

Undercover Detectives in Court

Picture this; the jury watches as the next witness walks to the stand to be sworn in by the judge. He has long hair with an untrimmed beard and he has a skull and cross bone earring in one ear and three hoop earrings in the other ear. His suit is a size too small and his shirt doesn't button at the neck. The tie is loosed at the neck and has little Disney characters all over it. He looks very uncomfortable as he tugs at his suit. He is sworn in and introduced to the jury as the lead detective in the case. The jury then looks over at the defense table and sees a young man, dressed nice and neat and not a hair out of place. The defendant has the look of the "All-American" boy. Who has made the better impression on the jury? This is a common problem that we, as undercover detectives, have to deal with when testifying in court.

The defendant probably looked like the scumbag dooper that he is when he was arrested. But, he has done a complete change in his appearance for court. Since his freedom is riding on the case, he has cleaned up his looks and dress. Many defendants will watch a video or be instructed by their lawyer on how to dress and act while in the courtroom. Once the case is over then he can go back to looking and acting like a scumbag dooper.

Sometimes, the undercover detective does not have the chance to cut his hair and trim his beard to look like the professional that he is. The main reason is that he is an undercover detective and probably has to go out later, that day, and meet with another dooper. Undercover detectives adjust their appearance so that they can fit in easier with the drug crowd and so they are not

suspected of being a cop. If an undercover detective is working into a biker group or a street gang then he cannot look like a clean cut honor roll student. He might still work into the gang despite his looks, but if he looks like the target group it can help speed up his acceptance. So what can the undercover do when he goes to court?

Unfortunately, most undercover detectives are dictated how to dress for court by the Department's Standard Operating Procedures (SOP). Not many departments take into account that a big biker looking undercover detective looks out of place in a three piece suit. If possible the undercover detective should dress comfortable in a nice pair of slacks and sports jacket with a tie. A dress pair of denim pants will usually be dressy enough for the court and it fits the overall appearance of a biker or street gang looking undercover detective. This can help with that "first impression look" that the jury will get of the undercover detective. The bottom line is that some jurist will hold your appearance against the undercover detective, no matter what.

There are other things that an undercover can do to help off set his appearance. Since the undercover detective's appearance is not the most professional then his behavior must be professional. This will show the jury that looks can be deceiving.

The first thing to do is be familiar with the courtroom. This way when you walk in you know where to stand to be sworn in and where to sit. This will show the jury that you have been there before and are familiar with testifying in court. If you are not familiar with the courtroom then go early and check it out before the

jury gets there or ask your prosecutor. You will look like a rookie if you have to wander around the courtroom to find your seat.

Take the oath seriously. Let the jury know that you are there to tell them the truth. When the judge is swearing you in, stand up and look at him. Don't answer until he is done and then say, "Yes, I do" in a strong voice. Then go take your seat. Sit down and get comfortable. Don't slouch or lean on the bench in front of you. Sit up straight and get ready for the questions. This will show the jury that they should not judge you by your looks but by your actions.

The prosecutor should have you explain to the jury who you are and your qualifications. This is a good time to explain why you look the way you do. Hopefully the jury will figure out that you are playing a role and like a good actor you also look the role of a doper. Sometimes you will be called into court while at work and you might testify wearing ragged pants and a crummy T-shirt. If this is the case, have the prosecutor explain to the judge, before you come into the courtroom, that your appearance is not within policy and why. This might be allowed in State Court but not very often in Federal Court. I know of a DEA Agent who was called in from work to testify in court and the judge had him leave the stand when the judge noticed he did not have socks on. Remember the saying, "The closest thing to God on earth is a Federal District Court Judge."

Make sure you are well prepared to give your testimony. You need to review, review and review your reports and the reports of other officers that were involved. Then go over your testimony with the prosecutor. Know what the prosecutor is going to ask. Always go over what the defense attorney is most

likely to question you about the case. This way the jury knows that you are well prepared and not doing this by the seat of your pants. It does not look good, to the judge or jury, if the detective is constantly asking to see his report to refresh his memory before answering the question. This is a sign of not being prepared.

Unfortunately, many of us, working undercover, will have a strike against us as soon as we walk into the courtroom because of our appearance. If possible adjust the way your dress for court to a more casual appearance. Then your demeanor will show that you are a professional and not some dirt bag. Lastly be prepared to testify. This shows that you are a professional despite your appearance. Testifying in court is getting more aggravating these days because juries don't readily accept the word of a police officer. If the police officer looks like a dirt bag and acts that way on the stand then it will be easy for a jury to disregard his testimony. If the undercover detective presents himself in a professional manner this will help offset any negative attitudes the jury might have of him because of his appearance, which will increase the detective credibility.

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