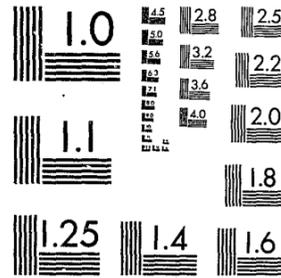


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3/8/82

# EXEMPLARY TRAINING PROGRAM

IT'S EASY TO WRITE

# BETTER POLICE REPORTS

80890



THE COMMISSION  
ON PEACE OFFICER STANDARDS AND TRAINING  
STATE OF CALIFORNIA

U.S. Department of Justice  
National Institute of Justice

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IT'S EASY TO WRITE

# BETTER POLICE REPORTS

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Commission on Peace Officer Standards and Training

TO THE READER:

The suggestions in this booklet are fundamental. However, even the most experienced peace officers sometimes prepare deficient reports. I believe that everyone whose duties require the preparation of crime and arrest reports may find some of these comments helpful. Reproduction and use of these materials for training purposes is encouraged.

Santa Ana, California  
June, 1977

### IT'S EASY TO WRITE BETTER POLICE REPORTS

Most police officers write lousy reports. When I was a cop, I wrote lousy reports...I just didn't realize it until I became a prosecutor and had to try to read, understand, and rely on reports written by other cops.

What's wrong with your reports? Just about everything. Some are too short; others are too long. Your language is stilted and confusing. You state too many conclusions and not enough facts. The "standard" police style of writing has turned your reports into gobbledygook.

Because they're so difficult to read and understand, your reports slow down the complaint-issuing process; they make it more difficult for the prosecutor to determine who should be subpoenaed for trial; and they give the defense attorney something to use to try to confuse your testimony. (Incidentally, you're all the more unconvincing to the judge or jury if you testify the same way you write, as many officers do.)

Luckily, it's easy to break your bad writing habits and eliminate all the unnecessary problems you've been creating. Most of the problems result from your attempts to copy the reporting style of other officers, and from your eagerness to display your literary style. Therefore, about all you have to do to correct these problems is to write more naturally.

If you think you have to show off your literary style and your impressive vocabulary, write a novel. Police reports should be kept simple, straightforward, and clear. They are the wrong place to express your creativity. Their purpose is to inform, not to confuse or entertain.

The best way to write a police report (and the best way to testify, incidentally) is to be yourself. Remember that the purpose of your reports and testimony is to communicate information. You fail to achieve this purpose when you abandon everyday language and your natural methods of communicating, and adopt the totally unnatural and confusing language and methods of the "standard" police report.

Here are a few suggestions for a better report format, improved word usage, and a better writing technique. These suggestions are guaranteed to make your reports more readable and more factual, with less effort than you're probably expending now on your lousy reports.

#### FORMAT:

(1) Details which are going to be important in every report filed (such as date, time, location and identities) are normally provided in the standard heading. Once listed, these items do not need to be duplicated in your narrative. Probably two-thirds of all reports I see have a duplicative "introductory" statement which should be omitted.

For example, after completing the appropriate blanks in the heading, the officer begins his narrative by saying: "On above date and time undersigned responded to above location and contacted above-listed party." If this information has already been given, leave it out of your narrative. Get right to the facts.

(2) Another wasteful and confusing practice is the endless repetition of such words as "suspect," "victim," "subject," etc. Repeating these labels each time you mention someone's name in the narrative simply wastes time and words, and adds to the confusion. A better practice is to list in the heading, and fully

identify (by name, sex, DOB, address, phone, and role--e.g., "witness," etc.), everyone materially involved. Then refer to them in your narrative only by last name (use full name if two or more share a last name).

#### • EXAMPLE

- Bad: Victim #1 told Suspect #2 that Victim #2 was going to Suspect #1's house.

(This "numbering system" forces the reader to turn back constantly to the heading to see who "Suspect #2" is, etc.)

- Better: ASA told BLUE that CORD was going to DOAN's house.

Good examples of standard report forms which use this more sensible format are Garden Grove P.D. forms 307 and 313.

(3) When you are going to report a number of things told to you by someone, do not begin a dozen sentences with the words, "EASTER related that..." It is better to say, "EASTER gave the following account:" and then set forth what he told you.

#### • EXAMPLE

- Bad: EASTER stated he saw it all. He further stated FRANKS started it. EASTER related that GRANT waved a knife. EASTER explained that HAWKS fell. EASTER continued by adding that IRWIN fled.
- Better: EASTER said: FRANKS started it; GRANT waved a knife; HAWKS fell; and IRWIN fled.

(4) Do not use rambling sentences or long paragraphs. Paragraphs of more than 4 or 5 sentences are harder to read and digest.

#### WORD CHOICE:

Some words seem to have a special appeal to police officers, and I don't understand why. They are among the most ambiguous and least descriptive words in the language.

(1) The worst is probably "indicate." A person can "indicate" by saying something, by shaking his head, by pointing, by glancing, or through a facial expression or sign language. He can indicate directly or indirectly. Putting a statement in a report which says that someone "indicated" something is not very helpful.

#### • EXAMPLE

- Bad: KREBS indicated that he did not desire to submit to custody.
- Better: KREBS said: "You ain't taking me, pig!"

(If you use the word "indicate" while testifying in court, your answer may be stricken as "conclusionary.")

(2) Another poor word is "contact." You can "contact" a witness in person, by phone, by letter, by telegram, or by E.S.P. Each of these methods presents different problems of proof. Instead of saying that someone "was contacted," say who did it, and how.

• EXAMPLE

- Bad: LEWIS was contacted at his home.
- Better: I phoned LEWIS at his home.

(Don't use the ridiculous expression "telephonically contacted" when you mean "phoned.")

(3) "Responded" is another overworked word that could always be replaced with a shorter, more factually precise word.

• EXAMPLES

- Bad: I responded to First and Cherokee.
- Better: I drove to First and Cherokee.
- Bad: Her mother responded to the station.
- Better: Her mother came to the station.
- Bad: I responded to the security office.
- Better: I went to the security office.

(4) "Proceeded" is abused 2 ways.

• EXAMPLES

- Bad: I proceeded to the rear yard.
- Better: I went to the rear yard.
- Bad: I proceeded to conduct an investigation.
- Better: I investigated.
- Bad: I proceeded to question the witnesses.
- Better: I questioned the witnesses.

(5) Instead of using vague words such as "observed" and "detected," simply say what you mean.

• EXAMPLES

- Bad: I observed that there was a bottle on the floorboard.
- Better: I saw a bottle on the floorboard.
- Bad: I detected the odor of burning marijuana.
- Better: I smelled burning marijuana.

(6) If you have the terrible habit of using the senseless expression "It should be noted that..." start changing that habit with your next report! This phrase is just surplus verbiage.

• EXAMPLES

- Bad: It should be noted that the trunk was empty.
- Better: The trunk was empty.
- Bad: It should be noted that he fell.
- Better: He fell.

When you throw "it should be noted that" into your reports, all you do is write--and force someone to read--five extra words which add absolutely nothing to the meaning. If you are typical, you use that phrase 5 or 6 times in each report, over 1000 times each year! That's up to 6000 words of pure report padding per year, per officer. Resist the temptation--do not use this ridiculous expression!

(7) As a rule, you should use the most specific words you can to describe things. Using general words and expressions usually just raises questions ("how?" "what kind?" etc.).

• EXAMPLES

- General: It was determined that MOON was a minor.
- Specific: A DMV teletype showed MOON's DOB as 4-8-60.

See the difference? The specific statement tells you, in the same number of words, not only what the general statement tells, but also the two additional facts of exact DOB and source of your information.

- General: NEAL is the sole occupant of the residence.
- Specific: NEAL lives alone in the apartment.

The essential difference between general and specific terms is that a general term usually describes a category made up of specific things. A "residence" could be a house, an apartment, a mobile home, or a hotel suite. If you haven't said which it is, don't use the word "residence" until you do.

Being specific sometimes means that you use more words, but you'll still be ahead if you drop all the unnecessary words you've been using. And being specific always means that your report is less ambiguous and more factual. It's the difference between telling someone, "There's somebody here to see you," and saying, "There's a tall, buxom, blue-eyed blonde here in a bikini."

(8) Here is a list of some of your most popular expressions, and some suggested substitutes to eliminate work and increase clarity.

Bad	Better
related	said
stated	
explained	
articulated	
verbalized	

Bad	Better
informed advised notified instructed	told
altercation mutual combat physical confrontation	fight
verbal altercation verbal dispute heated debate fiery exchange of words verbal flare-up	argument
regarding in regard to reference in reference to	about
due to the fact that in view of the fact that in light of the fact that	because
at this point at this time at which time at this point in time	then (often, you need no substitute-- just leave these words out!)
utilize make use of employ	use
kept under observation maintained surveillance over visually monitored	watched

There are many more, of course. Review a few of your old reports and see how often you've used ambiguous or meaningless language where shorter and more precise language would have achieved your communication goal much better.

The best advice I can give about word choice is this: put things down the same way you'd tell it to a neighbor--use everyday language and be as factually specific as you can.

TECHNIQUE:

Just two major changes in the reporting technique I see most often could turn lousy reports into good ones.

(1) Stop pretending that the pronouns "I" and "me" are poison. Nobody really believes that your reports are more objective simply because you call yourself "this officer," or "the undersigned," or "writer," etc.

In fact, use of this archaic third-person narrative makes your reports seem suspiciously unnatural and unnecessarily confusing. If anyone in law enforcement has a justifiable reason for preferring the awkward third-person style to the straightforward first-person style, I haven't heard it.

A juror once asked me, after a trial in which police testimony and reports were in evidence, "Why do the police write and speak like they don't want you to understand them? What've they got against straight talk?" ...What DO you have against straight talk?

"I" is one of the shortest words in the language, and "me" and "my" aren't much longer. You may have been told in your college creative writing course to avoid these pronouns, but when you are composing a police report about things you did, don't worry about creative writing--just communicate.

Look at the difference:

• EXAMPLE

• Bad: This officer verbally advised OWENS to give this officer the baton belonging to this officer.

• Better: I told OWENS to give me my baton.

(2) The second thing you should do is to stop using what grammarians call the "passive voice." Almost every report I see has been so inflated and complicated by the passive voice that this one change in writing style could easily reduce report length by 20% and increase factual clarity by 80%.

The alternative to the passive voice is called "active:"

• EXAMPLE

• Passive: PERKINS was arrested by me.

• Active: I arrested PERKINS.

What's the difference? In this example, the "active" sentence uses 40% fewer words to say precisely the same thing as the "passive." This example shows the most common use of the passive voice--the extra words are usually "was" and "by."

The worst feature of the passive voice, though, is not the extra length it adds to most sentences where it is used; it is worse that you often use it in such a way that you create an unanswered question when you are supposed to be communicating specific facts.

• EXAMPLE

• Passive: A knife was found in QUINN's right boot.

(Who found it? Most arrests involve at least 2 officers. Will you remember later who found the knife? Can the DA tell from your report whom to subpoena for trial?)

• Active: Officer RAY found a knife in QUINN's right boot.

• Passive: It was ascertained that a gun had been drawn by SANTOS.

(How was it ascertained? By whom?)

- Active: TAYLOR told me he saw SANTOS draw a gun.
- Passive: The booking process was completed on USHER and the broadcast was cancelled.
- Active: Officer VANCE booked USHER and I cancelled the broadcast.

See how the active voice forces you to be more precise (and usually saves several words per sentence)? There are times when the passive voice is appropriate, but a good rule for police report construction is this: if you can say it in the active voice, don't use the passive... Your reports will then answer questions, rather than raising them, and will be informative, rather than just wordy.

Any single poor writing habit is bad enough, but when you string several bad ones together, as many officers do, the result is even worse.

- EXAMPLE

- Bad: On above date and time at referenced location, this officer was verbally advised by reporting party that suspect #3 and victim #2 became engaged in a verbal dispute, which then escalated into a physical altercation between victim #2 and suspect #3. It was unknown by reporting party which of the subjects had actually initiated the physical altercation. It should be noted that when this officer responded to the location of victim #2, this officer was able to observe no indications of the altercation, except that on contacting victim #2, it was ascertained by this officer that victim #2 was indicating that he was suffering a painful head. It should be noted further that in view of this fact, a unit of the paramedics was requested by this officer at this time.
- Better: BIRD told me GOON and MEEK argued and then fought, but he did not know which of them was first to use force. MEEK said his head hurt, so I radioed for the paramedics.

The "better" example is shorter, NOT because any facts are omitted, but because all the meaningless, surplus words and phrases are left out. Remember that the only words you should eliminate are those which add nothing. Always include in your report anything which may conceivably be relevant to the case (see "CONTENT CHECKLIST," Appendix C).

For a further illustration of the difference sensible writing technique can make, see the sample reports in Appendices A and B. SAMPLE REPORT 1 is an actual report from a local agency. It is not the worst report I could find; I selected it because it is typical of the reports most of you write. Only the names and places have been changed. You will notice that, like many of your own, this report is bloated with most of the wordy, meaningless expressions I've singled out above.

SAMPLE REPORT 2 is the same report, with deletions and short modifications, to show you how the officer could have said all the same things far more clearly, and in 45% fewer words. Notice that I could not always rewrite the passive sentences into active voice, because the very information needed to rewrite the sentences is the information left unknown by using the passive voice.

As I suggested earlier, some of your bad writing habits are carried over into your testimony. Appendix D contains some hints on how to testify (and how not to).

A final word: whether writing or testifying, always keep your purpose in mind, be natural, and strive for clarity, accuracy, and completeness. You'll find that following these suggestions generally requires less effort, not more, and will make you far more effective in communicating information.

APPENDIX A

SAMPLE REPORT 1

[The standard heading of the actual report showed it was for a 647f arrest of two men, who were fully identified, and a juvenile detention, occurring on 2-16-76, at 12:35 am, at 400 S. Cherokee.]

FURTHER DETAILS:

On 2-16-76, at 12:35AM, this officer, while in the parking lot of Tic Toc Market at First and Cherokee, was contacted by an unknown named subject who advised this officer that in the alleyway at 400 South Cherokee two subjects were engaged in a fist fight.

This officer responded to that location and upon arrival observed two subjects to be facing each other as if they were going to begin to fight. This officer exited the police vehicle and upon doing so subject YOUNG turned and ran east-bound through the alley. At this time this officer responded to subject WELLS who was standing at the location and this officer yelled at subject YOUNG to freeze and to return to this officer. YOUNG appeared to be extremely intoxicated and turned around and ran back towards this officer.

At this point this officer asked subject WELLS what had transpired and subject WELLS simply did not answer this officer. It should be noted that at this time, Officer Brown had arrived at the scene and both subjects YOUNG and WELLS were once again facing each other. This officer heard the subject WELLS state to YOUNG, "Okay, if you want to fight, let's go!"; at which time subject WELLS took a karate type stance, as if he was preparing for a fight. At this time this officer stepped in between both subjects drawing the baton from the baton ring and ordering subject YOUNG to the rear of a vehicle which was parked in the alley approximately five feet away. Due to the fact that subject YOUNG was extremely intoxicated this officer placed subject YOUNG under arrest for being drunk in public. The subject was handcuffed and placed in the rear of this officer's police vehicle. It should also be noted that subject WELLS was also extremely intoxicated and was in fact taken into custody by Officer Brown upon request of this officer. Subject WELLS at this time was placed in the rear of Officer Black's vehicle and then replaced into Officer Green's vehicle.

It should be noted that while both subjects were facing each other this officer got a chance to look at subject WELLS' face and also subject YOUNG's face. It should be noted that on WELLS' face there was a small cut below the right eye which appeared as if subject WELLS had been struck by the subject YOUNG. This officer had information from the subject, who informed this officer of the fight, that both subjects had already in fact been fighting.

It should be noted that subject YOUNG had a reddening mark under one of his eyes which appeared that subject YOUNG had been struck by the subject WELLS. While this officer was attempting to conduct an investigation by contacting witnesses, contact was made with the suspect LIBBY PINK.

This officer asked subject LIBBY PINK if she had seen any actions that had taken place at that location at which time she stated no she did not and that she wasn't going to say anything. At this time this officer asked for identification from the subject LIBBY PINK, at which time she stated that she did not have any and that she would not answer any questions asked by this officer. It should be noted that subject LIBBY PINK appeared to be very young and attempts were made to obtain identification and also her age. The subject LIBBY PINK stated to this officer that she had driven to the location in a vehicle and would supply this officer with no further information other than her home phone number. This officer contacted witness AL PINK, who advised this officer that the suspect in question was in fact only 16 years old and he had thought that she was at a movie. Due to this fact the subject was taken into custody by this officer for violation of curfew.

The suspect was transported to the city police department where she was placed in a juvenile detention room. The suspect's father was then contacted by this officer and advised of the circumstances and suspect LIBBY PINK was released to the custody of AL PINK. It should be noted that a juvenile contact report was completed on this subject by the undersigned.

It should be noted that both suspects involved in the fight were transported to the city police department where they were released to the custody of the jailer. No further action taken by this officer.

It should be noted that at no time during the confrontation in the alley did this officer or any other officers become involved in any type of altercation with either suspects WELLS or YOUNG.

APPENDIX B

SAMPLE REPORT 2

In the parking lot of Tic Toc Market at First and Cherokee a man told me that in the alley at 400 S. Cherokee two men were fighting.

I went there and saw two men facing each other as if they were going to fight. As I left my police car, YOUNG turned and ran east through the alley. I walked to WELLS and I yelled at YOUNG to stop and return. YOUNG appeared to be extremely intoxicated; he turned around and ran back towards me.

I asked WELLS what had happened; he did not answer. Officer Brown had arrived at the scene and YOUNG and WELLS were facing each other again. I heard WELLS say to YOUNG: "Okay, if you want to fight, let's go!" Then WELLS took a karate-type stance, as if he were preparing for a fight. I stepped in between both men, drew my baton, and ordered YOUNG to the rear of a parked vehicle about five feet away. Because YOUNG was extremely intoxicated, I arrested him for being drunk in public. I handcuffed him and put him in the back seat of my police car. WELLS was also extremely intoxicated. At my request, Officer Brown arrested him and put him in Officer Black's police car and then into Officer Green's.

While YOUNG and WELLS were facing each other, I had seen their faces. I saw a small cut below WELLS' right eye; it appeared that YOUNG might have struck him. I had information from the man who told me of the fight that both men had been fighting.

YOUNG had a reddening mark under one of his eyes; apparently WELLS had struck him. While I was talking to witnesses, I spoke to LIBBY PINK.

I asked LIBBY PINK if she had seen what had happened. She said, "no," and that she wasn't going to say anything. I asked her for identification. She said she had none and would not answer any questions. She appeared to be young, so I asked for identification and asked her age. She said she had driven there and would give no further information, other than her home phone number. I called AL PINK, who said that LIBBY was 16 years old, and that he thought she was at a movie. I detained LIBBY PINK for curfew violation.

I drove LIBBY PINK to the police department and put her in a juvenile detention room. I then phoned her father and told him what had happened. I released LIBBY to him, and completed a juvenile contact report.

Both suspects involved in the fight were taken to the city police department where they were released to the custody of the jailer. I took no further action.

Neither I nor any other officer was involved in any kind of altercation with WELLS or YOUNG in the alley.

The best way to compare the two samples above is to look at each sentence of the original report, then look at that same sentence in SAMPLE REPORT 2. To make this comparison easier, I've used the same paragraph divisions.

## APPENDIX C

## CONTENT CHECKLIST

When you file an arrest or crime report, remember that it serves different purposes--for the detectives who will continue the investigation; for the prosecutor (who can't usually call and discuss the case before deciding whether to issue a complaint and whom to subpoena); for the defense, who will use it to try to get a charge reduced in negotiations, or to impeach you or other prosecution witnesses at trial; for the judge or jury when the report is in evidence; for you yourself, when attempting to refresh your recollection for trial; and for the department, when someone complains or files a lawsuit.

As appropriate to the particular kind of case, check your reports for the following:

 ELEMENTS OF THE OFFENSE

Obviously, you'll have to be familiar with the elements of each crime. If you're in doubt, read the section and ask your supervisor. If you fail to include the facts which show a necessary element, and if that missing element can't reasonably be inferred, the DA may be unable to issue a complaint.

As an example, refer back to SAMPLE REPORT 1. Bearing in mind that the arrest was for PC 647(f), look closely to see what the officer said to support the charge. You will discover that the report shows the suspects were in public; however, the only statements to show intoxication were the officer's declarations of opinion that the men were both "extremely intoxicated." Although you may state your opinion about drunkenness, you should include your observations to support that opinion: demeanor, speech, gait, etc.

 PENALTY-ENHANCING CIRCUMSTANCES

If the particular crime can be punished more severely under specified conditions (e.g., armed with deadly weapon, in the night, against a peace officer, etc.), be sure to include the facts which will support the increased penalty, whenever present. Don't wait to bring them out on trial--they must be alleged at the time the complaint is filed!

 PROBABLE CAUSE FOR STOP/DETENTION/ARREST

As you know, even an obviously-guilty felon can get a free crime if we have serious problems here. GO INTO THE GREATEST POSSIBLE DETAIL ANYTIME YOU REPORT FACTS ABOUT A SEARCH AND SEIZURE ISSUE.

Instead of simply saying: "I stopped the car for a traffic violation," say: "I stopped the car because LUCAS made a right turn from a lane marked 'Left Turn Only' going from northbound First onto eastbound Cherokee." (Hopefully, even if you develop a major felony arrest from the carstop, you will still issue the traffic citation; otherwise, some judges may believe the traffic violation was fabricated to supply P.C. after the arrest.)

## APPENDIX C (Continued)

The cases hold that you must be able to state "articulable facts" to show your P.C., each step of the way. Mention every observation, any report you had, any radio dispatch, any bulletin you'd seen, and any prior experience which contributed to your suspicions about the arrestee. And don't be general and conclusionary. Instead of saying: "It was a high crime area," say: "The area for a radius of approximately ½ mile from the scene of the arrest had experienced 21 burglaries, 2 armed robberies, and 8 cases of malicious mischief within the past 12 weeks, making it one of the highest crime areas in the city. Most of the crimes had occurred at night."

When discussing "furtive movements," "suspicious actions," and people or cars which "fit the description," get specific, and spare no detail! Who made the furtive movement? What did he do? How? Where? When? What made it "furtive?" ...How did he fit the description? What was it? Where did you get it? What was similar? How?

I have seen many reports with too little information on probable cause; I have never seen one with too much.

 BASIS FOR SEARCH AND SEIZURE OF THE PERSON/VEHICLE  
 BASIS FOR ENTRY INTO PRIVATE DWELLING

Unless your report shows that you took evidence on authority of a search warrant, include all facts which show your legal basis: consent, incident to lawful arrest, contraband in plain view, imminent destruction of evidence, crime in progress, exigent circumstances, etc. Again, be as specific and detailed as possible. If two or more bases exist, cover them all completely.

 "MIRANDA" ADVISEMENT AND WAIVER

Unbelievable as it may be, police reports occasionally contain details of an interview and full admissions, without saying a word about advisement and waiver! Your discussion of these topics should show where and when the advisement occurred, who was present, what representations were made, the absence of threats and promises, your method of explaining suspect's rights, and his method of acknowledgment and waiver.

Instead of making a statement that "He understood and waived his rights," write down what he did and said: "When I asked if he understood, he said, 'I've heard 'em a dozen times... I probably know 'em better than you do... I know all that stuff. Ask me anything you want to... I ain't got nothing to hide, and I don't need no stupid lawyer, neither!'"

Particularly if your suspect is young, intoxicated, emotionally upset, or interviewed soon after a trauma or serious crime, you must anticipate that even after an admission, he may claim there was no intelligent waiver. Be sure your report contains every detail of your advisement and waiver.

 STATEMENTS BY SUSPECT

Do not say: "The suspect admitted to the crime;" use his words: "LARSON said, 'I run up behind her and grabbed her purse before she knew what happened. Then she started yellin' and everything, so I jumped on my Moped and split.'"

## APPENDIX C (Continued)

Report everything the suspect says in explanation of his actions: if it is inculpatory, it may be admissible as a spontaneous utterance, an operable fact, etc., even without an advisement and waiver; if it is exculpatory, it is probably hastily-fabricated and can be exposed at trial more easily than a story contrived between booking and trial. Don't make the mistake of including only the inculpatory statements--sometimes a blurted-out excuse or alibi can do as much to convict a criminal as an admission.

 STATEMENTS BY WITNESSES

These fall into two categories and should be viewed somewhat differently. If the witness seems friendly to the suspect, report his exact words, in detail, whenever possible. His statements may be used to impeach him at trial if his testimony is inconsistent with them.

For all other witnesses, including the victim, be cautious about reporting direct quotes and minute details of their statements. At trial, you will not be able to testify as to what a witness told you (hearsay), except for limited purposes, such as impeachment. If your report shows the victim said something that conflicts with his testimony, you may be called as a defense witness to prove that a prosecution witness made a "prior inconsistent statement." Therefore, you should be very sure you are correctly attributing a precise detail to the right witness--double check it with the witness before leaving the scene, and be sure your notes are clear.

When reporting from memory, don't guess at which of several witnesses made a particular comment, and don't put something down just because you think that's what the witness meant. Your recitation of witnesses' statements must be accurate.

 SUSPECT'S Demeanor

In cases of serious crimes where it is reasonable to anticipate that the suspect may advance a defense of "diminished capacity," you should carefully record your observations of his demeanor. You may note, for example, that he did not show any signs of intoxication, that he gave you a detailed statement of everything that happened, that he knew where he was, what time and day it was, and what he had been doing, or that he made statements or asked questions (specify what they were) which tend to show his awareness of the situation.

 CLIFF-HANGERS

Perhaps nothing is more frustrating to those who read your reports than to be given enough facts to show an issue or a question, and then be left hanging, wondering about the resolution.

For instance, if your report describes a crime occurring in January, with a known suspect, and an arrest in July, with no mention of the reasons for the 6-month delay in making the arrest, readers can only guess and wonder. The defense attorney in such a case would file a motion to dismiss for lack of speedy trial, and the prosecutor would be on the defensive, without sufficient information to respond. In cases of delayed arrests, your reports should show what efforts you made to effect an early arrest, and why these efforts were unsuccessful.

## APPENDIX C (Continued)

In cases involving scientific analyses, be sure to include the results in your report, or attach a copy of the criminalist's report to yours, if available. Before submitting reports to the DA for complaints, check to be sure you are forwarding all the reports needed for a full account of what happened.

★As you write each report, keep in mind the different purposes it serves for the various people who use it. From their points of view, check it to insure that it will communicate accurately and completely.

APPENDIX D

WHEN YOU TESTIFY...

- ✱ Come prepared. If possible, you should:
    - ✱ Review your report.
    - ✱ Bring a copy with you...it may be permissible to refresh your recollection from it.
    - ✱ Review any documents or items of evidence you are ordered to bring to court. Be sure you can identify them, if necessary.
    - ✱ If appropriate, revisit the scene, and be prepared to draw diagrams.
  - ✱ Let the court know if--and why--you are going to be delayed in arriving.
  - ✱ Seek out the prosecutor ahead of time and review your testimony with him. Be sure to mention any unusual facts about the case.
  - ✱ You take the stand as a witness, not as an advocate. Therefore:
    - ✱ Don't try to help the DA.
    - ✱ Don't try to hinder the defense attorney.
- If the jury gets the idea you are anxious to answer the DA's questions and reluctant to answer the defense, they may think you're trying to hide something.
- ✱ Don't beat around the bush, and don't disguise your answer in a lot of police doubletalk--do not refer to yourself in the third person ("this officer").
  - ✱ If you are certain about an answer, sound like it. Be forthright and firm.
  - ✱ If you are not certain of an answer, make that clear: "I'm not sure, but I believe it was blue."
  - ✱ If you don't recall, just say, "I don't remember."
  - ✱ If you do not know an answer, say, "I don't know." Do not start guessing and then be forced to back down and admit you were guessing. The jury will wonder how much of your total testimony was guesswork.
  - ✱ Do not argue with anyone. Be equally courteous to both the DA and defense attorney.
  - ✱ Speak clearly and loudly enough to be heard.
  - ✱ When an objection is made, stop talking and wait for the judge to rule. If the objection is overruled, you will be allowed to answer; if it is sustained, wait for the next question.
  - ✱ Try not to become annoyed by repeated defense objections. It is the DA's job, not yours, to find a way to bring out the evidence.

APPENDIX D (Continued)

- ✱ If an objection or a motion to strike is aimed at your answer, it will often be for one of 2 reasons: (1) your reply was unresponsive; or (2) you stated a conclusion, rather than an observation.

• EXAMPLES

- (1) Q: Did the defendant say anything?  
A: He didn't have to. [unresponsive]  
✱ A: No. [OK]

(If you can, answer yes-or-no questions "yes," or "no," and wait for the next question.)

- Q: Where were you at that time?  
A: I was worried about my partner. [unresponsive]  
✱ A: I was just inside the back door. [OK]

Most unresponsive answers are given because the witness is anticipating the attorney's line of questioning--don't do this. Be patient, and confine your answer to the scope of the question. The attorney can then keep the questions and answers in a logical, orderly sequence.

- (2) Q: Why did you approach from the south?  
A: Because he couldn't see me that way. [conclusionary]  
✱ A: Because he was facing north, and I didn't want him to see me. [OK]

- Q: What did the defendant do then?  
A: He got mad and decided to fight. [conclusionary]  
✱ A: He clenched both his fists, put his left fist a few inches in front of his face, and pulled his right fist back alongside his right shoulder. [OK]

In general, avoid offering your conclusions about someone's abilities or mental state, unless you are specifically asked.

- ✱ If you are the victim, the arresting officer, or the investigator, nobody really expects you to be unbiased. They do expect you to be fair and completely honest. Every answer you give, and your demeanor on the stand, should demonstrate that you are fair and honest.
- ✱ When you are excused, leave the courtroom (unless requested to remain). Do not display an inordinate interest in the outcome of the trial.
- ✱ During recesses, and after the trial, do not discuss the case in places where jurors might be present. Conduct yourself at all times around the courthouse as if every civilian you see might be on the jury.

**END**