Carbajal, J., Lamm, K. B., & Velazquez, E. (2013). A Police Officers Tacit Knowledge Inventory (POTKI): establishing construct validity and exploring applications. *Police Practice and Research*, 14,6, 478-490, DOI: 10.1080/15614263.2013.802847
- Ten Berge, T., & Hezewijk, R., (1999). Procedural and Decelerative Knowledge. An Evolutionary Perspective. *Theory & Psychology*, 9(5): 605-624. doi.org/10.1177%2F0959354399095002
- Thames Valley Police (2020, 9 August) Police Officer – Police Constable Degree Apprenticeship (PCDA). Retrieved from <https://thamesvalleypolice.tal.net/vx/mobile-0/appcentre-External/brand-3/candidate/so/pm/6/pl/1/opp/3988-Police-Officer-Police-Constable-Degree-Apprenticeship-PCDA/en-GB>

- The College of Policing (2020, 24, February) retrieved from,
<https://www.college.police.uk/Pages/Home.aspx>.
- The Royal College of General Practitioners. (2020, 9 August). Retrieved from www.gmc-uk.org/-edia/documents/RCGP_Core_Curriculum_Statement_2015.pdf_61838613.pdf
- The United Kingdom Health and Safety Executive, (2020, 21, August). What is Competence. Retrieved from <https://www.hse.gov.uk/competence/what-is-competence.htm>
- Thi Tuyet Tran, (2017). Research choice: Pragmatism in conducting research about university-enterprise collaboration in the Vietnamese context. *Revista Lusófona de Educação*, 36
- Thomas, G. (2014). Research on Policing: Insights from the Literature. *Police Journal: Theory, Practice and Principles*, 87, 5-16
- Thompson, S. G. (2012). Judicial gatekeeping of police-generated witness testimony. *The Journal of Criminal Law and Criminology*, 102(2): 329–395
- Thompson, W. C., & Scurich, N., (2019). How Cross-Examination on Subjectivity and Bias Affects Jurors' Evaluations of Forensic Science Evidence. *Journal of Forensic Sciences*, 64 (5), doi: 10.1111/1556-4029.1403
- Tidmarsh, P., Sharman, S., Hamilton, G. (2019). Police officers' perceptions of specialist training, skills and qualities needed to investigate sexual crime. *Police Practice and Research. An International Journal*. DOI: 10.1080/15614263.2019.1697266
- Tomei, J., & Cramer R., (2014). Perceived Credibility of Character Witness: Implications for trial Consultation. *Journal of Forensic Psychology Practice*, 14: 263-275. DOI: 10.1080/15228932.2014.923710
- Tozer, M., Fazey, I., & Fazey, J. (2007). Recognising and developing adaptive expertise within outdoor and expedition leaders. *Journal of Adventure Education and Outdoor Learning*, 7(1), 55–75. doi:10.1080/14729670701349780.
- Trochim, W. M. K. (2020, 26, August). Research Methods Knowledge Base. Retrieved from, <https://socialresearchmethods.net/kb/survey-question-placement/>

- Turner, D., Nelson, L., & Potrac, P., (2012). The Journey IS the destination: Reconsidering the Expert Sports Coach. *Quest*, 64:313–325, DOI: 10.1080/00336297.2012.706886
- Vagle, M. D. (2014). *Crafting Phenomenological Research*. Left Coast Press.
- Van der Velden, P. G., Rademaker, A. R., Vermetten, E., Portengen, M. A., Joris, C., & Grievink, L. (2013). Police officers: a high-risk group for the development of mental health disturbances? A cohort study. *BMJ Open*. doi:10.1136/bmjopen-2012-001720
- Ward, P., Gore, J., Conway, G. E., & Hoffman, (2018). Adaptive Skill as the *Conditio Sine Qua Non* of Expertise. *Journal of Applied Research in Memory and Cognition*, 7, 35-50. doi.org/10.1016/j.jarmac.2018.01.009
- Ward, P. (Ed.), Shraagen, J. M., Gore, J., & Roth, E. M. (2019). *The Oxford Handbook of Expertise*. Oxford University Press. DOI: 10.1093/oxford/9780198795872.001.0001
- Wheatcroft, J., & Ellison, L. E. (2012). Evidence in court: Witness preparation and cross-examination style effects on adult witness accuracy. *Behavioural Sciences and the Law*, 30(6), 821–840
- Williams, M., & Davids, K., 1995. Declarative Knowledge in Sport: A By-Product of Experience or a Characteristic of Expertise? *Journal of Sport & Exercise Psychology*, 17, 259-275. DOI: 10.1123/jsep.17.3.259
- Williams, N. B., Brower, R. S., & Klay, W. E. (2016). Community-centred police professionalism: A template for reflective professionals and learning organisations with implications for the co-production of public safety and public order. *Police Journal: Theory, Practice and Principles*, 89(2) 151-173.
- Wood, D., Cockcroft, T., Tong, S., & Bryant, R. (2017). The importance of context and cognitive agency in developing police knowledge: Going beyond the police science discourse. *The Police Journal: Theory, Practice and Principles*, 91(2) 173-187.
- Wuyts, R., Vlemincx, E., Van Diest, I., & Van den Bergh, O. (2017). The influence of slow vs. normal paced breathing training on relaxation and stress reactivity and recovery in high worriers. *Biological Psychology*, 129, 370-385. doi.org/10.1016/j.biopsycho.2017.08.049

Li, M., Zhang, P., Xia, Y., & Jiu, W., (2019). Shaping the shared mental model: How leader humility helps teams to learn. *Journal of Management & Organization*, 25:5 (2019), pp. 653–671, doi:10.1017/jmo.2017.21

Zohrabi, M. (2013). Mixed Method Research: Instruments, Validity, Reliability and Reporting Findings. *Theory and Practice in Language Studies*, 3(2) 254-62.doi:10.4304/tpls.3,2,254-262

Appendices

Appendix A: Chapter 3 - Participant Information Sheet

Information Sheet

Project: Exploring perceptions of police officer performance in court.

Participant Information Sheet

Please read the information below thoroughly before deciding whether or not to participate in this study.

Introduction

You are being invited to take part in a study being conducted as part of a Professional Doctorate in Elite Performance research programme at the University of Central Lancashire. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask us if there is anything that is not clear or if you would like more information – our contact details are at the end. Take time to decide whether or not you wish to take part.

Thank you for reading this information sheet, which you should keep if you decide to take part in the study.

Purpose of this Study

The aim of this project is to evaluate the performance of police officers as witnesses in court by acquiring your perceptions of effective police performance.

Why have I been chosen?

You have been chosen to participate in this study because you are currently a practicing professional in Criminal Justice.

Do I have to take part?

It is up to you to decide whether or not to take part. If you do decide to take part, you will be given this information sheet to keep and also be asked to sign a consent form. If you decide to take part, you are still free to withdraw at any time and without giving a reason.

What will happen to me if I take part?

The study will involve taking part in a single interview which will focus on your perceptions of police officers giving evidence in court. This interview should last no longer than 1 hour and will take place at a time and location convenient to you.

Confidentiality

Please rest assured that all information gathered in this study will remain anonymous and strictly confidential. Interviewees will be assigned an anonymous code number. When we write the final report and any other academic or professional outputs (e.g., publications/presentations) we will not use your name or any other information which could make you publicly identifiable, although you may have a higher probability of identifying other participants who work with the lead researcher. All collected data will be held on a password protected computer and in a secure locked cupboard. Data will be stored for five years from the end of the project and then destroyed.

Withdrawing from the study

Participation in this study is completely voluntary. You do not have to answer any question, you can stop answering a question at any point, and you have the right to fully withdraw from the study without penalty. If you decide to withdraw from the study, all data relating to you will be destroyed. If you decide to withdraw after outputs arising from the study have been communicated (e.g., publications, presentations), please be assured that none of your responses will have been explicitly linked to you in these works.

Risks and Benefits

Your participation and the information you provide will help us understand more about the role and effectiveness of police officers giving evidence in court. Through this study, we hope that the role of police officers can be better understood, and systems created and implemented to prepare officers effectively for giving evidence in the future.

Research Ethics

The University of Central Lancashire's research ethics committee has reviewed and approved this study. If you have any complaints or issues about the study please contact Adrian Ibbetson, Acting Head of School, Sport, Tourism, and the Outdoors, Uclan.

If you would like to take part in this study or if you require further information, please contact:

David Brian (Lead Researcher) DJBrian@uclan.ac.uk

Andrew Cruickshank (Supervisor): ACruickshank1@uclan.ac.uk

Thank you for your help in this study.

Appendix B: Chapter 3 - Participant Consent Form

Consent Form

Title of Research Project: Exploring perceptions of police officer performance in court.

Participant name: DJBInt1-8

Researchers: Dave Brian, Dr Andrew Cruickshank, and Professor Dave Collins.

I have read and understand the participant information sheet.	
I understand what the project is about and what the results will be used for.	
I am fully aware of all procedures involving myself and of any risks and benefits associated with the study.	
I know that my participation is voluntary and that I can withdraw from the project without giving any reason. I understand that if I decide to withdraw from this study all data relating to me will be destroyed. I understand that it will not be possible to remove my data from any publications or presentations led by the investigator up to this point.	
I agree to notes being made during the interview	
I agree to the audio recording and transcription of my interview	
I understand that anonymised quotes may be taken from me and used to illustrate general themes and points within any publications or presentations resulting from this work.	
I understand that the data collected on me will be destroyed at the conclusion of the project but any raw data on which the results of the project depend will be retained in secure storage for five years, after which it will be destroyed.	
I understand that, although the other participants who work with the investigator may have a higher probability of identifying me (and vice versa), the results will be anonymous, and any quotations used will not be attributable to me.	
I would like to receive a copy of the results.	

Participant declaration: I certify that I have had the nature, purpose and possible risks associated with participation in this research study explained, and that I have had any questions that have been raised answered. I also certify that the signature below has also been witnessed.

Participant's Signature:

Signature of investigator:

Date

Appendix C: Chapter 3 - Interview Guide

Literature suggests the key Dimensions of **effective general witness performance** are **Confidence, Likeability, Trustworthiness and Knowledge** impacted by the unknown effect of **Personality**. This study aims to identify principles/characteristics of 'good performance' *specific to Police Officers*, together with any limiting or discriminatory factors

AREAS OF INTEREST:

- Perceived **physical/appearance** markers of an 'effective' performance
- Perceived **behavioural** markers of an 'effective' performance (verbal / non-verbal)
- Perceived **cognitive/decision making** markers of an 'effective' performance

ANTICIPATED OUTCOMES:

Baseline/Fundamental Factors for **COMPETENT** performance?
Appearance (e.g., well presented); Demeanour and Delivery (i.e., appropriately composed, confident and clear)

Critical Factors for **EXPERT** performance?
-Ability to be adaptable, independent, and resilient (i.e., handling unpredictable dynamics) as **'IT (i.e., 'PERFORMANCE') DEPENDS!'**

Preamble to interview: Police Officers.

1. In your current role are you required to give evidence as a witness in court?
2. Can you explain to me how important being a witness is to your role?
3. Describe the types of Court/tribunal you have given evidence in?
4. Please explain any training have you had in relation to being a witness?
5. Tell me what you think is expected from a Police Officer giving evidence in Court.
6. What do you think the role is of a police officer at court?

Preamble to Interviews: non-Police Officers.

1. In your current role are you required to work with police witnesses in court?
2. Can you explain to me how important working with witnesses is to your role?
3. Describe the types of court or tribunal you work in.
4. Please explain any training you have had in relation to witnesses.
5. Tell me what you think is expected from a Police Officer giving evidence in Court.
6. What do you think the role is of a police officer at court?

Reason/Goal	Question	Probe	Prompts
To identify the perceived goals, important factors, and delivery of an effective performance by police witnesses	1. What do you think makes a good performance from a police officer when they give evidence in court?	<p>What do you think a Police Officer should be trying to achieve in court?</p> <p>What, if any, aspects of physical appearance help police officers to be effective?</p> <p>What, if any, behaviours help police officers to be effective when presenting evidence in court?</p> <p>What, if anything, is important in terms of the nature of the evidence presented by police officers for them to be effective?</p> <p>What, if anything, is important for a police officer to do during cross-examination?</p>	<p>Who do you think the police officer is responsible to when giving evidence in court?</p> <p>What does a beneficial physical appearance look like?</p> <p>What does an unhelpful physical appearance look like?</p> <p>What do you consider to be effective and ineffective non-verbal behaviour?</p> <p>What do you consider to be effective and ineffective verbal behaviour?</p> <p>To what extent should the evidence be consistent?</p> <p>To what extent should the evidence be presented relative to how it was obtained?</p> <p>Is there a 'best' type of evidence for a police officer to present?</p> <p>Does the nature of evidence affect the credibility of the officer presenting it in court?</p> <p>What do you think police officers do well when being cross examined?</p> <p>What do you think they don't do well?</p>
To identify the perceived goals, important factors, and delivery of an effective performance by non-police witnesses	2. What do you think makes a good performance from a non-police officer witness when they give evidence in court?	<p>What do you think a non-police officer witness should be trying to achieve in court?</p> <p>What, if any, aspects of physical appearance help non-police officer witnesses to be effective?</p>	<p>Who do you think the non-police officer witness is responsible to when giving evidence in court?</p> <p>What does a beneficial physical appearance look like?</p>

What, if any, behaviours help non-police officer witnesses to be effective when presenting evidence in court?

What, if anything, is important in terms of the nature of the evidence presented by non-police officer witnesses for them to be effective?

What, if anything, is important for a non-police officer witness to do during cross-examination?

What does an unhelpful physical appearance look like?

What do you consider to be effective and ineffective non-verbal behaviour?

What do you consider to be effective and ineffective verbal behaviour?

To what extent should the evidence be consistent?

Is there a 'best' type of evidence for a non-police officer witness to present?

Does the nature of evidence affect the credibility of the individual presenting it in court?

What do you think non-police officer witnesses do well when being cross examined?

What do you think they don't do well?

To identify the perceived goals, important factors, and delivery of an effective performance in court from the perspective of the jury for police versus non-police officer witnesses

3 What do you think the jury expect from witnesses giving evidence in court?

What do you think that the jury typically expect a police officer witnesses versus other types of witness to achieve in court?

What, if any, aspects of physical appearance do you think are favourable to the jury for police officer versus non-police officer witnesses?

What, if any, behaviours do you think are favourable to the jury for police officer versus non-police officer witnesses?

What, if anything, is important in terms of the nature of the evidence presented by police officer

Do you think juries expect different things from different types of witness?

Do you think there is a difference in the performance of police officers under cross examination than non-police officers under cross examination?

Do juries treat all kinds of witnesses the same?

versus non-police officer witnesses for the jury?

What, if anything, is important for a police officer versus non-police officer during cross-examination for the jury?

To explore perceptions of police officer **training**

‘4. What are your views on training police officers to give evidence in court?’

How well-prepared do you think Police Officers **are** for giving evidence in court?

How well prepared do you think Police

Officers **should be** for giving evidence in court.

What do you think are the best approaches for preparing individual to give evidence in court?

Are you aware of any aspects of training or preparation that help police officers to be effective in presenting evidence?

Can you describe the type of training that you think would help officers to give more effective evidence?

Can you tell me about the training you have experienced on giving evidence?

Describe how you prepare to **give** evidence in court?
Has your organisation given you any information to help you in relation to giving evidence?

Appendix: D Chapter 3 – Supervision Discussion Note – Research Design

DAVE BRIAN – POTENTIAL THESIS OUTLINE – Supervisor Discussion note.

OVERALL OBJECTIVES OF THE THESIS:

- To raise awareness of need for greater preparation of police officers for performing in court (it **IS** a matter of legitimacy and professionalism)
- To identify evidence-based recommendations and develop practical resources (e.g., UCLan Expert Witness programme) for enhancement

PHASE 1: WHAT IS A "GOOD PERFORMANCE" AS A POLICE OFFICER IN COURT?

Method: Interviews with senior/experienced magistrates, lawyers, and police officers (3 or 4 of each); individuals who can offer comparisons from lots of scenarios; also probe for their perceptions of jury perspective on good performance (in light of access/sampling issues for this group); inductive analysis of data to generate themes for comparison across groups

Anticipated Outcomes: Shared principles of "good performance" but also discriminating factors, thus highlighting need for adaptable, independent, and resilient 'performers' who can hit right message at the right time for right individual; **SO**, performance needs to be **context-specific** and therefore relies on a significant **cognitive/decision making element** as well as expected behavioural qualities (e.g., appearance/demeanour)

PHASE 2: HOW DOES CURRENT 'PERFORMANCE TRAINING' MATCH UP TO WHAT IS REQUIRED?

Method: Survey of police officers to evaluate perceptions on current training avenues and experience of those avenues; analysis of quantitative and qualitative responses

Anticipated Outcomes: Current training provision doesn't match up well with the demands of a good witness performance (as outlined in Phase 1) with specific gaps identified; individual preparation also done reactively/on the spot; **SO**, need to focus on what good prep/skill development involves...

PHASE 3: HOW MIGHT THE GAPS BE FILLED?

Part 1 – Method: Desktop study of relevant principles from performance psychology (e.g., coping, shared mental models, imagery) and expertise literature (e.g., systematic planning/skilled intuition) that relate to *learning to perform* and *preparing to perform*

Part 2 – Method: Interviews with performers in other domains (sales/marketing professionals and politicians) on how they have *learned to perform* and *prepared to perform* in parallel situations (i.e., having to perform credibly, persuasively, and flexibly under pressure and 'cross-examination')

Part 3 – Method: Lessons from commercial programmes on how they help witnesses to *prepare to perform*: evaluation of advertised resources and potential interview with programme leader(s)

Anticipated Outcomes: identification of systems, processes and activities that can help police officers to *learn* and *prepare* to perform in court

PHASE 4: STARTING TO FILL THE GAPS – RAISING AWARENESS AND DEVELOPING PRACTICE

Method: Intervention study that applies lessons from prior phases (most likely with UCLan Expert Witness programme); AND/OR action-research of formal meetings with force leaders to spread messages and raise awareness

Appendix E: Chapter 3 – Interviews Developing Codebook

Interviews

Name	Description	Files	References
Characteristics of effective Performance	items concerning performance under pressure choking.	10	272
Appearance		10	44
Civilian appearance		9	20
Police Appearance		10	24
Behavioural		10	52
Effective Behaviour		9	33
Clear		4	6
Confidence	Note confidence not arrogance. This is a fine balance	3	6
Consistent		2	2
Openminded		6	12
Polite or well mannered		3	6
Ineffective behaviour		9	19
Attitude		9	19
Characteristics of an effective witness		10	73
Best evidence		9	12
Credibility		4	4
Experienced		5	9

Name	Description	Files	References
Knowledge	This knowledge of the case details also the courtroom procedures and who to speak to	8	15
Prepared		4	10
Supporting process (investigative)		3	4
Truth		5	10
Civilian		3	3
Type	Witnesses are grouped into types i.e. victim child offender. But NOT Police Officer.	6	9
Cognitive		9	43
Clarity		2	5
Controlled Emotions		5	12
Accurate		1	1
Calmness	Often meaning calm in the face of aggressions for example in cross-examination	1	1
Defensive		5	9
Personality		6	17
Believable		5	10
Charm		0	0
Likeable		3	7
Warmth		0	0
Cross examination		10	60

Name	Description	Files	References
Civilian cross examination		9	23
Police Officer cross-examination		10	37
Police Preparation and training		10	89
Impact on confidence and legitimacy		2	5
Police training		10	49
Training received	any training the respondent has had re witnesses	7	21
Witness preparation	who prepares in what way for giving evidence in court? Are there any differences.	5	14
Preparing a witness		5	7
Training		2	6
The Role and expectations of officers at court	What is the role at court in that what are the witnesses there for and whose side are they on?	10	110
Expectations on Police Officers at court		10	70
Organisational Views	what does the Police think strategically of giving evidence is it important	1	7
Professional		9	24
The Jury		8	24
Role of non-police officer		7	11
Role of officer at court		10	29

Appendix F: Chapter 3 - 'Flow' document from Interviews

Enablers of Effective performance

Expectations

Associated with

Appearance Enablers

AESTHETICS - Police should look different to officers on Patrol

professionalism
Context specific appearance
Displays the values of the Org
deploy appropriately

Behavioural Enablers

Balanced rational delivery

open-mindedness
objectivity
honesty
completeness of the account
willingness to admit 'not knowing the answer'

Clear confident delivery

clarity
projection
vocabulary
jargon
confidence
context specific vocabulary
presentational skills

Expression and consistency of evidence

being caught 'off guard'
being swayed
becoming confused
credibility of the officer
professionalism

Respect for the significance and process of the courtroom

civility
politeness
knowing who to speak to in court
respect for the occasion
controlling emotions
respect for the court

Cognitive enablers	Case specific understanding	Familiarity with the courtroom knowledge of the case knowing the key message of the case preparedness
	Emotional regulation	Listening skills cross examination defensiveness pre-trial build up - anticipation believability
Challenges to effective performance	Inconsistencies in police culture	not a priority to officers or forces not in forces organisational dialogue lack of oversight relationship between court services and forces no shared mental models
	Lack training & preparation	no accreditation lack of whole career training lack of importance attached to being a witness
	Anxiety & anticipation	negative shared mental models negative anticipatory narrative negative attitudes Defensiveness under cross examination lack of knowledge lack of understanding
	Understanding courtroom expectations & dynamics	minimal training unrealistic expectations of PO poor training for others in courtroom

Professionalism

no agreed definition

shaped by culture

dress

knowledge

attitude

occupation

PO - a professional witness?

Professional who is a witness -

Civ

Truthfulness

Name: Interview Transcript selection during Development of
Nodes\\Performance\\behavioural\\Effective Behaviour

<Internals\\Transcripts\\DJBInt1-11> - § 3 references coded [1.16% Coverage]

Reference 1 - 0.53% Coverage

I think confidence sits at the head of all of this. Even experienced officers find court stressful and that might damage their confidence in the environment so that they might have done everything really well but just don't perform very well because they're not confident.

Reference 2 - 0.35% Coverage

And also, the ability to say I don't know. I think, you know, sometimes police officers have a temptation to think they've got to give an answer to everything, maybe they haven't.

Reference 3 - 0.28% Coverage

I think, how they speak isn't very helpful, you know, so proceeding in a south-westerly direction, it's just not language that people use, is it.

<Internals\\Transcripts\\DJBInt1-5 Transcript> - § 7 references coded [5.90% Coverage]

Reference 1 - 0.89% Coverage

As long as he's civil and polite, that's a massive, again it has a massive impact. Civil and polite both to the defendant and to the magistrates, and not patronising, as long as they're not patronising, mainly towards the defendant.

Reference 2 - 0.74% Coverage

because a lot of the time defendants will shout out to you and the officer's examination in chief but if they're polite then obviously it lets a magistrate imagine what it was like at the time.

Reference 3 - 0.89% Coverage

So just a bit more, because this particular officer was also talking fast, just, if he'd just explained this is what we normally do, or this is what we're expected to do and I couldn't do any more. So yes, just a bit of explanation.

Reference 4 - 0.44% Coverage

the more polite they are, the more civil they are, they're just going to take the, it's taken on board, definitely.

Reference 5 - 0.95% Coverage

Somebody who's clear. Somebody who's clear and sticks to their, I suppose their evidence, sticks to, somebody who's clear no matter how old, you know, you get the best evidence from the youngest ones. Somebody who's clear and sticks to their guns.

Reference 6 - 0.66% Coverage

I think if they're truthful, right, they can't all be truthful. If they, again if they stick to the point, if they're clear, if they're clear, then they're convincing, yes.

Reference 7 - 1.34% Coverage

No, I think it's more he's right and the defendant's not and there's no halfway, there's no room for an explanation, there's no, he doesn't give anything, he doesn't give, I suppose the right word is soften the evidence, he doesn't, it's not all black or white. The officers, the best officers are the ones who explain and it's not all black or white.

<Internals\\Transcripts\\DJBInt1-6 Transcript> - § 1 reference coded [0.49% Coverage]

Reference 1 - 0.49% Coverage

But it's the way they give their evidence, you would expect them to be polite, for want of a better word, and to know who to speak to. Just simple things like, you know, slow down

<Internals\\Transcripts\\DJBInt1-8> - § 1 reference coded [0.47% Coverage]

Reference 1 - 0.47% Coverage

Presentation is very key. Respect shown to the court and indeed to the advocates who are asking the questions.

<Internals\\Transcripts\\Interview Transcript DJBInt1-1> - § 1 reference coded [1.84% Coverage]

Reference 1 - 1.84% Coverage

Effective behaviour would be to address answers err address questions openly specifically not being seen to be leaning towards or hanging towards one way or the other in terms of the opinions you give but to give your honest interpretation of what you've seen.

<Internals\\Transcripts\\Interview Transcript DJBInt1-2 GH> - § 1 reference coded [1.39% Coverage]

Reference 1 - 1.39% Coverage

So I suppose when you ask a question they repeat it giving themselves time to think about their answer and its obvious that's what they have done it's a tactic a delaying tactic or the sort of body swerve to the answer going round the houses **having to be** pulled back to answer the question all the time and changing story as well if its changed from what is was slightly

and its going off course or there has been a number of changes throughout the process to what they have got to say

<Internals\\Transcripts\\Interview Transcript DJBInt1-3MMc> - § 3 references coded [1.56% Coverage]

Reference 1 - 0.07% Coverage

presentable confident

Reference 2 - 0.84% Coverage

All their other equipment should be switched off which doesn't normally happen, believe it or not, they are not distracted by other things that are going on in the court room and they give an unbiased honest view of what's going on and what happened in the situation.

Reference 3 - 0.66% Coverage

And speak a lot more clearly, I think that's the biggest difference. I think I expect to see that presentation in court that ability to look and project their voice clear is a thing in would expect from them.

<Internals\\Transcripts\\Interview Transcript DJBInt1-4 TB> - § 4 references coded [5.88% Coverage]

Reference 1 - 0.16% Coverage

the way you open the door with some confidence

Reference 2 - 0.92% Coverage

But you do it in a way that adds some recognition to everyone around that you know what you are doing, and you don't have your phone on and that sort of stuff. All that subtle stuff that

supports the performance but the fundamental; ones are know your statement and tell the truth.

Reference 3 - 1.99% Coverage

presence is really important somehow you need to weave into that a bit of humanity and humility somewhere in that so they can engage with you and like you and whenever I've seen people who are really effective in court they manage to achieve that somehow they have got both and some of it is in the language they use when they talk so it's getting the balance with where they expect you to be and a position of authority and you know what you are doing but they want you to they want to believe you and with that believe or to achieve that belief they somehow need to relate to you as a human as well as a person

Reference 4 - 2.82% Coverage

Their evidence around painting a picture so for us from a police perspective there is a lot more around the processes, the evidential processes, to make sure that the structures and processes, the I is dotted and the tee's crossed but with a non-police witness its more round painting the picture for the jury or whoever and the language they use to do that is important. If they describe it ways that is unique to that group or individual its really powerful. They say things that you think that's right no one else would say that unless they were at the scene or they knew and individual whereas from a police perspective they don't have that level of detail they probably just need you to reassure them what you've done is very much lawful, that the structures and processes are right, that you are telling the truth, that you are coming across with credibility.

<Internals\\Transcripts\\Interview transcript DJBInt1-9 SW> - § 2 references coded [2.24%

Coverage]

Reference 1 - 0.43% Coverage

I think they need to make sure they give as a clear account as possible because I expect as a magistrate to be able to believe them.

Reference 2 - 1.82% Coverage

Yes – it is, it's important, it's important because one of the things you have to say when you're summing up the case is how credible the witnesses were, whether their evidence was consistent, whether they wavered at all, and they are professional witnesses when all's said and done. It isn't like a member of the public coming in who's, I mean, I appreciate for some it may well be their first time, but for others this is something they do on a regular basis, they might not like it but they do it and yes, it's important that they give a clear credible account.

Appendix H: Chapter 3 - Interviews Word Frequency Chart

Performance															
Good witness				behavioural				Cognitive		Appearance					
Best evidence		Knowledge		Type		Effective Behaviour		Ineffective behaviour		Personality		civilian appearance			
						Openminded	Clear	Attitude			Believable				
						Polite or well mannered		Confidence	Filling in the gaps	Int...	Arg...	Controlled Emot...	defen...		
						Consistent		Searching for infor...							
Experienced		Smart		Credibility		supporti...		Cross examination							
								Police Officer cross-examination		Civilian cross examination					
		Impartial										Clarity	Ac...		
Truth												calmness			
				Strength of...	Prepared									Professional Civilian witne...	

Appendix: I Chapter 3 Interviews Early Question Development Matrix

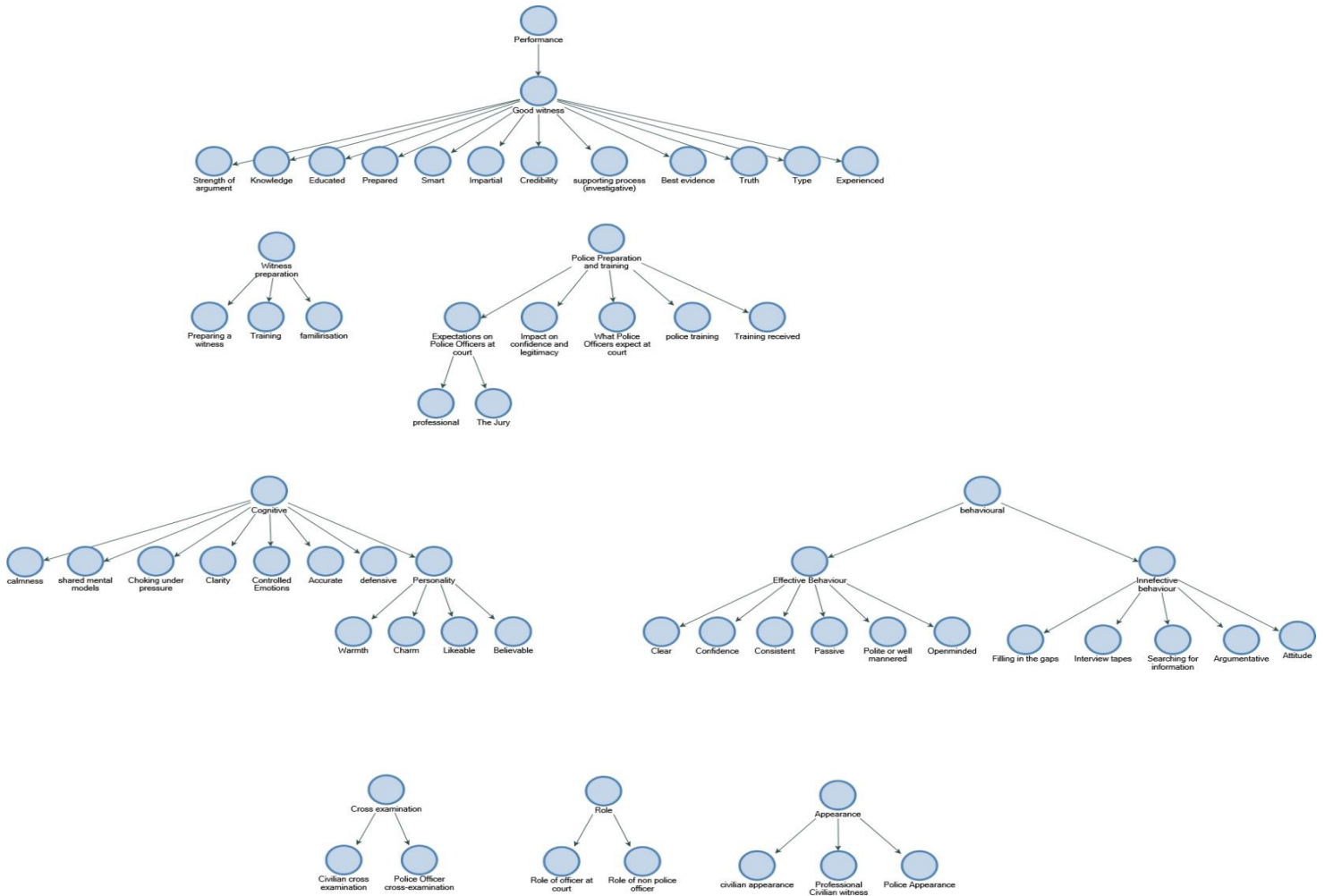
			POLICE OFFICER	
	Purpose	Question	Probe	Prompts
	<i>What do you want to know or find out?</i>	<i>What 'open' question do you need to ask to achieve this purpose?</i>	<i>What 'open' question can I ask to get info on the things I want to know if they don't seem to understand the main question? Or if they don't provide enough detail in their answer?</i>	<i>If they still don't give me the information that I'm most interested in then what can I ask them to directly comment on?</i>
1	Details of current role	In your current role are you required to Give evidence as a witness in court.	Does your current role require you to go to court and give evidence/watch it or receive it?	Have you ever given or received/watched evidence as part of your current job?
2	Training/Experience	Can you explain to me how important being a witness is to your role?	How often in your career have you been a witness in court?	Roughly how often do you give evidence at court?
3	Training /experience	Describe the types of Court/tribunal you have given evidence in?	Have you given evidence in the Criminal Courts? Please explain which type of court.	Have you given evidence in magistrates Court, crown Court, High Court?
4	Training/Experience	Please explain any training have you had in relation to witnesses?	how do you learn about witnesses in your role?	what do you know about witnesses

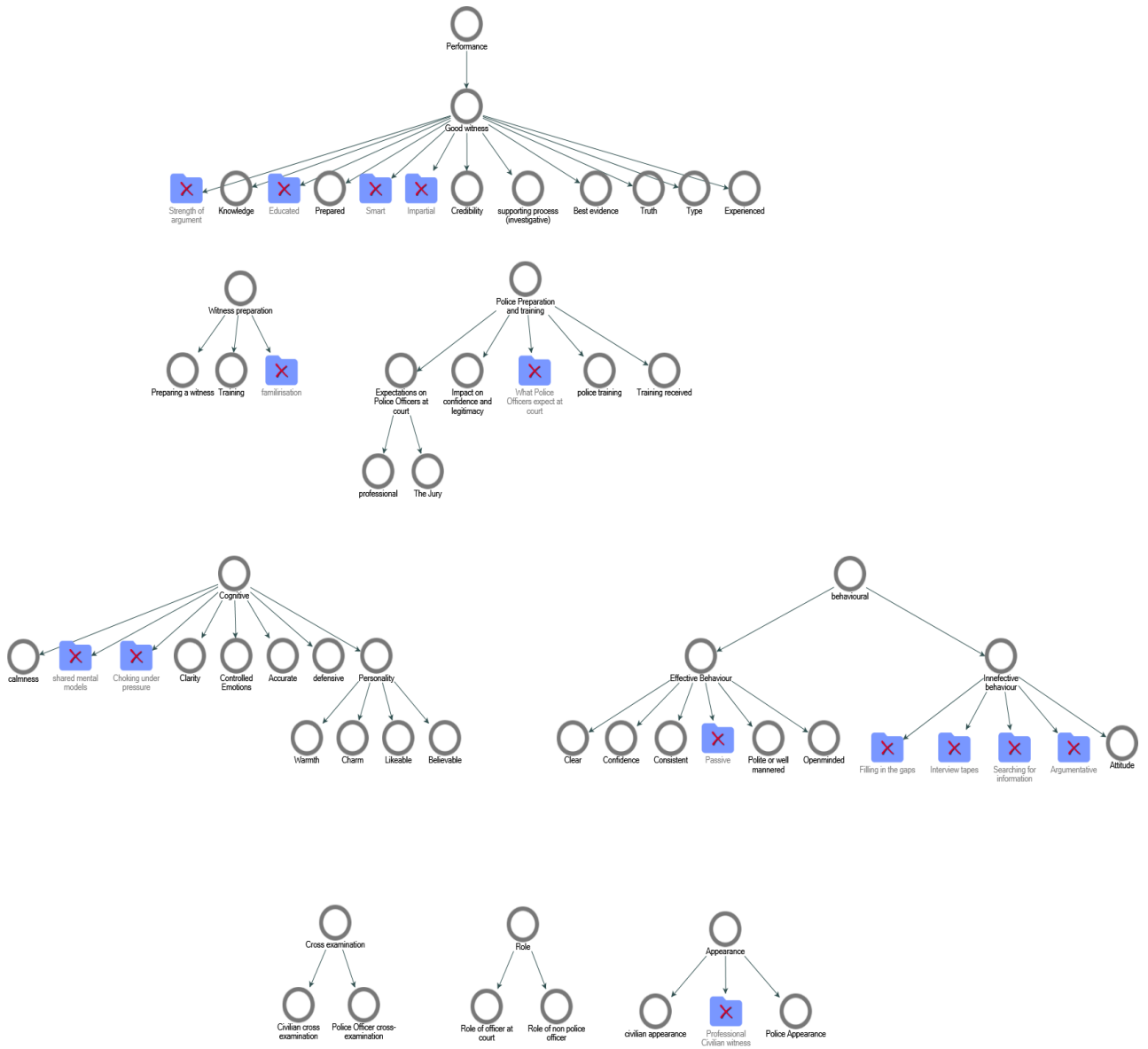
5	Training/experience	Please explain any training have you had in relation to giving evidence in court?	has your organisation given you any information to help you to give evidence?	How do you know what the best way is to give evidence?
6	Appearance/impression	Describe how you prepare to give evidence in court?	what do you do to get ready for giving evidence?	do you warm up for court or practice before giving evidence?
7	Appearance/impression	Tell me what you do to present the 'right' impression in court?	How do you want to be seen by the court	do you dress or stand in any specific way when giving evidence and if so why?
8	Appearance/impression	How do you dress in court and why?	is there a specific way you are required to dress for court	do you wear a uniform in court?
9	Appearance/impression	Can you explain how important the appearance of a witness is in court.	is the way you look important when giving evidence	Do you dress specifically for court?
10	Appearance/impression	Describe how you speak when giving evidence?	Do you speak in your natural way when giving evidence or adopt a 'court' voice	Do you have a court voice when you give evidence?
11	Appearance/impression	Are there any mannerisms or traits you try to display when giving evidence	How do you behave in court	are there any
12	Cross examination	Have you ever been cross examined?	Have you been asked questions in court	Have the Defence ever asked you questions in court

13		Describe how you feel about being cross-examined	Do you worry about giving evidence	Do you enjoy giving evidence
14	Cross examination	Describe how you deal with aggressive cross examination	How would you react to aggressive questioning at court?	How have you dealt with defence questioning
15	Cross examination	Can you tell me what you like about cross examination?		
16	Cross examination	Can you tell me what you do not like about cross examination?		
17	cross examination			
18	feelings/perceptions/Expectations	Describe how you feel about giving evidence in court/tribunal	Did you like giving evidence? (explain)	would you like to give evidence again (explain)
19	feelings/perceptions/Expectations	Explain if giving evidence in court/tribunal is a positive or negative aspect of your role?	do you think giving evidence is a good part of your role or a bad part?	do you think giving evidence makes your role more interesting/enjoyable or less interesting/enjoyable?
20	feelings/perceptions/Expectations	Tell me what you think makes a witness in Court perform well?	What do you think makes a witness believable?	What makes you believe a witness?
21	feelings/perceptions/Expectations	Describe what you think makes a witness perform poorly in Court?	What do you think makes a witness less believable?	What makes you disbelieve witness?

22	feelings/perceptions/Expectations	Explain what you think makes a witness believable in court/tribunal.	How do you decide if a witness is credible	what kind of things persuade you that a witness is telling the truth
23	feelings/perceptions/Expectations	Please explain why the court should believe you when you give evidence?	Do you think you are believable	Why should you be believed when giving evidence
24	Police witnesses	Explain your role as a witnessing court/tribunal	Why are Police Officers in court giving evidence	Do police Officers have a particular role/purpose in Court?
25	Police witnesses	Tell me what you think is expected from a Police Officer giving evidence in Court?	What do you look for in Police Officers giving evidence?	How should police officers give evidence?
26	Police witnesses	Please describe how well you think Police Officers perform as witnesses at Court/tribunal	Could Police Officers do anything differently to make them better witnesses?	
27	Police witnesses			

Appendix J: Chapter 3 - Developing Node Hierarchy Charts - Interviews





Appendix K: Chapter 3 - Review and 'Flow' from interviews to Survey

Literature Review

This study outlined the overall context of the research programme. The study found that since the publication over 20 years ago of a Home Office Funded study into police officers giving evidence little has been done to implement the recommendations made. This contrasts markedly with the developments in witness preparation elsewhere and legal developments which now make such practice acceptable. In summary police officers are falling behind in the development of their skills in this area in contrast to others who are also required to give evidence in court as part of their occupation.

This review also found that this may be due to a lack of agreement as to the exact role of the police in court and to whom they owe their allegiances. Is it the court or the victim? This in turn reflects the debate in the wider criminal justice system about the sustainability of the adversarial system and legal and procedural changes brought in to shift from an adversarial system to a participatory system. The relationship between the Courts, the Police and the victim/complaint is a current and ongoing debate with entrenched views on all sides. Within this wider debate there is secondary debate concerning the legitimacy of the system and this is also reflected in the debate on the role of the police. If the police do not satisfy all the expectations of them within the court room this can affect issues of legitimacy.

To satisfy all of the expectations on them the police need to act professionally, be truthful and perform effectively as witnesses in court. However, this study found that there is no agreement on what an optimal performance looks like for a police officer witness in court. In fact, the study reveals that despite numerous studies to identify what optimal performance looks like for a generic

witness or some specific type of witness i.e. a child. There is almost no research on the specific role of police officers in court and what their optimal performance should look like.

The literature review identified a complicated assortment of behavioural and cognitive characteristics which make up a competent generic witness. The study also found that these characteristics are not enough in isolation. They need to be selectively used relevant to the context of the courtroom. To achieve this level of performance the study found that greater awareness of the issues is required and that there is a specific need to develop the necessary systems and process to develop police officers in their understanding of giving evidence, what an effective performance is and crucially how to prepare for the performance of giving evidence.

Study 1

This study sought to begin the process of improving understanding of this complex area by obtaining the perceptions of police officers giving evidence from practitioners in court. Ten practitioners including police officers, lawyers and magistrates were interviewed using a series of open questions in a semi structured interview. The questions and an associated goal were framed to reflect the themes from the first study with the aim of identifying the markers of an effective police performance in court. The four goals and their questions were also supported by a range of probes and prompt questions covering physical, behavioural and cognitive markers of affective performance:

Reason/Goal	Question
To identify the perceived goals, important factors, and delivery of an effective performance by police witnesses	1. What do you think makes a good performance from a police officer when they give evidence in court?
To identify the perceived goals, important factors, and delivery of an effective performance by non-police witnesses	2. What do you think makes a good performance from a non-police officer witness when they give evidence in court?
To identify the perceived goals, important factors, and delivery of an effective performance in court from the perspective of the jury for police versus non-police officer witnesses	3. What do you think the jury expect from witnesses giving evidence in court?
To explore perceptions of police officer training	4. 'What are your views on training police officers to give evidence in court?'

At the conclusion of this study it found that police officers in court should look different from those doing general police work, their appearance should be specific to the context of the courtroom. Not doing this has resulted in unintended consequences specifically, to the appearance and behaviour of police officers.

Consequently, four behavioural characteristics were identified which enable an effective performance: 1) balanced and rational delivery, 2) clear and confident delivery, 3) consistency of evidence, 4) respect for the significance and processes of the courtroom. Three cognitive enablers were also found which affect officer performance in court: 1) case-specific understanding, 2) emotional regulation and 3) cognitive flexibility.

additional factors were also revealed affecting performance and are addressed as challenges to performance; 1) inconsistencies in police systems and culture; 2) lack of training and preparation; 3) anxiety and anticipation and 4) courtroom expectations and dynamics.

This study suggested a series of 'next steps' which would contribute further to the understanding of police officers giving evidence. This would include further research using a larger

sample of police officers to explore the enablers and challenges of effective performance. In particular, this would sensibly explore, in more depth, police officers' understanding of the courts, the behavioral and cognitive skills required to perform effectively at court, and effective ways to manage pressure and anxiety.

Study 2

This study addresses the 'next steps' suggested by study 1 discussed above. This study aims to develop a greater understanding of police officers giving evidence by obtaining and analysing police officer perceptions and attitudes towards the effective provision of witness testimony in court. The objectives of Study 2 are:

Objectives

- To explore the attitude of police officers to being a witness in court.
- To explore police officer perceptions of giving evidence in court.
- To explore the institutional factors affecting the performance of police officer witnesses in court.
- To reveal any changes which need to be made to enable effective performance.
- To inform the development of appropriate systems and methods to enable effective performance in court.

This study will take the form of a self-administered mixed-question survey which is the most appropriate way to meet the aims of the study. This method was thought to be the most apposite way of encouraging the greatest number of responses as the participants were geographically dispersed and could be reached quickly and easily in this way.

The questions contained within the survey flow from the findings of study 1 and explore the main Themes of: 1) Appearance enablers, 2) Behavioural Enablers, 3) Cognitive enablers and 4) Challenges to effective performance. Each of these themes are associated with specific expectations and are associated with a series of characteristics which are explored in the survey questions. These can be seen in the table below

Enablers of Effective performance	Expectations	Associated with
Appearance Enablers	AESTHETICS - Police should look different to officers on Pa	professionalism Context specific appearance Displays the values of the Org deploy appropriately
Behavioural Enablers	Balanced rational delivery	open-mindedness objectivity honesty completeness of the account willingness to admit 'not knowing the answer
	Clear confident delivery	clarity projection vocabulary jargon confidence context specific vocabulary presentational skills
	Expression and consistency of evidence	being caught 'off guard' being swayed becoming confused credibility of the officer professionalism
	Respect for the significance and process of the courtroom	civility politeness knowing who to speak to in court respect for the occasion controlling emotions respect for the court
Cognitive enablers	Case specific understanding	Familiarity with the courtroom knowledge of the case knowing the key message of the case preparedness
	Emotional regulation	Listening skills cross examination defensiveness pre trial build up - anticipation believability
Challenges to effective performance	Inconsistencies in police culture	not a priority to officers or forces not in forces organisational dialogue lack of oversight relationship between court services and force no shared mental models
	Lack training & preparation	no accreditation lack of whole career training lack of importance attached to being a witness
	Anxiety & anticipation	negative shared mental models negative anticipatory narrative negative attitudes Defensiveness under cross examination lack of knowledge lack of understanding
	Understanding courtroom expectations & dynamics	minimal training unrealistic expectations of PO poor training for others in courtroom
	Professionalism	no agreed definition shaped by culture dress knowledge attitude occupation PO - a professional witness? Professional who is a witness - Civ Truthfulness

The survey was designed to address the issues shown in the table above and appropriate to the aims of the study. The survey is structured into 5 sections:

Section 1 comprised of introductory questions gathering the demographic makeup of the participants such as age, gender, length of service and their rank and role in the police.

Section 2 was concerned with the frequency and type of training the participants had received during their police career as well as their experience in giving evidence in court. The questions consisted of questions asking the participants to indicate their preferences from a set of given categories.

Section 3 In this section the participants are asked a series of open-ended questions designed to obtain their freely expressed perceptions of giving evidence in court.

Section 4 explores police officers' attitudes towards giving evidence in court utilising a series of closed questions scaled from 1 to 5. The questions asked participants to indicate their attitude to giving evidence along a "negative to positive dimension" from strongly agree to strongly disagree.

Section 5 The final section of the survey was designed to obtain insight into police officer's well-being and how they felt about giving evidence. This used a further series of close ended questions on a five-point scale from not stressful to extremely stressful and is consistent with previous studies into work related stress

D Brian.

Appendix L: Chapter 4 - Participant Survey (Including Information & Consent)

Police Officers Giving Evidence: An Exploration of Police Officer Attitudes and Perceptions.

1. Welcome

Please read the information below thoroughly before deciding whether or not to participate in this study.

You are being invited to take part in a study being conducted as part of a Professional Doctorate in Elite Performance research programme at the University of Central Lancashire. Before you decide it is important for you to understand why the research is being done and what it will involve. This study aims to develop a greater understanding of the appearance, behavioural and cognitive demands faced by police officers giving evidence in court by acquiring your perceptions of giving evidence in court.

You have been chosen to participate in this study because you are currently a serving Police Officer in the UK.

The survey should take approximately 10- 15 minutes to complete.

Your participation and the information you provide will help us understand more about the role of police officers giving evidence. Through this study, we hope that the role of police officers can be better understood, and systems created and implemented to prepare officers effectively for giving evidence in the future.

Participation in this study is completely voluntary. You do not have to answer any question, you can stop answering a question at any point and exit the survey. Your participation in this survey is anonymous.

<https://www.surveymonkey.com/mp/legal/privacy-policy/>

If you require any further information, please contact the researchers below Dave Brian

University of Central Lancashire

School of Forensic and Applied Sciences PR12HE

tel 01772-893539

If you have any concerns about the way in which the study has been conducted, please contact the University Officer for Ethics at

OfficerforEthics@uclan.ac.uk

* 1. Do you agree to the above terms? By clicking Yes, you consent that you are willing to answer the questions in this survey.

Yes No

Police Officers Giving Evidence: An Exploration of Police Officer Attitudes and Perceptions.

2. Section 1: Demographic/personal data.

The questions that you will be asked in the next two sections concern your general details and the role that you currently undertake, your experience and training to be a witness. To indicate your answer please answer in the space provided or select the answer which most accurately reflects your views.

2. Please indicate your gender

- Male
- Female
- Other
- Prefer not to say

3. Please state your

- Age in years
- Length of service in years and months
- Rank

4. Please confirm your current role

Uniformed operations (General)	Investigation (General)
Uniformed Operations (Specialist)	Investigation (Specialist)
Neighbourhood/Community	Training
Intelligence	Organisational
Special Constable	Other (please specify)

Police Officers Giving Evidence: An Exploration of Police Officer Attitudes and Perceptions.

3. Section 2: Court Appearance, Training and Experience

5. How 'have you previously' learned about giving evidence? Please tick all the options that apply.

From training provided by my organisation	From documents or resources available within my organisation
From colleagues From an external training provider	Other (please specify)
From academic study	

6.

To your best approximate, please state

- How many training events you have attended in your career on giving evidence in court?
- How long ago your last training event was
- How long ago you last attended court and gave evidence

7. What kind of Training events, regarding giving evidence in court, have you attended in the past? Please tick all options that apply.

Online self-learn	Assessed Attendance Course 1-3 days duration
Assessed Attendance Course 5 days plus	Assessed Attendance Course 3-5 days duration
I have not attended any training Continuing Professional development attendance only, no assessment	Formal Academic training in Further Education College
Formal Academic training in University	Other (please specify)

8. If you have received training, please indicate the statement(s) which describe the content covered in the training you have had (please tick as many boxes as you wish)

Familiarization with the Courtroom Environment	How to avoid becoming defensive under questioning
Remaining objective when giving evidence	How to dress in court.
Managing your emotions in court	Remaining consistent in your evidence
The role of others in court	Listening effectively when questioned in court
How to avoid becoming confused under questioning	What to do when you don't know the answer
How to prepare effectively to give evidence	Speaking appropriately when giving evidence
What is expected of you in court?	What is expected of you in court?
Other (please specify)	

9. To your best approximate how many times have you given evidence in court?

10.

Which type of court have you given evidence at? Please tick all options that apply.

Magistrates Court	High Court
Crown Court	Court of Appeal
Other (please specify)	

11. Have you been cross examined in court?

- Yes
- No

12. To your best approximate. How many times have you been cross examined in court?

Police Officers Giving Evidence: An Exploration of Police Officer Attitudes and Perceptions.

4. Section 3: Perceptions and expectations around giving evidence in court.

The questions that you will be asked in the next section concern your perceptions and expectations of being a witness in court. To indicate your answer please select the answer which most accurately reflects your views or answer in the space provided.

13.

What are you trying to achieve by giving evidence in Court?

- An objective presentation of the evidence
- A conviction
- Other (please specify)

14. Generally speaking, what do you think the other actors in the courtroom expect you to achieve by giving evidence in court.

	An objective Presentation of the evidence	A conviction
Prosecuting lawyer		
The Defence lawyer		
The victim		
The Accused		
The Judge		
The Magistrate		
The Public		

The Jury		
----------	--	--

15.

Please indicate how you feel about the following statement.

“The Criminal Trial is an Adversarial contest with a winner and a loser”.

	How do you feel about this statement?	How do you think most of your colleagues feel about this statement?
Strongly Agree		
Agree		
Neither agree nor Disagree		
Disagree		
Strongly Disagree		

16.

Please indicate how you feel when you are required to give evidence?

	When first told I was required to give evidence I felt	If you have given evidence more than once. How did you feel in the build up to giving evidence the last time, you gave evidence	Do you find giving Evidence in Chief?	How did you feel the first time you were cross-examined in court?	If you have given evidence more than once, how did you feel the last time you were cross examined in court?
Extremely Stressful					
Very Stressful					
Moderately Stressful					
Mildly Stressful					
Not Stressful					

17. What, if anything, worries you most? about giving evidence in Court?

18. In a few words, how do you think you will be treated in Court?

Police Officers Giving Evidence: An Exploration of Police Officer Attitudes and Perceptions.

5. Section 4: Perceptions on effective performance when giving evidence in court:

The questions that you will be asked in the next section concern your perception of the performance demands placed upon you in court and your view of what an effective performance in court consists of for a police officer. To indicate your answer please answer in the space provided or select the answer which most accurately reflects your views.

- 19. What behaviours do you think negatively affect the effective presentation of evidence in court by police Officers?

- 20. What skills do you think you need to be an effective police officer witness in court?

- 21. 'Generally,' to what extent do you and your peers feel you have these skills to give evidence in court? Please indicate how you feel about your skills.

	Not skilled	Slightly skilled	Moderately Skilled	Very skilled	Fully skilled
Generally, I feel					
Generally, my peers feel					

22.

How confident do you 'typically' feel about giving evidence in court? Please indicate how confident you feel when giving evidence.

	Not Confident	Slightly Confident	Moderately Confident	Very Confident	Fully Confident
When giving evidence 'typically' I am					
I think most of my peers 'typically' are					

23. How does your organisation currently advise you to appear in court?

Normal Patrol Uniform	No specific advice given
Court specific Uniform	Smart Business attire
Casual wear	Other (please specify)

Police Officers Giving Evidence: An Exploration of Police Officer Attitudes and Perceptions.

6. Section 5: Perceptions of training to deliver performance factors

The questions that you will be asked in the next section concern how you feel you are prepared to meet the appearance, behavioural and cognitive demands of being a witness in court. To indicate your answer please answer in the space provided or select the answer which most accurately reflects your views.

24.

Please indicate how you feel about the following statement.

“The training that I have received to date has generally been useful to me when giving evidence.”

Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree
-------------------	----------	----------------------------	-------	----------------

25. Can you briefly describe which aspect of your training you found the most useful

26. What do you do to 'mentally' prepare yourself for giving evidence in court? (i.e., from 12 months to the day before attending court). If you do not direct much attention towards this, then just indicate 'nothing specific/nothing done'

27. On the day of the court appearance? What do you do to 'mentally' prepare yourself for giving evidence If you do not direct much attention towards this, then just indicate 'nothing specific/nothing done'

28. Where did you learn how to 'mentally' prepare yourself for giving evidence?

Police Officers Giving Evidence: An Exploration of Police Officer Attitudes and Perceptions.

7. Section 6: Giving Evidence in Court.

The following questions concern the giving of evidence in court. To indicate your answer please answer in the space provided or select the answer which most accurately reflects your views.

29. What, if anything, do you do to manage your emotions when giving evidence?

30. How did you learn to manage your emotions in court?

31. In a few words can you describe how you have dealt with questioning under cross-examination.

32. Can you comment briefly on how you 'typically' respond when your competence is challenged in court.

33. Can you comment briefly on how you 'typically' respond when your integrity is challenged in court.

34. Can you describe briefly how you respond when you don't know the answer to questions you are asked in court.

35. If you are confident in giving evidence in court, to any degree, where does this confidence come from?

36. If you are 'not confident in giving evidence in court, to any degree, what do you feel is the biggest reason for this?

37. 'Please respond to the following statement'

“Giving evidence in court is NOT an important part of a Police Officers role”.

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
----------------	-------	----------------------------	----------	-------------------

38. *“Giving evidence in court IS seen as important by my organisation*

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
----------------	-------	----------------------------	----------	-------------------

39. *“My organisation supports me appropriately to give evidence effectively in court”.*

Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
----------------	-------	----------------------------	----------	-------------------

40. If you disagree/strongly disagree with Q39, please briefly describe the type of support you would like to see available to you.