

# CRIME S.C.E.N.E. EXCELLENCE PODCAST



## Episode Five

## Excellent Report Writing

**Introduction:** The National Public Safety Partnership presents the Crime S.C.E.N.E. Excellence podcast, Episode Five: Excellent Report Writing. And now, retired Lieutenant Floyd Wiley welcomes Jorge Duran, chief investigator for the San Diego County, California, District Attorney's Office, to discuss excellent report writing in the last of five podcasts on Crime S.C.E.N.E. Excellence.

**Floyd Wiley:** We're going to cover the fifth and final letter, E, of the S.C.E.N.E. acronym of the Crime S.C.E.N.E. Excellence concept. In this segment, we will discuss the importance of excellence in report writing. For this discussion, we have Mr. Jorge Duran, who was appointed chief investigator of the Bureau of Investigations, the law enforcement arm of the District Attorney's Office in January of 2019. Mr. Duran retired as a captain from the San Diego Police Department after 29 years of service. His last assignment was commanding officer of the operational support division, where he managed several centralized units, including canine, SWAT, and a critical incident management.

Mr. Duran managed the street gang unit and the violent crimes task force. Prior to this assignment, he supervised a homicide and cold case team. In 2010, the Bureau of Justice Assistance asked him to join a homicide unit assessment team. He provides instruction on organizational roles, crime scene containment and documentation, evidence protection, and the pitfalls encountered in working with witnesses. Jorge, thanks for joining us today.

**Jorge Duran:** You're welcome, Floyd. It's my pleasure.

**Floyd Wiley:** Jorge, with your vast experience—let's start off with a discussion with excellence in report writing first, when navigating the initial response to a violent crime scene, then let's work our way to the excellence in community response, being a professional, and honoring our oath to uphold our duty. Does that sound good?

**Jorge Duran:** Sounds like a plan.

**Floyd Wiley:** Great. So, let's just kick it off with the excellence in report writing. Take it away.

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### Jorge Duran:

The initial response to violent crime scenes, patrol officers or sheriff's deputy that respond initially—they're conducting the initial investigation. They should consider themselves investigators because one of their roles is to document the scene as close to in time as to the crime having occurred. Obviously, the person that discovers the crime is going to notify the police, and then either a deputy or a patrol officer is going to respond and arrive. So, they are truly the first criminal justice representative that arrives at the scene and are able to document the state of the crime scene—victims, injuries, witnesses, evidence.

So, in any violent crime trial case that I've been involved in, one of the main witnesses in a successful is the initial arriving law enforcement officer, because they set the stage for everything else that's going to follow. Not only that—before even the case goes to trial, they are the initial recorders of evidence for the investigator. Because let's face it, most of the crimes, the violent crimes that happen—usually it depends on the type of crime, but you may or may not have an investigator respond to the scene. The investigator, depending on the type of crime, may not get the report until the next day or, if it's a weekend, until two days later. So, that's critically important for the first arriving officers to document as best possible so that the investigator has good information to work for. You can't have an excellent crime scene investigation without having excellent report writing and documentation—can't have one without the other.

### Floyd Wiley:

And you know what I like? I like the way that you said that the responding officer, that they are the investigator. They need to look at this from an investigator type of lens. A lot of times, I have seen patrol will show up to a scene, and it's almost like this is a mundane activity that I've got to make contact, gather information—information of fire personnel, on-scene, or other officers. But they don't really see it through the lens that they are the pinnacle or the spearhead of that investigation as it unfolds.

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### Jorge Duran:

That's an excellent point. Especially in areas—we have communities in all cities that have a high incidence of violence. So, after the 52nd shooting or the 52nd stabbing, after a while, it's kind of like, "Okay, it's just another report I have to take." But you have to turn that around, and you have to look at, "What is this going to look like when the investigator gets this case? How much information are they going to have to one, maybe get a search warrant off the information that I collected as the first arriving officer?" Because your information may wind up in an affidavit for a search warrant or an affidavit for an arrest warrant. And then, "How is my report or the information that I gathered going to help the prosecution of this case once the investigator makes the arrest?" Now the difficult part comes. You have to convince 12 jurors that this is the individual that committed the crime that you documented, beyond a reasonable doubt. So, what does that look like?

So, in our training, in our communication as investigators or as prosecutors with patrol officers responding to these crime scenes, that we instill that level of responsibility. And then once the perpetrator is arrested and apprehended, now you have to testify as to how you went about doing those things and making sure that you did them properly. Because we don't want—like you mentioned I think early on, was we don't want information suppressed. We don't want a piece of evidence suppressed because it was mishandled, or it was contaminated. Or a witness statement thrown out because either it was obtained maybe outside of Miranda—let's say if it's a defendant who's entitled to Miranda Rights because of the status of their maybe detention and situation where they're provided that statement.

So, I think providing that information to patrol officers—that they are reinforcing that mindset, that I'm not just going there to fill out a piece of paper to get a case number or give it to the victim. I'm going there because a crime has occurred, one, and it's important for the community that we apprehend perpetrators and keep the community safe. But that you're going there as part of an investigative team to try to, one, solve the crime—identify what happened by collecting by what the evidence tells you, and then generating an excellent report so that the investigators, folks that are going to be looking at your paperwork, at your crime scene processing, that they have enough to do their job and then ultimately, present your reports and your testimony in front of a jury so that folks that are perpetrating these crimes can be held accountable.

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So, it's a bigger role. And I think a couple of things—one, investigators who are going to be receiving this report should share information with the patrol officers to say, "Look, this is a great report. This report made it easy for me to solve this case," and reinforce those positive traits that are happening in the field—same thing with the prosecutors sharing information.

### **Floyd Wiley:**

And a lot of times, it doesn't happen, too. They don't give that positive reinforcement. You and I talked about two months ago, we were talking about patrol investigator relationships and then going to roll calls and really letting them know that they're ambassadors to this crime scene investigation team. And I like that I heard you say that earlier, you brought team into it.

### **Jorge Duran:**

Oh, absolutely. The prosecution team is everybody. It's the first arriving officer, it's your evidence technician, it's even your victim witness advocate that shows up. It's all part of the criminal justice team to bring some closure to the victim and then bring those responsible to justice.

But I think that feedback piece, a lot of the agencies—and I know in San Diego PD, when I was working homicide, we always talked about the next day or two days later, going back to roll call and thanking that patrol crew that was out there. Say, "Hey, you guys did a great job putting up tape, keeping the witnesses back, identifying the critical witnesses—did a great job canvassing. You guys protected the weapon." And giving that feedback and saying, "This is the type of work that's going to allow us to make an arrest."

And same thing with the prosecution. A lot of times, we handle dozens and dozens of murder on a yearly basis and countless number of violent crimes. But the investigators and the prosecutors are entrenched in these cases, but we have to make a concerted effort to get back—and especially what patrol officers and the patrol team does an excellent job to provide feedback. It could be in a short, written email, or it could be in person, or however. But say, "Hey look, because of the work that you did initially at the scene, we were able to successfully prosecute this case." Because with jurors, they get their information about what police work should be from the television set. And a lot of times—you know how that is, right? They're solving crimes in 20 minutes.

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**Floyd Wiley:** Right. Television tactics and television investigations.

**Jorge Duran:** Yeah. But so, we have to educate the jurors and say, “Look, this is what was done. This is in reality what was done with the evidence. This is the testing that we submitted the evidence. And this is what the testing yielded. And this is how it pointed to the defendant.”

**Floyd Wiley:** Hey, Jorge, real quick. I want to just touch on—because we were talking about having well-written reports for successful prosecutions. But if you can touch real quick on the importance of maintaining those notes that you had and actually making sure you construct a well-written report, because sometimes we don’t go to court for years.

**Jorge Duran:** That’s an excellent point. And you know what we have now that we didn’t have when I was out in patrol and working homicide is body-worn cameras. I would always encourage as a homicide sergeant to my patrol officers is like, look—especially if it’s, let’s say, shooting where the victim is moved by medics and they later die. By the time we get there, all we have is maybe a pair of pants that’s cut up or pair of shirts, a bunch of blood, and then some leftover medical intervention equipment that’s just strewn everywhere. So, now with body-worn cameras, as soon as the first arriving officer at the scene can click that thing on—and we have documentation maybe even before the medics get there and certainly while the medics are working.

So, that way you could get an idea, “Okay, this guy had red pants, blue hat.” So, when you’re interviewing your witnesses later on two, three days later, and they tell you, “Hey, the guy with the blue hat, the red pants was chasing a guy with a gun.” Then you’re like, “Okay, well now maybe we’re looking at maybe something else.”

So, the documentation early on is so critical to assisting the homicide investigators or even a crime of violence investigators later on down the road. The first arriving officer should take control of that scene and designate people. The second arriving officer, “Hey, put up some tape.” The third arriving officer, “Start a sheet.” Fourth arriving officer, “Go interview those people over there.” So, start managing the scene as if you were a supervisor. A lot of agencies are going or have gone to a case agent type of preliminary investigation where exactly what I just mentioned is that the first arriving officer is the case agent. They are responsible for making assignments.

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**Floyd Wiley:** Right. In essence, they're also like the incident commander on safety.

**Jorge Duran:** Basically, right. Exactly, until maybe a hard striper shows up. And even then, I've seen cases where you have a senior patrol officer that's running the scene and the supervisor that arrives is in support. "What resources do you need?" They're there in a support role. But certainly, the initial arriving officer, the first few officers that arrive, they're going to have the most information about the scene to start making assignments and start directing people. They're going to know, "Hey, the suspect ran down that alley. Hey, get some people to block that alley up there. They might've thrown some evidence." Those types of calls need to be made.

So again, I think that training is a big proponent. A part of that is, one, if you adopt that style of case agent, then obviously the next step is to make sure that officers are trained and feel comfortable and receive maybe practical application training on how to do that, what that looks like, maybe some tabletop exercises, maybe some actual role-play exercises that gives them the confidence to do that.

**Floyd Wiley:** Let's also talk about supplemental reports because sometimes officers will show up and they'll just walk away, no paper. And we need to make sure that there is supplemental reports, that they are constructed and in the process of getting that through the chain of command, approved by supervision, and ultimately to detectives. We just touched a little bit on the importance of those supplemental reports, no matter what your actions were on that scene.

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**Jorge Duran:**

Absolutely. That's critical. Especially if it's a violent crime or a homicide case. I had a case where a witness was found later on—a couple of days later, and we asked him, "Hey, why didn't you call the police with this information?" He goes, "I did. I showed up. There was an officer at the yellow tape. And I told him that I had information. I never heard back." So, we go back, and we try to find out who was that officer at the intersection of A and B street. And we couldn't find him because we didn't have a report from that individual until we went back and went through the computer aided dispatch, the CAD system printout that showed that there was an officer there, or an officer was assigned to stand at that corner. But we weren't able to get them, and then they didn't generate a report.

So, I think to paint a complete picture and to show that everyone that showed up at the scene had a role, however minimal that role was, and the fact that the investigators have access. Because they want to go back later and talk to that officer and say, "Hey, what else? While you were standing at the corner, did you see any vehicles? Did you see anybody else? Or did someone walk up to you and say they had information?"

So, it's just part of that crossing all the T's and dotting all the I's that anyone that report—and they could conceivably be witnesses even though they may have just done traffic control. But later on, the defense can say that this officer or that officer or some unknown officer was alleged to have some information that it's unknown yet. So, if we have a complete roster or a complete list of officers that arrived, what their role was, I think we'd be better off. And the investigation looks complete, especially when you're presenting it. And it'll hold up better to challenges by the defense in court.

**Floyd Wiley:**

And that's exactly where I was going to go. Because even if you're on a traffic post, the bottom line—I had the traffic posts on the Southwest corner. And if there was some sort of a statement that someone walked through that area and that officer can clearly say, "No, I was at that location and no one did come through that location." So, that's really important.

**Jorge Duran:**

Exactly.

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**Floyd Wiley:** So, let me talk to you about this topic. When we talk about the excellence of report writing, which is aiding in the successful prosecution of the case, there's another important piece that comes on to excellence and that's our response and the community's expectation of our response to this crime scene. Can we just touch about that expectation and what we owe them as professionals based off the oath that we have taken? It's important that we meet those expectations.

**Jorge Duran:** Yeah, you're absolutely right. And I think if we're going to be successful in solving crimes, we need the assistance, we need the help of the community. The community are there—I mean, they're there 24 hours a day, seven days a week. And they know what's going on. Whether or not they want to share that information with you is part of how we approach them.

One of the biggest things we hear in investigations is that, "Why should we call the police? Why should we give you information when you guys aren't going to solve the crime?" So, there's this impression that the police don't care about crimes that happen in certain neighborhoods. So for me, for even my investigators or patrol officers, is when they arrive at a scene, to have a sense of urgency in wanting to solve this, a legitimate concern that you want to solve this crime. And reassure people that are either bystanders or just witness, onlookers that, "Hey, look, we're going to do everything we can to solve this crime. This crime—it doesn't matter that it could happen anywhere in the city. We're going to do our best to solve this crime."

When we're engaging with the community, it's something that requires engagement before things go bad. So, what I mean by that is not waiting until you need the community's help in solving a crime to engage the community. This work has to be done—it's community policing, right? So, the patrol officers, that are going to arrive at the scene initially, maybe that is their area that they work on a regular basis. So, what about maintaining those relationships? Engaging the community in just walk-ups or nonenforcement type of contacts—checking on businesses, stopping and talking to neighbors. Because what happens is that by doing that, you develop a trust, you develop a respect from the community, and you'll be more likely than not to when something does go horribly bad, that you're able to go in and maybe cash in on some of the investments you've been making by engaging in those contacts.

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### **Floyd Wiley:**

So, one of the things—and I heard you talk about engagement. And that’s so important because we call that ally equity. When you have to make those trust deposits as officers—so that sometimes, when you need to make that withdrawal during a major crime scene, you can do that. And you have people who are engaged with you. The other thing is respect and dignity. And I remember you were talking about an incident with the gang unit, and how you took it over, and how that came into play.

### **Jorge Duran:**

No, that’s an excellent point because I think how we interact with the community, it’s going to reflect how successful we are in that community in solving crime. For example, I had an opportunity to head the gang unit—the gang suppression team, as a matter of fact. And these guys, they were handpicked, they were productive, they were type A. And their whole mission is to go into gang-affected areas and do gang suppression, maybe control the violence. So, the mentality was, “Arrest any gang member that’s out on the street.” But still, we didn’t see a drop in gang violence. Gang violence was still high. So, I say, “Why don’t we change our approach? Why don’t we—instead of arresting these guys for a crack pipe or a personal use marijuana, why don’t we spend some time with them, talking to them? Say, ‘Hey, what’s going on in the neighborhood?’”

And before you know it, even the gang members themselves knew the difference between the gang cops and the patrol cops because we rode in the same patrol cars. There was no difference in uniform except that we didn’t go to radio calls, but we just did proactive enforcement. So, even the gang members knew the difference between, “Oh, those are gang cops because they take time. They know about my little brother. They know about my sister. They know that I’m staying over here. Hey, they hooked me up with this job corps reference.” So, we’re there because again—also had not just suppression, but we had other pieces too. We had intervention and prevention. So, we saw the value of that, of if we could divert some of the younger ones, especially away from the gang, that’s the less calls that we had to go to. So, we saw the value of that.

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So, it's a matter of treating people with respect, with dignity. And people talk about respect, that you got to earn it, you got to give it to get it. Well, I think dignity—I think we should give it no matter what. I think everyone deserves to be treated with dignity. And what does that look like? It's humanity. And you'll be surprised, it was effective for our folks because we found that we actually had an impact in the level of violence. But not only that, we had a level of cooperating individuals that were calling the gang guys and giving them information about things that was going on because there was that trust that was built over time.

**Floyd Wiley:** There you go—information products, right?

**Jorge Duran:** Exactly. Exactly.

**Floyd Wiley:** And that helps along with the entire investigation. Listen, we're professionals. That's what we gave an oath to uphold—this profession in every form possible. And when it comes to crime scene investigation, we've got to be excellent. We can't afford to just be mediocre. That's just not what we do and what we signed up for.

**Jorge Duran:** Especially in a crime of violence where we have so much impact. It impacts the quality of life for community members. If we are spinning our wheels by not doing a complete and excellent investigation, then the community is going to lose faith in us and say, "Look, why should I provide information and put myself at risk when I know that the officers don't have the same commitment to solving this thing?"

So, we have to reverse that perception and demonstrate that, "No, look, we're here to try to solve this. We're here because we care about the community. We're neighbors in the community. We may drive around the community, but our home is our car. We live here for 10 or 12 hours. So, let's be good neighbors. Let's look after each other." So, we have to get back to that community involvement, that community policing philosophy. We just have to go back.

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**Floyd Wiley:**

Listen, this has been absolutely awesome, Jorge. I really mean it. And I'd like to thank you so much for taking the time to speak with me today. I also want to encourage our listeners to visit the Public Safety Partnership website at [www.nationalpublicsafetypartnership.org](http://www.nationalpublicsafetypartnership.org) for more information on this topic and other Public Safety Partnership topics. Stay safe.



This project was supported by Grant No. 2016-DG-BX-K006 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.