

Bulletproof Report Writing

8-hour class

Course Outline

Blue to Gold Law Enforcement Training
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Learners:

In-service training for certified law enforcement, including patrol, investigations, and specialty units.

Length of Instruction:

8 hours

Goal:

Teach officers how to write up reports to discourage filing motions to suppress, encourage guilty pleas, serve as a roadmap for the prosecution and provide for a basis to fully refresh memory for trial.

Objectives:

- Discourage filing motions to suppress
- Encourage guilty pleas
- Serve as a roadmap for the prosecution
- Provide for a basis to fully refresh your memory for trial

Agenda:

- Introduction - 5 minutes
- Preface - 20 minutes
- How to Write a Bulletproof Report - 317 minutes
- Articulation - 128 minutes
- Wrap Up - 10 minutes

Preface

- 1) The Three Golden Rules of Report Writing
 - a) Write to be understood, not to impress.
 - b) All-important conclusions must be supported by facts and evidence.
 - c) Every sentence should be short, direct, and simple.
- 2) Students will watch video "Estimate Speed" and perform exercise 1

Lesson 1 How to Write a Bulletproof Report

- 1) Don't write in all caps
 - a) Three Reasons Why

- i. Harder to read
 - ii. No proper nouns
 - iii. Harder to scan for information
- 2) Use Paragraphs – Every major idea should have its own paragraph
 - a) Better organization
 - b) Provides reader with micro-break
- 3) Use Topic Headings
 - a) Better organization
 - b) Easier to scan for information
- 4) Bullet Points – One of the most effective ways to justify legally significant actions. Bullet points are easy to write, and many prosecutors like them for case preparation.
 - a) You are very analytical
 - b) You articulate more
 - c) Prosecutors like them for motion prep and court prep
- 5) Exercise Patdown
 - a) Articulate a minimum of five factors to patdown suspect.
 - b) Watch video “Patdown Articulation”
 - c) Write down five or more reasons he may be lying, armed or dangerous.
- 6) Identify People by Roles
 - a) Readers often forget names and how the person is involved in the incident. A better way is to identify them by **role**.
 - b) If you have multiple victims, witnesses, and so forth, add their name after their role: **e.g. Victim-Johnson, Witness-Jones**
 - c) Writing examples:

Original:

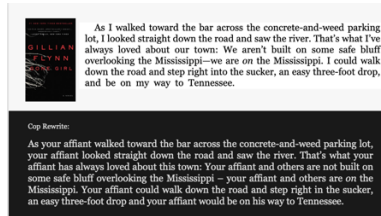
Smith hit Johnson in the head. Smith then smacked Johnson across the mouth. Johnson responded by hitting Smith across the left shoulder with a baseball bat causing Smith to run off. Stevens and Jackson observed the incident from across the street. Jackson took the bat from Johnson.

Rewrite:

Suspect hit victim in the head. Suspect then smacked victim across the mouth. The victim responded by hitting the suspect across the left shoulder with a baseball bat causing the suspect to run off. Witness Stevens and Witness Jackson observed the incident from across the street. Witness Jackson took the bat from the victim.

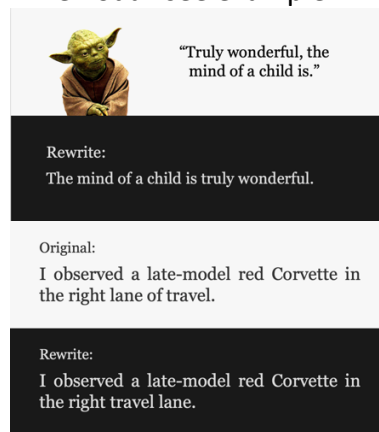
- 7) Write in the First Person – Write in the first person, not the third-person “Your Affiant” style.
 - a) It’s not natural
 - b) You write more detailed reports
 - c) First person increases comprehension and persuasion

- d) Exercise: Select 2 students to describe a vacation they went on. First student tells story in third person style. Second student tells story in first person style. See example below:



8) How to Write Sentences

- a) Write short and direct sentences.
b) Watch video “Don’t Speak Like Yoda” see example:



- c) It’s not the “nit-picking” that we are after. Instead we want short and direct sentences whenever possible. Practice!
d) Exercise Rewrite this sentence: When I arrives, I met with Jon Medinger, who is an employee of Walmart. (Rewrite: Upon arrival, I met Walmart employee John Medinger.)
e) Each sentence should contain one main idea.
f) Many people over complicate report writing. Remember, short and direct sentences are better than “lawyer-style” writing.

9) Synopsis

- a) The first paragraph of a lengthy report should be a synopsis – or a quick summary. See steps.
- Step one – Date and Time
 - Step two – How you got the call
 - Step three – Location
 - Step four – Nature of call
 - Step five – What you did
 - Step six – Investigation outcome
 - Step seven – Report status

b) Exercise Three

- i. Write a synopsis for one of your recent cases, such as DV or DUI (invent details).

10) Chronology

- a) A true chronological report should describe the incident **before you arrived**, if appropriate (DV versus traffic stop).
 - i. True Chronology Example: On March 4, 2020 at approximately 1945 hours, I responded to 555 Main Street to investigate an alleged domestic battery. My investigation revealed the following information.
- b) For simple cases use modified chronology
 - i. Modified Chronology Example: On March 4, 2020 at approximately 1032 hours I responded to the Walmart at 123 First Street for a shoplifting investigation. Upon arrival, I spoke with loss prevention officer Tim Williams, who told me...
- c) Pro tip: Articulate exactly when you had reasonable suspicion and probable cause in your report. This is vital!
- d) Articulate RS and PC Example: Based on the totality of the circumstances, I had reasonable suspicion at approximately 0125 hours that the driver was engaged in narcotics trafficking. I then transitioned the traffic stop to a narcotics investigation and called for a K9 handler.
- e) Watch video "Trafficking Narcotics"
- f) Exercise Four
 - i. What factors could you articulate that both occupants knew meth was inside car? Minimum of five factors

11) Summary

- a) The key to a good summary is to state that you have **satisfied the statute elements**.
- b) Some arrests are made to take care of problems and evidence may not be sufficient for conviction. Summaries for these reports should state:
"This report is being submitted to the DA for review."
- c) Exercise Five
 - i. Write a summary for a domestic battery report (invent details). Use book to summarize elements.

12) Report writing checklist



Serious Crime Pre-Report Writing Checklist

Use this checklist to remind you what needs to be articulated in your report. Use this checklist for serious or complex cases because it can be time consuming. Download template at [blueprint.com/seriouscrime](#)

Step One: Offense(s) that need proven beyond a reasonable doubt:

Offense Charged: _____

Element One: The offense occurred within the officer's jurisdiction (just need to prove it happened within the state).
Evidence: _____

Element Two: When did the offense occur (prosecutor must prove that statute of limitations doesn't apply).
Evidence: _____

Element Three: _____
Evidence: _____

Element Four: _____
Evidence: _____

Note: Step One provides an overview. Some crimes have three elements, others have seven, and so forth. Also, some elements will have any piece of evidence and others may have many. The point is you need to know what elements need proven and to include what evidence may be used to prove that element. Evidence can be used multiple times for different elements.

- a) There are **two primary requirements to winning your cases and successfully defending yourself** in court and during IAs.
 - i. Prove the elements
 - ii. Articulate how you lawfully got your evidence
- b) Prove the Elements
 - i. You must know the **statutory requirements** of the laws you are charging.
- c) Know the Elements
 - i. The first two elements of every crime is the same: **location and date.**
 - ii. What are the elements for possession?

CRS 18-18-403.5 *"It is unlawful for a person knowingly to possess a controlled substance."*

You must prove:

- In the state of *Colorado*
 - Within the *statute of limitations*
 - The person *knowingly*
 - *Possessed*
 - *A controlled substance*
- iii. Various examples are provided for proving possession and proving knowingly.
 - iv. Watch video "Willful Blindness"
 - v. Exercise: What factors could you articulate that the driver knew weed was in the truck bed? Minimum of five factors.

13) BWC Articulation

- a) If permitted by your DA, narrating facts and circumstances **not visible or detectable** on BWC may help

14) Articulation

- a) Learning how to articulate is the key to writing bulletproof reports
- b) Improving articulation is often like finding information hidden in plain sight.
- c) Two recommendations
 - i. The Rule of Five: Strive to articulate at least five facts and circumstances for your search, seizure and criminal elements.
 - ii. Articulate Conclusions
- d) Reverse engineer case law

- i. When you read published cases that uphold police actions, isolate why they upheld it – that’s what you should articulate. It’s great training.
- e) Look for anything out of the ordinary
 - i. While interviewing people, keep an ear out for **odd** or **suspicious** responses.
 - ii. Example: A driver said he was driving from TX to IN to buy a small icemaker for his restaurant, had two employees with him to help, and only knew name of one of the passengers. Passengers told cop they were headed to Memphis for a party.
- f) Separate people
 - i. Watch video “Separate People”
- g) Articulate conclusions
 - ii. State the fact or circumstance, then the so what?
 - iii. Example: During the Arizona v. Gant case, the officer was asked why he searched Gant’s car after arresting him for no license and warrant. His response “Because the law says we can do it.”
- h) Watch video “Abandoned Backpack”
 - i. Exercise: What factors could you articulate that the suspect abandoned the backpack? Minimum of three factors.
- i) Watch videos “Don’t do the Bare Minimum” and “Possession of Stolen Property”
 - i. Exercise: What factors could you articulate the boyfriend knew the motorcycle was stolen? Minimum of seven factors.

15) Recap

- a) Don’t write in ALL CAPS
- b) Use generous paragraph breaks
- c) Use topic headings
- d) Use bullet points
- e) Identify people by roles
- f) Write in the first person
- g) Write short and direct sentences
- h) Articulate conclusions
- i) Look for evidence hidden in plain sight

16) Courtroom Testimony Pointers

- a) Tell the truth
- b) Don’t guess
- c) Make sure you understand the question
- d) Take your time
- e) Fully answer, then stop!
- f) Never argue, stay calm
- g) Talk loud enough
- h) Be courteous
- i) Don’t look at prosecutor for help
- j) Make sure jury knows when you estimate space and time
- k) Admit freely if asked did you discuss case with prosecutor

- l) "Yes, I've talked with the prosecutor, and he told me to tell the truth"
 - m) Avoid jokes and wise cracks
 - n) Don't be afraid to look the jury in the eye and tell your story
- 17) Remember, the purpose of reports is for memory recollection, not to document every minor thing that occurred.

End of Class