

REPORT WRITING “PROSECUTION vs. DEFENSE” (SHERIFF & DETENTION)

OBJECTIVES

- Staff will learn the three important elements of a report
- Staff will understand the need to completely document their actions in a report

In today’s society, law enforcement is highly complex, one of the most difficult, if not the most difficult, occupation in society. The job is ever growing in complexity, yet never before in the history of man has the actions of law enforcement been held to a higher standard or higher level of scrutiny. Deputies make split second decisions in innumerable scenarios, typically in volatile and fluid situations. Deputies do the right thing or do their job right about 97% of the time, yet where we generally fail is that we cannot prove it. We generally don’t document all the facts that lead us to a specific resolution or action.

Is report writing important? Yes, it does not matter how well you handle a situation if you do not document the incident. Understanding who and why you are writing the report is equally important, e.g., prosecution, FYI or CYA? Understand the purpose of your report. Remember, your actions and your report must be defensible twice, at the time of the incident and in a cold sterile courtroom.

Incidents are documented for many reasons; prosecution needs are completely different from the needs of defense counsel. When writing for prosecution, the report should contain all the criminal elements necessary to prosecute an offender. However, with regard to civil liability you have to prove you did the job right. Remember, you only have one opportunity to write a good report. A good (complete, consistent, policy) report addresses both the prosecution and defense needs.

Incident Documentation:

Reports- Complete, Consistent, Policy (CCP)

1. Complete: A complete report documents of all the facts and allows the reader to answer very specific questions with very specific answers five years in the future. You have one shot to prepare this type of documentation. DO IT RIGHT.
 - a) You have discretionary time, USE IT. Take the time to write a CCP report.

- b) 5 W's and 2 H's:
- ▶ Who, What Where, When, and Why; How and How many!!! Defense lawyers have a rule, "if you cannot attack the facts, attack the deliverer of the facts or the method of delivery." Do not give them a chance; help them find a career change. We need more Trust Fund Attorneys.
 - ▶ Explain What happened, Who did it, Where it happened, When it happened, Why it happened, How it happened, How many were involved, Why you were there, What you did, Who you did it to, How you did it, Why you did it, and How many times you did it.
2. Consistent: A consistent report is consistent with itself, the facts, evidence, and other reports, e.g., supplemental reports, EMS reports, use of force forms, evidence logs, witness statements, dispatch logs/tapes, photographs, etc.
 3. Policy: Make sure your actions and report are within department policy. Document the fact that you acted consistent with applicable policy.
 4. Proofread your report for accuracy and revise as necessary.

POLICY

Discuss all department policies relating to report writing and documenting actions.

CLOSING

- *Encourage discussion about this presentation and the need to document all relevant facts.*
- *Remind employees that they generally do the right thing, they take the appropriate action, but it will not matter if they don't justify their actions in their report.*