



California District Attorneys Association

REPORT WRITING

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Objectives of a report

- Identify the people and entities involved
- Record and report relevant evidence about those people and entities
- Highlight what is important
- Road map to further action

The elements of your report

- Face sheet
- Initial summary
- List of violations
- Narrative supporting those violations

Identification starts with your face sheet

- Identify:
 - Your agency
 - Your agency's case/file number
 - The type of report
 - Your ID: name, badge (or other employee #), business address, phone number

Identify suspects

- Full name (and AKAs)
- DOB
- DL, SSN or other ID #
- Addresses (business and home)
- Phone numbers (including area codes)

Employees are special

- What is their position?
- How long have they been employed by the company?
- Chain of command / organization chart

Entities are special, too

- Full name(s), including DBAs
- Location(s)
- Business structure
 - Corporation
 - Partnership
 - Sole proprietorship
- Nature of business
- Number of employees
- Volume of business
- Previous violations and/or investigations

The initial summary

- Beginning and end dates of the illegal conduct
- Code **and section number** of the major violation with a description (i.e., Public Resources Code Section 42825(a)—accepting waste tires at an unpermitted major waste tire facility)
- Location of the major violation—more than one place?
- Name of each person to be charged

List of violations

- Separate list to use when charging the case
 - Code **and section number** for each violation
 - Each date on which that code was violated
 - Location of that violation
 - Person to be charged with that violation

Narrative: general principles

- Lead with background
- Tell the story
- Chronological order is usually best
- Write for the non-technical reader

Organizing your narrative

- Event driven. What did you do? Why were you there?
- What evidence did you collect?
 - Witness statements
 - Documents
 - Photographs
- How does that evidence support the violations?

Where and when do you obtain witness statements?

- Conversations
- Meetings
- Telephone calls
- Inspections
- Responding to the scene (incident, search warrant)
- Formal interviews
- Investigative detentions
- Custodial interviews

Reporting interviews: the basics

- When and where did the interview take place?
- Whom did you interview?
- Who was present?
- Questions and answers

Reporting recorded interviews

- Provide two copies of recordings—you keep the original
- Provide a copy of any transcript
- Summarize key points with references to any attached transcript

Reporting unrecorded interviews

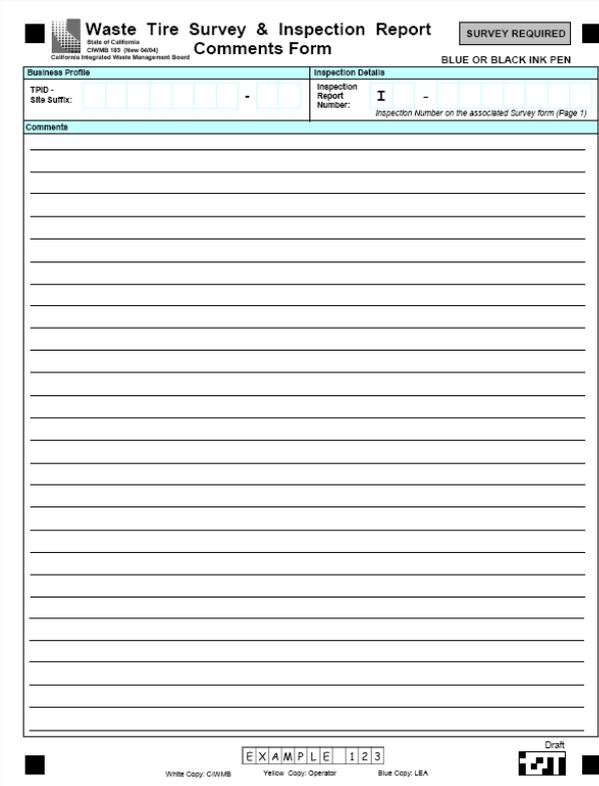
- Use exact quotes whenever possible
- Relate all relevant statements from your interview notes

Interview notes are tricky

- Keep interview notes
- Make your report consistent with your interview notes
- Prepare report ASAP after the interview, especially if you are supplementing your notes

Comments form

- Would you put witness statements in this form?
- Where else might they go?



The image shows a form titled "Waste Tire Survey & Inspection Report Comments Form". The form is divided into several sections:

- Header:** "Waste Tire Survey & Inspection Report Comments Form" with a logo for the State of California, CWMB 125 (Rev. 9/04), and California Integrated Waste Management Board. A "SURVEY REQUIRED" box is present on the right.
- Business Profile:** A section for "TPID - Site Suffix:" with a grid of boxes for data entry.
- Inspection Details:** A section for "Inspection Report Number:" with a grid of boxes. Below it, it says "Inspection Number on the associated Survey form (Page 1)".
- Comments:** A large section with multiple horizontal lines for writing.
- Footer:** A "Draft" stamp, a logo, and text indicating "White Copy: CIWMB", "Yellow Copy: Operator", and "Blue Copy: L&A".

At the bottom of the form, there is a stamp that reads "EXAMPLE 123".

Martha says: “be careful when supplementing your notes”

- Wall Street Journal, 2/13/04:
The Martha Stewart trial . . .
- “Ms. Stewart's lawyers spent Friday morning attacking the credibility of a Federal Bureau of Investigation special agent **whose notes are the only government record** of Ms. Stewart's two interviews with investigators in 2002.”

Did Martha lie?

- “One of the charges against Ms. Stewart is that she lied **when she said in one of the interviews** that she didn't recall whether her office kept a log of a message left by Mr. Bacanovic on the day of the stock sale”

But it's not in the interview notes . . .

“But FBI special agent Catherine Farmer testified Friday **she had no notes** of Ms. Stewart specifically saying she did not remember such a log. . .”

“Ms. Farmer apparently **wrote only in a report she prepared after the interview** that Ms. Stewart said she could not recall

A little lonely out there . . . ?

"And you were the only person taking notes for the United States government that day, right?" Stewart lawyer John Tigue asked.

"Yes," Ms. Farmer replied.

Some witnesses have “issues”

- Will the witness be available for trial?
- Concerns about:
 - Recollection
 - Perception
 - Credibility

Does your suspect have a history?

- Note all prior:
 - contacts with suspects (e.g., routine inspections)
 - investigations
 - punitive actions (i.e., warnings, citations, fines, lawsuits)

Defenses' issues

- Claims, defenses or excuses made
- Exculpatory evidence

When you obtain documents

- Attach copies to the report. You keep the originals for chain of custody.
- Reference them in your report by document name and by attachment (i.e., Attachment #6).
- Index or page tabs are helpful

Documents to attach

- Business documents
- Public records
- Records of agency action
- Technical material

Attachments

- Permits
- Inspection Reports
- Notices of Violation

Waste Tire Survey & Inspection Report Inspection Report Number _____
State of California
CIWMB 124 (Rev. 6/05)
California Integrated Waste Management Board
Survey Form - Page 1

Part A - Survey

Business Profile

TPID - _____
Site Suffix: _____

Local Identifier: _____

Business or Facility Name _____

Physical Address _____

Business Rep _____ Title _____

Tire Count (Whole/PTE) _____

GPS Latitude _____
Longitude _____

Business Type (Fill all that apply)

New Tire Dealer Auto Repair Trucking Fleet Government Retreader Dismantler Tire Derived Fuel
 Used Tire Dealer Auto Body Car Dealer Collection Crumb Rubber
 Service Station Hauler Agriculture Shredder Other _____

Inspection Details

Inspection Type (Fill one)
 Routine Re-Inspection Referral Observation
If Referral, choose referral type (Fill one)
 CHP CIWMB Complaint Educational Visit Other

Inspected By _____ Inspector _____

Inspection Date _____ / _____ / _____
Time In _____ AM PM Time Out _____ AM PM

Operational Status (Fill one only)
 Active Passenger Generator Outdoor
 Closed Altered Hauler Indoor
 Inactive Truck End-Use Container
 Planned OTR

Storage Type (Fill all that apply)
 Outdoor Indoor Container

Part B - Inspection of Waste Tire Dealer, Generator, Hauler and End-Use Facility

HAULING AND MANIFEST REQUIREMENTS

PRC § 42951 - Waste Tire Hauler Registration and Transport of Tires
 PRC § 42953 - Contrasts with Registered Waste Tire Haulers.
 PRC § 42956 - Registration/Decal in Vehicle
 14 CCR § 18459 - Responsible Entities Complying with Manifesting Requirements
 14 CCR § 18459.1 (a) (b) (c) - Tire Program ID Number from CIWMB
 14 CCR § 18459.2.1 - Submittal of Manifest Forms and Tire Trip Logs within 90 days
 14 CCR § 18460.3 - Retention of Manifest Forms and Tire Trip Logs for 3 years
 14 CCR § 18460.2 - Manifest System Requirements for Registered Waste Tire Haulers
 14 CCR § 18461 - Manifest System Requirements for Waste Tire End-Use Facilities
 14 CCR § 18462 - Manifest System Requirements for Tire Dealers or Waste Tire Generators
 Other: § _____

ENFORCEMENT STATUS

Notice of Violation Extension
Compliance Deadline _____ / _____ / _____
(Required for NOV or EXT)
 Referred / CIWMB Enforcement
 In Compliance - No Violations

Comments _____

Inspection Form Included:
Comments Included:

Business Rep's Signature _____ Phone Number _____
Inspector's Signature _____ Phone Number _____

INSTRUCTIONS ON BACK Correct: Incorrect: EXAMPLE 123 Draft
White Copy: CIWMB Yellow Copy: Generator Blue Copy: LRA

Is the investigation over?

- Do you plan further inspections at the facility?
- Do you plan to gather more evidence?
- Should we wait until you complete this activity before proceeding?
- When will these findings be ready?

Highlight what is important

- $E=MC^2$
- Subtlety is not a virtue
- We need to see the elements

The opposite of “highlight” is . . . ?

- “On 4.8.03, Officer Roy advised me that according to the RP, the suspect resembles a famous Hollywood Actor, “Richard Dreyfuss,” but younger looking. Based on this information, I recalled that three days ago, on 4.5.03, I arrested suspect “John Smith” for drugs related charges and suspicion of check fraud as well as identity theft on an unrelated case, #0000002.”

Well, that was important!!

- “I recalled that suspect Smith bears a resemblance to a young “Richard Dreyfuss,” which I remember as a co-star of a popular film titled “Jaws” released in the summer of 1975. The movie later received an Oscar nomination for “best picture” and ended up grossing over \$250 million domestically, which is hard to believe because it is estimated that production costs ranged from \$7 to \$8 million. Additionally, I immediately realized that suspect Smith lives within close proximity to ABC Computers.”

Visual aids

- Chronologies
- Visual representations. Schematics, diagrams, and charts
- Photos with captions

Example:

It's the tires, and a lot more . . .

- Extensive accumulation of solid waste, including:
 - Waste tires (estimated 2,000)
 - Abandoned vehicles and parts thereof
 - Old machinery, scrap metal, and junk
- Unlawful accumulation, storage, and disposal of hazardous waste

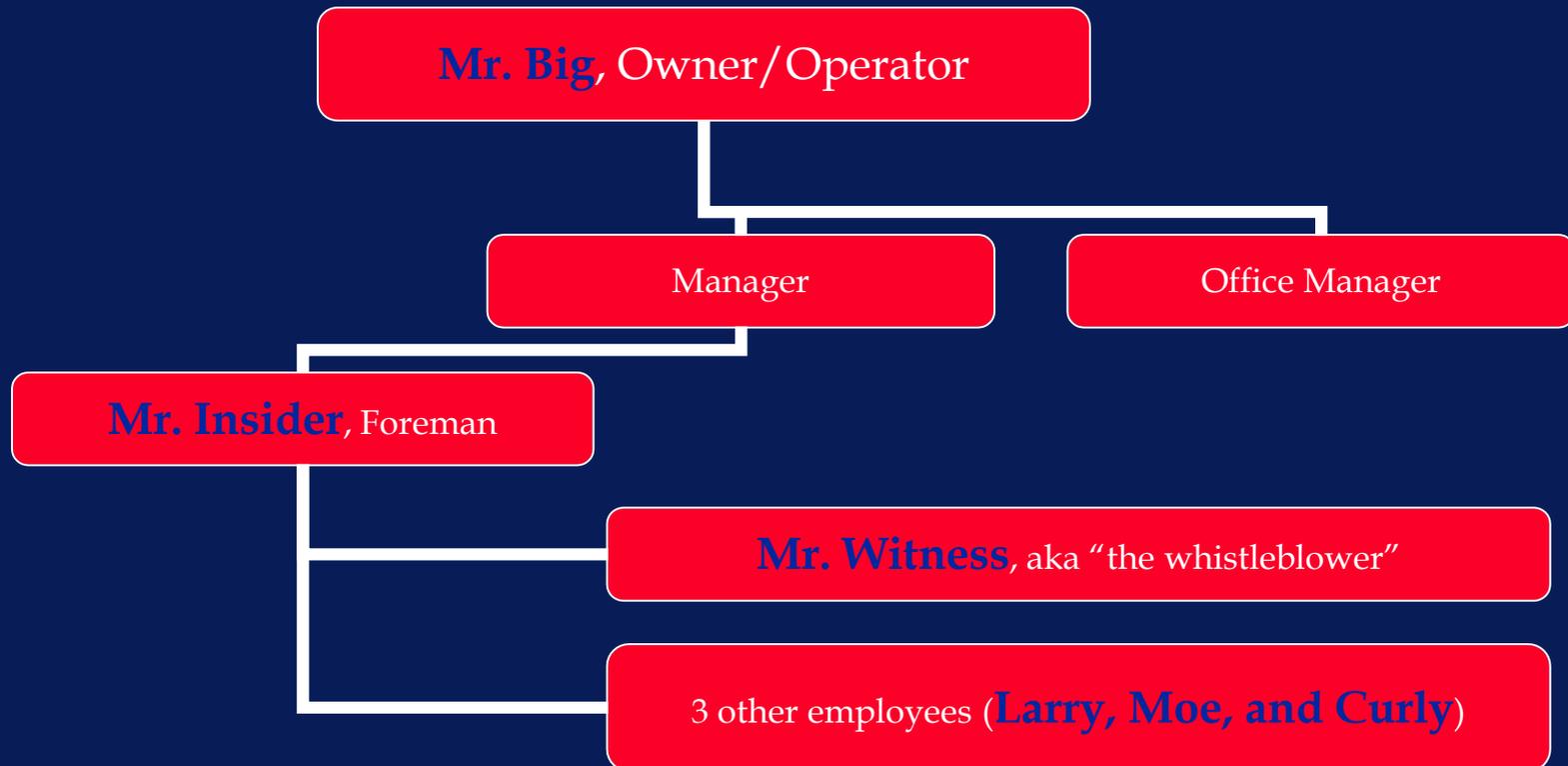
Chronology

- 7/30/02 – Citizen Complaint re: Solid waste storage
- 9/6/02 – Inspection warrant executed, findings:
 - Solid waste violations including waste tires
 - Hazardous material and waste violations
- 9/25/02 – Notice to Abate Public Notice issued

Geographic Information System maps



A simple organization chart



Photographs



Photo # 10, Waste tire pile along side of road leading to barn

How do you make those graphics?

- Digital cameras: print the picture
- Use Word to annotate pictures
- Use Excel to create charts
- Word and PowerPoint have easy to use organization chart templates

How do you preserve an image?

- Copy images to a CD (hold as evidence)
- PDF (portable document format) files
 - Adobe Acrobat creates .PDFs, but it will cost you
 - Adobe Acrobat Reader reads them, and it's free at the Adobe site

Remember our objectives?

- Identify the people and entities involved
- Record and report relevant evidence about those people and entities
- Highlight what is important
- Road map to further action

Last minute checklist

- ✓ Have you identified everyone?
- ✓ Have you listed all of the violations?
- ✓ Does your narrative provide evidentiary support for **each** element of **each** violation?

“So what don’t we know yet?”

- “There are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns—the ones we don't know we don't know. And if one looks throughout the history of our country and other free countries, it is the latter category that tend to be the difficult ones.” **Donald Rumsfeld, Secretary of Defense, Dec. 2003.**
- “The report you bring to us may not answer all questions in a case. Your report should include an analysis of the unknowns and further investigative steps which need to be taken.” **CDAA attachment.**

Concluding your report

- Please do **not**:
 - Make a request: “This case is being submitted for filing.”
 - Include legal conclusions: “This is only worth a misdemeanor”, or “this should be filed civilly.”

Freight train . . . WHAT FREIGHT TRAIN??

- Note emergencies in the report and by telephone:
 - Statute of limitations
 - Search warrants pending
 - Suspect flight risk
 - Grand jury material

What the prosecutor looks for:

- ✓ Suspect Information
- ✓ Location of violation
- ✓ Violation dates
- ✓ Sections violated
- ✓ Supporting evidence
 - ✓ Witness statements
 - ✓ Documents
 - ✓ Photographs
- ✓ Submitting officer

The media

- What we do when called by the media
- What we would like you to do when called by the media

Submitting your report

- Keep original report per your agency's policy
- Submit two (2) copies of your report and all attachments
- Submit and maintain digital evidence per your agency's policy

Other resources

- Grantee Toolbox /
- CUPA Inspection Report guidance /
- Environmental Task Force contact list