[Editorial Forward: As a law enforcement officer of over thirty-one years, Lt. LaHay has written innumerable case reports on very complex investigations. He does not rely solely on personal experience when teaching case report writing at ILEA, but also addresses the demands of current prosecutors. His tips on this art serve both the basic student and the ‘seasoned’ LEO.]

Successful Report Writing

By Lt. Tom LaHay

It has been said in the law enforcement community that “if you write good reports, then you will spend less time in court”. After all, in the fast-paced, high-tech world of 21st century policing, no officer wants to spend any more time in court than they must. So, how do we, as cops, spend less time in court? The answer is simple: write better reports. There are only a few ‘absolutes’ in the law enforcement training world, but there are none truer than this old cliché.

Police report writing, in general, has come full circle in the last generation or so. Arrest reports that used to be small in size and eloquently written have morphed into lengthy, detail-driven, simplistic works of art. In today’s very delicate policing atmosphere, the availability of video recording devices has forced the officer to place more emphasis on articulable facts and details in his daily reporting. In the past, size didn’t matter. Therefore, most officers kept their reports short and sweet. Now, size does matter in police report writing.

In the spring of 2017, I contacted the Indiana Prosecuting Attorney’s Council (IPAC) and asked for their assistance and guidance in putting together some training objectives for Report Writing training to be given to new police recruits at the Indiana Law Enforcement Academy. After all, these were the people who were prosecuting our cases. I wanted to find out what worked well, what needed tweaking, and what was NOT working in the way that cops were completing their arrest reports. I attended their spring and summer training conferences to gather my intelligence. As a result, I spoke with over 62 full time prosecuting attorneys (PAs) or Deputy PAs from across Indiana. These 62 PAs represented more than half of the 92 counties throughout Indiana. Each of these PAs was gracious enough to complete a 23-page survey directed to gathering specifics about the police reports that they were reviewing on a daily basis. Here are some of the results:

1. 83% of the police field notes are never subpoenaed for review in court

Field notes taken by the patrol officer become the foundation for the arrest report. They can serve as memory aids and give the officer and his final report a higher degree of credibility. Unfortunately, a growing number of newer officers from the ‘technology era’ have neither inherited nor been taught the simple principles in taking written notes. Instead, they rely on photographic, audio, and video recording devices to record important information to be used later in their reports. If the courts don’t want to see these notes the majority of the time, then officers don’t take them.

1. Average ratings for spelling and grammar were 5.5 and 5.5 respectively (on a scale from 1 (good) to 10 (bad).

Most cops could not be English professors. Nonetheless, most of them grasp the basic concepts of writing and are successful in conveying critical information. Unfortunately, one common theme that plagues most problematic police reports is grounded in basic grammar and spelling. Even though computer generated reports can, in most cases, be screened for basic spelling and grammar errors, most cops ignore these safeguards or simply don’t use them. More often than not, having a co-worker or a supervisor proofread reports can lend a second set of eyes as a ‘SPELL CHECK” or grammar check to identify simple mistakes and typographic errors to be corrected prior to submitting the reports. Ultimately, a report with poor spelling and grammar can destroy the credibility of the most professional of officers.

1. In 28.3% of reports, officers fail to provide sufficient contact information for key individuals (victims, witnesses and/or suspects) in their reports

Prosecutors will need to contact victims, witnesses and/or suspects during the lifespan of a criminal case. This can be done by formal or informal process. So, collect and provide enough contact information so that they can be contacted by phone (at home or at work), by email, or by proper civil process (mailing address or addresses). Most law enforcement records systems now have data fields including home address, cell phone, home phone, place of employment, employer’s phone number, email address, etc. Provide this information to the PAs. It’s better for them to have it and not need it, than to need it and not have it.

1. 70% of the PAs reported that it is important for the officer to put a 3-5 sentence paragraph (preamble) at the beginning of the report so that the reader knows what they are about to read.

Contrary to popular belief, PAs do not initially read every word of every arrest report. Instead, they learn to scan through a report and look for key words and phrases as they put the story together in their heads. Using a preamble (3-5 sentences) at the beginning of a narrative tells the reader what they are about ready to read……………without having to read it. This is especially helpful when PAs deal with large volumes of criminal cases daily.

1. The overwhelming majority of PAs want to see the reports written in 1st person active voice.

Prosecuting attorneys read arrest reports from many different agencies, whose individual officers put their own unique character to their reports. Ideally for PAs, all reports should be written in the same format; but they are not. Journalistic writing approaches were practiced by many cops for many years. They wrote in 3rd person so that they could sound more objective in their report writing efforts. This is certainly not the case any longer. Write your reports from your own perspective (1st person), using the word “I” as yourself. Avoid writing in a passive voice (i.e. – the suspect was arrested by me and Officer Smedley). Instead, use an active voice (i.e. – Officer Smedley and I arrested the suspect). Writing in this fashion makes it easier for PAs (and others for that matter) to understand and to follow your reports.

1. 77% of PAs report that it is not feasible to list specific names of landmark cases when addressing legal justifications in their reports

When making references to certain landmark cases in your reports, avoid using those case-specific citations in your narrative (i.e.- Terry v. Ohio, Miranda v. Arizona, Tennessee v. Garner, etc.). Simply articulate the facts that support the underlying principles discussed in these cases without making direct references to the case citations. PAs will know and understand what case law applies to your specific case if you have outlined all of the facts of the case.

1. Of the many different computer generated reports, 74% of PAs reported that the NARRATIVE was the most important part of the report

Most agencies are now using electronic law enforcement records systems of some kind. Each records system prints reports that look different from one another. When it comes right down to it, PAs will initially overlook all of the other data fields in your report to look for the narrative. After all, the story is the most important part of your report. This explains why many courts are requiring PAs to use court approved templates for probable cause affidavits that exclude unnecessary information (everything but the narrative) from your agency generated arrest report.

1. 82% of the PAs surveyed reported that officers are satisfying their obligation under Brady v. Maryland.

[Editor’s Note: *Brady v. Maryland*, 373 U.S. 83 (1963), established the principle that police/prosecutors must disclose to the defense all facts and evidence that might tend to prove that the suspect is not guilty.]

1. 92% of PAs report that police reports are ACCURATE.

PAs have given the police an “A” in this category. Cops have learned to become much more accurate in their report writing skills due to a higher degree of public and legal scrutiny. This brings truth to the phrase “Say what you mean and mean what you say”.

1. 95% of PAs report that officers use “officious language” or police jargon in their reports

One of the most annoying things that PAs reported to me was the fact that police sound like police when they write. PAs want you to sound like human beings, not robots. Avoid using police jargon or codes when writing arrest reports. Not everyone who reads these reports are cops, so keep that in mind when writing reports. On the other end of the spectrum, don’t try to sound like a lawyer when writing arrest reports. Avoid using boilerplate legal language (what you commonly see in legal documents) or any other type of legalese. Keep it simple!

1. The most common arrest reports, seen almost daily, are a DUI (66.6%), driving while suspended (15%), and domestic battery (10%).
2. 98.3% of PAs report that writing good reports results in less time in court

Successful arrest report writing can be achieved by following the same 3 basic principles that have been a staple in police report writing training for decades. The ABCs of report writing (Accuracy, Brevity and Completeness), if used as a model when completing arrest reports, can help to ensure that all of your administrative time is not wasted, and can lead to successful prosecution.