

**The Bill Blackwood
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**The Need for Report Writing Training for Law Enforcement
Professionals**

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**By
Davis Pham**

**Stafford Police Department
Stafford, Texas
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ABSTRACT

Report writing is a crucial and necessary duty in the law enforcement profession. Police officers respond to calls of service on a continuous basis and take actions according to established laws and departmental policies. Those enforcement actions must be recorded clearly and accurately. However, police officers and their agencies often fall short of this requirement. Licensed Texas Peace Officers graduating from law enforcement academy are only required to have 16 hours of report writing training according to the Texas Commission on Law Enforcement (TCOLE).

More law enforcement training related to report writing is needed. Law enforcement officers and the agencies they work for have seen an increase in civil litigations due to improper documentation in a police report. Also, poorly written police reports could be used by defense attorneys to make a case that the arresting officer had insufficient probable cause to arrest and charge the client, leading to an acquittal. Some of the benefits of additional report writing training is less civil lawsuit against the officers and their agencies, increase conviction rates, and providing statistical information used to combat crime issues to name a few. Therefore, law enforcement agencies should implement more report writing training.

TABLE OF CONTENTS

	Page
Abstract	
Introduction	1
Position	3
Counter Arguments	6
Recommendation	8
References	12
Appendix	14

INTRODUCTION

People do not get into law enforcement because they love writing reports. In fact, many people are surprised that police work is less about speed chases and wrestling with criminals and more about properly documenting what occurred during the incident. Some estimate that roughly 20% of an officer's time is spent on writing reports (Berg, Gibs, & Miller, 2013), while detectives can spend up to 75% of their day on report writing (Miller & Whitehead, 2015). Police report writing is arguably one of the more tedious and boring aspects of the job, but also one of the most important. A police report could mean the difference between a conviction and an acquittal, and yet many officers struggle with report writing.

It would stand to reason that since law enforcement personnel spend so much of their time working on reports and since they are so important in ensuring a conviction, officers and investigators would excel at report writing. However, this is simply not the case. Very little training is allocated to report writing in the police academy as there is an assumption that individuals are already taught to write reports in schools and colleges and that the only training that is needed is how to apply their current knowledge to the police setting. This is a dangerous assumption and leads to undertraining for academy graduates. While the same grammatical rules that were taught in schools should be used in a police report, these reports are more technically written than the essays or book reports done in schools. Many individuals going into law enforcement have had no experience with technical writing. Moreover, just because someone took English in high school or college does not necessarily mean they were good at it or remember what they learned. Therefore, many law enforcement

professionals do not even have a good grasp of simple grammatical rules. According to the current TCOLE requirements, the Basic Peace Officer Course consists of a minimum of 643 classroom hours, 16 of which are required to be about written communication (643-Hour Basic Peace Officer Course- Table of Contents, 2013). The TCOLE minimum guidelines outlined in the Instructor Guide to the Basic Peace Officer Course cover the following topics in the unit on written communication: definition and use of a field note, observation and descriptive skills, types of information to be recorded in a field notebook, questions to be answered in field notes to complete a report, significant uses of the police report, essential criteria of a good police report, common types of police reports, difference between chronological and categorical ordering in report writing, basic kinds of information necessary in police reports, separating fact from opinion. In addition to the topics listed, the guidelines also include information on proper grammar such as sentence composition. The guide also stressed the importance of good written communication skills. In the introduction sections, it specifically states: “[c]ommunication skills, both written and verbal are most critical to becoming a successful peace officer. ...Writing exercises should be conducted at least twice weekly... evaluated, and feedback should be provided to the student” (<https://www.tcole.texas.gov/sites/default/files/CourseCMU/BPOC.zip>, Ch00 Introduction, p. 1). The student should then make corrections to the report based on the feedback. Due to the criticality of a good police report and the clear lack of training that

police personnel receive, law enforcement agencies should implement more report writing trainings.

POSITION

Police reports are used in a variety of manners. A police report is one of the most vital tools used during a criminal trial (see Figure 1). Actually, in many cases, it is one of the primary sources that the district attorney will consider when deciding if criminal charges should be filed. The investigation or case report is a subpoenaable document and can be entered into evidence as an account of the events that occurred. When a report is written well, it provides a clear picture of the events that occurred during the incident that resulted in the case proceedings and can assist the prosecutor in getting a conviction. However, when a report is poorly written, the defense can make a case that the arresting officer was as careless during the investigation as he or she was in the writing of the report. Jurors may be hesitant to trust the testimony of such an officer and the conviction could be jeopardized. Lewis (2001) stated that “[D]uring the attack on the prosecutor’s case, one of the primary goals of the defense attorney will be to paint the investigation as having been incomplete or poorly conducted, thereby affecting its overall credibility in the eyes of the jury” (p. 14). Moreover, sometimes testimony by the investigating officer occurs months or even years after the incident took place. Unless there are audio or video recordings, the police report is the only means the officer has to remember all the details of the crime in order to give an accurate testimony. It is therefore crucial that the report is well written and accurate and that the testifying officer reviews it thoroughly prior to the cross-examination by the defense attorney. Any inconsistencies between the testimony and the report will cast

doubt on the accuracy of the events as portrayed by the law enforcement officer. Moreover, leaving something out during the testimony that was mentioned in the police report and vice versa could be ammunition for the defense attorney to claim that the information was fabricated by the law enforcement officer. Additionally, it could make it seem like the officer is “embellishing his testimony or intentionally adding information about matters which did not occur the purpose of giving the prosecution's case a needed boost” (Lewis, 2001, p. 108).

In addition to investigative reports being vital in criminal court proceedings, they are also instrumental in dealing with civil litigation. With law enforcement agencies finding themselves more and more in the spotlight for negative interactions with the public, law suits against agencies are on the rise. Based on a National Institute of Justice (NIJ) funded survey in 1991, “114 responding agencies reported paying almost \$50 million in civil damages” (Greenfeld, Langan, & Smith, 1997, p. 19). Additionally, Kaste (2016) states, “Chicago alone has paid out more than half a billion dollars since 2004” (p. 1). The number is no doubt exorbitantly higher now and is continuing to grow. One of the things that could reduce the number of law suits that are won by the plaintiffs as well as the payment amount, is proper documentation of the incidents in question. Civil cases against law enforcement agencies or an individual law enforcement personnel usually center on excessive use of force or other forms of police misconduct. Though now police departments can rely on vehicle dash cameras, and more recently body cameras to corroborate the events of the incident, those may not always be available. Dash cameras can malfunction, not be turned on, or not be angled to the correct view to capture the incident. Additionally, not all departments or individuals

within a department are utilizing body cameras, largely due to financial burdens. This means that the best support the agency or individual has in defending themselves against a potentially frivolous lawsuit, is a very detailed and correctly written police report that accurately portrays the events of the incident and leaves to room for a jury or judge to question the actions of the law enforcement representative(s) involved in the case.

A police report is also used to compile statistical information such as crime trends, which can then be shared with the Federal Bureau of Investigation, so that crime can be analyzed not only at a local level but across the country. Such statistics can help assess where more resources are needed and if current departmental policies are effective in reducing crimes. Similarly, a police report can be used to evaluate if the department is adequately responding to the needs of the community as it is documentation of the actions taken by officers in response to certain incidents. Additionally, data in police reports allow for the identification of “high-crime areas and to allocate personnel and materials accordingly...[meaning] assistance [is] available [for officers in the field] when and where they need it the most” (Kakonis & Hanzek, 1978, p. 3). Furthermore, by identifying these high-crime areas, the department can have justification for budgetary increases to allow for hiring more officers and buying more equipment. Moreover, reports are used in evaluating officer performance, and can be instrumental in the trajectory of an officer’s career. Often times, especially in large departments, supervisors and the administration, will essentially form their impressions of officers based on their reports. Supervisors will review reports to gauge if an officer took the appropriate actions at the scene. An officer’s collective reports will also show

the supervisor how effective the officer is at organizing information and speak to his or her intellect and competence. Lastly, not only do investigative reports affect an officer's career, they also are a representation of the police agency as a whole, and therefore, a bad report—or a pattern of bad reports—can deter from the department's professional image. These reports are available to many outlets, including the media, other departments, governmental agencies, and the public. Arguably, the most damaging to the department's reputation is the public's perception, especially during a time when public and law enforcement relations are at a low and there is much doubt in police competence. Consequently, good reports, that identify crime trends, can lead to improved community relations by adding to the creation of public service announcements or educational programs. For example, the community can feel confident that their police care about its citizens when the department implements things like self-defense training for women living and working in particular areas with high incidents of assaults, or holding workshops with local business owners to discuss precautionary measures in areas with high incidences of breaking and entering. All of these initiatives would not be possible without good report writing that helped identify crime trends.

COUNTER ARGUMENTS

Law enforcement agency administrators all recognize that there is a need for additional training within their departments. Police officers are already mandated by the state to acquire a minimal of 40 hours of training every two years. Additional training comes with added costs to the agencies and with difficult budgetary decisions, training budgets are usually the first casualty of budget cuts (Hale, 2009). Therefore, law

enforcement agencies must come up with creative alternatives to combat the issue of budgetary constraints.

Many departments could explore less costly methods like in-house training, as this cuts down on travel expenses, per diems, registration fees and other costs associated with off-site trainings. According to Hale (2009), in-house training programs will increase training hours and will reduce the cost of training. That is a win-win situation that will provide police officers with continuous education throughout their career which should translate to better training and educated officers servicing their communities.

Another argument against additional training is the impact on staffing (Eavenson, 2015). Many law enforcement agencies are already lacking in manpower, and it is not feasible to allow individuals to take off to complete trainings. Currently, police departments are increasing the qualifications needed to become a police officer (such as more education requirements, older age minimums). When combined with the increasing distrust that the public has toward the police, leading to more attacks on law enforcement staff, it can be really difficult to find qualified and willing individuals to hire to increase the man-power. The traditional method of having officers traveling away for face to face training is not a viable option in many departments. Police departments must look for alternative strategies to provide their officers with much needed training to continue the path towards more professionalism.

Law enforcement as a whole is slow to embrace technology. However, in recent years agencies have seen an increase in the interest and usage of online training. According to Keadle (2015), police agencies use online trainings because it is easily

available and cost effective. Texas Commission on Law Enforcement (TCOLE) even provides tuition free online training for various courses, including Intermediate Core Courses (ICC) and mandated courses like the Legislative Updates and Cultural Diversity. There are other online training providers like Public Agency Training Council (PATC), which have courses that cater towards more advanced subject matters and leadership courses. The other popular online training provider is OSS Academy, which has classes ranging from intermediate level to the more upper level courses such as Homicide Investigations. Departments are attracted to this alternative training approach because they are approved by the Texas Commission on Law Enforcement and serve as a training tool for officers to educate themselves while on duty. Online training courses are also convenient, allowing officers training while on duty during down-time. Officers may also stop the online course to answer calls for services.

RECOMMENDATION

Report writing is a crucial part of every law enforcement personnel's duties. Current training standards are not adequate, as the minimum requirement is only 16 training hours during the police academy and there are no requirements on continuing education. Police agency administrators must recognize this deficiency and implement additional training emphasizing proper report writing.

There are many advantages for instituting a report writing program for law enforcement officers. Prosecutors analyze police reports to determine the strengths and weaknesses of a case to decide whether they should pursue charge(s) or plea bargain with the offender. Having a well written investigative report also ensures that justice will be served and the best possible outcome will be achieved for the victim. An

officer's well written report can provide the prosecutor with greater leverage to gain a conviction or persuade the defense to plea to charge(s). On the other hand, a poorly written police report can provide ammunition for the defense to poke holes in the case, thus allowing the suspect greater opportunity to have charges dropped or receive an acquittal. Another benefit of having more report writing training is that officers will be able to write clearer and more accurate reports. By writing accurate, detailed, and well-articulated reports, officers can decrease the likelihood of being involved in civil litigation brought against them or the department. Police reports are also used for many different things, including compiling statistical information about crime trends, evaluating the effectiveness of departmental procedures, determining how to allocate additional staff and resources in areas of high crime, and assessing officer performance.

There are of course challenges in implementing additional training. For one thing, training comes at a cost. Many municipality budgets are stretched to their limit and will not support added expenses. Some would argue that the limited money that departments have would be better spent on weapons and ballistic vests for the officers— as this is a matter of safety— rather than training classes on report writing. Nevertheless, based on the points made earlier in this paper, one can clearly see that money spent upfront on these training classes will result in money saved to the city and the department in the future. Better reports will equate to less money won by plaintiffs in lawsuits against the departments or cities. Also, they can be used in compiling statistics that can help the department allocate resources appropriately based on levels on crime (and types of crimes) within the city. In addition to cost, another challenge is that many departments are seeing a depletion in staff, and qualified new-hires are becoming

harder to find. However, one way around this hurdle is by having trainings done in-house or online. This would mean that officers do not have to spend time driving somewhere or taking time off to attend a distance training. If online training videos could be created that officers could access whenever and wherever, they could be completing trainings during their down-time, lunch breaks, or even at home (if the department allows for such a thing and compensates appropriately). Departments can also investigate newer technology, like cell phone apps, and figure out a way to utilize that to deliver grammatical or report writing structure and components information to the officers. Tools like these would provide the officers with the information needed at their fingertips, with little cost or use of manpower.

This paper has shown that additional training courses in report writing would provide many additional benefits to the departments, despite some initial obstacles. Implementation at the departments can take place in multiple phases and throughout various stages in an officer's career. While there would be many advantages of having the additional training start at the academy level, the greatest benefit will be seen if departments can customize such trainings based on the needs within that agency. Departments should start by including a report writing requirement during the interview process. This way, they can assess each applicant's skill even before they are hired, and they can gauge how much or little additional training is needed for that individuals. It can be determined if that person need the basics, including grammar, sentence structure, and punctuation or they are competent in the basics and just need to learn the components of what makes a good police report. An initial assessment like this can cut down on potentially unnecessary trainings, saving money and time—two of the

obstacles previously mentioned. Post-hire, many departments have implemented mini-academies that spend time providing trainings on topics such as interdepartmental policies, situational or scenario training, weapons recertification, and use of force training. During the mini-academy would be an ideal time to begin implementing additional trainings for report writing. Classes would cover topics like basic grammar and sentence structure, the types of police report (incidental, accident, etc.) components of a good police report (victim's and defendant's information, nature of injury, description of the events, etc.), characteristics of a good police report (accuracy, clarity, completeness, conciseness, and objectivity), and lastly, proofreading. Additionally, classes would go over the importance of good observations at the scene and interviews with those involved. Without the proper actions at the scene as well as clear and accurate field note taking, the officers will lack the foundation and information needed to write a good police report.

While there are obstacles in implementing new trainings, there are also ways around them if one is willing to look and explore potentially unconventional means in delivering the needed information. It is crucial that law enforcement agencies invest in their personnel and increase training for report writing. The benefits will be seen across many areas of the department as well as the community.

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APPENDIX

Investigative reports serve and reflect upon the officer and his investigation in a number of ways:

1. They provide a record of the investigation and preserve information for later reference.
2. They provide accurate and pertinent details upon which a clean, strong case can be built.

Establishing accurate details enhances further investigation, future reference, and courtroom presentation.

3. They provide assistance to fellow law enforcement officers and agencies in that they:

- a) Facilitate the exchange of information (MO, identification, etc.) and promote teamwork;
- b) Prevent duplication of effort and minimize inconsistencies between reports;
- c) Provide the court and probation departments with information upon which they rely to make sentencing recommendations.
- d) Provide the main source of information used by prosecutors to determine;
 - what evidence exists and where it is located,
 - what crimes were committed,
 - what crimes can be charged,
 - the identity of witnesses,
 - possible defenses, the strength and weaknesses of the case,
 - what kind of a jury to select, and
 - what kind of trial strategy to employ.

4. Reflects on the abilities of the investigator. It is the accuracy and completeness of the written report by which the quality of the officer's investigation is judged, and it can compliment or damage the officer's testimony on cross-examination.

Figure 1. Investigate Reports and Their Roles in Court Proceedings. Lewis, 2001, pg. 19.