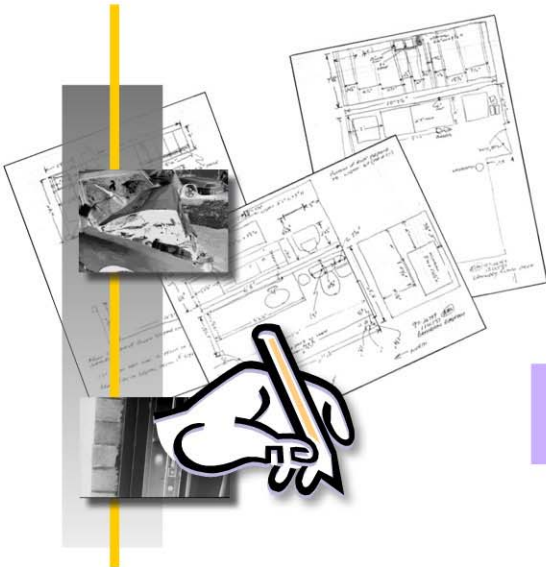


Writing Effective Evidence Reports

for the Crime Scene Investigator

Presented by: *Imprimus Forensic Services, LLC*
www.imprimus.net

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Evidence Report Writing – Purpose & Needs

Evidence reports, of all the police reports that can be written, are many times the most difficult to produce. They can range from basic to very complex. Whatever format they take, evidence reports are technical documents. Writers of these reports are required to communicate effectively to the reader - how the crime was committed, the processes used to identify and collect evidence, the nature and value of the evidence recovered and a conclusion or reconstruction of events based on the evidence.

Along with the written report, supplemental information in the form of photographs, videotape, sketches and diagrams may be used to complete the scene investigation.

In the end, many individuals both within and outside of the reporting officer's agency will use these reports to identify later courses of action. These individuals include:

- Prosecution & Defense Attorneys
- Investigators
- Laboratory Personnel

In addition to the above, these reports will be used to prepare officers and witnesses to present evidence at trial. The credibility and professional image of both the officer and agency rely on well written reports.

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The purpose of this manual is not to turn the Evidence Technician into an English Professor. It is also not meant to teach someone how to process crime scenes. Its purpose is to serve as a guide for preparing evidence reports under a variety of circumstances that are

- Objective
- Concise
- Accurate
- Consistent
- Easy to Read.

The material presented in this text is based on the experiences of the authors and their exposure to police reporting. We believe the readers of this text will find it indispensable in guiding both their day-to-day and extraordinary evidence reporting needs.

The Reporting Process

Crime scene documentation and reporting, involves a series of processes and steps that are meant to complement and support each other. These processes include:

- Field Notes (written or audio)
- Evidence Reports
- Sketches & Diagrams
- Photography
- Video

The seriousness of the crime as well as departmental SOP's will dictate to what extent these procedures are carried out.

Four steps are typically involved in completing the finished report.

1. Gathering information in the field. (Field Notes & Sketches)
2. Assembling the rough information and writing the finished report.
3. Supplementing the report with support documents. (Photo Logs, Finished Diagrams, etc.)
4. Proofreading and correcting the report.

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Field Notes & Sketches

Field Notes: Document in detail the condition of the scene and evidence. For example, is the blood wet or dry or is it in the process of drying?

Field Sketches: Best show the spatial relationships between items of evidence. These are also referred to as rough sketches and should include enough information to allow for a finished sketch to be made if desired.

Equipment

Taking notes in the field is **the most critical** step leading to the completion of a professional evidence report. Just as physical evidence cannot be replaced if it is lost or destroyed at a scene, an officer's actions cannot be properly reconstructed if field notes are inadequate.

Field notes may be written or audio taped. In general, audio taped notes tend to be more detailed. Several potential shortcomings are:

- Audio taped notes may need to be transcribed at a later time.
- Electronic devices are always subject to Murphy's Law.
- Writing materials will still be needed to document the scene through sketches and diagrams.

Pen and paper, on the other hand, are always there when you need them.

Tip!

Notes should be recorded in some type of bound book. These will keep notes in a chronological order and prevent them from getting lost. Loose sheets of paper or gummed pads should be avoided.

The most common note-taking device for a patrol officer is the small pocket notebook. These work well for day-to-day incidents but have serious shortcomings on major case investigations. Their biggest problem is that they are just too small! The note taking demands of forensic personnel are much greater than that of the first responding officer.

Major Case

Tip



Evidence officers should carry in their case at least one fresh notebook that can be utilized for more serious incidents. This notebook should be in a format that is larger than 3" x 5", with the minimum recommended size being 5" x 7".

Whether an officer chooses to use a spiral bound book or a loose-leaf binder style notebook in most cases will be a matter of personal preference. A loose-leaf type notebook gives an officer the advantage of easily removing only the pages of notes that are needed for court. This may be a particular benefit to those officers working for agencies, court districts or states that require the retention of field notes. If a loose-leaf styled book is used, then the officer should pre-number the pages to make them easier to reinsert later.

In addition to the field notebook, a larger notebook of quadrille ruled paper (graph paper) should also be maintained in the evidence kit. These will be used for field sketches. If the officer chooses, he or she may wish to use the quadrille notebook for all note-taking needs.

The only drawback to this is that it is difficult to find inexpensive quadrille notebooks in sizes smaller than 8 1/2" x 14".

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Notes should be written in ink. Black ink is preferred as it reproduces the best. Pencils can be used for field sketches. Once the sketch is completed, pencil lines can be drawn over in ink.

Gathering Information

The information gathering process begins the moment an officer is dispatched to a scene. If crime scene processing is initiated, the process does not stop until the investigation is complete. **Commit nothing to memory – write constantly!**

Tip!

Immediately record the case number, date and time of arrival at the top of the first page of notes.

Information gathering by the evidence officer should progress in a logical fashion. Recording details this way will allow them to be easily transcribed later in a chronological order. Most scenes, regardless of their severity, will require documentation of the following:

- Your dispatch to and arrival at the scene
- The time of arrival at the scene
- A brief description of the location involved
- Your initial observations
- Who was present
- Who you spoke with
- What you learned

Overview

This book is not intended to, nor could it ever possibly address all the rules involved with grammar in the English language. There are other books available that do this, and we have recommended some as supplemental reading.

Our purpose is to take a look at some of the basic, but yet common errors, that are common to police reporting.

The evidence report writer does not have to be an English expert. He or she must, however, prepare a report that reflects a professional attitude. Other readers of your report will form their first opinions of you based on the words you write.

Equipment

Just as the forensic specialist needs the proper equipment to process a crime scene, there are some very basic tools available to help in report writing.

Dictionary:

This is an absolute must. Don't guess at the spelling of a word. It only takes a few seconds to look up the word. Be aware of the fact that smaller dictionaries may not have some of the more technical terms listed.

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Electronic Spell Checker:

A good device, especially for basic reports. These are small enough to fit in a shirt pocket and be used on a day-to-day basis. Get the largest word database and get a model that will allow you to add your own words to the dictionary.

Reference Books:

If your agency maintains a library or if one is maintained in your evidence section, refer to these books for proper terminology, spelling and usage of the more technical terms. If your agency doesn't have a reference library – start one!

Writer's Guide:

A book like those listed in our References section, will answer some of the more unusual questions you may have regarding proper grammar, punctuation and structuring.

Tip!

Make it a habit to spend time reading a variety of forensic publications. This is the easiest method of becoming comfortable with associated terminology and word usage.

Once the information gathering process is complete, this information must be placed into the final formal report. This section will address methods that can be used to present this information effectively.

Getting Started

To be effective, the writer of an evidence report must first have an understanding of what the report is required to do. The evidence report is a technical document that must communicate clearly to a variety of persons

- What happened at the crime scene
- What the evidence is and how it relates to the investigation
- What additional follow-up or testing is necessary.

The biggest problem faced by the writer is that technical information must be presented in a detailed manner by reporting the facts and not the writer's opinion.

The goal of the evidence report writer should be to maintain

- Accuracy
- Brevity
- Completeness
- Logical Structure
- Objectivity

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Suggestions

- Find a comfortable place to write.
- Organize your field notes and other paperwork.
- Write one portion of the report at a time.
- Save proofreading and correcting for last.



Write evidence reports as soon as possible during the course of a major case investigation. Make a point to set aside time each day to put some information into a written report even if all you write is a skeleton outline. Complete and accurate reports are impossible to write if you are putting them together a month later.

Technical Requirements

It is imperative that the evidence report writer put together a finished product that is professional. Many individuals both within and outside of your agency will form their first impression of you based on reading your reports. Prosecutors and defense attorneys will weigh their chances of success at trial based on these reports; sloppy and poorly written documentation equates to sloppy and poorly performed work.

Proofreading & Correcting

The final step in completing a professional report is to proofread and correct your report. Errors in a report not only reflect poorly on the writer but they may present the wrong information.



While reading a General Incident Report documenting a residential burglary, the evidence technician assigned to process the scene noticed a small error. The officer that had completed the report listed the point of entry as the south door of the house. The problem? The house had doors on only the west and east sides! The officer writing the general report was thoroughly confused on his directions.

Major Case

Tip



Evidence officers involved in a major case should review each other's reports to catch errors and avoid potential conflicts caused by a situation like the one above.

One suggested process for doing this is to take draft copies of reports that have been written, hang them on a wall in chronological order and let everyone read them.

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The First Step

The first person responsible for proofreading and correcting the report is the writer. It is not the job of the supervisor to correct spelling and grammatical errors. If reports are computer generated, the first step is to run a "spell check" on the document. One problem associated with evidence reports is that many of the terms used in reporting are not part of most electronic dictionaries. Therefore the writer must have access to a book or dictionary that presents the correct spelling of a word. Provided in Appendix B is a list of correctly spelled words commonly used in this field that can be added to the dictionary of your word processor.

Beyond checking spelling and grammar, the report needs to be carefully re-read. There are many things that spelling and grammar checkers will not pick-up. For example, spelling "scene" as "seen" will not show up as an error. When reading the report, the writer should ask these questions.

- Does the report make sense?
- Does the report describe what actually happened?
- Does the report properly re-create the scene?
- Will others who read the report understand it?
- Will reading the report clarify or create questions?
- Has unnecessary information been eliminated?

One Agency's Problems: Report Writing and the San Francisco Police Department

In the mid-1990's, the San Francisco city & County Police Department and the District Attorney's Office of San Francisco County, came under fire for problems within the San Francisco Criminal Justice System.

At issue were questions over who was to blame for the poor rate of prosecutions on felony arrests. With about 55,000 felony arrests being made every year that resulted in only about 2,000 annual felony prosecutions both sides were pointing fingers trying to lay blame.

A subsequent study by the Coro Foundation of California identified poorly written police reports as one of the major deficiencies.

This appendix includes an analysis of the problem by the County Board of Supervisors with recommendations for improvement.

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Report Writing Problems: San Francisco City & County Police Department



Board of Supervisors

Budget Analyst



Section 1.3 Police Report Writing

Although the Police Department's report writing has improved in recent years, according to the District Attorney's Office, report-writing deficiencies are still one of the factors contributing to the high number of cases turned down for prosecution by the DA's Office.

- According to the DA's Office and a study by the Coro Foundation, some factors contributing to poor report writing are the reversal of report-writing techniques learned in the Police Academy through consistent exposure to other members of the Department, and the Department's past and current recruiting policies.

- We performed an independent review of a random sample of 40 incident reports for cases that were rejected by the DA. Although the reports appeared to be of fair to good quality, we found that many reports were missing critical elements such as descriptions of the steps of the Police Officer's investigation and personal observations. In addition, there was often no corroboration of the reporting party's statements that would normally be achieved by attempting to locate potential witnesses.

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- In order to improve the quality of Police report-writing, and further reduce the impact of reports on the DA's ability to file formal charges in cases, the Police Department should expand and improve report-writing instruction at the Police Academy and consider, as a policy matter, implementing less restrictive residency and higher education requirements for new officer recruits. Additionally, the SFPD should request that the DA's Office develop a formal system for returning any substandard Police reports back to the Police Department for review, evaluation and corrective action.

In the past, the Police Department has been repeatedly criticized for the poor quality of Police reports. Although there has been improvement, according to the DA's Office, deficiencies in report writing are still one of the factors contributing to the relatively high number of cases being discharged.

During the 28-week SFPD Academy basic training course sanctioned by Peace Officers Standards and Training (POST), Police Officer recruits receive approximately 60 hours of training in report-writing, consisting of 28 two to four hour sessions. At the end of the course, recruits take a separate final exam for report-writing, in addition to the POST exam. Police Academy classes stress the importance of complete and thorough reports and provide standards and guidelines to assist recruits in writing reports. However, according to staff from the DA's Office, Field Training Officers and other members of the Police Department tend to encourage recruits to be as concise as possible in writing

Case Law Review

Evidence Must be Collected Legally

Evidence, to be admitted at trial, must be seized and collected legally. Quite often, police officers acting too quickly and without giving careful thought to their actions, will do things that later make the evidence useless at trial.

Historically, the police mentality in many instances has been - *Having been called to the scene of this crime, we are now in control. As long as we remain at the scene, we have the ability to conduct searches and collect evidence.*

In reality, a police officer's ability to collect evidence that is useful to an investigation hinges on many factors.

- If the evidence is in plain view, is the officer viewing that evidence from a lawfully obtained vantage point?
- If an item is seized, was its nature as evidence or contraband readily apparent?
- If the evidence was not in plain view, did the officer have legal basis for conducting a search?
- If any entry is made into a home or other private area, is the entry lawful?

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Court decisions governing search and seizure are numerous. They cover many specific situations and deal with issues such as validity of consent, scope of consent, search incident to arrest, search for the protection of others, searches for victims, probable cause, specificity of warrants, etc.

Our purpose here, is to emphasize to the reader that the courts have repeatedly stated that any search conducted outside of a valid warrant is going to be considered improper unless it falls into one of the few categories of authorized warrantless searches. Typically, this will encompass consent, emergency or exigent circumstances, plain view or protective searches.

The cases that follow are certainly not meant to be all-inclusive. They were selected to be provided here because they are typically Supreme Court decisions addressing significant issues related to properly obtaining evidence. They provide guidance for officers responding to crime scenes and other emergencies.

Document Search Authority in Reports

The crime scene investigator charged with searching for and collecting evidence from a scene needs to document the legal authority under which the search is performed. This documentation should appear early in the report.

Examples & Lists

This section contains several examples of different evidence reports as well as lists of technical words and initialisms common to forensics.

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