



Module 8: Report Writing

Time: 2:30 p.m. - 3:00 p.m. (30 min)

Training Objectives:

- 1. Understand what a final investigative report should contain.
- 2. Identify techniques for writing the final report to ensure accuracy and clarity.
- 3. Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA standard 115.(3)34.

Materials Needed:

- 1. Easel pad and markers
- 2. PowerPoint® player/machine (lap top computer and LCD projector)
- 3. Screen or monitor
- 4. Handout: Consider pulling a sample investigation report from your agency to use as a handout for this module. The content examples within the module could be replaced with content examples from the sample report to make the module agency-specific and directly applicable to your investigators.

Training Tips:

- This module is designed to address how an investigative report the format, the writing style, and content can be significant to determining whether a perpetrator of sexual abuse or sexual harassment is administratively sanctioned or prosecuted. Portions of this module could be combined with a more general agency training module on report writing, but ensure that the module includes information pertaining to the criteria required for administrative action or prosecutorial referral, per the requirements of PREA standard 115.(3)34.
- Review this module to ensure all recommendations are consistent with agency requirements for investigative report writing. If there are inconsistencies, modify the content.
- Contact an investigative supervisor in your agency to establish whether there are particular areas in which investigators are struggling. Emphasize those areas within this module.
- Consider replacing the example content within this module with example content from an agency report. You may also modify the content to address a type of incident that is frequently investigated within the agency.
- Be advised that this module may contain material that utilizes concepts and language that may be upsetting or difficult for some participants. This may include statements referring to genitalia, sexual harassment, sexual abuse, trauma and suicide. Videos used may also

- contain profanity. Please review all materials prior to using to ensure they are appropriate for use in your agency and make substitutions where needed. You should also consider providing a general notice to participants at the beginning of each training session.
- Please note that this module was developed specifically for facilities that use the Adult Prisons and Jail or Juvenile PREA Standards. Facilities using the Community Confinement or Lockup standards should review all standard references to ensure that the content and language is appropriate for their facility type and inmate/resident population and adjust the material as needed to their specific circumstance.

Lecture Notes	Teaching Tips
Report Writing	
Module 8: Objectives	
Module 8: Objectives 1. Understand what a final investigative report should contain. 2. Understand techniques for writing the final report to ensure accuracy and clarity. 3. Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA Standard 115.(3)34.	Objectives
This module is designed as a brief overview of report writing,	
which is a key part of any investigator's job.	
Importance of the Report Why does a report matter? • The report is what makes or breaks an investigation, and determines whether • The agency can move forward with administrative action and/or • A criminal case moves forward to prosecution NATIONAL PREA RESOURCE CENTER	Importance of the Report
	Module 8: Objectives Module 8: Objectives

The investigative report is extremely important because it communicates the steps you took during your investigation to the people in charge of the next step – administrative action or prosecution.

- If your report is confusing or inaccurate, it doesn't matter if you conducted an investigation because the person reading your report will not know what you did.
- If you don't include something in your report, it didn't happen.

If you conduct an investigation against a perpetrator of sexual abuse and refer it for prosecution, you may be called to testify during the trial. The defense attorney can and will use any mistakes in your investigation report as part of their client's defense.

1 min

Requirements for a Report

Requirements for a Report

PREA Standard 115.(3)71

Administrative Report shall include:

- Description of the physical and testimonial evidence
- · Reasoning behind credibility assessments
- · Investigative facts and findings

Criminal Report

- Thorough description of physical, testimonial and documentary evidence
- Attached copies of all documentary evidence where feasible

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The PREA Standards have certain minimum requirements for investigative reports, including

- The inclusion of any evidence found
- In administrative reports, your reasoning for any credibility assessments.

Ensure that you comply with these requirements, as your reports may be pulled during your facility's audit.

2.5 min

Criteria for Administrative Action





Criteria for Administrative Action

PREA Standard 115.(3)72

The agency shall impose no standard higher than a **preponderance of the evidence** in determining whether allegations of sexual abuse or sexual harassment are substantiated.

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The criteria for administrative action are determined by individual agencies. However, the Standards require that agencies set the bar no higher than requiring a preponderance of the evidence to substantiate an allegation for administrative action, which would mean that more than 50% of the evidence supports the allegation.

Criteria for Administrative Action

Insert agency policy regarding evidentiary requirements for administrative action

1 min

Criteria for Prosecutorial Referral

Criteria for Prosecutorial Referral

PREA Standard 115.(3)71

Substantiated allegations of conduct that appears to be criminal **shall be referred for prosecution**.

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The criteria for prosecutorial referral include substantiation of any allegations of conduct that appear to be criminal. Therefore, an investigator or an administrator at an agency does not decide whether or not to refer a case for prosecution based on their expectations regarding whether the prosecutor will want to prosecute the case. Cases are automatically referred if



Trainers note: Slides 7 – 9 are duplicates of slides contained in Module 9. If Module 9 is included in the training, remove those slides from this module.

	 a. The conduct appears to be criminal, and b. The allegation was substantiated by the investigation. However, although the agency must automatically refer all substantiated allegations involving conduct that appears to be criminal for prosecution, this does not mean that the prosecutor will choose to prosecute. Why does a prosecutor choose to prosecute a case? Why might a prosecutor choose 	Discuss.
1 min	not to prosecute a case? Criteria for Prosecutorial Referral	
	Criteria for Prosecutorial Referral Investigation Report must be complete and accurate NO bias Crime Scene Preservation Do not forget that sometimes a person's body is the crime scene (DNA) Evidence Preservation Photograph EVERYTHING NATIONAL PREA RESOURCE CENTER	Criteria for Prosecutorial Referral
	Your report will impact the prosecutor's decision about whether or not to prosecute a case. If your report is complete, accurate, and without bias, there is an increased chance that the prosecutor will decide to prosecute. Prosecutors will not take a case if they don't believe they can win. If your report includes appropriate evidence, the prosecutor may feel more confident that a prosecution would be successful.	
1 min	Why Does a Prosecutor Charge a Defendant?	Why Does a Prosecutor Charge a Defendant?

Why Does a Prosecutor Charge a Defendant?

- · Heinous Crime
- · Defendant is an evil person
- · Defendant committed an egregious act
- · The victim is sympathetic
- · The case can easily be proven
 - · Investigation is solid

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Why does a prosecutor charge a defendant? A lot hinges on the defendant; the crime that was allegedly committed; the prosecutor's perception of the defendant's personal moral code; and the prosecutor's perception of how a jury would view the defendant as a person. The victim also plays a role. Juries are more likely to convict when they sympathize with the victim. However, the decision primarily lies with the case itself – whether the investigation conducted was solid. How does the prosecutor know whether an investigation was solid? Through the report.

1 min

Why Does a Prosecutor Not Charge an Inmate/Resident?

Why Does a Prosecutor **Not** Charge an Inmate/Resident?

- · Bad investigation
- · Little likelihood of obtaining a conviction
- · Victim is not sympathetic
- Overworked
- · Witness availability and cooperation
- · Inmates/residents are already in custody

PREA RESOURCE CENTER Why Does a Prosecutor Not Charge an Inmate/Resident?

There are many reasons a prosecutor may choose not to prosecute a case, many of which an investigator cannot control. These include the prosecutor's workload, and – as we just discussed – expectations that he or she may have about the jury's perception of and response to the victim. Many juries are not sympathetic to convicted criminals, and many prosecutors may not see the need to prosecute a case against a perpetrator who is already in prison. In any case, if the investigation conducted was not up to par, the prosecutor will not prosecute it. How does the prosecutor judge an investigation? Through the report. 1 min **Writing the Final Report** Writing the Final Report Writing the Final Report: Outline Outline ♦ Introduction Summary of Allegations ♦ List of Interviews ♦ Documents Reviewed ♦ Interview Synopses ♦ Definitions and Standards ♦ Conclusion PREA These are the key areas to any report: the introduction, the summary of the initial allegation(s), the list of people interviewed, the list of documents reviewed, the synopses of the interviews, any relevant definitions and standards, and the conclusion. 1 min Introduction Introduction

	Introduction ◇ Short. ◇ Concise/ specific. ◇ Sets up the reason for the report. ◇ May list a summary of allegations. NATIONAL PREA RESOURCE CENTER	
	What is in the introduction? The introduction justifies the	
	investigation. The summary of allegations may actually be included in this introduction. Be concise, and be specific.	
1 min	Introduction Example	
	Introduction Example \$\leq\$ On 2/7/11, Offender Johnson, Karen #199735 reported to RN Lora Mickelson she was sexually assaulted by Offender Brown, Callie#129213 while taking a shower. The alleged sexual assault took place in Cell Hall D (CHD) on 2/6/11. Johnson was transported to St. Josephs Hospital in St. Paul for a forensic sexual assault medical exam. NATIONAL PREA RESOURCE CENTER PREA RESOURCE CENTER	Introduction Example
	where, and it provides information on the agency's immediate response.	
1 min	Chronological Order	Chronological Order

1 min	Content Example	Content Example
	write their reports in a similar format.	
	the same conclusions. Officers (like first responders) should	
	the same way the investigator did and, presumably, come to	
	interviews, then all documentation, then all videos, etc.). This is because the reader can compile their knowledge in	
	choice for formatting than writing by category (e.g. all	
	prosecuting attorney. Chronological order is often a better	
	reader to understand, whether that's your supervisor, the administrator determining appropriate sanctioning, or the	
	A report that is organized chronologically is easier for a	
	PREA RESOURCE CENTER	
	You are telling the story and the steps you took to investigate it.	
	 Set up your report to document everything you did in the order you did it. 	
	Chronological Order	

Content Example

♦ On 2/7/11 at 1030 hours, RN Lora Mickelson submitted an Incident Report. RN Mickelson reported, Offender Johnson was seen in Health Services this a.m. to report having been sexually assaulted on 02/6/11, just before evening pill run. RN Mickelson writes, "Johnson was preparing to leave the shower when she was forced to have oral sex with another offender from her unit. Johnson had q-tips with her which she used to sample her mouth immediately after the event." RN Mickelson instructed Johnson to bring the samples to the forensic sexual assault medical exam at St. Josephs Hospital. Offender was transported for the exam. (Exhibit 1).

■ NATIONAL PREA

Here's another example of an introduction. It states how the investigator received the report of the incident, and it quotes that report to explain what happened, when it happened, and where it happened. Again, it provides the immediate follow-up, and it refers the reader to appropriate supplementary information.

1 min

Examples of Your Steps

Examples of your Steps

- Your reading of officer reports.
- Your reading of the inmate's/resident's history files.
- Your review of video or submission of evidence.





Examples of Your Steps

1 min	Next, detail your next steps. These may include reading officer reports, reviewing inmate/resident files, and reviewing videos or other evidence. To reiterate, if you didn't write it in the report, it didn't happen. If you review the inmate/resident's mental health history, but find nothing applicable to the investigation, include that step in the report anyway. Certain steps may seem elementary for you, but not all audiences will have your knowledge or have the time to ask you whether you took that step. Additionally, it can end up making you look incompetent on the stand if the defense attorney asks what else you didn't bother to include in the report. Content Examples	
	Content Examples ♦ On February 6, 2011 while in the shower in the CHD unit, Offender Johnson was sexually assaulted by Offender Callie Brown#129213. ♦ Johnson was in the shower when Brown snuck over, entered Johnson's shower and said "show me what you did to your 12 year old victims". She made me perform oral sex ." Johnson stated she did not resist	Content Examples
1 min	Content Examples	Content Examples

Content Examples ♦ On 2/8/11, Investigator Brad Perry downloaded and saved five videos from CHD. The videos were from the previous evening of 2/7/11. I reviewed the institution videos. (Exhibit 5, videos). ♦ The first video started at 1747 hours and shows Offenders Johnson and Brown going back and forth between their cells and appear to be preparing food items and sharing with other offenders. (15 PREA minute video clip). RESOURCE Provide detail about what you did and why you did it. Here, the report recorded the date that the videos were downloaded, the times covered by the video, and what the video showed. Note that the language used when describing the video is "appeared to" – don't make declarative statements unless you're certain. It's always better to qualify. **Outline of Possible Rule Violation** 1 min **Outline of Possible** Outline of Possible Rule Violation **Rule Violation** ♦ Policy 5010R-A states that Offenders are not to participate in sexual contact of any kind. ♦ Policy 5010R-A states that Staff are prohibited from having sexual contact of any kind with offenders. PRFA For administrative cases, make sure you know what policy is being violated, and include that in your report. An investigator doing administrative or internal affairs cases should know their agency policies better than most anyone in the institution. 1 min **Example of Steps** Example of Steps

	Example of Steps	
	 Your Interview Report of interviews with the victim, staff and witnesses. 	
	Your Interview Report of interviews with a suspect.	
	♦ Your review of alibi or video or phones.	
	♦ Steps you requested a peer to do -i.e: monitor mail or phones. NATIONAL PREA RESOURCE	
	CENTER	
	Include everything you do in a report – your interviews, the	
	follow-up steps you take to review alibis, and anything you	
	may ask another person to do for you.	
1 min	Content Example	
	Content Example	Content Example
	 ♦ King listened to several calls and because of past experience, he believed the two people were being very careful on what they said on the phone. ♦ King identified the offender as Sparks, Jolene #185677. King also identified Sparks as an education tutor. ♦ King then contacted Education Director Paul Clifford and requested he come to his office. King asked Clifford to listen to a phone call to see if he thought it could be any of his education staff. Clifford listened to the phone call and told King he believed it was teacher, Jonathan Olson PREA RESOURCE CENTER 	
	This content is written in the third person by the	
	investigator. He/she includes detailed steps taken and the	
	reasoning for his/her steps. Note that he/she identifies why	
	the education director was brought in: Past experience gave	
	the investigator reason to suspect something was not	
1 min	authentic about the phone call. Content Example	
2	Sometic Example	Content Example

	Content Example At the beginning of the interview, I asked Olson what kind of a relationship he had with Offender Sparks. Olson responded: "I trusted her; I respected her as a person and as a worker. She always treated me with respect. I like Jolene." Olson denied telling Sparks personal information about himself. NATIONAL PREA RESOURCE CENTER This is a piece from the same report, but written in first person. As you can see, the report is quite detailed regarding the content of the interview. Again, be careful with quotations.	
1 min	Content Example	
	Content Example At first, Olson adamantly denied any physical contact with Sparks. Later, Olson admitted and said, "I've been inappropriate." Olson then admitted Sparks has touched him in the genital area, underneath his underwear. Olson admitted he had put his penis in her mouth. Olson also admitted kissing Sparks. Olson stated this took place in his office. I terminated the interview and contacted New York City Police. The report is concise and to the point, communicating the necessary pieces of information without confusing the reader.	Content Example
1 min	Writing the Final Report	Writing the Final Report

Writing Tips NO: Jack is irresponsible; he is always late. YES: During the past six months, Jack was late eight times.

It's important to remember that your reports must include only what you observed, not your opinions on those observations. For example, if someone is constantly late, you may believe that person is irresponsible. However, as an investigator, it is not your place to draw that conclusion. The report should simply state facts.

The content examples provided above included both third and first person writing styles. Agency policy is for reports to be written in...

[insert appropriate style]

1 min

Writing the Final Report

Writing the Final Report

Writing Tips

- NO: Jill is incompetent; her performance is terrible.
- YES: Jill has made the following remarks in the work place:
 _____.I have received complaints from two coworkers.

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Ensure reports state observations, not the conclusions drawn from those observations. Including conclusions rather than observations is another opportunity for a defense attorney to criticize you on the stand.

Writing the Final

Report

1 min	Writing the Final Report	
	Writing the Final Report	Writing the Final Report
	Writing Tips	
	NO: Pat disrupts the organization and pulls everyone's performance down.	
	⇒ YES: On two occasions, Pat had loud arguments with coworkers. When asked by me about these incidents, she admitted she should not have yelled. Employees X, Y, and Z have complained about her behavior. NATIONAL PREA RESOURCE CENTER	
	Here's another example of where a report should include fact rather than conclusions drawn from those facts.	
1 min	Suspect	
	Write your report from your suspect interview. Does his story fit that of the victim's? NATIONAL PREA RESOURCE CENTER	Suspect
	Your report should contain comments made by your suspect and any rebuttals to those comments. How do the suspect's and victim's stories fit together? Whose story has the most corroborating evidence from witness statements and other evidentiary means?	
1 min	Writing the Final Report	Writing the Final Report

	Writing the Final Report	
	Attachments Documentary Evidence -incident reports -time slips, call in notices, etcunit reports, officer logs Post Orders Union Representation Waivers Transcripts NATIONAL PREA RESOURCE CENTER	
	Someone reading your report should be able identify as many of the steps you took as possible. Any documentary evidence you have should be included as attachments. However, the attachments should not be the original	
	evidence; pull the documents and make copies. The originals	
	should always stay in the evidence locker.	
1 min	Characteristics of Successful Investigations	
	Characteristics of Successful Investigations A logical sequence was followed Physical evidence obtained legally Victim, suspect, and witnesses effectively interviewed Suspect legally interrogated All leads thoroughly developed and investigated – vet your information and people Complete, accurate and objective reporting An investigator needs to do all of these things in their investigation – then he (she needs to accurately and clearly investigation – then he (she needs to accurately and clearly investigation – then he (she needs to accurately and clearly investigation – then he (she needs to accurately and clearly investigation – then he (she needs to accurately and clearly investigation)	Characteristics of Successful Investigations
	investigation – then he/she needs to accurately and clearly	
1 min	demonstrate these actions in a report. Final View	
	FILLAL VIEW	\\

	Final View	
	 ♦ Is your grammar and spelling accurate? ♦ Does it make sense to you? ♦ Do you have a supervisor or peer review. 	
	Review your report after you've written it. Does it make	
	sense? Try to avoid making mistakes involving spelling and grammar. If something is unclear, you'll have to go back and	
	write addendums for clarification. Be clear the first time	
	around. You never want to add an addendum to your report	
	if you can avoid it.	
1 min	Questions?	