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THE LITERACY PRACTICES OF LAW ENFORCEMENT

THE LITERACY PRACTICES OF LAW ENFORCEMENT

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy in English

By

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ABSTRACT

This dissertation investigates police report writing at the Jackson Police Department in Northwest Arkansas. It presents three primary research questions which are addressed through qualitative methods of interview, observation, and discourse analysis.

1) In what ways does police training address report writing?
2) What audience awareness do police officers have when writing reports?
3) How do actual report audience members read and evaluate reports?

The police academy in this study fails to spend the necessary time discussing report writing. This is not rectified by the in-house training program, which pairs officers with Field Training Officers that are often reluctant or unqualified to address report writing. There is little to no discussion of the report genre, its purpose, or its readers. The readers of the report were unsatisfied with the report presented in the study. They complained that important information was left out and that details of the event were unclear. The audience response was completely underestimated by the officer who wrote the report. In his interview, he claimed all the information that he, his supervisor, prosecutor, and other readers would need was included in the report. This assumption was largely misplaced, and his limited audience awareness was demonstrated in this study. The primary finding of this dissertation is that current police training programs and literature fail to address important issues such as genre and audience in regards to report writing. This lack of training may result in officers that are unprepared to meet the literacy needs of judicial system.

This dissertation is approved for recommendation
to the Graduate Council.

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This dissertation would not have been possible without the aid of the men and women of the Jackson Police Department and the City of Jackson Court System. Their honest and open interview responses were critical to my investigation of police report writing practices. In addition, their hospitality in allowing me access to their department, police cars, computer room, court proceedings, prosecutor office, and jail was greatly appreciated.

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DEDICATION

For my husband, who inspired and made possible much of the research and writing of this dissertation.

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CHAPTER ONE

INTRODUCTION

Chapter One

Introduction

During the last ten years or so, Composition studies have focused as much attention on writing done outside of the classroom as inside it. The work of compositionists in examining community literacies and their practices has been fruitful and beneficial to workplace training and traditional academic pedagogy, as well. There is now a large body of research on medical writing, workplace writing, technical, and scientific writing. This research and other emerging studies is further advanced by New Literacy Studies, the work of Brian Street, James Paul Gee, and others, who argue the importance of viewing literacy in its social context and practice (Gee et al., Gee *Social Linguistics*, Street). Mary Ellen Belfiore in *Reading Work*: *Literacies in the New Workplace*, calls for a new perspective in literacy research. She argues, "We want to see literacies as they are enacted, as people use them to participate" (196). This dissertation answers the call for more research into community literacy practices within their specific cultural context. It looks at the literacies of law enforcement, specifically analyzing police officer writing pedagogy, report writing practice, and the report audience. It examines the practices of one department in Northwest Arkansas and the city's judicial system (prosecutor, defense attorney, judge). While the primary methodology of the study is descriptive interview and observation, it is also ethnographic in perspective. In addition, there are elements of literary analysis through the study of the department's training manuals and the discourse analysis of one police report.

This study was facilitated, at first, by my own association with the Jackson Police Department; my husband was a police officer there for five years. Prior to the start of my research, I rode with my husband and other police officers for hundreds of hours, attended department and private police parties, and helped organize charitable police department events.

This allowed me a great deal of access to the officers, supervisors and court officials, their environment and culture. Once I began the actual work of my dissertation research, I realized that I was very much a participant/observer in the ethnographic sense. As the wife of an officer, I understood the culture of law enforcement, the pressures, the demands, the legal complexities because it was a part of my life as well. The interviews I conducted with prosecutors, officers, other officials were often raw and insightful. Very rarely did the participants seem guarded or unsure of their responses to my questions. I believe my position as a member of their culture and community (even at the periphery as an officer's spouse) provided for open and thoughtful interview data. In order to protect the participants, the names of all parties, including the police department name and city, have been changed. In addition, all interviews were conducted in full disclosure of the purpose of my study, and IRB guidelines, approval, and consent forms were obtained and followed.

My research questions were developed out of my own experience with the officers as friends and acquaintances and through my research interviews. Most admitted that they didn't particularly like writing reports; it was a chore that had to be done before they could go home. From attorneys I heard how poorly officers' reports were written, how they failed to convey adequate information to others. These casual conversations and observations led me to develop the following research questions:

1) In what ways does police training address report writing?
2) What audience awareness do police officers have when writing reports?
3) How do actual report audience members read and evaluate reports?

This dissertation combines interviews, critical descriptive research, and an ethnographic perspective in order to address these questions. Chapters that document the study of one police

report, its readers, and their interpretations falls under the heading of clinician research. Stephen North argues, "Clinicians…are concerned with what is unique and particular in some unit within a population" (200). Their research includes small groups or even just one individual in an intensive investigation of writing practice (North 200). While multiple methodologies are used in the dissertation, this approach was taken in order to ensure a complete picture of police literacies, police Discourse, report writing pedagogy, and actual writing practices.

My central claim is that police officers write reports with limited genre and audience awareness. This may be due in part to the failure of police training and literature to address such issues. The dissertation comprises eight chapters. While each chapter seeks to define a separate element of police literacy, all chapters investigate the central claim and the three research questions. Specific methodologies and necessary definitions are provided in individual chapters, along with findings and conclusions.

Chapter One, "Introduction," provides an overview of the dissertation and outlines the three research questions. Chapter Two, "The Language of Law," serves as an introduction to many of the topics discussed throughout the dissertation. Specifically, it analyzes the discourses and literacies of various communities within the judicial system. The literacy practices of police officers and lawyers are shaped by their training, job duties, and environments. The chapter's foundation rests in James Paul Gee's theory of big "D" Discourse. It describes the individual secondary Discourses of police, lawyers, and the legal system. Though they possess distinct and particular secondary Discourses, these communities and their literacy practices converge in legal Discourse. Four aspects of literacy practices used by police officers and lawyers are discussed in this chapter, the notion of Discourse, genre, voice, and literacy sponsors. These four aspects are explored, defined, and explained within the social practice of their communities. The chapter

notes the similarities and differences of the practices in these fields. In addition, this chapter ties these practices to more academic literacies and pedagogies. It serves as a framework for evaluating, examining, and comparing workplace literacies with academic literacies and practices.

Chapter Three, "Police Literacy Training, Audience, and Genres: A Literature Review," offers a review of the literature related to police report writing. It reviews police training in writing specifically, workplace writing generally, and genre and audience broadly. There have been very few studies of police report writing, even in the fields of criminology and sociology. Composition offers practically no investigations on the topic, although the composition literature on genre and audience is very helpful in this area. The literature on police report writing is mainly a collection of how-to books. The focus in the field is on grammar, professionalism, and objectivity. There is little to no discussion of audience and genre. This dissertation appears to be the first study to interview actual audience members as they read police reports. In terms of workplace writing, the literature offers more insight into why and how workers accept or resist writing in the workplace. Most researchers choose to emphasize the importance of social context in workplace writing. The literature suggests that workers do not need more instruction in grammar or literacy skills; they need attention to and understanding of the social practice, context, and relevance of the required writing. In terms of genre and audience, composition studies suggest that both be seen in regards to social and rhetorical practices. While genre was once thought of as a static, rigid formula, current research argues it is a malleable, fluid construct which both shapes and is shaped by writers and readers. Audience, too, is seen from a social practice perspective, and research suggests that deeper analyses of concrete situations from ethnographic and other qualitative studies might provide valuable insight.

Chapter Four, "Literacies of Police Officers," answers the question, "What literacies are required of police officers to effectively perform law enforcement duties?" A conceptual definition of the literacies of police officers is offered. Law enforcement requires multiple literacy skills to be effective, skills that must be practiced in the field, on the computer, and in the courtroom. Reading and writing literacy, technology literacy, and literacy of the streets are all needed to safely and effectively enforce peace and order. I define these literacies as they relate to police officer Discourse and investigate each. In addition, I suggest how the failure to attain one of these literacies may impact an officer, the department, and the court system as a whole.

Chapter Five, "Police Literacy Training," provides descriptive studies of police officer training in Northwest Arkansas. It details the academy training, in-house training, and on the job training of officers at the Jackson Police Department. In addition to the data on training, I offer interview data from police officers, a police chief, defense attorneys, a county prosecutor, and a police training officer. All of these interviews focus on the reading and writing needs of police officers. Their perspective on police reports and training is also included in the chapter.

Chapter Six, "Study of a Police Report Audience," provides interview data from the readers of police reports. I rode with a police officer in order to observe and interview him as he wrote a report resulting from a call we went on during his shift. I followed this report through the judicial system and used discourse-based interviews with each reader. The officer's supervisor was interviewed along with the city prosecutor, a defense attorney, and the city's judge. These interviews provided a great deal of insight into the audience reception of one police report. The officer in this chapter is a new and enthusiastic police officer. However, his report led the prosecutor, defense attorney, and judge to assume that he was apathetic, sloppy, or

down-right lazy. This officer is not aware of how his audience will read his reports. His fear of court, of defense attorneys, and of his own recollection shapes this report. A lack of training on audience and report writing only compounds these fears. This study highlights the lack of audience awareness of one officer; however, his problem is not unique. As the prosecutor, defense attorney, and judge explained, his report contains common problems present in many police reports.

Chapter Seven, "Discourse Analysis of a Police Report," expounds upon the previous chapter by providing a discourse analysis of the report used in Chapter Six. Adapting Norman Fairclough and James Paul Gee's discourse analysis techniques, I devised my own discourse analysis practice for police reports. The choices that the officer makes in regards to grammatical mood, vocabulary, modalities, and nominalizations affect how he is perceived by readers. The declarative mood of the report demonstrates a desire for facts and truth, while the vocabulary effectively distinguishes the officer from the suspects in the report. The use of modalities and nominalizations suggest that the officer is not as comfortable with his final decision to arrest both suspects as the declarative mood and vocabulary propose. His use of modalities tied to critical statements of evidence present an officer that is not committed fully to the evidence. The grammar, structure, and social elements of the discourse analysis reveal that this report is not a simple string of factual observations. This report is textured by social/political undercurrents and grammatical choices. The report displays an attempt to covert agency, diminish officer responsibility, and defend officer actions.

Chapter Eight, "Findings, Conclusions, and Suggestions," answers the questions presented in Chapter One and offers suggestions for police officer training. It discusses

implications of this research for police departments and training programs, and additionally, ties the findings of this study to concerns in the field of composition and composition pedagogy.

CHAPTER TWO

THE LANGUAGE OF LAW: DISCOURSES, GENRES, VOICES, AND SPONSORS

Chapter Two

The Language of Law: Discourses, Genres, Voices, and Sponsors

A casual glance at the education, work environments, and literacy practices of police officers and lawyers might suggest the fields are far removed from one another. One arrests. One defends. One obtains a graduate degree. One attends a short academy. One wears a suit. One wears a uniform. In some respects the distance between these fields is real and noted in research. However, there are literacy practices in both fields that mirror, complement, and necessitate the other. This chapter investigates four aspects of literacy practices evident among police officers and lawyers: the notion of Discourse, genre, voice, and literacy sponsorship. Genre and voice are explored as they fall under the umbrella of police and lawyers' separate Discourses and as individual and distinct aspects of these Discourses. I discuss Discourse, genre, voice, and sponsors in this chapter by defining each, explaining the context in which the practices exist in the communities, and note differences and similarities of the practices in these fields. Throughout the chapter, I analyze how literacy practices of police officers and lawyers are similar to those found in the Academy and how they are tied to more "academic" literacies.

Discourse

The notion of Discourse (capital "D") versus discourse (lower case "d") was introduced by James Paul Gee in order to separate and signify the unique way that Discourses serve in establishing a person's identity. Unlike discourse that simply refers to "the language in use" (Gee, *Social Linguistics* 155), he argues that Discourses are,

> composed of distinctive ways of speaking/listening and often, too, writing/reading coupled with distinctive ways of acting, interacting, valuing, feeling, dressing, thinking, believing, with other people and various objects, tools,

> and technologies, so as to enact specific socially recognizable identities engaged in specific socially recognizable activities (Gee, *Social Linguistics* 155).

This definition takes into account that literacy is a social practice. That is, literacy can only be understood, studied, and accomplished in its complex social, cultural, contextual setting (Street, Gee et al., Soifer et al., Belfiore et al.). Discourses arise out of social practice and distinguish groups from other groups, individuals from other individuals, cultures from other cultures.

While everyone has a primary Discourse which is composed of his or her culturally specific language, way of acting in the world, and sense of self, many also adopt secondary Discourses which can include the Discourse of one's profession, hobby, or social group. Gee notes that secondary Discourses are obtained after the primary Discourse and in a more public realm than the initial Discourse (*Social Linguistics* 157). Secondary Discourse examples include the Discourses of elementary school teachers, gang members, eighth-grade cheerleaders, heroin addicts, NBA basketball players, police officers, and lawyers.

Discourse community members come to the Discourse through apprenticeship with other members of the group. Gee argues that secondary Discourses can only be obtained through acquisition, the process of enculturation into social practices already mastered by others in the Discourse (*Social Linguistics* 170). He distinguishes acquisition from learning and notes that secondary Discourses can really only be achieved by members acting inside the Discourse with those that have already mastered it. However, learning about a Discourse is important in order to truly master and change it. This is accomplished through overt teaching of the dissected analytic bits of the Discourse (Gee, *Social Linguistics* 168-72). A combination of acquisition and learning of a secondary Discourse makes one a master of the Discourse and better able to communicate within it, understand it, and change it.

Most people operate in and negotiate several secondary Discourses along with the use of their everyday primary Discourse. Police officers and lawyers perform their duties and work within multiple secondary Discourses. Police officers first manage police Discourse. It is identifiable in part by the uniforms they wear, the cars they drive, and the ticket books they carry. It is also seen in the legal jargon they write in reports and on tickets, the verbal numerical codes they call out on the radio, and their willingness to enter dangerous situations, sometimes at their own peril. In addition, police Discourse maintains a sense of camaraderie among officers, an eagerness to defend another officer when questioned by the public or others, and espouses values such as justice, truth and "rightness" (both being correct or "right" in a situation and wanting to "right" a bad situation for a victim). Lawyer Discourse, on the other hand, is identifiable in part by the suits they wear, the briefcases and files they carry, and legal licenses to practice law. Their Discourse includes the rhetorical and logical way of building an argument that they then perform in writing and/or in speaking. They also practice rhetorically and logically arguing *against* someone else's position. The most successful lawyers have a dramatic stance when arguing in court and can captivate a jury. Lawyer Discourse also values justice, "rightness," and truth.

In addition to their specific Discourses, lawyers and police must both engage in legal Discourse. It is in this Discourse I find police can fail and lawyers excel. I think much of this difference has to do with the ways in which legal Discourse is acquired and learned in the two communities. Legal Discourse is used in courts of law, between lawyers, judges, prosecution, defense, police, and experts. While litigants, defendants, and victims are talked and written about in legal Discourse, they do not become members of the legal Discourse community. This Discourse emphasizes fairness, the power of law in our society, and justice which is similar to

both police Discourse and lawyer Discourse; however, legal Discourse is also constructed with a complex legal vocabulary, way of speaking, notions of argument building, and methods of proving one's argument. These practices distance legal Discourse from the daily literacy practices of police officers. In addition, legal Discourse contains genres that officers rarely, if ever, encounter, such as contracts, wills, legal briefs, and depositions.

Lawyers have the advantage in that they seem simultaneously to acquire legal and lawyer Discourses. They are instructed and apprenticed into legal Discourse starting their first semester in law school. They participate in classes that focus on the writing of different genres in their field, demonstrate effective legal literacy practices, and exhibit rhetorical argumentation in real and imagined scenarios. Studies show that professors in law school do not overtly teach but expect students to interact with and challenge the legal material, a method of acquisition (Gee, Hull, and Lankshear 8). Thus, students are acquiring legal Discourse from the start. Officers, on the other hand, are forced to pick up as much legal Discourse as they can accomplish during teaching sessions in the police academy. Here, other officers teach cadets the bits and pieces of law they feel are important and try to transmit this knowledge through lectures, handouts, and presentations. Never are new officers invited to argue a case holding, to disagree with the assertions of the teaching officer, or to summarize and draw their own conclusions in the way that law students are expected to perform these practices in law school. The teaching of officers also comes at a time prior to any experience on the street and any practice as an officer. Thus, teaching comes before any acquisition can be accomplished, a problem addressed by Gee and others that can lead to little mastery of a secondary Discourse (*Social Linguistics* 1996). Of course, officers once out of the police academy do acquire more legal Discourse as they read and discuss new court rulings that impact their daily activities and in their interactions with lawyers

and others in court. However, this acquisition comes late and often shabbily. They have little prior experience of legal Discourse from which to draw upon.

In *Reading like a Lawyer*, Ruth Ann McKinney argues that a reader's prior knowledge greatly influences his or her ability to understand and infer meaning from the text (34). Without using the actual term, McKinney acknowledges that reading, thinking, and writing about the law apprentices these lawyer neophytes into a new Discourse (3, 13).Lawyers have three years of legal Discourse training prior to practice versus an officer's short ten to twelve week academy and three month on the job training. This gap in knowledge and practice is difficult for officers to overcome. They simply have not acquired the Discourse with the aid of experts and with the methods and manner of practice that lawyers do in law school. Gee claims that "too little acquisition leads to too little mastery-in-practice (*Social Linguistics* 171). Lawyers become masters of legal Discourse and also accomplish a great deal of learning about police Discourse. Police officers master police Discourse, but often struggle operating in legal Discourse. When police officers, lawyers, and their Discourses merge in the courtroom, this difference impacts the ability of some officers to feel confident operating in legal Discourse.

In terms of connections to academic literacies, the practices of police Discourse and lawyer Discourse demonstrate opportunities for composition teachers. Whereas police officers are taught legal Discourse overtly, their police Discourse is modeled and apprenticed to them through peers, experienced officers, and their participation in work. By contrast, lawyers acquire legal Discourse through active modeling by professors in law school and are then overtly taught writing genres of the field. Composition teachers model (or should) literacy practices of the academy in order to aid their students in acquiring academic Discourse. They do this in conjunction with overt teaching of grammar and structures that make up academic writing.

While it is critical that students be given examples and templates, much like what police officers are offered, the use of these forms must also be modeled for them. Gerald Graff in his book, *Clueless in Academe*, argues, "before students can effectively enter intellectual conversations, many will need help to produce the conventional formalizations that characterize written argument" (168). He adds that it is "simply condescending for educators to withhold tricks that they themselves have mastered" (169). Students must acquire the language and literacies of the Academy if they are to be successful, just as police officers must acquire police Discourse and legal Discourse.

Genre

Legal documents are created separately and for distinct purposes in police and lawyer Discourse. However, in legal Discourse, these documents enter the court and complement, defend, accuse, support, diminish, and in other ways influence one another. These documents are the genre forms of police, lawyer, and legal Discourse. Amy Devitt explains the traditional definition of genre as, "a classification system deriving from literary criticism that names types of texts according to their forms" (*Writing* 85). For my context, "literary criticism" is not applicable in the definition of genre, and this definition ignores the ability of a genre to implicate identity and Discourse allegiance. Carolyn Miller argues, "Genre is a rhetorical means for mediating private intentions and social exigence" (163). This definition recognizes genres ability to transform information and perform social action. Dennis Kurzon in his article, "Legal Language," notes that genres exist within Discourses, not separate from them (125). Therefore, my definition of genre is, "a classification system of textual forms that are identified with particular Discourses and their community members."

Anthony Paré uses the term "institutional genres" to identify those genres that appear

particular to a Discourse. He explains that they are successful forms in localized discursive practices (140). The genres of particular Discourses serve the purposes and intentions of the community members, even though these members may perceive genres as a limiting force on a writer's freedom. Police officers and lawyers often read the other's Discourse genres, but rarely, if ever, write them. Lawyers do not write police reports, but they read thousands of them over the course of their careers. Officers do not write briefs, case holdings, or legal statutes, but they must read them and be able to understand how they impact their action on the street. Police genres include reports, witness statements, vehicle descriptions, warrants, traffic tickets, and procedure and policy manuals. The genres of lawyers include case briefs, contracts, wills, depositions, opinions, and academic writings about law. While genre theorists ask students to play, recreate, and not be bound by genre forms (Devitt *Writing*, Graff, and Paré), officers and lawyers seldom feel such freedom. If anything, they may feel a duty and a responsibility for maintaining the genres in which they write.

Genre, despite its perception as a limiting constraint, can serve as a surprisingly liberating force for both communities, especially for newcomers to a Discourse. Police officers using report forms are protected from including too much information, leaving out a detail/fact, or forgetting past events. While all police reports are not thorough or accurate (this is a serious issue in many departments) the likelihood of even more errors in eliminating the standard report form is obvious. Lawyers, faced with hours of deposition tapes, previous court case holdings, corresponding laws and statutes, must feel relieved that the case brief genre is available to help them condense the information for a judge. Genre can serve as an important framework and platform for writers in both police and lawyer Discourse. However, like many genres, if writers feel they are controlled rather than in charge of the genre, it becomes an entrapment rather than a

tool.

While the genres of police and lawyers are created by each Discourse community and serve the interests of the members in those communities, Paré questions the fairness of genres to the parties involved. He asks, "Do they 'work' equally well for all who participate in or are affected by them?" (140). This is a difficult question for police to answer. They must always balance the victim's and the suspect's rights when writing reports. One particularly thorny issue is the objective stance required in reports and the dismissal of officer affect. It may be difficult for officers to dismiss their affect surrounding violent crimes, crimes against children, and other complicated circumstances they must write about. Alice Brand notes that it is basically impossible to remove or pretend to remove all emotion from one's writing. She claims that the "very idea of being both human and impartial is a contradiction in terms" (438-9). For officers who are instructed to write objectively, critically, and factually, the police report genre seeks to minimize the struggles that these officers face when writing about real events effecting real people. The genre is, of course, not foolproof. Officers still have the opportunity to highlight one event over another, downplay important details, or ignore critical testimony, but these issues are too complex to be solved by genre alone. Police Discourse offers helpful genres to officers in terms of providing technical documents in which to communicate events (reports, tickets, witness statement forms). Legal Discourse requires a logical accounting of events and police Discourse genres aid this reality. Officers need to feel that they are in control of the genres they produce, maintain, and recreate. If they do not feel a certain amount of freedom in changing the form, they may reproduce the mistakes or missteps common within it.

The task of removing affect from documents is rarely an issue for lawyers who are always on one side or the other and can write subjectively for their client. In lawyer Discourse it

is completely appropriate for a lawyer to use facts for his or her own purposes and to reinterpret laws as he or she deems fit. The genres that lawyers practice serve to meet their needs and are created, maintained, and changed by the community itself (Kurzon 125). While the freedom allowed in the genre of briefs outweighs that allowed in police reports, this genre still seeks to serve lawyers and may not serve their clients who can barely read the jargon necessitated by legal Discourse.

In legal Discourse, the reports of the police, the briefs of the lawyers, and the more than two hundred years of legal decisions, rulings, opinions, and cases come together. Police have very little power over their documents once they enter legal Discourse. Lawyers use police documents to find fault with police practices and thereby serve their clients. This method of subjugating police reports weakens the authority of the genre. Police have no such recourse to weaken lawyer Discourse genres. The difference between lawyers and police genres then, is that lawyers have an impact on the effectiveness of police genres in legal Discourse, despite the fact that they are not members of the police Discourse community and do not write in their genres. Police have no such power to impact legal briefs, wills, contracts, and other lawyer genres shared in legal Discourse.

Similar to academic genres, lawyers create documents of argumentation. Graff calls the argumentation used in academic Discourse, "Arguespeak" (20-25). Like composition students, lawyers are instructed and modeled ways an argument is formed, supported, and offered to an audience. This instruction is critical for both student and lawyer if they are ever to participate effectively in their secondary Discourses. Police officers, on the other hand, need more academic instruction on the creation of prose and narrative. The reports I have studied are almost always lacking a concise and comprehensive narrative. Brian Richardson argues that

"narrative is the basic vehicle of human knowledge" (168). As such, officers would benefit from the types of instruction on narrative found in the academy.

The technical aspect of police genres also corresponds nicely to current technical communication research and debate. While many ask that technical writing be merely factual, objective, and efficient (Wilkie, Harwell), current research identifies the complexity of objective writing in subjective situations (Belfiore et al, Gee et al). Those within the Discourse must work to transition their literacy practices in order to better serve all involved and implicated in the practices, victims, suspects, witnesses, and communities. Cheryl Forbes encourages science students to write like "real" scientists, which she explains is not bland and technical, but full of color and narrative. She also asks teachers to not force students into objective, passive voice, and third person essays (47). Other technical writing researchers are examining the role that the "imagined" audience, both technical and non-technical, can play in student documents and papers (Burton, Longo). These academic practices could only improve the dialogues currently happening in the legal Discourse community and improve future practice.

Voice

Theorists have made claims that one uses different voices for different occasions, scenarios, or genres, and that voice primarily functions to identify "who" is speaking, "who" is "I" in the text, or "who" is the author (Bowden 3). While this metaphor has primarily been used in discussions of narrative and composition, I think its discussion in matters of police, lawyer, and legal Discourse is important.

The use of the metaphor itself is lauded by some and questioned by others. Darsie Bowden in her book, *The Mythology of Voice*, calls into questions the voice metaphor in composition studies, literacy practices, and literary analysis. She argues it is a historical leftover

from classical rhetoric in which arguments were spoken or performed (60-1). Peter Elbow, a major proponent for the use of the voice metaphor in composition pedagogy, writes that voice is "namely, a sound or texture – the sound of them [the writers]" (qtd in Bowden vii). While the voice metaphor was perhaps more appropriate for students' whose rhetoric study lead them to perform more oral arguments than written ones, I do not see the problem with a metaphor that seeks to name that quality or textual essence in a text that marks one narrator/author different from another. The way in which a police officer or lawyer drafts his or her documents and the choices he or she makes regarding word choice and stylistic concerns create his or her "voice" in the piece. So, in the context of a lawyer writing briefs or other legal documents and a police officer writing reports, I define voice as "the textual suitability of a work determined by the vocabulary, style, expressions, metaphors, and tone choices made by the author."

I think for both police officers and lawyers, voice stands as a difficulty to be overcome in their writing rather than a tool to use and embrace. Police officers are encouraged to remove emotion, style, colloquialisms, expressions, and affect from reports. As a result, police reports are often criticized for their odd passive style. Descriptions, such as, "A van, blue in color, approached," instead of, "I was approached by a blue van," give the impression that officers are detached and distant from the events they are recounting. Officers work voice *out* of their writing. They wish to take themselves out of the report, to become anonymous, any officer, any eye witness. The public may expect, and even demand this kind of objectivity, but the truth is that police officers aren't just any eye witness. Their experience, mastery of the police Discourse, and their affect all account for the way they perform their job. Wayne Booth argues that in writing, an author, "creates not simply an ideal, impersonal, 'man in general' but an implied version of himself" (70-1). Though an officer may try to divorce self from a report, he

or she is incapable of completely becoming anonymous, and really shouldn't try to be so. Police supervisor, Kevin Chapman, tells officers to avoid sounding like robots in reports. He adds, "I've been doing this for fifteen years and I don't care what anybody says, if the jury doesn't like you, you aren't going to win with the jury" (Chapman). Impersonal, detached writing styles are not effective with juries or the public; however, officers continue to believe that by removing all emotion and personality from their writing, they have removed voice. This is impossible. Instead, the voice in the report becomes bland, detached, unfeeling, and ineffective.

Lawyers have more opportunity to develop an interesting voice in their writing, but they are still bound to a traditional notion of what a legal voice sounds like. The advantage that lawyers have over officers is that they experience the effects of their writing and voice much more quickly and more concretely. Lawyers expressing voice in their legal briefs learn directly what works and what doesn't when a judge rules against them, in their favor, or asks for specific clarifications in their documents. Officers rarely see how their reports and their voice in those reports are dissected by lawyers (both prosecuting and defending attorneys) unless the report actually makes its way to a trial. Despite what the public may assume, officers rarely end up in court defending their reports on the stand. In my experience, it is something an officer may experience once or twice a year. Ironically, those that write the poorest reports will end up on the stand more than others, hopefully expressing to them the problem with their writing. I do think voice is an important metaphor for both professions, and the results of trying to eliminate it from documents should be evaluated, for this practice does not remove the voice but the important human qualities of the author.

In these regards, it seems that the academy also faces uncertainty in regards to voice in student writing. While Peter Elbow and others have called for the inclusion of an authentic voice

in student papers, others, like Bowden, resist the notion and the metaphor. Students are often caught between these two practices. In one class, they are encouraged to develop an authentic voice in their writing, complete with contractions, colloquialisms, and the use of first-person pronouns. In the next, they are derided and marked down for such usage. Students currently pay the price for the debate among composition theorists and instructors. Academic writing is a personal and creative form, despite its necessary argumentative nature. The skills of summary, comparison, and synthesis can all be achieved while allowing students to take chances, try on different voices, and, eventually, find their own.

Literacy Sponsors

One way that any newcomer acquires or learns about a secondary Discourse, its genre and voice, is through literacy sponsors. Deborah Brandt's research into literacy and its acquisition generated a definition of a literacy sponsor: "any agents, local or distant, concrete or abstract, who enable, support, teach, model, as well as recruit, regulate, suppress, or withhold literacy – and gain advantage by it in some way" (*Literacy and Learning* 25). She argues that sponsors control access to literacy and offer rewards for compliance to their literacy concepts. While both police officers and lawyers must have sponsors to become fluent masters in their secondary Discourses, the who, when, and how of the sponsors are very different.

Police officers are introduced to police Discourse by other officers through overt instruction in a relatively brief educational program. Most police academies last only a matter of weeks and are taught by other police officers using a lecture format. Officers have a short period of time to get comfortable with difficult legal language prior to using it. Experienced officers serve as literacy sponsors for newcomers in the academy, offering report templates, case holdings that impact an officer's day to day actions, and grammar handouts. Peers also act as

literacy sponsors as new officers try to make meaning of difficult legal language. Once an officer has been allowed to go on patrol a Field Training Officer (FTO) rides with him or her and aids in the writing of reports. This one sponsor makes a tremendous difference in the ability of a new officer to master police Discourse. If the FTO understands how to effectively model and aid in the acquisition of necessary literacy skills then a new officer will feel comfortable with the Discourse. An FTO accomplishes this by modeling good report writing procedures, reading a new officer's reports, offering recommendations, and suggesting remediation if the literacy is insufficient. Of course, if an FTO is uncomfortable or resistant to aiding in the creation of literacy skills, a new officer will need to look to other officers or superiors for literacy sponsorship.

An important literacy sponsor for police Discourse is, perhaps surprisingly, lawyers and the legal system. Officers, during literacy interviews, spoke often of the anonymous lawyer that may one day read their report. They fear this unknown reader and how their report may be received. Thus, an officer's preconceptions of what these attorneys need or expect can impact his or her writing. A limited audience awareness or understanding can diminish an officer's ability to properly address the audience and provide information in the report the audience needs. Also, the legal jargon that officers encounter reading legal statutes, case holdings, and other court documents may determine their own use of legalese in reports. Officers choose legalese when they believe lawyers expect this type of language in reports and that its use makes the officer appear a master of legal Discourse. This kind of "pretend" position in legal Discourse, if detected by readers, can damage the police reports' reception.

Lawyers acquire lawyer and legal Discourse with the help of professors, other lawyers, judges, peers in law school, and in actual legal situations. Lawyers are immersed in legal

Discourse with experts, peers, and massive amounts of legal reading. Their sponsors include the law school institution, professors, judges, practicing attorneys, prosecutors, peers, and a well-documented written history of previous holdings, rulings, and precedents, among others. Unlike officers who are asked to fill out forms and create narratives, lawyers create documents of argumentation, and their literacy sponsors aid in this genre.

Though lawyers' educational experiences are more involved, lengthy, and multi-dimensional, police officers have more real world experience in the messiness of law. It is impossible, therefore, to devalue the experience of a police officer's time on the street versus a lawyer's time in school. Officers' experience is important in establishing their mastery of police Discourse and in creating their police officer identity. While lawyers usually do participate in trials or legitimate legal processes in school, these practices are in the periphery of the actual legal Discourse. I see the difference in literacy sponsors of lawyers and police officers as the degree to which instructors are qualified in legal Discourse. Police officers are sponsored on how to write reports, tickets, witness statements, and computer data forms, but the instruction is low in law literacy, and training is rarely presented by an expert. Audience, genre and other important facets of report writing are rarely, if ever, discussed. Lawyers receive their legal Discourse training from experts in the field, practicing attorneys, and real cases. They read much more legal testimony, case holdings, and rulings than police officers. Once practicing law, their day to day lives are filled with the happenings of legal Discourse and they are, therefore, better prepared for legal Discourse than officers.

Composition instructors in the academy can serve as powerful literacy sponsors, either positively impacting students or negatively. Those teaching in this setting must be aware of their impact on students and strive to integrate students successfully into academic Discourse. If they

fail and no other sponsor picks up the slack, a student may lose (or never develop) his or her identity of "university student." In addition, Gee suggests that mastery of a Discourse can only be accomplished through acquisition. The academy and its instructors must work to incorporate students and their writing into academic Discourse as quickly as possible. While learning/teaching grammar and writing skills is important, this work will be more successful if students are first introduced to academic forms of argumentation, synthesizing opinions, integrating opposing views, etc. Teachers should model and write with their students and create classrooms that positively encourage academic writing and collaborative acquisition of academic Discourse.

Conclusions

The literacy practices of police officers and lawyers are shaped through their secondary Discourses, genres, voices, and literacy sponsors. Though they possess distinct and particular secondary Discourses, these communities and their literacy practices converge in legal Discourse. Though I have argued that lawyers have an advantage in the acquisition process of legal Discourse, I must acknowledge that police can and do work very effectively in this arena, despite their lack of expert literacy sponsors and instruction. I have found the genres of both fields to be beneficial and important to each if writers feel empowered by them rather than constricted. If these genres do not serve all that are implicated in them, it is my opinion that the Discourses of police and lawyers will at some point address and rectify these inequities. This may already be occurring as lawyers question the fairness of police reports for their clients in within legal Discourse.

The issue of voice in police and lawyer Discourse is similar, in that each seeks to limit the personality, distinctness, and any manifestation of casual or colloquial language in their

documents. I argue that this limitation does not benefit police when reports are read by juries or lawyers or when clients cannot understand the documents created on their behalf.

Finally, academic types of literacy are demonstrated in both Discourses. Police Discourse is heavy with technical writing genres and issues, while lawyer Discourse shares the Academy's passion for argumentation, rhetoric, and thoughtful writing approaches. Legal Discourse, where these two meet, shares the conventions of argumentation, evaluation of secondary sources, research, fair appraisal of differing opinions, and a logical, rational, rhetorical means to solve problems. There is much to learn by examining secondary Discourses and their intersections. Making connections between outside writing communities and the Academy is important for Composition studies as a whole, as this dissertation seeks to demonstrate. The literacies of police as a secondary Discourse, its intersection with lawyer and legal Discourse as the readers of police reports, and the pedagogy and training of report writing are investigated and presented in the remaining chapters of this dissertation.

CHAPTER THREE

POLICE LITERACY TRAINING, AUDIENCE, AND GENRE:

A LITERATURE REVIEW

Chapter Three

Police Literacy Training, Audience, and Genre: A Literature Review

Although much has been written about police reports and police report writing in several different fields, relatively little scholarship speaks directly to this dissertation's central claim: police officers have limited genre and audience awareness in writing reports, and literacy training for officers fails to address these issues. Therefore, this dissertation necessitates a review of literature in several areas. There is large body of literature that deals with how to write a police report. These are mainly in the genre of how-to workbooks, short paperback publications, and manuals. Very few of these books and articles review report writing pedagogy. Even fewer suggest that the readers of police reports should be considered when writing.

Police reports are often discussed in Criminal Justice and Sociology journals. However, few of these articles are actually concerned with police writing practices. They are mostly written for law enforcement administration and focus on interrogations, racial profiling, excessive force, or other issues. The mention of reports in these articles is only to quantify or otherwise evaluate the issue being addressed. Report quality, writing pedagogy, or the report readers are rarely, if ever, considered.

Police report writing also falls under the broader heading of workplace literacy and writing. Despite a sizable amount of literature on police reports under this heading, most of these articles and books do not look at reports as rhetorical transactions. Seldom does an article investigate an officer's writing process, his or her audience awareness, or the readers of reports.

Few studies in composition address the importance of the police report, its style, and its audience. There is a scarcity of quality articles written about police report writing practices, pedagogy, and audience. Consequently, I will evaluate the literature on police reports in regards

to pedagogy and police report writing but only to show that the vast amount of studies are not studies at all. What has been written about police reports is mainly a collection of how-tos and grammatical tips. I do not mean to suggest that there is no scholarship relevant to my project in the broad area of composition studies. A few articles pertain to my study and are relevant. Some scholarship in workplace writing, especially as it pertains to social contexts and social practices, shows how the police report is shaped by the culture in which it is written. In addition, the literature on audience and genre from composition studies is germane to my dissertation. My project deals primarily with an officer's audience awareness when writing and the actual perception of that audience upon reading the police report. Genre, as a field of study, has changed from a stable, rigid, rule-based formula to one that incorporates discourses, groups, social practice, context, and intertextuality. Its place in police writing, as seen from these perspectives, is important and relevant.

Police Report Writing: How-Tos and Grammar Drills

Police report writing literature primarily focuses on how to write police reports. There are very few studies that see if any of the how-to books and manuals actually accomplish the job of making officers better writers or reports more accessible to their readers. The titles of many of the manuals are humorous and offer a glimpse into the perception of police report writing: *How to Really Really Write Those Boring Police Reports*, *The Best Police Report Writing Book With Samples: Written For Police By Police: This Is Not An English Lesson*, *Painless Police Report Writing*. These books are marketed specifically for police officers and police training departments. They suggest that report writing is a confusing and difficult chore that must be done before officers can get back to doing "real work."

Other books on report writing such as *Basic Police Report Writing*, *Professional Report Writing for Law Enforcement Officers*, *Report Writing Essentials*, and *Principals of Law Enforcement Report Writing* propose that police report writing is a simple skill that can be broken into grammatical parts and mastered. Both types of police report writing books advise officers to keep writing concise, clear, and free of jargon. Most suggest officers write in first person and include all necessary details from their investigations on the scene. Kimberly Clark's book, *How to Really Really Write Those Boring Police Reports,* written in 2010 is one of the newest how-to report books. It is categorized like most that have come before it. The book devotes chapters to grammar, report organization, tips for writing quickly and concisely, and report samples of various types. Most report writing books are divided into grammar concerns, jargon and complexity issues, and investigative problems. An appendix or several chapters are comprised of report samples, templates, and checklists.

What is surprising is that few of these books mention the reader or audience of the reports in any more than a passing phrase. While a few note that reports must be read and understood by a variety of readers, none of them expound on the audience needs or on the audience awareness an officer should have as he or she writes a report. *Report Writing for Criminal Justice Professionals* is a good example of how audience is neglected. A word search of the book results in zero mentions of the word "audience" and only three mentions of the word "reader." However, "reader" only refers to the reader of the police report one time. The author advises, "An officer should make sure the report contains all of the relevant, necessary, and important information and that it answers any questions the reader (fellow police, prosecutors, defense attorneys) may have" (Morley 11). Of course, if police don't know what kind of questions prosecutors and defense attorneys may have this advice is of little help. The how-to books for

writing police reports are typically written by retired police officers or other law enforcement officials. They have an interest in working with police and improving report writing, but most books simply offer worksheets, grammar instructions, checklists, and sample reports to accomplish their goal. None investigate how readers read police reports or what kinds of audience awareness an officer needs when writing. In addition, none of these books appear to offer much in the way of proving their effectiveness in improving report writing. One of the stumbling blocks to such an effort would be deciding for whom the report is being improved. Is it better for the police department's public relations? The Prosecutor's Office? For Jury members? These considerations are ignored in most manuals and books designed to teach officers how to write reports.

The few journal articles about police report writing are more academic and research-based than the books on police report writing, but most pay no attention to audience awareness or the readers of reports. Articles on police reports are typically designed to study other issues, not report writing. Some of these articles use police reports as a data source in order to demonstrate increasing arrest rates, interrogation methods, racial profiling, or other issues[1] Other studies utilize video and reports of the same incident to investigate how the narrative changes from the verbal interview to the written report.[2] The few that do address police report writing practices offer the same kind of advice put forth in the how-to books or simply identify the writing process in its various stages. Judith Cape Craig's article, "The Missing Link between

[1] See David Eitle's "The Influence of Mandatory Arrest Policies, Police Organizational Characteristics, and Situational Variables on the Probability of Arrest in Domestic Violence Cases," Stanley Fisher's "Just the Facts, Ma'am: Lying and the Omission of Exculpatory Evidence in Police Reports," and Richard G Lanza-Kaduce et al. "Trickle-Up Report Writing: The Impact of a Pro-arrest Policy for Domestic Disturbances."

[2] See Linda Jonsson and Per Linell's "Story Generations: From Dialogical Interviews to Written Reports in Police Interrogations."

School and Work: Knowing the Demands of the Workplace," includes several pages on the writing practices of police officers. She studied a police department in Oregon and rode with officers several times. Her article, however, offers little insight into the audience awareness of police officers or how reports are received by those who read them. While she documents the process of officers writing reports in their cars, turning them over to supervisors for revisions, and submitting them to prosecutors, she does not investigate how they are trained to write reports or for whom (Craig 46-50).

Other studies suggest practical training strategies for report writing, but they often travel down the same tired path as the how-to books. The article, "Seeking a Direct Pipeline to Practice: Four Guidelines for Researchers and Practitioners," offers a model for university and police department collaboration in creating report writing training programs. The authors, an English instructor and a police chief, recount their experiences working together to form a report writing class for the police department. Unfortunately, the resulting program lacked depth and real research into current writing practices and how to improve them. While both authors note the varied readers of police reports, the chief decides that no one report could possibly please all the different audience members (Cotugno and Hoffman 98). This is a regrettable surrender, prior to even investigating audience needs and report expectations. The program, ultimately, was designed "to improve the written reports of those officers whose writing skills were lacking" (Cotugno and Hoffman 98). Even though the researcher read hundreds of reports, conducted interviews, and sat with officers as they dictated reports, the training program that resulted from the study consisted of a two-hour grammar review. The only suggestion for change in the current report writing practice was for officers to use first person point of view rather than third person (Cotugno and Hoffman 100). This article demonstrates the difficulty in changing police

report writing practices and the realities of working with actual departments. It also demonstrates the lack of emphasis placed on audience awareness in training.

Conversely, one article on police report writing actually stressed the importance of readers' needs and considerations. Myron Miller and Paula Pomerenke created a training program for police officers and their supervisors which focused on writing reports for readers and their needs. Their brief review of the literature on police report writing reveals my own findings. They assert that "while much has been written on 'how to write a police report,' only brief mention is ever made of the writer's audience" (Miller and Pomerenke 66). Their own research and experience with police reports "supports the fact that most [reports] are actually writer based. The reports were written to report the facts of the incident using police language in a style that pleased the individual officer, or may have been written to please a supervisor" (67). They add that police officer training rarely develops a sense of audience awareness in new officers. Likewise, supervisors have difficulty helping new officers with developing this awareness because they are so unfamiliar with it themselves (Miller and Pomerenke 67). For this reason, the authors initially developed a training program for supervisors focused on report audiences. Their aim was to help supervisors know what to look for in reports, while emphasizing to the supervisors the various audiences that could read the report after them. The program was so successful that the supervisors required all of the police officers to take the course (Miller and Pomerenke 69). One of the limitations of this program, however, is that audience, as a diverse set of members, is never studied. There is no mention of the authors researching what the audience members and report readers are actually taking from the reports. They never interview readers to ascertain what their needs are in regards to report information. The training program asks officers to "visualize the various backgrounds of these readers"

(Miller and Pomerenke 69). Visualizing the audience seems an abstract concept and not helpful to officers who have little experience or knowledge of the education, working life, and concerns of lawyers, prosecutors, and judges. Despite the authors' attempts to focus report writing on the readers, the article falls short in actually developing who the report readers are and their needs.

Workplace and Technical Writing: A Social Context Landscape

The literature on workplace writing and technical communication is relevant and enlightening in regards to police writing practices. Literature on police writing seldom investigates the rich and dynamic social practice and context associated with it. However, the social and political context of writing is highlighted and described often in workplace writing and literacy texts. Several workplace writing texts and articles even mention police reports specifically as an example of a technical and workplace document situated within a specific culture.

James Paul Gee, Brian Street, Shirley Brice Heath and others, advanced the field of "New Literacy Studies," which focuses on the full range of literacy's contexts: cultural, cognitive, and social.[3] Gee argues that New Literacy Studies "has begun to replace the traditional notion of culture, literacy, and ways of being in the world as a Discourse…Being in a Discourse is being able to engage in a particular sort of "dance" with words, deeds, values, feelings, other people, objects, tools, technologies, places and times" (*Social Linguistics* 155)[4]. This applies to workplaces and, specifically, to police departments as well. The writing requirements of the police department are part of the Discourse of police officers. To "speak" the Discourse, officers

[3] See Gee et al. *The New Work Order,* Gee's *Social Linguistics and Literacies,* Brian Street's multiple works on New Literacy Studies including his article "What's New in New Literacy Studies? Critical Approaches to Literacy in Theory and Practice."

[4] The big "D" Discourse distinction is more fully explained the in the previous chapter, "The Language of Law."

must know and write within the social practice and context of being a police officer. Gee argues that a secondary Discourse, like that of police Discourse, can never be taught. It can only be acquired through "exposure to models in natural, meaningful, and functional settings" (*Social Linguistics* 177). Thus, training in workplace literacy outside of the workplace context is ineffective. All literacy practice is social. Any training in secondary Discourses, workplace writing, police reports etc. must be developed with an emphasis on the workplace environment and culture.

Similarly, Street's ideological model of literacy argues that it is impossible to separate literacy practices from their contexts. He claims, "literacy is a social practice, not simply a technical and neutral skill" (51). Deborah Brandt makes a similar statement, calling for more broad-based socially situated studies. She explains, "I join others who have lately called for a broadening of the scope by which we study literacy practices and the need to understand school-based writing in terms of larger cultural, historical, and economic currents" (Brandt, *Literacy and Learning* 112). While her study was primarily based on students' literacy acquisition inside and outside of school, the implications of such research could extend to other workplace and community literacies. Mike Rose in, *The Mind at Work*, argues specifically for more attention to workplace literacies. He suggests more research is needed on the, "learning that occurs in everyday, informal social exchanges" (28). All of these researchers and studies suggest that literacy is a social practice that must be understood first in its social, cultural, and other contexts.

One relevant corner of workplace literacy research explores the conflicts between management and workers in regards to required on-the-job writing. Employers have long lamented about the sad state of workplace writing. Helen Wilkie argues that the problem costs companies time, business (customers), people (employees), and money (2-4). Many other

technical writers and researchers have suggested ways to improve technical and workplace writing by stressing training in literacy skills, clarity, conciseness, and grammar.[5] However, the authors of *Reading Work: Literacies in the New Workplace* argue that employees' literacy problems are more complicated than training in basic literacy skills can solve. While employers think that basic literacy skills are needed in order to improve writing, they neglect the underlying problems which produce the poor writing in the first place (Belfiore et al. 60, 99). The authors claim that "many aspects of learning are missed when the focus is primarily on transmitting knowledge and skills without considering intervening social factors" (195). The authors of *The Complete Handbook of Adult Literacy* note, "Reading and writing taught with a focus on skills – recognizing words, paraphrasing printed text, identifying parts of speech, and writing complete sentences- do not relate directly to the purposes of learners" (Soifer et al. 3). Similarly, Jean Hollis Weber's "Escape from the Grammar Trap" encourages teachers and editors to quit focusing on nonessential and "fake" rules of grammar (181). The emphasis of grammar and literacy skills over the writing practice as a whole is ineffective.

There are several reasons, besides those already mentioned, that explain why workers do not accurately complete workplace paperwork. Belfiore et al. claim that workers avoid paperwork not because they lack the basic skills necessary to complete it, but because the paperwork asks them to document their mistakes or others (25). Cezar Ornatowski claims the same in his article on technical writing and ethics. Writers must choose protecting their employers or themselves versus protecting others in the document they are creating. He argues,

> two incompatible goals are held out for the technical writer: to serve the interests that employ her effectively and efficiently while being objective, plain, factual,

[5] See George C. Harwell's article, "Effective Writing."

> and so on. What she finds in practice is that serving specific interests (any interests, even the most public-spirited) requires at least a degree of rhetorical savvy and that doing so is incompatible with 'objectivity,' 'plainness,' or 'clarity,' (Ornatowski 313).

Workers naturally resist telling on themselves or others, especially in writing, when the consequences could mean loss of pay, demotion, or some other disciplinary procedure. This concept transfers easily to police reports. Officers do not want to reveal a mistake they made in the questioning of witnesses or processing of evidence. Likewise, they resist reporting mistakes of other officers as well, and as Ornatowski argues, their writing requires rhetorical devices. A police report is never a listing of facts. It is always created through the officer's lens.

Studies have found other reasons for poor writing in the workplace. Many suggest that workers have a poor understanding of paperwork changes, impositions, and purposes (Belfiore et al., Soifer). This lack of understanding creates problems for all parties in the workplace. If workers do not understand the necessity and purpose of the paperwork, they will neglect doing it or doing well. Their lack of understanding may be due to the ineffectiveness of workplace training programs (Belfiore 197-9, 209, 212). Learners require involvement in the creation of documents and an understanding of their purpose. Many researchers agree that the social context and environment of workers effect their participation in workplace writing. Soifer et al. suggest that "teaching must be stimulating, challenging, and nonthreatening in order to be effective… It is imperative that adult educators emphasize the capabilities of the learners" (15). This type of training seems relevant for police as well. Officers need to participate in encouraging training programs that do not focus on literacy skills as much as they do on the context of the written report and its audience.

Audience: Invoked, Addressed, and Socially Situated

Unlike the field of law enforcement, the field of rhetoric and composition has a long history of attention to audience. Classic rhetoric emphasized the importance of audience considerations in all forms of speaking. Aristotle in *Rhetoric* comments, "People always think well of speeches adapted to, and reflecting, their own character: we can now see how to compose our speeches so as to adapt both them and ourselves to our audiences." (Book II, Part 13). His focus on audience includes considerations of their wealth, experiences, and age. Different audiences are to be addressed according to their needs and characteristics.

Compositionists began writing about and adapting classical ideas on audience in the late 1970's and early 80's. Walter Ong in his article, "The Writer's Audience is Always a Fiction," addresses the issue:

> If the writer succeeds in writing, it is generally because he can fictionalize in his imagination an audience he has learned to know not from daily life but from earlier writers who were fictionalizing in their imagination audiences they had learned to know in still earlier writers, and so on back to the dawn of written narrative. If and when he becomes truly adept, an "original writer," he can do more than project the earlier audience, he can alter it (11).

Ong theorizes that writers must rely upon their notions of audience gained through the reading they have done and the roles of reader they have been asked to adopt. In addition to fiction, Ong argues that "The historian, the scholar or scientist, and the simple letter writer all fictionalize their audiences, casting them in a made-up role and calling on them to play the role assigned" (17). His theories on audience require the active participation and compliance of the readers to perform the role invoked of them by the writer.

Linda Flower offers an explanation for why writers, particularly students, have so many difficulties developing audience awareness. Coining the term "writer-based prose," Flower explains that inexperienced writers are "merely 'expressing' themselves by offering up an unretouched and underprocessed version of their own thought" (19). She contrasts this with what she terms, "reader-based prose," which is a "deliberate attempt to communicate something to a reader" (20). Flower argues that writer-based prose can be transformed to reader-based prose through effective writing pedagogy that includes recognition of writer-based prose as just one step in the writing process (34).

Lisa Ede and Donald Murray both speak to Flower and her theories on audience. Ede argues that "teachers of written composition should place greater emphasis on the role of audience in discourse" (291). She notes that most teachers merely suggest that students use their peers as an audience. Ede argues this "is ineffective, largely because the rhetorical situation remains too vague… the directive ultimately functions more as an indicator of appropriate levels of diction than as an invitation to reader-based prose" (294). She notes, "I encourage students to create their own context, their own rhetorical situation. This strategy provides perhaps the most efficient description of the kind of information I ask students to provide-every time they write" (294). For every assigned paper, she asks students to describe the audience and context for writing. This is accomplished by providing them a series of questions to consider and by offering them opportunities for real-world writing instead of fictional writing scenarios.

Donald Murray, rather than rejecting, embraces the idea of writer-based prose. He argues that writers are themselves the first readers of their prose. He theorizes that the act of writing is similar to a conversation. He suggests, "The self speaks, the other self listens and responds. The self proposes, the other self considers. The self makes, the other self evaluates…you might say

that the self writes, the other self reads" (140-1). But this reading is more significant than traditionally thought. The reading and re-reading of the text by the other self creates awareness and the opportunity to change the text. (Murray 141). Murray argues that instructors should use the technique of conferencing with students in order to help them improve their texts using their "other self" as a reader.

Barry Kroll and Carol Berkenkotter both investigate how the genre choices writers make affect their audience awareness. Berkenkotter studied professional academic writers by assigning them the task of writing a speech about their careers for an audience of high school students. Her study of writers suggests that writers engaged in the act of persuading the audience (a rhetorical stance) considered audience and their concerns more than professional writers who sought to inform or narrate a personal history (393). Kroll uses these categories, though he calls them Rhetorical, Informational, and Social, in his article, "Writing for Readers: Three Perspectives on Audience." He does not suggest one is better than any other. Instead, he notes that each category can be problematic regarding audience awareness. The rhetorical approach, he suggests, can lead writers to believe that all writing must be persuasive. This can lead to a stance that is too assertive and adversarial, a stance that could be rejected by readers (174). Kroll argues that the informational approach can be viewed as mechanistic or formulaic. This perspective asks writers to encode sentences with information that will be decoded by readers. Finally, the social approach can lead writers to believe that their audience knows or understands more than they actually do. The writing in this approach is often ego centered and completely dismissive of audience (179-80).

Ede and Lunsford in their seminal work, "Audience Addressed /Audience Invoked: The Role of Audience in Composition Theory and Pedagogy," changed the conversation in regard to

audience. They categorized the historical views of audience in composition and put them into two camps. Those in the camp of "Audience Addressed," view audience as a "concrete reality…they also share the assumption that knowledge of this audience's attitudes, beliefs, and expectations is not only possible (via observation and analysis) but essential" ("Audience" 156). In contrast, the "Audience Invoked" camp sees audience as a fiction that can never truly be known to the writer. Ede and Lunsford note that Ong falls into this latter category. They argue that although on some level an audience can never be known in the writing context versus the speaking context, the idea that an audience is always a fiction is oversimplified and does not take into account the diversity and richness of writing situations ("Audience" 161). Ede and Lunsford find common ground to the two approaches and view them as a collective concept for audience rather than a mutually exclusive one. They argue,

> the term *audience* refers not just to the intended, actual, or eventual readers of a discourse, but to *all* those whose images, ideas, or actions influence a writer during the process of composition… 'audience,' then, is an overdetermined or unusually rich concept, one which may perhaps be best specified through the analysis of precise, concrete situations ("Audience" 168).

This claim is congruent with New Literacy Studies and the field's emphasis on contextual and social literacy practices. Audience (addressed, invoked, or both) should be considered in light of the writing situation and rhetorical context. Ede and Lunsford conclude that an "elaborated view of audience, then, must balance the creativity of the writer with the different, but equally important, creativity of the reader" ("Audience" 169). Both of these roles must be accounted for and anticipated according to the individual rhetorical situation.

In 1996, Ede and Lunsford followed up their original article with "Representing Audience: 'Successful' Discourse and Disciplinary Critique." In it, they attempt a review of their AA/AI work from the 80's. They remain entrenched in their original ideas noting, "Ten years later, we still resist efforts to characterize audience as solely textual (invoked) or material (addressed), and we continue to affirm the importance of considering audience in the context of the rhetorical situation" ("Representing" 170). However, they reflect that their original article failed to see how audience can both enable and disable writers. They failed to understand the power of an addressed or invoked audience and genre in creating tension and contradiction in the writer ("Representing" 170). This reflective article does not explain their failures, nor does it seek to repair them. Ede and Lunsford call for scholars to reflect upon their previous work in the same way they ask their students to review and critique their own writing.

Several scholars are now looking at the impact of new media on audience concepts and awareness.[6] Mike Rose takes up the topic in his most recent article, "Writing for the Public". In it, he describes two new courses he created to aid graduate students in writing for new media and the public. He notes, "At the end of the quarter, I think that the primary thing students acquire is a rhetorical sense of their writing; style and audience are more on their minds. As one student put it so well, "The course got me to think of my writing as strategic. Who am I writing to? Where do I want to take them with my argument? How can I get them there?'" (287). These audience considerations are critical with the use of new media and condensed genres in public writing. Rose suggests that academic writing can even be influenced positively by scholars and students participating in public realms. He notes that as a result of his participation in a talk-radio

[6] The book, *Multiliteracy Centers: Writing Center Work, New Media, and Multimodal Rhetoric*, by David M. Sheridan and James A. Inman addresses several important characteristic of writing and new media concerns.

interview and call-in show, he developed "a richer, more concrete sense of the audience out there, of possible misunderstandings or elaborations of a claim of mine ... or counter-arguments to it" (290). He adds, "this experience with real and unpredictable audiences was certainly valuable when I sat down to compose something for the unknown readers of the opinion page" (290). Finally, Rose argues, "The fostering of a hybrid professional identity—the life lived both in specialization and in the public sphere—is something I think we as a society need to nurture" (289).

Ede and Lunsford have also contributed to the literature on new media studies, literacies, and audience. In their article "On Audience in an Age of New Literacies," they recognize that although AA/AI is useful in helping understand the complexity of all forms of communication, "understanding the complexity of the writing process, audience awareness, and participation calls for more specific grounded, and nuanced analysis than the binary of addressed and invoked audiences can provide" (56). In order to more fully understand the complexities of audience, they call for deeper analysis of concrete situations that ethnographic and other qualitative studies might provide, studies like the one that will be presented in this dissertation.

Genre: Complexities and Malleability

The police report is a genre that records observations of a police officer within a legal context. This one genre can be categorized into smaller genres (stolen vehicle report, driving under the influence report, burglary report) and larger, overarching categories (report, legal document, workplace document). Understanding genre in its practice, history, and social context is necessary in order to investigate the police report genre.

Genre can be a difficult term to define. It is an attempt to categorize and give shape to large bodies of knowledge, texts, and information. David Jolliffe notes, "Genre in its most

general sense is an abstraction, a name given to the human propensity to sort linguistic and artistic artifacts into categories or classifications; thus, a genre or genres are instantiations of this classificatory urge" (279). While a few scholars constrain genre to simple forms with rigid unchanging structures, more recent scholars suggest that genre is a fluid construct working within a social context that is both constructing writers and being constructed by them at the same time.

Mikhail Bakhtin bridged the traditional view of genre as fixed with the new view of genre as social construct, therefore, changeable and transformative. He adapted the term "speech genres" to include literary and other texts in categorizing and defining genre. Bakhtin explains,

> "Language is realized in the form of individual concrete utterances (oral and written) by participants in the various areas of human activity. These utterances reflect the specific conditions and goals of each such area not only through their content (thematic) and linguistic style, that is, the selection of lexical, phraseological, and grammatical resources of the language, but above all through their compositional structure…each sphere in which language is used develops its own relatively stable types of these utterances. These we may call *speech genres* (60).

Bakhtin ties this definition of genre, which is primarily focused on form, to one that considers genre as recurring in a particular context. He argues, "Genres correspond to typical situations of speech communication, typical themes and consequently to particular contacts between the meanings of works and actual concrete reality under certain typical circumstances" (87). This idea of situational context and circumstances is taken up by future genre scholars.

The groundbreaking article, "Genre as Social Action," by Carolyn Miller, established genre as "typified rhetorical actions based in recurrent situations" (159). Miller argues that genres help shape the way writers act within these recurring situations. Her article claims five aspects of her theory on genre: 1) It is a conventional category of discourse based in rhetorical action. 2) As an action, genre can be interpreted through rules. 3) "Genre is distinct from form." 4) Genres are recurrent patterns of language use. 5) "Genre is a rhetorical means for mediating private intentions and social exigence" (163). It is this idea of social action in regards to genre that shapes and propels other theorists to consider such a position.

Inspired by Miller's work, Charles Bazerman, David Russell, and Amy Devitt among others, developed new theoretical positions and terms to construct definitions of genre. Russell used Miller's definition of genre to extend his own and combine it with activity theory, which he borrowed from Vygotsky. He coined the term "activity systems" and defines them as "any ongoing, object-directed, historically conditioned, dialectically structured, tool-mediated human interaction" (510). He explains that "activity systems are not static, Parsonian social forces. Rather, they are dynamic systems constantly re-created through micro-level interactions" (512). Activity systems help explain the role genre plays within groups and their activities. It acknowledges and extends Miller's concept that genre is part of a social action.

Devitt created the term "genre sets" to explain that most groups accomplish their goals with more than a single genre. The sum of genres that a group uses comprises a genre set. Within this set there is a great deal of intertextuality and activity (Devitt *Writing*, 54). In fact, Devitt uses Russell's concept of activity systems to further her theory of genre sets. She suggests, "there is some benefit to connecting genre sets to activity systems as well as to groups…Using activity systems as the unit of analysis, therefore, enables a clearer depiction of

diverse participants and roles" (*Writing* 55). She uses the example of a legal trial to explain this concept. Devitt recognizes that a trial is an activity system within which different genres interact (charges, plea, opening statements, sentencing, appeal, etc.). The participants, too, interact functionally with one another. Devitt notes, however, that not all participants' genre sets also share an activity system. In the case of lawyers, many genres and genre sets exist that do not include trial activities. Genre sets, therefore, are separate and distinct from activity systems, though they can, on occasion, help to explain and analyze one another (Devitt, *Writing* 54-6).

Bazerman encompasses Devitt's genre sets and creates the term "genre systems" to express how genres interact with each other "in specific settings" (97-8). He also includes the reader in the activity of genre systems. He argues, "A genre provides a writer with a way of formulating responses in certain circumstances and a reader a way of reorganizing the kinds of message being transmitted" (62). Genres shape not only the writer in the act of writing but the reader in the act of reading. Like Miller, Bazerman too, argues in this definition that genres occur in certain circumstances.

Anis Bawarshi, in agreement with Bazerman, claims that genres build context as much as they are within contexts. Genres "help us function within particular situations at the same time they help shape the ways we come to know these situations… Genre reproduces the activity by providing individuals with the conventions for enacting it" (340). In terms of activity and context he argues, "Genres are not merely classification systems or innocent communicative tools; genres are social constructed cognitive and rhetorical concepts—symbiotically maintained rhetorical ecosystems if you will—within which communicants enact and reproduce specific situations, relations, and identities" (352). He, along with Devitt, works to reconceptualize genre as a whole for teachers, researchers, and scholars. As Devitt notes,

> Our reconception will require releasing old notions of genre as form and text type and embracing new notions of genre as dynamic patterning of human experience, as one of the concepts that enable us to construct our writing world. Basically, the new conception of genre shifts the focus from effects (formal features, text classifications) to sources of those effects ("Generalizing" 573).

This call is mainly directed at the field of practitioners than the field of scholars who have discussed genre as a part of social and active systems for quite some time. Bawarshi and Devitt acknowledge that instructors and others in pedagogy, however, still view genre as a stable, rule-driven device. Devitt questions these researchers and teachers,

> Can we speak of context apart from text? Contexts are always textualized. Through genre we can speak of both, as do many scholars who study particular genres in particular communities… Studies of particular genres and of particular genre sets…can reveal a great deal about the communities which construct and use those genres, and studies of particular texts within those genres can reveal a great deal about the choices writers make ("Generalizing" 581).

Devitt and Bawarshi have extended genre definitions to consider discourse communities and their importance within genre sets, systems, and functions.[7]

Perhaps the most relevant genre work in regards to police writing is the work of Anthony Paré. His essay on social workers studies the ways in which employees can resist the genres in which they are required to work. He frames this resistance as one against the ideology of the employer genre. Paré argues his article looks at, "the ways in which genres locate or position individuals with the power relations of institutional activity" (139). Within this power

[7] See Devitt, Bawarshi, and Reiff's "Materiality and Genre in the Study of Discourse Communities."

relationship, the worker/employee must negotiate new identities that can conflict with other already established identities. As the social workers navigate this territory and come to reveal in their reports that which they resist revealing, Paré notes the struggle this creates. He concludes the article by noting, "The erasure of the self—or more accurately, perhaps—this transformation of the self into a "professional" locates the learner anonymously within the institution's naturalized ideology. It is a transformation realized through participation in workplace genres" (149). This process, transformation, and struggle can be easily transferred to police departments and police report writing. Paré suggests that "Genres are sociorhetorical habits or rituals that 'work,' that get something done, that achieve desirable ends. Their existence raises a series of questions that lead inexorably to ideology: For whom do they 'work?' To what end? Do they 'work' equally well for all who participate in or are affected by them?" (140).

These questions are germane for police reports. While reports are supposed to be an objective recollection of facts, do they "work" equally for the suspect, victim, officer, department, prosecutor, defense attorney, judge, or jury member? If one of the participants in the genre is consistently underserved by it, should a change be enacted? How would this change transpire and by whom? Research suggests that genres are shaped by the current social action from which they spring and by those who write and read them. In regards to police reports then, there is room to change the genre so that it better serves the audience and those implicated in it.

The work of Miller, Russell, Bazerman, Bawarshi, and Devitt suggest that police report genre is part of an action system, genre set, and genre system. The action system includes all of the action related to the initial call for help, police response, and written report produced to document the event. The genre set and system of this one report is surprisingly complex. In addition to a written narrative of the event several other documents could be part of the final

report including, report forms, diagrams, written witness statements, suspect written statements, security or other personnel written statements, officer affidavits, evidence collection sheets, photograph logs, warrants, and video and audio evidence. The complexity of this set of documents forming the genre is also reflected in the police report audience. While Bazerman, Ong, and other argue that readers accept assigned roles of the genre, what if the reader is resistant or reluctant to accept the role assigned? In the case of police reports, the defense attorney and prosecutor are often reluctant to simply believe the report narrative at face value. They rarely accept the role asked of them by police writers. This makes for a complicated writer/reader exchange of meaning in the genre.

Conclusions

The literature on audience and genre has developed in such a way that context and social practice dictate considerable considerations. This same movement can be seen in workplace and technical writing. Scholars are viewing the social practice, activities, and culture of documents as critical rather than their form. Likewise, workplace studies suggest that employers must consider these aspects of employee writing situations when working to improve documents and develop training.

The scholarship on police report writing does not approach this level of reflective awareness of writing in its rhetorical context. Additionally, little research has been done to place the audience and genres of police writing within its social context. These concerns are critical in order to suggest appropriate training and writing pedagogy for police officers. Likewise, the study of police reports in regards to audience, genre, and social context is necessary in order to place them within a larger cultural and ideological setting.

CHAPTER FOUR

THE LITERACIES OF POLICE OFFICERS

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The Literacies of Police Officers

One of the most important skills a police officer needs to perform on the job is writing. Officers must write clearly, include all relevant details, and present themselves professionally in their reports in order to ensure conviction or a guilty plea from a suspect. Scott Elliot, a police writing consultant, argues, "You can do the greatest investigation and collar a criminal. But if you can't write a good report that says what you did, and be accurate, clear and concise, you're not going to get a conviction. You're not going to get the bad guys off the street" (qtd in Kanable 167). Writing skills are critical to the development of every effective law enforcement officer, only second in need to the skills that keep them alive on the streets. The ability to write well and capture the details of a crime in a report is the very elements that make police departments possible. The conviction of criminals and the protection of the innocent are all documented through police reports, warrants, affidavits, and narratives. But writing is not the only literacy skill that officers must practice. Gee argues that literacy by definition must be plural: Literacies ("Literacy" 529). Law enforcement requires multiple literacy skills to be effective, skills that must be practiced in the field, on the computer, and in the courtroom. Reading literacy, writing literacy, technology literacy, and street literacy are all needed to safely and effectively enforce peace and order.

A thorough knowledge of and ability to read laws and statues is needed in order to write reports that will be upheld and honored by a judge in court. In addition, effective writing skills help establish an officer's authority as one that can ensure convictions through detailed paperwork. Police work necessitates the comprehension and retention of volumes of legal statutes at the local, state, and federal level. Officers use this information to perform their duties,

write reports, and justify the detention or arrest of citizens. The reports officers write are reviewed and critiqued by lawyers, who are many times more familiar with the legal language, minutia, and statutes than officers. Legal literacy skills and effective performance of those skills by officers is not a casual convention in order to avoid confusion, but a critical skill that determines their authority on the street and in the courtroom.

The gap between the literacy of the streets and the literacy of the courtroom is one that officers must meet daily. While lawyers can specialize in one, police officers must know both. Their world is one of extremes and contradictions, but they must navigate this landscape and develop authority through their written texts. Many questions about police literacy remain to be explored. Perhaps the most critical, and the one I will explore in this chapter, is what literacies are required of police officers to effectively conduct law enforcement duties?

Defining Literacy

I suggest two specific definitions of literacy in regards to law enforcement and police officer needs. The first was developed by W. S. Gray: A person is functionally literate "when he has acquired the knowledge and skills in reading and writing which enable him to engage effectively in all those activities in which literacy is normally assumed in his culture or group" (24). This definition is effective because it highlights an officer's responsibility to be literate among his peers and the legal culture, i.e. lawyers, judges, and others. The people in these positions must share a common legal language and knowledge in order to conduct the business of law enforcement.

While this definition is helpful in understanding how police literacy can be viewed, it is more useful when paired with a later definition. In 1962 UNESCO revealed a definition for

literacy that best explains the type of literacy police officers use in their daily job functions. This definition explains that literacy is

> the possession by an individual of the essential knowledge and skills which enable him or her to engage in all those activities required for effective functioning in his or her group and community, and whose attainments in reading, writing, and arithmetic make it possible for him or her to continue to use these skills toward his or her own and the community's development (7).

This better outlines the role literacy plays in an officer's daily practice. He or she must not only be literate in reading and writing but also in body language, technology, "street smarts", the art of negotiation, and often, in a language that is not their own. Therefore, it is not enough to say that police officers must be able to sufficiently read and write. Many of the literacy skills required of officers are needed for safety and the preservation of their own and others' lives. These multiple literacies are attained through training, mentors, and job experience. If they are not acquired (which is sometimes the case) officers may suffer in their ability to gain authority in the courtroom, obtain promotion, or more seriously, protect themselves or others. Similarly, their ability or lack of ability, to negotiate the various audiences in which they work and write is critical to their overall success.

In addition to the two literacy definitions I have outlined, "literacy events" are important in the discussion of the nature of police work and the role literacy plays in their daily duties. Shirley Brice Heath defines literacy events as "any occasion in which a piece of writing is integral to the nature of participants' interactions and their interpretive processes" (445). This description of literacy events fits perfectly in the law enforcement environment. Almost all police interactions end or begin with a written text, typically a report or a warrant. These

interactions involve officers, citizens, and often witnesses, lawyers, and judges. In addition, Heath identifies that speech events often occur as an element of literacy events. She explains, "speech events may describe, repeat, reinforce, expand, frame, or contradict written materials, and participants must learn whether the oral or written mode takes precedence in literacy events" (445). This is a useful description of what happens with police reports in court. The written document is referred to while questioning witnesses, victims, the suspect, and the officer at the scene. How the report is constructed in terms of genre, discourse, and audience greatly impacts how the report will be received. These considerations must be made by officers when writing reports and presenting that information in court.

It is clear that officers encounter numerous literacy events in their law enforcement role. On the streets these include tickets and witness statements. In the case of a ticket, an officer writes a ticket that the citizen can agree to pay or can argue in court. Of course, the citizen sometimes chooses to argue the ticket on the street with the officer. Tickets contain the facts of the traffic stop along with a description made by the officer of the citizen's demeanor.

A witness statement, on the other hand, is a tool used by an officer to write a ticket or make an arrest. Witness statements are written narratives made by a witness at an officer's request. The witness statement can collude with an officer's own narrative in order to describe a suspect's behavior. This signals a collaborative literacy event in which officers must shape their reports not only according to verbal statements made by witnesses and victims but also written ones. This adds an additional layer of difficulty for officers in addressing a sometimes hostile audience of defense attorneys and judges reading their report. If an officer's report does not also represent other written statements, defense attorneys may have an opportunity to discredit the report. Likewise, a prosecutor may choose not to charge a suspect if statements and reports do

not support each other, but this is only one of the collaborative literacy events officers perform. Chapter Six follows such a report through the legal system as it is read by the prosecutor, defense attorney, and judge.

Many of the events that take place on the street are discussed, written, and collaborated in the patrol room. In this instance, literacy events center on a report narrative or other documents managed by officers and their supervisors. In the patrol room, officers work collaboratively to produce the highest quality documents of which they are capable. Officers with more time in the department help rookies by reading their reports and offering suggestions. Supervisors read all of their subordinates' reports and often send them back to the corresponding officers for editing and revision. The patrol room contains dictionaries, legal statute books, sample reports, and other documents to aid the officers in writing reports.

In the court room, the greatest numbers of participants are involved in the literacy events of police officers. Here, prosecutors, defense attorneys, judges, witnesses, and suspects all work with the report the officer has written. This one document often forms the foundation of a prosecutor's case. Likewise, the defense looks for missing information, errors, and inconsistencies in the document in order to prove his or her client, not guilty. No document is more critical in a police officer's responsibilities and in no place is this clearer than in the courtroom.

While the public and many academics do not see the obvious tie between literacy and police officers, it is integral part of their job. Although driving, shooting, fighting, and handcuffing skills are emphasized in the academy and in police departments, more and more officials are beginning to identify the importance of developing literacy skills in law enforcement officers.

Reading Literacy

The ability to read correctly, critically, and comprehensively is an important facet of any successful police officer skill set. Officers need to read and understand civil rights, property rights, and State's rights. Many departments require competency exams for new police personnel that test for reading comprehension and critical thinking skills. The need for attention to detail is directed through critical and active reading by officers of the important documents they examine daily. These documents include legal statues, court cases, the Constitution, witness statements and other documents.

Officers must have a thorough knowledge and understanding of all local, state, and federal statutes. They must read and comprehend the volumes of statutes in order to properly prepare their reports and identify crimes on the street. These volumes are first introduced to candidates at the academy. They are later housed for reference in the patrol and computer rooms of police departments. Many officers also choose to carry a volume in their car, so they can look up the elements of specific crimes when they are deciding how to charge individuals on the streets. The best officers can comfortably read and navigate legal statutes and apply them accurately on the job.

Along with legal statutes, those in law enforcement are required to read and retain court cases that set precedents in regards to police work and interacting with the public. These court cases establish everything from how long an officer can legally detain a citizen on a routine traffic stop to how a juvenile suspect must be questioned. If officers are not aware and well-read of these precedent cases they face the possibility of violating a citizen's rights, which could lead to the officer's dismissal and a lawsuit for the officer and department. Likewise, all officers read and understand the Constitution and Bill of Rights. These documents form the foundation of our

legal system and organize each citizen's rights along with the rights of the State. Most of the time officers are more knowledgeable of personal rights than the citizens that they encounter on the streets. This plays to their favor, as citizens that do not know their rights often volunteer to waive them without realizing what they have done.

Officers use their reading of the fundamental rights of citizens to their advantage in these situations; an officer who understands the law can often get a citizen to relinquish his or her rights by asking certain questions or making requests. One example of this is when an officer asks to search an individual's car. Often the individual will waive his or her right to refuse because they do not understand that they are at liberty to deny the officer's request[8]. While this could be regarded as manipulative, it aids an officer's investigation if he or she can effectively read, navigate, and comprehend the legal documents of the government. There is often controversy when officers use their knowledge of citizen rights against the citizens they are questioning, the car search scenario being one example. Of course, I am speaking here in terms of controversy surrounding the practice of an officer who knows, accepts, and acts in accordance with civil liberties. Even more problems can result, including the violation of civil and constitutional rights, when officers misunderstand or misuse legal statutes, court case decisions, and constitutional provisions. Effective reading of multiple legal genres must be conducted in order to ensure that officers do not harm the people they are sworn to protect.

In addition to legal genres, officers must read their own documents critically and comprehensively. Each officer must revise and edit his or her reports before submitting them. It is important that all facts are correct, missing information addressed and explained, grammar clear, and wording concise. The bigger concerns of a report must also be addressed, the

[8] The Fourth Amendment protects against illegal search and seizure of an individual's person, property, and home.

audience, and rhetorical stance. While all reports can have additional supplemental reports added on later if additional information is obtained, the original document once it is logged and public cannot be changed.

Critical reading skills are imperative for effective policing activities. Officers must be knowledgeable of the laws they are sworn to uphold. Critical reading of their own writing ensures that public documents are correct and appropriate for the public forum. Both officers and their supervisors must master the skill of critical reading in order to guarantee the protection of citizens and law enforcement.

Writing Literacy

Police document nearly every citizen encounter. Most of these documents are in the form of police reports, which include the circumstances of the event, details about the people involved, and a police narrative of what occurred. The reports that officers write often face an unfriendly audience. Starting with the supervisor, a report is examined for correct grammar, missing details, incorrect notations or facts, and unclear narratives. The report is often sent back to the originating officer for corrections. Once these have been made, the document is officially submitted and assigned a report number. This process makes the report a legal public document, meaning anyone in the public is free to access it and have a copy of it.

After becoming a public document, the report is inspected by the District Attorney/Prosecutor (or someone in his or her office) in order to determine if the suspect in the report should be charged with a crime and prosecuted. This person inspects the report for details of the crime that correspond to legal statutes of specific laws. Already, it is clear that the various audiences that an officer is writing for are looking for very different things. The District Attorney is not concerned about grammar or how the officer presents himself or herself on paper.

The DA is concerned with facts that coincide with laws in order to determine if a crime took place or not. At this stage in the reading, the DA may also analyze the details of the incident and decide whether or not to charge the suspect with a crime. If a determination is made to prosecute, the report ends up in the hands of a defense attorney.

The defense attorney is looking to derail the prosecution by finding errors in the police report. The defense can sometimes rely solely upon the errors in a police report as a means to find a not guilty result from a judge or jury. Devallis Rutledge, special counsel for the Los Angeles DA's office, claims that "criminal defense attorneys try to make police officers look dumb, dishonest, untrustworthy, confused, ambiguous, hedging…" (qtd in Kanable 166). They are looking for missing information, contradictions within the report or between the report and supplemental witness statements, grammar errors that lead to confusion, and officer behavior in the report that may be unethical or nonstandard. The defense will use these errors in order to create doubt about the event, the officer's handling of the incident, or the officer's overall competency. This is the truly hostile audience, the one looking and reading between the lines to uncover or create doubts about the officer's narration of the event. However, a well written report can diminish a defense attorney's opportunity to find error and create doubt. In fact, well written and clear reports have been statistically linked to increased conviction rates (Kanable 165). Thus, an officer's ability to write well, to address these multiple audiences, and be clear and concise is directly connected to the ability to police well, that is, to convict the criminals they encounter on a daily basis.

Technology Literacy

Like many other professions, law enforcement has become much more technologically advanced in the last thirty years. The introduction of computers, internet, cell phones, forensic

tools, and other devices has changed the nature of policing and the skills required of officers. Today, technological devices are used for almost every facet of a police officer's daily duties. The introduction of technology into law enforcement business has created many important advancements in solving crime and streamlining police work; however, technology must be understood and appropriately used, creating a demand for technology literacy in law enforcement work.

In policing's past, officers used the radio as their primary source of information. The dispatcher would alert a specific officer to a call, relay the address, and offer details from the caller. Other officers would hear this information over their radios and, if one was close by, he or she would radio in and agree to back-up the initial officer. If anyone forgot the address or details of the call, dispatch was contacted again over the radio and the information requested. Meanwhile, other officers on duty would radio dispatch asking to run a license plate number through the National Database for vehicle registration. If an officer decided to pull someone over, he or she would again have to radio in the driver's ID number to see if there were any warrants or other problems with the license. It is easy to see how overwhelmed a dispatch center and police radio chat could become under this old system. The officer relied completely upon dispatch for information, and the only way to know of an officer's status, location, or safety was if he or she had reported it on the radio.

In many departments the picture today is much different. In the department I studied, each patrol vehicle was outfitted with a laptop computer and several software programs. While dispatch still radios a call and assigns it to a specific officer, everyone on duty can now see the details of that call on their in-vehicle laptop. The software program relays information in real time from the caller to the dispatcher to the computer program. The address is listed and a GPS

map is available of that address for the officers. In addition, each officer's patrol vehicle is equipped with a GPS device that tracks the car in the city. Officers have a real-time map on their laptop that shows all the vehicles and where they are located. This makes it simple to decide who should back-up the officer by looking at who is closest on the GPS map.

For officers not involved in calls, they can run their own license plates and IDs through the same national databases and programs available to dispatch. Through software on their laptops, officers input vehicle license plates to see if the car is reported stolen, if the plate description matches the car that it is on, and if the registration and insurance are up to date. Once the car is pulled over, officers can input the driver's license number into the software to check for warrants or past misdemeanors and felonies. They can also see the driver's license picture in the system versus the picture ID they have obtained from the driver. In areas with high rates of false identities, this new technology is a great tool for officers. If any arrests come up that were in that same city, officers go into another software program to pull up past reports. In addition to all of these programs, each patrol vehicle has onboard internet capabilities. This enables officers to search the web for additional information, check pictures and information of current inmates in county jails, read the state statutes and laws online, and review current local news and court decisions.

If a report needs to be written as a result of arrest or incident, officers no longer have to go back to the station computer room in order to write them. While many officers still prefer to write reports at one time in the station, other officers choose to write the reports on their laptop computers. The reports are linked and saved in the same software that is available at the station. The supervisor reads the report in his or her own vehicle or at a desk and sends it back to the officer for corrections. The department I studied would not be categorized as "cutting edge" or

an “early adopter” of technology. If anything, they have been slow to move to high tech gear and software as compared to larger cities. For a department of 110 officers who serve a city of 50,000, new technology has been adopted gradually and as funds have been available. The department, however, has seen the benefits of such systems and recognizes the importance in regards to manpower and safety.

In addition, officers must be more computer and technology savvy than in the past, as many criminals now use computers as their means to commit crime (McCoy 154, Snow 131-49). Detectives and other police personnel often rely upon evidence discovered on suspects’ home computers, internet search history, and email messages. Cell phones and the corresponding call logs, text message records, and cell tower tracking allow officers to discover where a suspect has been, whom he or she has been talking to, and the nature of the discussions if text messages were involved.

It cannot be assumed that because officers live in a technological society that they automatically gain the computer and technology literacies they will need on the job. This is especially true of older law enforcement officers that entered a very different police force twenty years ago, one that seldom relied on technology to solve crimes. The role of computers and technology in police work cannot be overstated. Officers need a specific set of technology literacy in order to work effectively and efficiently. As more criminals use computers and technology to commit crimes, officers must use their technology literacy to solve crimes along with reporting on them.

Street Literacy

Officers possess certain skills and knowledge that the regular public never attains. These skills form their own type of literacy, a literacy I define as “street literacy.” These skills are

similar to those known as “street smarts” or “criminal thinking.” Taken as a whole, these special skills form a foundation that keep officers safe while allowing them to act as human lie detectors, interpreters, and negotiators. I propose that four main elements make up street literacy: nonverbal communication, deception detection, negotiation, and some foreign language ability. I define these skills as “literacy” because they form a set of knowledge that is shared and understood by the law enforcement community, and all of the skills revolve around a type of “language.”

The knowledge of nonverbal communication, or body language, is vital for officers to determine what a suspect may do next. This can keep an officer safe in a tense situation where a suspect’s next move must be forecasted through the use of body language. Ed Nowicki, a use of force expert, explains that nonverbal communication skills, “are an important part of an officer's training since that form of communication is more indicative of a subject's true intentions than verbal communication. Officers must know how to approach a person so as not to invade their personal space, and they must understand the importance of eye contact, gestures and posture” (27). Those working in law enforcement need to possess an ample knowledge of body language in order to handle situations that would be impossible for the general public. This element of street literacy is necessary for officers to return home safely and keep others safe, as well.

Knowledge of nonverbal communication can not only keep an officer safe, but it can also help them identify when a suspect or witness is being deceptive. The ability to determine who is telling the truth is an essential skill of police work. When questioning victims, witnesses, and suspects, officers use several methods to detect deception. While one of these methods is the reading of nonverbal deception cues, officers must also rely upon verbal cues and questioning techniques. In fact, deception research shows that nonverbal cues are often not as accurate for

determining deceit as verbal cues (Vrij 1323). Officers pay attention to these verbal cues while asking interviewees the same question in different ways. They can often "catch" a suspect or witness in a lie through this method. In my experience riding with officers, I was often confused observing an officer ask someone his last name several times, where he had been, and who was there. Officers would also repeat back information incorrectly to the subject or call him by the wrong name during the interview on the streets. After watching this several times, it became clear that these officers did not have poor memories or bad hearing. They were attempting to get an individual to correct the false information with a new or different lie, tell them their real name when calling them by a false name, or in some way to alert them to a lie in progress. This technique was incredibly effective and often resulted in an individual realizing they had been caught in a lie. In reverse, it also identified when a subject was telling the truth and sticking to one story.

Part of street literacy also includes the ability to persuade and negotiate with citizens. Situations may call for an officer to convince one party to leave a house or area in order to avoid future violence. He or she must be able to negotiate this despite the fact that the party may not be legally obligated to leave the premise. Likewise, officers negotiate with informants in order to gain information about crimes, including the criminals that are involved in them. Officers need to convince informants that they are trustworthy and will protect them from retribution. They do this through active listening as a part of their persuasion. Research has shown that listening is often as important as speaking in negotiation situations (Hammer and Rogan). Many cases have been solved by an officer negotiating and persuading a witness to "give up" the suspect's name and/or location. These are situations that an officer could encounter on a daily basis. There are circumstances, however, where an officer's ability to negotiate is even more

critical, including hostage and kidnap situations. Here, the lives of many may depend on an officer's knowledge and skill in the area of negotiation. Thus, an officer's ability to negotiate can save time, police resources, and even lives.

Street literacy also includes the "language of the streets". For each department this language will be different depending on their location. City cops may be required to understand several "foreign" languages. My definition of foreign is both traditional and unconventional. Police officers working in heavily Hispanic populated areas will need to have a survival knowledge of Spanish. Many departments utilize crash courses or workshops to prepare officers for interacting with those who only speak Spanish (Blandino and Rivardo). Cops working in heavy gang populated areas need a working knowledge of gang graffiti, signs, and sayings. Both of these areas require officers to have a base understanding of the foreign languages they encounter daily. In this way, multiple literacies are engaged to accomplish the goal of effective policing.

Street literacy comprises basic elements of officer and public safety. Dale Cibron explains that "The uniformed police force in this country really is a paramilitary organization. They are organized in a military-style system of rank and can be considered as a form of street soldier." (qtd in Freeman). The officers on the street must possess a different mentality and skill set than a typical citizen. The skills involved in street literacy incorporate nonverbal communication, negotiation, lie detection, and foreign language acquisition to provide a comprehensive literacy set. Police officers use these skills on the streets of their jurisdictions to protect and serve the public and their departments.

Conclusions

Effective police officers possess multiple literacies: reading literacy, writing literacy, technology literacy, and street literacy. These literacies are essential for the officer's safety and ability to function in his or her job. No officer gets into law enforcement to be ridiculed for his or her lack of literacy ability on the witness stand. Writing and reading skills are imperative in order to convict the criminals that officers encounter. In order to "protect and serve," all officers need these multifaceted literacy skills.

The perceived literacy ability of law enforcement officers has been underappreciated and criticized for too long. By identifying the actual skills that effective officers possess in regards to literacy, we can more accurately train, review, and identify officer needs. There are many law enforcement officers in this country that lack the basic literacies described here. These deficiencies need to be addressed with increased awareness and training in police departments, academies, and police degree programs. Police work is a hazardous profession, but if departments ignore the literacy needs of their officers the work becomes more dangerous than necessary. Not only will police not be prepared for the streets, but they will not be able to be effective in the courtroom when faced with defense attorneys and judges. Likewise, officers should not be frustrated by the computers and other equipment they use on a daily basis. Computers skills must be seen as essential to an officer as shooting skills.

The law enforcement agencies of the future must prepare for better educated and skilled criminals. This can only be accomplished with a more skilled and educated police force. While some older police officials argue the value of increased training and degrees, research has shown that increased educational opportunities do not result in officer turnover or lower job satisfaction (Jones et al). I argue that officers with increased education and training show a greater

commitment to their job and increase the professionalism of the entire department.

We must begin to see police officers as professionals that need the continuing education that all professional trades call for. This chapter has highlighted the many literacy needs of officers and the costs of not attaining these skills. In terms of research, police work offers a new frontier for composition and literacy study. While technical and business writing can begin to describe the writing of officers, these two general genres don't come close to capturing the full Discourse of police. The multiple literacies of law enforcement necessitate the multiple literacy skills needed by officers.

CHAPTER FIVE

A STUDY OF POLICE LITERACY TRAINING IN NORTHWEST ARKANSAS

Chapter Five

A Study of Police Literacy Training in Northwest Arkansas

Police officers require training in many skills including shooting, ground fighting, investigating crimes, preserving evidence, and others. Unfortunately, the multiple literacies required for effective policing are often ignored in their training. For police these skills include reading and writing literacies, technology literacy, street literacy, and law literacy. As discussed in the previous chapter, reading and writing skills that officers must possess include critical reading of legal statutes, reports, witness statements, and departmental training manuals. A thorough knowledge and ability to read laws and statutes is needed in order to write reports that will be upheld and honored by a judge and establish an officer's authority in court. Their writings include reports, emails, proposals, narrations of events, and other writing tasks. Technology literacy includes a thorough knowledge of technology and computers, not only for the production of their own reports and documents but to identify and solve computer and internet related crimes, as well. Street literacy includes the ability to persuade and negotiate in tense situations, verbal and non-verbal skills in order to conduct interrogations and question suspects and victims, and foreign language ability depending upon the population in which the officer works. Finally, legal literacy encompasses knowledge of the law, including the Constitution, legal statutes at the State and Federal level, and a complete picture of how the justice system operates. Police work necessitates the comprehension and retention of volumes of legal statutes at both local, state, and the federal level. Officers use this information to build cases and justify their detention or arrest of citizens.

These literacies form police Discourse. As explained in Chapter Two, Gee defines Discourse (with the capital "D") as, "a way of being in the world…forms which integrate words,

acts, values, beliefs, attitudes, and social identities as well as gestures, glances, body positions, and clothes" (526). It is obvious that police have their own way of communicating with each other, which often include codes when speaking on the radio and police jargon. They wear uniforms that separate them from the rest of the public, as well as hold certain beliefs and values about the law and their conduct. They represent a separate segment of society and engage in their own private Discourse. Their training, however, must not only prepare them for police Discourse, but it must also prepare them for the Discourse of the court. Police reports are reviewed and pored over by lawyers, who are many times more familiar with the legal language, minutia, and statute literacy than officers. The Discourse of the court is the collision point of police literacies, lawyer literacies, and other legal literacies. The court has its own values, beliefs, and ways of communicating. These literacies are often distinct from police literacies, but officers are expected to maneuver in the court Discourse as well as their own. This can be problematic and is an area where officers can fail to exercise the right literacies in the right arena.

This chapter looks specifically at the training that officers of Jackson Police Department receive in regards to literacy. It outlines and quantifies the type and hours of training they receive from State, academy, in-house, and on-the-job training programs. In addition, several individuals, including a police sergeant, police chief, county prosecutor, and defense attorney, were interviewed for their insight into police training and police literacy needs. This dual research method provides qualitative analysis of the actual training officers of the Jackson Police Department have received over the past ten years.

Problems in Police Reports

Before looking at how officers are trained to write reports, a look at the problems

officers, supervisors, and others who read and use police reports identify in police writing is in order. Police officers often write for themselves, a way to remember how they responded on the scene if asked to testify in court (Chapman, Mathes, Inbau). While this is an important element of a police report, the other readers (audience) of the report need the report to be more than simple memory device. The Jackson County Prosecutor, Dan Hausz, sees several problems with reports he reviews. He claims, "Police reports don't always reflect ALL that the officer does" Hausz notes that in many cases the names of witnesses, addresses, and phone numbers are not written in the report. Often, the names of other officers that collect various evidence on the scene and will need to be called to testify are not named in the report. Tracking down the missing information is time consuming, sometimes becoming impossible. He notes, "The lack of accuracy and details (in reports) leads to judicial inefficiency. It causes headaches to track down information and interview officers for more details" (Hausz). The prosecutor estimates he has three full time assistants in his office that work on preparing cases for trial. He claims they spend lots of time tracking down witnesses, speaking with officers for clarification, and looking for supporting documents. This is very costly, and he suggests it could be prevented with more thorough, detailed reports.

Chad Rucker, a local defense attorney in Jackson, agrees that officers often omit important details. He argues that incomplete reports, inconsistencies between what the report says and what the video shows, and "what isn't in the report" are the major problems he sees in police writing (Rucker). He, like Hausz, also complains that when officers don't name other officers on the scene, it doesn't allow him to call them as witnesses and get another perspective (Rucker). However, Rucker suggests that officers do more than leave out details and complicate attorney investigations. He argues that officers have a tendency to advocate in their report, and

he believes this is wrong. An officer should objectively state the facts of what happened and include all of what he or she sees, not just the things that advocate the suspect has committed a crime. He notes, "It is up to the legal system to determine if a crime has been committed, not the officer. The victims and accused are owed a report that accurately reflects ALL the details of the interaction" (Rucker). Objective, thorough, and complete reports are the requirements of both the prosecutor and the defense.

The Narcotics Sergeant at Jackson Police Department, Kevin Chapman, identifies a different problem with police writing. He has been at Jackson PD for fifteen years and has had several different titles and responsibilities in the department. As a sergeant, Chapman reads and corrects all the police reports of the officers under his direction. He complains that officers don't have enough examples of police writing style. They get locked into one style they learn early on, and then that style becomes a habit for them. Chapman, dislikes when officer's take themselves out of the report by using "R/O" for "reporting officer" instead of using "I." He also complains that officers can look ignorant when they use big words incorrectly or look like robots when using too formal language in the report. He says, "Sometimes we do things just to try to look professional and it is not really necessary" (Chapman).

In addition to writing more personal-style reports, Chapman advocates for the use of narrative story telling in reports. He argues that the narrative style should invite readers to understand the circumstances of the encounter. Chapman worries about the lack of audience awareness in the officers he directs. He notes an, "overwhelming majority of cops don't testify in court on a regular basis. This is a problem because most don't see a jury and understand how jury members are going to read their report. If they (jury members) don't understand, they will shut down. It is important the report flows, makes sense, and tells the story" (Chapman).

Chapman recognizes that even when officers know their reports may be read by jury members one day, they lack insight on how that report will be perceived by these readers, a real problem for individual officers and the department.

Stephen Mathes, the Jackson Police Department Chief, notes that the entire chain of command struggles with report writing. He emphasizes that low education requirements in the department have led to problems with basic grammar in reports. While he notes that content is the most important element, grammar is a critical second. Mathes argues, "Internally, the entire chain of command accepts poorly written reports. I get reports that have been approved by the entire chain of command that are not good reports."

While grammar is troubling to the police chief, it is interesting that both the prosecutor and defense attorney are not concerned about grammar at all. The prosecutor claims that he does not care about grammar or usage. He is much more interested in the accuracy of information and the inclusion of all important details (Hausz). The defense attorney remarked, "I don't care if it is written phonetically, just tell me everything you did!" (Rucker). The concern about grammar for the police chief probably has more to do with officer reputation and perception than actual audience needs in regards to police reports, but it is obviously something he, as a reader, finds important in reports.

The major problems with police reports according to those interviewed, are missing information (witness names, addresses, phone numbers, officers on scene), accuracy, thoroughness, police advocacy, report narrative style, audience awareness, and grammar. This is a lengthy list of problems. A review of the training officers receive will shed light on why report writing is so problematic for them and their readers.

Arkansas Commission on Law Enforcement Standards and Training

In 1965, Arkansas established the first training academy for police officers and appointed the first commissioners to the Commission on Law Enforcement Standards and Training ("Commission on Law Enforcement Training and Standards"). Since that time, every officer in Arkansas has been required to complete the training guidelines of the Commission in order to work as a certified police officer. There are several different classifications of officers to address various work experience and education level. A "Basic" officer is any officer who completes the Arkansas Law Enforcement Training Academy with at least a 70% passing score. In addition, if the officer is employed by a department with more than twenty officers, he or she is expected to participate in a Field Training Program of a minimum sixty hours ("Commission on Law Enforcement Training and Standards"). An officer may spend the entirety of his or her career at the Basic Certification level. These minimum requirements are all that is required to be an officer in Arkansas. There is no other education or training required.

There are several ways that officers can earn advanced certifications after the Basic level. Education points and training points along with law enforcement service count toward advanced certificates. Each semester hour of a college class is equal to one education point. If an officer takes a three-hour criminal justice class at the university, he or she will receive three education points in the Arkansas Commission system ("Commission on Law Enforcement Training and Standards"). Training points are awarded for in-house training, continuing education courses, military training, and college classes. Each training point is equal to twenty hours of classroom instruction. The commission considers any training that is documented and relevant to police work. Officers must provide copies of coursework, classroom hours, and certificates of completion to verify the training points.

After five years of police experience and fifteen education points, officers are eligible for a "General" Certification ("Commission on Law Enforcement Training and Standards"). No college credit of any kind is mandated until an officer wishes to obtain an "Intermediate" Certification. For this level, an officer must complete six hours of college English, eight years of experience, and thirty education points. An officer with only four years of experience but an Associate's Degree may also be eligible for an Intermediate Certification ("Commission on Law Enforcement Training and Standards"). The "Advanced" Certification is available after sixteen years and six college semesters or four years experience and a Bachelor's Degree ("Commission on Law Enforcement Training and Standards").

All of these certifications seek to quantify an officer's ability based upon experience and education. Officers seek higher levels of certification in order to raise their pay and their standing in the police department. Although, the Intermediate Certification mandates six hours of college English, it is unclear if this requirement truly addresses the literacy needs of officers. While traditional literacy skills may be addressed, the writing of the University is a very different Discourse than police Discourse. I am not convinced that an ambiguous requirement of six hours in any English course really helps prepare officers for their Discourse or the other one in which they must perform, legal Discourse. Stephen Mathes, Jackson Police Chief, agrees with this assessment of the State's training requirements. He argues, "The State needs to require at least 600 to 1000 hours of training. In the country there are 10,000 departments and over 75% only have 20 officers or less. The greater emphasis needs to come from Federal and State level that requires hiring good officers and providing or requiring more training" (Mathes). In a department with less than 20 officers, no training outside of the police academy is offered. Thus, over 75% of officers in Arkansas receive nothing more than academy training.

Police Academy Training

Each officer in Arkansas is required to attend a certified police academy. There are two academies in Arkansas that officers can choose from, but typically an officer is hired onto a police department and then he or she is sent to training at the facility closest to the police department. Jackson Police Department officers are sent to ALETA (Arkansas Law Enforcement Training Academy) as it is the only one in Northwest Arkansas. This not-for-profit center is run with a very small staff paid for by the training cost assessed of each cadet. In most cases the police departments pay for the entirety of the training. In addition, police departments send experienced officers to train the new recruits. There are very few, if any, paid presenters and trainers used at ALETA. Almost all of the training is conducted by local prosecutors, police detectives, and other experienced officers. Local departments incur both the cost to send their cadets to the academy and the cost to provide their experienced officers as trainers.

At ALETA new officers receive hundreds of hours of police instruction; however, little emphasis is focused on writing reports, reading legal statutes, or working with technology. I reviewed four volumes of ALETA training manuals. One volume was from the ALETA Academy of 1996 and the other from ALETA Academy 2006. These manuals would have been distributed to every officer that attended ALETA's 1996 and 2006 training program. In 1996 cadets spent ten weeks in training for thirty-five hours each week. Their days were divided into class segments that covered topics from "Cultural Diversity" to "Homicide Investigation" (ALETA, 1996). However, the 1996 schedule of training listed no report writing component (or any other writing course) and no computer or technology training.

I examined all the classes and lectures provided for officers and divided the 350 hours officers spent in 1996 at ALETA into five categories.

- **Legal Literacy** – Training in Federal law including civil rights and the Constitution. In addition, this category includes specific training on Arkansas law, state statutes, and city ordinances.
- **Traditional Literacy** – Training in reading and writing reports, tickets, emails, proposals, and other documents critical to law enforcement officers. This category also includes grammar.
- **Street Literacy** – Training in persuasion and negation skill, foreign language, and body language.
- **Safety** – Training in officer and public safety. Courses could include shooting techniques, defensive tactics, and first aid.
- **Officer Duties** – Training related to crime investigation, crime prevention, traffic, DWI enforcement, and crisis intervention.

A thorough review of the ten week schedule reveals that officers spent 40% of their time in the academy learning about Officer Duties. This seems reasonable as they attend the academy to learn the duties of police work, such as preserving a crime scene, identifying child abuse, and intervening in a crisis situation. They spent 35% of their time in Safety courses. This appears in accordance with the aims of the training academy and new cadets. Many of these students have limited experience in defensive fighting or handguns. It is vital that they learn these skills in order to protect themselves and the public they serve. Cadets had 66 hours, 18% percent, of Legal Literacy training in order to ensure the civil rights of citizens. Only 24 hours, 7%, was spent on Street Literacy, the ability to persuade and negotiate with citizens, develop foreign language skills for the areas in which they work, and the ability to discern and read body language. No time was spent on Traditional Literacy, reading and writing (ALETA, 1996). I

included it as a category in the 1996 review because Traditional Literacy training does appear at ALETA ten years later in 2006.

This breakdown of training hours is disappointing when compared to the low educational requirements of certified police officers in Arkansas. The Arkansas Commission on Law Enforcement only requires a high school diploma or GED of potential officers. Thus in 1996, officers were thought to be completely ready for reading and writing in the police Discourse based solely on the English courses they had taken in high school. This seems at odds with the reality of an officer's reading and writing needs. Their daily duties require copious notes, written narratives and reports, witness statements, and other documents. The reports and narratives that officers write daily are integral to the court system, the police department, lawyers, judges, juries, and suspects and victims. The need for training in order to write these critical pieces seems obvious. Whether the need was unseen in 1996 or ignored cannot be known, but in 2006 ALETA acknowledged that writing was done by all officers and that a "refresher" or "introduction" was in order.

By 2006, ALETA had transitioned from ten weeks to twelve weeks in duration and had also changed many of the thirty-five hour weeks to forty. From 350 hours of instruction in 1996, ALETA 2006 expanded to 430 hours. This additional time allowed for new instruction in topics previously neglected. While Officer Duties still dominated the courses with 179 hours of instruction and remained 40% of the academy's focus from 1996 to 2006, new courses such as Weapons of Mass Destruction, Ethics, and Hate Crimes were added. Safety again came in second in emphasis with 153 hours of instruction. The Legal Literacy, while remaining third from 1996 to 2006, actual lost hours moving from 66 hours in 1996 to 58 hours in 2006. Legal training is a must for officers in order to ensure the public's civil rights and protection from

unjust treatment. Street Literacy gained six hours, transitioning from 24 to 30, through the inclusion of an "Emergency Spanish for Police Officers" course. This segment of the academy was taught by a Hispanic officer from Northwest Arkansas (ALETA, 2006). This is an excellent addition to the coursework, as the make-up of Northwest Arkansas has grown to include a large Hispanic population.

The addition of a new category was necessary in order to identify a computer Literacy course that emerged. "Telecommunications" is a new four-hour course in the 2006 schedule (ALETA, 2006). I included it in the new Technology Literacy category as it focused on crimes involving technology and telecommunications. The Traditional Literacy category that was completely ignored in 1996 gained 6 hours in 2006. The addition of a six-hour report writing course accounts for only 1% of the total hours of instruction. This is a meager addition in light of the important place that reports occupy in the legal system. Reports are critical documents that officers, supervisors, and prosecutors rely on to justify their actions and accuse citizens of crimes.

Dan Hausz, the county prosecutor, was disappointed to learn that only 1% of the academy time was spent on writing reports. When I informed him that they only spend six hours on report writing, he replied, "Wow that surprises me" (Hausz). I explain to him that the six hours of academy training in report writing focuses on grammar and common spelling mistakes. He responds, "I don't care about grammar or usage or any of that stuff. I am much more concerned about accuracy of information and the inclusion of all important details. The report is rarely admitted for evidence because police officers are called to testify" (Hausz). An officer's grammar mishaps are never recorded as official court documents, but the content of the reports are critical for the prosecutor's office when making decisions about trying a case. Hausz argues,

"The police report is the driving force of this office. All of our charging decisions begin with that one document. I cannot over emphasize the importance of that document." He also notes that suppression hearings, in which lawyers and police officers must appear, could be greatly limited if officers would just include all the details in their reports, such as mentioning that the suspect was read Miranda and signed the form, or that the officer had the video in his car turned on during the stop (Hausz). Ultimately, the fate of the accused and the victim reside in the police report.

Police Sergeant, Kevin Chapman, agrees that the academy could do more to prepare officers for report writing. He notes, "If there was more training at the Academy and more testing of that training, we could weed out a lot of the thick skulls" (Chapman). He understands how critical the report is in the judicial system and the lack of training officers receive at the academy. He argues that intensive training and testing of cadets in writing would produce better officers and help get rid of officers that cannot achieve the standard of writing needed in the police department.

Chad Rucker worked for three years as a prosecutor prior to working as a defense attorney in private practice. He suggests that the trainers at the academy teaching report writing should not be other officers (as is currently the case). In his opinion, this breeds the same ineffective and inadequate reports that are written now. He states, "In the police culture they reiterate and train the officers incorrectly" (Rucker). He argues that officers should be instructed by prosecutors and defense attorneys on how to write reports. This is similar to Hausz' suggestion that officers role play scenarios with the prosecutor during training, which leads them to study the elements of the scenario that need to be included in the report (Hausz). After careful review of the time spent on report writing in the academy and expert opinion of this training, it is

clear that ALETA does an inadequate job of preparing new officers for police writing. The prosecutor and the defense attorney interviewed for this study, both agree the training is inadequate. This is important since these are two of the major readers of police reports. If other officers are teaching the writing portion at the academy, they may lack the ability to clearly identify and summarize the needs of the reports' readers. They, while aware of the audience of their reports, are unable to qualify what elements the prosecutors and defense attorneys need included in reports.

In-the-Field Training

In addition to ALETA, most Northwest Arkansas police departments continue cadets' training with Field Training Officers (FTO). FTOs are certified training officers that are responsible for training new officers after they return from the academy. FTOs train the new officers in departmental policies, procedures, and regulations. They also provide on the job training by riding with and instructing new officers for several weeks. Field Training Programs are mandated by the Commission on Law Enforcement and Training for any police department with twenty or more officers on staff ("Commission on Law Enforcement Training and Standards"). New officers spend six weeks to three months with an FTO, experiencing the job of a police officer first-hand. The Commission and most departments recognize that officers need on the job training and hands-on experience before being allowed on the streets by themselves. This period allows officers time to acclimate to police duties and police Discourse.

Gee argues that all secondary discourses are obtained through "enculturation" or through apprenticeship ("Literacy" 527). FTOs are required in order for new officers to discover and learn the police Discourse and become comfortable with all aspects of the job. I argue that officers need more than simple FTO oversight, however, and many of those I interviewed agree.

While Gee's insight into secondary Discourse is logical for most careers including law enforcement, officers may not achieve the needed literacy skills through apprenticeship alone. The problem with FTO programs is that they hinge upon the quality of the FTO that is instructing new officers. FTOs are responsible for training officers to react safely on the streets, but they are also responsible for training officers on report writing and other communications. Thus, an FTO may be a qualified officer but not adept at instructing officers in proper report construction. Kevin Chapman, a Jackson PD sergeant, remarks, "I can tell you by reading an officer's report, who trained them. I can tell you exactly what FTO trained them!" His problem with FTOs' report training is that they pass along the poor writing habits and style that they use. New recruits, with few other options, models, or mentors, simply follow the design laid out by their training officer. While not all FTOs are poor writers, they are typically selected by their department based upon seniority or factors other than writing performance. Many FTOs that feel insecure instructing a new officer in report writing simply give them a template report or ask them to write exactly like they do. Very little instruction is offered in terms of report construction. Through this method of instruction entire departments can end up in the wrong direction when it comes to their traditional literacy skills.

Writing is deemphasized at the academy and again during field training. New officers are never offered an opportunity to look at their own writing or to discover the needs and requirements of quality report writing. The problem that ensues is a clash of Discourses once officers appear in court to defend their written reports. The court Discourse requires that police reports be thorough, complete, and accurate. If police Discourse does not also reflect these requirements then officers are at a disadvantage in court. Their writing may cause them to feel more insecure in court and unable to defend themselves against attorneys that attack their

writing. Stephen Mathes, Jackson PD Chief, agrees. He notes, "If a defense attorney picked up a report that was poorly written they are automatically going to say, here is a person I can attack. I can attack credibility. I can attack on several levels. In the same way, a prosecutor can review a report that is poorly written and think, I've got a real weakness here" (Mathes). His conclusion seems to corroborate the story told by the prosecutor who works for the city of Jackson and a local defense attorney. Chad Rucker claims that as a defense attorney he wins cases when he can prove that an officer left something out of the report (Rucker). This is commonly done during pre-trial suppression hearings where attorneys argue that certain facts, evidence, or circumstances surrounding their client's case should not be allowed into evidence at trial.

The FTO Program is an excellent opportunity to present officers with the critical literacy skills needed to perform effectively, but this opportunity may be squandered. As mentors, these Field Training Officers may feel incapable of adequately training new officers in important literacy skills. There are several reasons for this insecurity in writing and reading instruction. The first is that Discourses are naturally resistant to criticism by those that are engaged in the Discourse (Gee, "Literacy" 538). Active participants of a Discourse either cannot see problems with it or are unwilling to evaluate it. Officers do not like to critique the quality of their or other officers' reports. This would require them to critique the police Discourse in which they are involved. When each trainer/trainee relationship resists training in writing and reading the Discourse becomes one that deemphasizes the importance of the written word. In addition, officers that downplay their insufficient writing skills resist talking about others or the police department as a whole. Part of police Discourse is a display of unity among officers in the department, and the Discourse will resist all attempts to undermine it.

A second reason for resistance is the perceived or real feelings attached to the act of

writing. Deborah Brandt in her book, *Literacy in American Lives*, claims that as children many people experience writing as an isolated and secret act. She explains that many early writing experiences are recalled as "occurring out of the eye of adult supervising," and often involve "feelings of loneliness, secrecy, and resistance" (149-50). Officers, thus, may feel uncomfortable discussing and correcting a new officer's writing. Feeling insecure about their own writing, they may feel that they do not have the experience or knowledge to correctly engage in literacy training. For this reason, other avenues of obtaining critical literacy skills need to be considered and investigated.

In-House Department Training

I reviewed the training policies and procedures of the Jackson Police Department in Northwest Arkansas to identify the literacy training practices of the department. All of the Jackson officers attend the ALETA academy in Northwest Arkansas and participate in an FTO Program that lasts a minimum of three months (Mathes). In addition to this training, each officer is required to obtain forty hours of additional training per year. Most of this training is done in-house and conducted by Jackson police officers. These training classes include required annual training such as firearms recertification and defensive tactics recertification. Of the sixteen items listed for yearly review or "possible" topics of review, report writing skills are mentioned only once (Jackson Police Department). Since the department selects the courses to be taught, it can be assumed that this course is not taught often for the same reasons that FTOs feel uncomfortable teaching this subject. Technical or computer skills are not addressed at all in the possible topics of continuing instruction (Jackson Police Department). In seventeen pages of related documents I reviewed of the Jackson Police Department Training Manual, report writing was only

mentioned twice, while computer or technological skills were, again, never mentioned. Reading skills in regard to legal statutes and concerns were also never addressed.

Neither the Chief of Police nor the Narcotics Sergeant I interviewed at Jackson PD mentioned any in-house training in regards to police reports, though both agreed that reports were critically important in police work. The sergeant remarked, "My personal opinion is, you have a lot of weapons on your belt, most of those you go your whole career and never use. The weapons that you use the most, your mouth, your demeanor, your body language, and your reports, you train very little in them" (Chapman). This sergeant recognizes that while safety and the "weapons on the belt" necessitate extensive training, the "weapons" that are used most often are overlooked in police training.

In addition to the annual forty hours of in-house training required at the Jackson Police Department, officers are also required to complete six hours of college English by their third year of employment. Most officers select Composition One, an introductory composition course focused on academic writing, and Composition Two, a literature survey course. They must receive the State mandated 2.0 GPA in these courses in order to meet the department's standard (Jackson Police Department). However, despite this requirement in the Jackson PD Policy and Procedure Manual, I know of several long-serving officers that have yet to complete their six-hours of college English. This may be because the requirement itself is rife with contradictions and opinions. Many officers do not see the benefit of taking English classes through a university. Composition One and Two would have little effect on the type of writing that officers do in police reports and other legal documents.

While Kevin Chapman, the narcotics sergeant, and Stephen Mathes, police chief, both state the importance of education, they quickly negate these statements, often within the same

sentence. Chapman notes that perhaps the only way to change the department is to require that all new officers take English Composition One and Two prior to being hired by the department. However, he complains that "the problem is you don't have a lot of discretion to use what you learned in Comp One and Two" (Chapman). This would suggest that a change within the organization must take place in order for better educated police officers to use their education. Mathes believes that better educated police make better departments. In his last job, all officers were required to have at least an Associate's degree, and he felt this made them better officers. Later in the interview, however, he notes the lack of grammar and English skills across the board, both in his last department and this one. He remarks, "We are not just taking a raw recruit and trying to teach them law and police tactics but basic grammar in some instances. In Springtown, I saw officers with four-year degrees that couldn't write. We don't place an emphasis on writing as a society" (Mathes). This suggests that perhaps English Composition One and Two, or even a "four-year degree" does not aid officers in the kind of writing that is required in police Discourse. The genre, tone, style, and content are certainly different than those taught in most composition classes at the University, and this may be why even officers with college degrees fail in effective report writing. Neither Mathes nor Chapman, articulated that it is a lack of audience awareness that may be to blame for poor reports, but if officers are unaware of the needs of their audience they will surely fail to meet them. This is not an awareness they will learn by studying grammar, learning someone else's mannerisms, watching someone else write a report, or even in an English Composition course.

Despite the attempts of the Jackson Police Department to ensure their officers receive additional training and education, it may be that the reality is different from the intentions written in the Policies and Procedure Manual. Each department has an opportunity to enhance the

literacy skills of their officers, but, again, this potential literacy sponsor fails to provide adequate traditional literacy or technology literacy training. They fail to address legal Discourse and prepare officers for the literacy needs of their own Discourse. Perhaps, most importantly, they fail to address the audience needs of the police report and discuss its importance with officers.

Current Training Implications

Officers who do not understand the needs of the police report audience may fail to include important details or information in a report. Their report may not accurately depict the actual event or make distinctions necessary for the prosecutor, defense attorney, or judge. After thoroughly reviewing the training practices of police officers in Northwest Arkansas, it is clear that several critical literacies are being ignored or overlooked in training. There is no emphasis in any phase of training on writing, reading, and computer/technological skills. The lack of these literacy practices in police officers can have dramatic effects. Entire communities suffer under the protection of officers that lack these needed literacy skills. Officers can suffer from insecurity and poor performance when they cannot correctly participate in their secondary Discourses. Gee argues that "Discourses are connected with displays of identity; failing to fully display an identity is tantamount to announcing you don't have that identity, that at best you are a pretender or beginner" ("Literacy" 529). For police officers on the witness stand this can be devastating. It can also affect an officer's overall performance if his or her literacy skills in traditional reading and writing are not sufficient. They may hide these feelings of inadequacy with overt authoritarian presence on the streets or in court. In both instances this authoritarian display only weakens their actual authority and professionalism.

Because the time between the interaction on the street and the court date can be many months, officers rely almost completely upon their written police report when called to testify in

court. Most officers are unable to recall the details of the events with their memory alone (Inbau 30). Any inaccuracies, inconsistencies, or confusing grammar in the written report will negatively impact the testimony of the officer. Poorly written or inaccurate reports can "seriously damage the prosecution's case," and can lead to "considerable embarrassment to officer-witness, or indeed to other witnesses who would be adversely affected by an inaccurate report" (Inbau 101). This reality can impact the entire judicial system and result in a lack of justice for defendants and victims. Judicial efficiency can be greatly affected. Prosecutors, attorneys, and the public suffer whenever officers are unable to sufficiently re-create events through their writing. While officers and entire departments can suffer publicly and privately because of inadequacies in report writing and training, the Jackson Police Chief explains the bitter reality of a poor report. He argues, "You will truly lose a case in court, and let me tell you the problem with that. Losing a case should be significant to an officer, not because you lose, but because some victim has been victimized again by the system. By your poor quality work, a victim was victimized again" (Mathes).

While ALETA has moved in a positive direction from 1996 to 2006 in terms of length and topics of instruction, more can be done to guarantee officers have training in their critical literacy areas and report audience awareness. More focus on reading, writing, and technology literacy is needed in order to ensure qualified and effective officers in Northwest Arkansas. ALETA, as a sponsor of literacy for new officers, has the power to instruct cadets in literacy in regards to reading the law and writing reports and other police documents. If they chose to withhold this training, it penalizes the officers in whom they place their trust. Officers without the proper skills to perform effectively in police Discourse may find themselves pretending to understand the proper function and language of the force while undermining the professionalism

of the department with their underdeveloped literacy skills. Also, a lack of understanding of the audience needs results in missing and inadequate information in reports that jeopardizes judicial efficiency and effectiveness. ALETA's directors must recognize their position as a literacy sponsor for the officers of Northwest Arkansas and seek to develop the needs of new officers.

If officers are unable to become fluent in legal Discourse, they resort back to what Gee describes as "pretending" to be in the Discourse. When this occurs officers end up using a "simplified or stereotyped version" of the secondary Discourse (Gee, "Literacy" 528). This can result in officers feeling insecure and incapable of defending their actions on the stand or presenting evidence in court.

Police officer literacy practices are critical to their role as authority figures, their departments' professionalism, the judicial systems' effectiveness, and public safety. Deborah Brandt defends that "what people are able to do with their writing or reading in any time and place—as well as what others do to them with writing and reading—contribute to their sense of identity, normality, and possibility" (11). Writing clearly for officers is not a casual convention in order to avoid confusion but a critical skill that determines their authority. If the literacy training of officers does not address all of their multiple literacies and Discourses, then officers may fail to effectively perform their duties. Individual officers can find them themselves constantly defending their written reports in court, departments can struggle with officers that cannot effectively read law statutes and write reports, and the entire judicial system can suffer from a lack of efficiency.

CHAPTER SIX

STUDY OF A POLICE REPORT AUDIENCE

Chapter Six

Study of a Police Report Audience

This chapter examines the actual addressed audiences of a police report. The study was conducted by following one police report through the judicial system as it is created by the officer and then read by a police supervisor, prosecutor, defense attorney, and judge. In order to understand the actual event the report seeks to capture, I rode along with Officer Lewis from the Jackson Police Department for several shifts. This report was the first in which an individual was arrested and taken to jail during my ride-along.

Methodology

I utilized descriptive observation, verbal-probing interview, and discourse-based interview techniques for this study. All interviews were recorded and transcribed. Participants signed IRB approved release forms and were instructed that their answers were strictly voluntary. In addition, I informed all of the participants that their names, the name of the city, and police department would all be changed in order to protect their identity. I assured each participant that there was no right or wrong answers to my questions; I was simply interested in discovering the ways in which police reports are written by officers and received by readers. I added that I was only interested in the reasoning behind the choices the officer made in writing the report.[9]

Because Officer Lewis was the only one in this study to actually write during the interview, I chose a different interview technique with him than with others who only read his report. Linda Flower and John Hayes adapted one cognitive interview technique in order to study students and other composing documents. The method, Thinking Aloud Protocol, was

[9] This method was adapted from Odell and Goswami's instructions to social workers in their study, "Writing in a Non-Academic Setting."

quickly adopted by composition scholars and is still used frequently in studies. Flower and Hayes explain that thinking aloud protocols, "capture a detailed record of what is going on in the writer's mind during the act of composing itself. To collect a protocol, we give writers a problem… and then ask them to compose out loud near an unobtrusive tape recorder" (368). For this study, however, I determined that the thinking aloud protocol would not be helpful. While this technique has been used with a great deal of success in cognitive interviewing and composition, I felt the technique would be too intrusive to use with a police officer writing a report. This is in line with the aims of descriptive research as "researchers do not deliberately structure or control the environment from which the data are gathered" (Lauer and Asher 15). I tried to keep in mind that this officer was on duty and was not at his leisure to discuss his report writing process for hours at a time. This officer needed to get back on the street, and I needed to try to understand as much as I could as quickly as I could about him as the writer and a reader of this report. For these reasons, I used the cognitive interviewing verbal probing technique. In this style, "the interviewer asks the target question and the subject answers it, but the interviewer then follows up (either immediately or at the end of the interview) by probing for other specific information relevant to the question or to the specific answer given" (Willis 47). This allowed me to focus our discussion of the report on audience and to probe further when the officer responded in a surprising way. In addition, the technique allowed me to ask specific questions about the officer's word and stylistic choices in the report.

For the other interviews, I used questions and methods developed from discourse analysis (Gee *Introduction* and *How to*, Fairclough) and discourse-based interviews (Odell). Lee Odell conducted a study that required writers to explain the different choices they made in different texts and documents Odell showed them. The writers had written all of the texts but

they were in different genres and contexts. The answers revealed that the writers believed different genres and documents required different grammar, usage, and topic choices (Odell). For my study, there is only the one police report, but like Odell, I provide the readers of this document other options, variations, and information that could have been included and is not. The readers then evaluate these choices and identify which choice should have been made in the police document genre. Likewise, utilizing the discourse analysis techniques of both Gee and Fairclough, I remind the readers of the social and environmental context of the evening the report was written. I provide a great deal of framing, background, and additional information about the report, the event, and my observations. The inclusion of this information provided readers with an alternative reading of the report that would not have been possible without the discourse analysis framework.

This study begins during a police ride along on July 21, 2011. It was a warm Thursday evening in Jackson. One hour into the shift (11:00 pm), the Jackson PD dispatcher sends the officer I am riding with to an address where a domestic dispute is underway. Prior to our arrival at the home we know, 1) the call to Jackson 911 has come from a person not involved in the altercation but who is inside the home, 2) one or more of the parties may be intoxicated, 3) the caller refuses to stay on the line because she is afraid she will be hit by the man in the altercation, 4) there are no known weapons in the home. We arrive on scene and are quickly backed up by two other police officers. Two men and two women are eventually led from the home and separated for questioning. For my own safety, I was instructed to stay inside the patrol car and am not privy to the actual conversations these four people had with officers. I learned the details of the event through conversations with the officer I rode with and through conversations of this officer with others on the scene.

From this information I determined that there was a domestic dispute between a woman and her boyfriend at the home. The man's sister and friend were at the home when the dispute occurred, and the man's sister called Jackson 911 during the incident. When officers arrived on scene the fight was over, and the man's sister met them at the door of the home. Neither witness on scene wanted to make a written statement, as they were tired of the couple's fights and did not want to get involved. However, one or both of the witnesses admitted to hearing the woman say, "Don't hit me. Don't hit me," during the fight. Both the man and woman involved in the dispute told conflicting stories in their written statements. The woman claimed she had been attacked by her boyfriend and sprayed him with wasp spray in self-defense. The man claimed she sprayed him with wasp spray after a verbal fight, and he stumbled around the room blinded by the spray.

The fight occurred in the couple's bedroom, where it was apparent that a fight had taken place. Several items were thrown around the room and there was a substance that appeared to be wasp spray on the walls and bed of the room. The woman had minor injuries including a bump on her head. She stated to the officer that her attorney had advised her to keep wasp spray by her bed for self-defense if the boyfriend attacked her. The man had red eyes, apparently from being sprayed in the face with wasp spray. The officer determined that because both parties had injuries and he could not determine who started the fight, both should be arrested and taken to jail. The woman was very upset by this finding and told the officer she would be consulting her attorney about being falsely arrested. The officer had other police on the scene take the man and woman to jail so that we could return to the station and write the report.

The full police report it available in the Appendix A. I have included the narrative written by the officer here for reference.

> On July 21, 2011 at approximately 2252 hours I responded to the residence at 423 N. 37th Place reference a disturbance. Upon my arrival I was met at the door by a individual who was not involved in the disturbance advising me that both suspects were located in the bedroom. Both suspects were not involved in a physical fight at the time of my arrival and were separated to conduct interviews.
>
> I first spoke with the female suspect, Pamela F****, who provided a written statement regarding the incident. Pamela stated that the relationship between her and her boyfriend, Michael G****, is an abusive one. She stated that Michael was accusing her of cheating and called her a 'disgusting whore.' Pamela said she tried to not argue with Michael but he continued the verbal abuse. She stated that Michael grabbed her and at that point she sprayed him with 'wasp spray' out of self defense. Pamela stated Michael then began throwing things around the room, attacked her a few more times, and hit her in the head. It should be noted that Pamela had a bruise on her lower back and a bump on her head. Pamela stated she was unsure when during the altercation she obtained the injuries. Photographs were taken of her injuries.
>
> I then spoke with the male suspect, Michael G****, who stated that they were in an argument and that she was accusing him of cheating. Michael stated they were lying in bed and she sprayed him with 'wasp spray.' He stated she sprayed him in the face and he got up and started throwing stuff around because he could not see. He stated as he was attempting to leave she continued to spray him. Michael was not aware of how Pamela obtained her injuries but stated he did not hit her. It should be noted that Michael had had red, water eyes form (sic) the wasp spray. There was a large amount of wasp spray on the bed as well as the walls. Photographs of the location of the wasp spray were taken.
>
> Due to the fact that I was unable to determine who was the primary aggressor was and both parties sustained minor injuries from the altercation both parties were taken into custody. Michael G**** and Pamela F**** were jailed at B***** County Sheriff's Office for Domestic Battery 3rd Degree (5-26-305). The wasp spray used in the incident was logged into evidence. No further information to report at this time (Lewis, police report).

The Officer

Despite four years of ongoing research with the Jackson Police Department, I had no prior knowledge of Kale Lewis, the officer I rode with for this study. Lewis graduated with a B.A. degree in Finance from a state university but entered police work shortly after graduation. He has been an officer for a little over one year, and all of that time has been spent at Jackson PD. His training was paid for and provided by the police department, and his training was within

the guidelines of the Arkansas Law Enforcement Training Academy, Arkansas Commission on Law Enforcement Standards and Training, and the Jackson Police Department Field Training Program.

Based upon his ease in answering my questions and our casual conversation during the ride-along, I suspect that Lewis had little, if any, reluctance to participating in the study. Despite his short time as an officer, he commanded a good deal of knowledge about his own report writing process and the police report genre. During the interview he mentioned that he felt comfortable with writing in general and report writing specifically. He states, "I graduated with a degree in finance so, um, you know, I've had quite a few writing classes. But, you know, it can be a challenge for other people."

When we sit down in the Jackson PD computer room to write the report, Lewis begins by filling in several check boxes in the system that will generate his report. I ask him who he is thinking will read this report. He responds,

> Judges, attorneys, uh, me down the road if it does go to court. You want to be as detailed as possible that way when you do get up there on the stand you can, you know, always have something to look back on, that way you're not caught saying something that is not necessarily a lie but , but, you know. If you're not detailed on them [reports] they can all just merge together.

Lewis explains that he has a simple outline that he uses for every police report he writes. He recalls that he wants to give the time, the location, the reason for the call, and what he observed on the scene when he first arrived. These details constitute the first paragraph of his police reports. It appears that he is thinking about himself as a reader in this portion of the interview. He will need to recall these specifics if the case goes to court.

After this information, he tries to explain each side of the story from each party's perspective in subsequent paragraphs. Lewis notes that he tells the story of one side, including any witness or victim/suspect statements, and then tells the other side in the report. He makes the last paragraph of each report his conclusion. Lewis writes "Domestic Battery 3rd Degree" in a blank on the report generation software. I ask him if he will purposely include the elements of the statute for "Domestic Battery 3rd Degree" in the report or if he just assumes the prosecutor will look at the facts and make that determination. I am interested to see if Lewis is consciously writing for the prosecutor and including language from the statutes. He explains, "Well, you know, I don't have all the statutes in my head. A lot of times we have to refer to these [points to Arkansas Statute book]. Third degree is basically no weapons were involved. Nobody was seriously injured." While he understands the main distinctions of Domestic Battery 3rd Degree, he seems unconcerned about justifying the charge in the report. He may assume that his audience is well aware of legal statutes and distinctions, perhaps even more so than himself.

In the next box, Lewis struggles to explain the wasp spray as a weapon. He must select a specific description from those given. He finally decides on poison but notes, "A lot of times these [reports] get kicked back. And it's like, even if you do something that makes sense, they still get kicked back because they have a way that they want them." I ask him who he means by "them." He explains,

> Well what happens is my Sergeant will look at it, or my Lieutenant, and then it will go through and someone over in Records will look at it, and they will start merging everything together. If there is an error with it my Sergeant will usually go ahead and kick it back to me. If it gets past him and it has something small

> that he missed then Records will kick it back and will notify him, and then I will have to go back in and fix it.

Despite a clear understanding of the chain of approval, Lewis does show some dissatisfaction that "even if you do something that makes sense" reports get rejected. This part of the report audience has the ability to request and demand change in the document itself, a power that may come with some officer resistance.

After all of the boxes and blanks on the computer report form are filled in Lewis begins to write the narrative of the incident. I ask him how he will start the narrative and how he learned to write his heading and "outline" as he calls it. He tells me that he had four or five different FTOs during the course of his training. This is very unusual from other officers I have interviewed. Lewis claims that he picked and chose what he liked and adopted his own format. He complains about officers that take too much time or include too much in their reports. He notes,

> Some people are, you know, extremely detail orientated to where, I believe you need details in there and I get them in there, but at the same time you need to be, you know, pretty efficient with what you do. I mean, you can't be sitting there working on a Domestic Battery for four hours. Do I really need to know what their past domestic history is? No. You know, when they run their numbers they will see that. And I didn't arrest them for their past domestic battery history. I arrested them for what they were doing that night.

I can only assume that some of Lewis' FTOs required very detailed reports or that he sees other officers producing such reports and disregards the idea of that report style. He wants to get back

on the street and on to other things. However, he may be ignoring the needs of the audience and missing out on what the FTOs and other officers are doing when they write in this style.

As Lewis is writing, I notice that he is including the first person pronoun, "I," in the report. I ask him why he uses "I" in the report and explain that I have seen other officers use "officer" or "reporting officer" instead. Lewis defends the use of "I" because it is his story. He states, "I always write it first person. I mean, I was the one with the story here. It is, you know, my recollection of what happened. I'm the one that went there. I'm the one that made the arrest. I'm going to be the one, you know, testifying later on in court." I think Lewis clearly understands his motive for using first person in his reports. He wants the audience to know that he takes ownership of the report and his efforts on scene.

I ask him about the audience for this report and if he thinks there is good reason to use "I" for that audience. He explains, "I mean if you are sitting there reading it, it kinda lays you out a picture like maybe you are putting yourself in their shoes. Basically, what you want to do is paint as pretty a picture as you can for the judge, and the lawyers, and you know, the people involved and, basically, the best account of what they said happened and why you made your arrest." While I am not sure that Lewis knows whether or not the audience prefers first person, it seems clear that Lewis prefers it and thinks they would as well. He is attempting to interact with them and invite them into "his shoes" in the report. He is also developing a sense of his authority and ownership of the report and his actions on scene.

After he has written the first paragraph, including information on time, date, address, and who met him on the scene, Lewis stops and re-reads the witness statements. He begins writing, and I notice he includes almost verbatim what the woman writes in her written statement in the report. I ask him why he relies so heavily on the written statements for the report. He responds,

> It is nice when there is a written statement cause you're not trying to recollect what everybody said, and well you know, did he say that? You have a first-hand account of what they said happened. If I can do it, and like on hers it is a pretty good written statement, what I do is, I will write my report and my account of what she told me based off of her written statement.

There are very little, if any, quotes or conversation in the report that document the interaction he had with the woman outside of her written statement. He justifies the lack of one-on-one conversation with the individuals in the report by claiming that the written statements back up what he says in the report, a closed loop of written/spoken testimony.

While writing the narrative of the domestic dispute, I notice that Lewis is using the parties' first names instead of last. I have seen officers use, last names only, "Person A," "Suspect 1," and other ways of identifying individuals in reports. The use of first names seems unusual to me, so I ask him about it. He responds,

> Umm, I guess because a lot of time, I think I decide to go with first names because a lot of times they have the same last name, and it is just habit, you know. Sometimes, you know, if they have an extremely long last name or something like that, but hey, first names seem like they are shorter, usually they are different. Umm, you know, if they have the same first name then I might use their last name. Plus it kinda, I don't know, first names are more personal.

I respond, "You would want to be more personal in a report? Why? Who are you thinking about reading it that you would want to be more personal?" Lewis pauses for a moment and states,

> Uh, I think maybe if it goes to trial by jury, uh, you know. A lot of people do use last name and date of birth [using robotic voice] and la la la. But I don't really

> like to do that. When I write my reports I like them to look like I'm writing a story. I want to. [Pause] I don't want someone to fall asleep when they are reading it, you know. It is straight forward as possible, you know, that is my deal with it.

By using first names and first person perspective, Lewis is rejecting the police officer report style that he deems robotic. In writing his report, he seeks to interact with the audience. Paint a picture. Tell the story. He is cognizant of a future jury that may read this report and discredit him as an uncaring or, even, nonhuman officer. In this part of the interview he recalls that other officers do practice that style of report writing, and he wants to consciously discard and move away from it. He does not question if a jury or lawyer may find him too personal or casual in his reports. He is assuming that the audience prefers casual, personal narratives to precise, detached ones.

As Lewis begins to conclude the woman's side of the story, I ask him if he will include in the report how upset she was about being arrested. He responds,

> No…If they are in the backseat of the car spouting off something like "next time I'll hit her harder" or something like that, then yeah. But, you know, she was arrested for domestic battery, she was upset. Why she was upset? She might have been upset she was going to jail, might have been upset cause she messed up, might have been upset cause she really was the victim in this incidence, but it is impossible for me to determine who the victim was. And you know State of Arkansas states, if it is visible [injury] we have to make an arrest. It would be unfair of me to take Michael to jail and not her. He has a face full of Raid [wasp spray].

Officer Lewis feels bound in this situation to arrest both parties because he believes the State of Arkansas demands that he do so. Even though he feels convinced the arrest was necessary, he refuses to put in the report that the woman was upset about it. He gives several reasons for why she may be upset, but including the observation of her mood in the report is dismissed as unnecessary. He makes no assumption that he will remember this fact later on or that it could be brought up by a defense attorney, as she claimed several times that she would be discussing her false arrest with her lawyer. Lewis also says that her attorney advised her to keep bug spray by her bed in case her boyfriend attacked her so that she could use it as self-defense. I ask him if he will include that in the report. He replies, "Uh, no. That kind of stuff. I'm going to say that it was by the bed. [Changing his mind] I probably will. You know, down at the bottom after I get done telling their side of the story, I'll put it should be noted such and such, and put that down at the bottom." The information about her attorney's advice is never included in the report. I believe my questioning at this point in the interview made Lewis think twice about including the information, but ultimately, he never included the statement about her being upset or her attorney's advice in the report.

He concludes her paragraph by stating that photographs were taken of her injuries. I ask him if it is important to put in the report that photographs were taken. I am interested if he is including this statement thinking of specific audience members that will read the report. He responds, "Yeah, because that way, you know, someone is reading it later on, you know, they want to see how serious the injuries are, they see that we have them [photographs] on file. And you know, I add the intake sheet and the photo log and all this goes in report. And then I guess they make paper copies of all these in records. I'm not real sure what they do." Perhaps through routine or training Lewis has learned to put the statement that "photographs were taken" into his

reports, but he has very little clarity on how the photos will get pulled and used by lawyers or others down the line. The fact that he does not know what happens to the evidence after he submits it is important. If he knew how difficult it was for the prosecutor to pull the photographs from evidence, he might include much more detail about the injuries in his report. Since Lewis assumes that the evidence must be easy to pull and all the readers must have easy access to the evidence mentioned in the report, he includes little detail for the readers.

Lewis moves on to his next paragraph, which covers the man's perspective of what happened in the incident. I ask him if he is thinking about the prosecutor as he is writing, and how he will be able to determine the primary aggressor. He explains,

> Yeah... you want be as extremely detailed as possible. Well, I'm not even as detailed. I'm trying to make it something that I can read before I go into court. And I'm not going to get up there and get hammered by a defense attorney or something. [In lawyer-like voice] 'Well, you said it was bug spray here and now it is wasp spray. Which one was it?' I want the facts to be in there but I want it to be extremely uncomplicated.

I ask him, "So you switched it from bug spray back to wasp spray thinking about a defense lawyer and not wanting to get hung up?" He agrees that is why he made the change. He does not want to be "hammered" on the stand for a little detail. He explains,

> Yeah, because you know a defense attorney, maybe not so much on this but on a DUI or something, you know you will see a DUI report that tells the exact number of times the subject stepped off the line. Well, it doesn't say [Arkansas State statute for DUI] you have to say the exact number of times he stepped off the line. All it says is the clue is them stepping off line. You say "He stepped off line on a

> number of steps." That keeps you from getting hung up. What does it matter? And this is only my personal way of doing it. I mean, you know, I have only been here a year, and I might change. It just depends on what I start getting hammered on in court for, you know. But everything that I have had so far, I haven't been on the stand.

Even though my initial question was about the prosecutor, Lewis moves immediately to himself as a reader of the report and a defense attorney. He is most concerned about being embarrassed on the stand and ridiculed by a defense attorney. Lewis is not thinking so much about the needs of the audience in his report as he is about saving face and not embarrassing himself. This is especially ironic since Lewis has yet to go to court and be questioned. His ideas about defense attorney questioning are based on fear, hearsay, and police lore.

As he is wrapping up the report I ask him about his supervisor as a reader of the report. He claims that supervisors understand that officers write differently and that he doesn't really consider the supervisor as he is writing. He suggests that "He [supervisor] is just looking for the same thing that you need in a report. The same information." Lewis has little insight into what the supervisor is looking for in reports. Lewis assumes that the supervisor, as a member of the audience, is on his team and wants included whatever Lewis decides to include. There is little fear or uncertainty about the supervisor reading the report. This is interesting though since earlier Lewis claimed that reports are kicked back even when they make sense. Thus, his understanding of the audience of supervisors is undeveloped.

I ask Lewis again about the prosecutor as he concludes the report and if he is including anything specifically for the prosecutor. He replies,

> No. No… I mean everyone involved from the prosecutor to the officer to everybody involved, we are going to want the same information. You know, what happened, and what did you do to resolve it basically. And then also when it does go to trial are you going to be able to recollect what happened? Are the prosecutor and judge going to be able to read your report and have a pretty good picture of what happened? And you know to cover yourself. This woman was saying that I made an unlawful arrest and that she would be talking to her attorney about this. So, you know, also a lot of what you do is CYA [cover your ass]. You want a good reason and a good recollection of why both parties were arrested on a domestic battery.

Much of what Lewis is doing in a report is explaining, justifying, and defending the reasons for his own actions. He may be doing this out of fear that readers, such as the defense lawyer, will read the report and question his actions.

As Lewis types the last sentence of his report I ask him about the witnesses that were on the scene and if he will include any information about them in the report. He argues,

> Um, since they are not willing to do a statement and tell me what happened, I am just basically going to leave them out. Now that is not to say that they won't come forward if it goes to court… since they weren't really willing to talk to me basically, since they weren't willing to fill out a statement, I want my report to show basically what these two people [the arrested suspects] said happened.

Lewis includes no information at all about the witnesses in the report. There are no names or contact information for them. He also leaves out that one or both witnesses heard the woman scream, "Don't hit me. Don't hit me." Lewis may not be considering how this information could

help the audience of the report. By leaving it out, he dismisses any interest that the prosecutor or defense may have in being able to call these two people later on and ask for their testimony.

Lewis' assumption of his audience leads him to leave out seemingly important information, information he fears may be misconstrued or questioned in court. About written statements Lewis explains, "I like it because it is in writing. It provides recollection of what actually happened later on when they go to court. So whenever somebody is sitting there saying well why isn't your story matching up with this later on down the line, it can kinda help the judges." While this statement lacks some degree of clarity, Lewis gives value to the written statement of the victims/suspects over his own recollection of verbal conversations with the two parties. He does this because he thinks there is more value in the written document than his recollection of their conversations. This is presented against of the backdrop of "somebody", who I assume is prosecutor or defense lawyer, and "judges." I argue that Lewis is anticipating that lawyers and judges prefer written statements over an officer's recollection of conversation. He is making judgments about his audience and adapting the police report in accordance with his beliefs about what the audience values. The problem with this is that it allows the only voices in the report to be the man and the woman who were arrested. It seems the report writing activity for Lewis is fraught with second guessing information, events, conversations, and officer actions. There is not a clear sense that he is including all the information and just letting the reader come to his or her own conclusion. Lewis says very little about what he saw, heard, asked, or responded to on the scene. This can make a murky situation, like this one where both parties are arrested, even more difficult for the court to resolve.

The Supervisor

Officers at Jackson Police Department are required to have all of their police reports

completed within the same work shift. All reports are read and critiqued by a supervising officer, typically the Sergeant or Lieutenant on duty. The supervising officers remain at the police station and review reports as they come in through the centralized database and police software program. They return the reports to officers during the same shift for corrections through the system. Supervisors are the first reader of reports beyond the officer. They have the final say in whether or not a report is ready to be filed and read by others. This is an important job and necessitates the ability to understand the needs of future readers of the report.

Tom Cuddy was the supervising officer the night of Lewis' report. I sat with him in the police station as he reviewed and recommended changes for the report. Cuddy has been an officer with the Jackson PD for sixteen years. He has been a sergeant and overseeing officers' reports for four years. This interview took place at 2:00 am in his office. The report was reviewed on his computer using the police software for generating reports.

I ask Cuddy what he generally looks for when he reads officers' reports. He explains, "I am just looking for the basics. You know, who, what, when, where, why and how. Okay? And on top of that I look for the elements of the crime to make sure they have those in there." This statement suggests that Cuddy understands that a prosecutor will be reading the report and needs to identify the elements of the crime and compare those to the legal statute. However, when I ask him whom he is thinking about specifically as readers of the report he replies,

> It needs to be understood by anybody. Okay? And, you know, we tell them no cop-talk, you know, no acronyms, all those need to be spelled out. The only acronym they are allowed to use is like ACC because it is just understood that everyone knows what that is. [ACC is the acronym for Arkansas Community College] But no cop talk. It [the report] should be able to be understood by

> anyone that picks it up. Should be able to sit here and read it. They should be able to follow it in sequence from the time the officer was dispatched from dispatch to the time that whatever the resolution of the case was, arrest or whatever it was.

It is interesting that the first thing Cuddy complains about is "cop talk." He is suggesting an audience of regular citizens, for surely lawyers and judges would be familiar with legal and police officer jargon. He seems to be suggesting jury members and other citizens that need to be able to read the report and understand it; however, on a misdemeanor arrest it is very unlikely that the case will ever go to trial, especially a trial by jury. The idea that a jury member will be reading this report in the future is highly unlikely.

I redirect his response back the original question about the prosecutor. I ask him specifically if he is looking for anything in the report that a prosecutor will need to know. He responds,

> Well, yes and no. And the reason I say that is for us to make an arrest we need probable cause. For the prosecutors, they are looking at beyond a reasonable doubt. When I'm looking at it I have to make sure that, like if an arrest was made, there was probable cause to make the arrest. For the guys to make an arrest there has to be certain standards. As far as misdemeanors, you can't make a misdemeanor arrest without a warrant unless it falls into five categories, a domestic battery, a misdemeanor that happened in your presence, shoplifting where the person was detained by loss prevention, so there are certain standards. I have to make sure that all that stuff is in here. I'm looking at it for as far as when they go to court if it is a good report for them [the officer]. They need it to refresh

> their memory, and I have to be able to understand it whether I was out there or not. By reading their report I should know exactly what happened.

Cuddy mentions the importance of the officer as a reader of his or her own report. He considers it part of his job as supervisor to ensure that the officer, as an audience member of his or her own report, has a "good report." He emphasizes the report should refresh the memory of the officer, and not necessarily, include information that is critical for the prosecutor. Cuddy seems more concerned about protecting the officer's recollection of the incident and his or her probable cause for the arrest in the report than including information a prosecutor or judge may need.

Before Cuddy reads the narrative of the report, I ask him what the most common offenses are in reports. He replies that he usually kicks back reports for "minor grammar and errors." He continues that he likes to read the narrative of the report a few times because,

> Depending on how somebody [Pause] what kind of school they went to, the extent of their education, they write different. And we have some Hispanic officers where their primary language is Spanish, so then you have to go through it. Sometimes, you know, they get their adjectives in the wrong place or something like that, and it doesn't flow, you know. Not just them, you know, people when they are typing they get in a hurry and they are thinking what they want to say but leave out crucial elements. So, I read pretty slow and deliberately.

Cuddy is focused on grammar and the readability of a report. While he wants the critical elements to be there, his main concern seems to be on if the report will be received as a professional and correct document. He wants his officers to seem professional in their writing, but at the same time, easy to comprehend and follow.

Cuddy reads the narrative silently twice. He remarks,

> So one thing that I would send this back to him for was to, in here, in the paragraph where he is talking to her, it says that he [suspect] is verbally abusing her and that he grabbed her and at that point she grabbed the wasp spray out of self-defense. He began throwing things around the room. He [officer] needs to be a little more specific about what he [suspect] did that she is saying was self-defense. Because here he [officer] says she has a bruise on her lower back. So how did she obtain that bruise? Was she thrown down? Did he hit her in the back? Did he kick her in the back? You know, how did she get that bruise? How did she explain that bruise? And the same way with the bump on her head. Those are the main things that I noticed. I didn't see anything else.

Sergeant Cuddy does not note any grammatical or stylistic changes, even though this is what he says he mainly looks for in reports. He, instead, comments on the needed inclusion of details to suggest how the woman received her injuries. Looking from the original rough draft to the final, Lewis includes only one sentence in regards to this criticism. After Lewis describes her injuries in the report he adds, "Pamela stated she was unsure when during the altercation she obtained the injuries." This does not seem to answer Cuddy's request for more detail on the injury. Since Lewis took no notes on the scene of his interview with the woman and relies only on her written statement in the report, he may not know how she obtained the injuries. This could be a serious problem in the report.

I ask Cuddy if the two witnesses that were on the scene should be included in the report. He responds,

> I would put at least their names if they were identified. That is one thing that as I am checking these, he is not the only officer that was there. There were other

> officers so there will be supplemental reports coming in. That is one thing that I may ask him. I would ask him, hey did you ID those people, or did someone else? I don't want to seem like I am micromanaging. You know it is something that is important because the prosecutor can ask those people to come in and tell them what happened.

Cuddy understands that details like witness contact information is important to a prosecutor. These witnesses could help identify the primary aggressor in court and help solve a relatively difficult he said/she said case. What Cuddy does not do, however, is ensure that these details are included in the report. The final report has no mention of witnesses. There is no supplemental reports with this information either. Cuddy mentions in regards to this that he doesn't want to seem "micromanaging." This is odd coming from a supervising officer with so many years at the department. Lewis has been an officer for only one year. I would think that micromanaging would be not only uncommon, but in certain instances, necessary for such an inexperienced officer. However, Cuddy may feel uncomfortable requesting real changes in officers' reports. Grammar and style choices may seem easier, more friendly, and less micromanaging than requests for added content and details. Whatever the case, the report in its final form is lacking information the audience needs as is evidenced in the subsequent interviews.

The Prosecutor

Mark Guston is the City of Jackson assistant prosecutor. He has worked as a prosecutor for four years, though his legal experience includes time as a defense attorney as well. Guston reviewed this police report in his office at the Jackson City Hall. He is one of three assistant prosecutors for the City of Jackson.

I told Guston that I had obtained the report as part of a ride-along I conducted with the Jackson Police Department. I asked him to read the report, and as a prosecutor, identify any information that was unclear, missing, or extraneous. Guston reviewed all of the attached tickets, witness statements, and supporting documents prior to reading the report narrative. He took several minutes looking through the documents.

He reads the report aloud, stopping at points to remark on the narrative. He comments,

> Well, the first thing that I read [in the narrative] is that "I was met at the door by someone not involved in the disturbance." It would be nice to know who that person is because they could potentially be a witness. Umm. [He reads narrative aloud]. It says "Michael grabbed her." Where? Did it leave a mark? Did he grab her once? One hand? Both hands? Were they in the house? Umm. [Reading aloud] "At that point she sprayed him with wasp spray." Did she spray him in the face? In the eye? Did she spray in his direction? Was she 10 feet from him? Was she 2 feet from him? Umm. [Reading aloud] "Pamela stated Michael then started throwing things around the room." What things? Were there broken things lying around to corroborate her story? [Reading aloud] "Attacked her a few more times." In what way? Verbally? Physically? Umm. [Reading aloud] "And hit her in the head." With what? His hand? With his fist? Open hand? Closed hand? With an item that he was throwing? [Reading aloud] "It should be noted that Pamela had a bruise on her lower back and a bump on her head." Okay. [Reading aloud] "There was a large amount of wasp spray on bed and walls. Photographs of locations were taken." Where would that location be? You can put that in the report.

It is obvious listening to Guston and watching him question the report that he is unhappy with it. I remark that there seems to be a lot of missing information. He responds, "Yeah, a lot." I begin asking him about the witnesses. I tell him that there were two witnesses on scene, not just the one that Lewis mentions met him at the door. I explain to Guston that I asked the officer if he was going to put who the witnesses were in the report, but Lewis responded that if the prosecutor wants that then they will go find them or maybe she [the victim] will convince one of them to testify for her (Lewis). This upsets Guston. He explains, "Well see the problem with that is that I'm not an investigator. I'm a prosecutor. So if he is on the scene and they are standing there and they are witnesses to a crime, it doesn't really matter if they don't want to talk. They have to give me their name and basic information." I told him that I did not believe Lewis took down any contact information from the witnesses. He exclaims, "And so how am I supposed to find them? Call the two defendants that are represented by council and say 'Hey, who was at the house and saw all this?' That is ridiculous" (Guston). I ask if this is a big problem for him now. He responds,

> Yeah, it is a huge problem now. Particularly if you have a he said/she said because it looks to me like, if there is wasp spray all over the bed it sounds like his story is more plausible than hers. I'm sure neither one of them did what they should have done, but I mean, instead of typing "I took a picture of the wasp spray location," would it be that hard to type the wasp spray was on the bed, on the nightstand, on her side of the bed, something. But no, not getting the names of the people that were there and witnessed it is unforgivable. That is just ridiculous.

The officer has clearly not anticipated the needs of the prosecutor as a reader. The supervisor also bears some responsibility for the lack of witness information. Even though the supervisor said he would ask for the inclusion of witness information it was never included in this or other subsequent supplemental reports.

I alert Guston to the other information not in the report. I tell him, "Now I know that she had told the officer that her attorney told her to keep wasp spray by her bed for self-defense, which I thought was interesting, but it wasn't included in the report. The witnesses also heard her say "Don't hit me. Don't hit me." But that is not in the report. Guston shifts his weight in his chair and remarks, "The witnesses heard her say as it was going on, "Don't hit me. Don't hit me?" When I reply, yes, Guston continues,

> I can't imagine how that is not relevant. I mean, again, it takes it from a he said/she said to witnesses. When you have a case like this anything beyond what the two parties say is hugely important. We absolutely need to know who these witnesses are. I don't care if they don't want to talk. The problem is this, you really can't give me too much information. There is really no such thing when you are prosecuting a case. Because if the defense attorney gets some information and shows up with a witness who says they saw it all, and I say, "Well I didn't know there was a witness." They are going to say "Well they were there. Cop didn't want to ask them any questions." That makes me look like a dumbass. Which makes him [the officer] look like a dumbass. Which makes me angry. Which makes me call supervising officers and have conversations about that officer's level of training. Maybe they need to go back and have a little refresher course. I can't really think of anything more egregious than having a witness to

> something and not even getting their contact information. I mean, if they didn't want to talk at the time, you at least get their contact information, so that I can put them under prosecutor subpoena and get them in here and question them myself.

It is clear that Officer Lewis and Sergeant Cuddy have drastically underestimated the importance of the witness contact information. This is information that is critical for the prosecutor and needs to be included in the report. Even though Sergeant Cuddy agreed that it would be good information to include, he did not check to make sure it was included in the report. Officer Lewis completely disregarded the witnesses because they refused to fill out a written statement. A witness does not have to cooperate with an officer to be included in the report. Every citizen must show ID if requested by an officer. Lewis could have requested their identification and included their contact information in the report. Both he and Cuddy failed to ascertain the needs of the prosecutor as an audience member of this report.

Guston explains what may be the reason for the lack of detail and information in the report. He argues,

> There is some substance here of, well, it is just a misdemeanor. Nobody really got hurt. Well, okay. I get that. But if that is the attitude, then don't arrest them. Don't charge them. Don't add a case to my caseload that I've got a he said/she said, and I could have had witnesses that could have made it easy to plea or easy to try. Now I've got a shitty case on the docket and all it looks like is the prosecutor is dismissing domestic batteries. I mean, if you don't care enough to put the time into doing that, and I'm not saying that you should or shouldn't. Some these are just a bunch of bullshit and the best thing to do is tell one of them to leave the house and work it out. But if you are going to write a report and you

> are going to arrest them, spend an extra ten minutes putting the right information in the report.

Guston is concerned about his caseload being filled with cases he has to dismiss because they are not cases that he will be able to successfully prosecute. This scenario can make a prosecutor appear weak to the public. A poor report creates an investigative problem for the prosecutor's office and a public relations headache.

I inform Guston that the woman involved in this incident was upset and threatened to call her attorney and file charges against the officer. I ask him if he would want that information in the report. He replies,

> I mean look, the rules of discovery are pretty simple. Rule 17.1, 17.2, 17.3, if a defendant makes a statement and it's not contained in discovery, I don't get to talk about it. If I send this police report and these witness statements to the defense attorney, and they look at it and say, "Fine. We are going to trial on it." And I show up and the cop gets on the stand and starts saying, "Well, she also told me…" Buzzzzz. Red buzzer goes off. He doesn't get to say that. I don't care if it is in his field notes. I don't care where it is written, or if he remembers it that day. I have to give any defendant or their attorney the substance of any statements made by that person [the officer]. If I don't give them to them, I don't get to use them. Now they can get their witness, their client, their defendant on the stand, and they can say whatever they want. If the defendant gets up there and tells a whole different version of the story, then guess what? Then the defense attorney, which is exactly what I would do if I were the defense attorney, recalls the cop, because I, as the prosecutor, don't get to bring that information

> out. But the defense attorney can put their client on the stand. And she says, "Well I told that cop this, and I told him I was going to call my attorney, and..." Then that defense attorney is going to call that cop back on the stand. "Did you hear what she just said? Yeah. Is that true? Well, I remember her saying all that. Is it in your report? Why not? What stuff do you decide to leave out? What stuff do you decide to put in?" The facts are the defendant is going to say whatever she wants and the cop isn't going to be quite sure…[The officer] is going to be up there going, "Yeah, yeah, I kinda remember that." It just adds to her story, whether it is true or not. That is a big fucking problem.

The prosecutor is well aware of the specific rules of discovery and court procedure. These are elements of the judicial system that officers are less familiar with and less adept. The lack of knowledge and understanding of legal procedure by officers creates problems for the prosecutor, who must work with a report that is written without the information he needs. This report obviously perplexes the prosecutor as he identifies all the problems that can occur with it in the future.

I ask Guston if training could correct problems like these in reports. He argues,

> It is just a shift in mindset… You are not just writing this report to refresh you on what happened. There are discovery requirements that we have to meet based upon what you put in this report. I use this report as a guide for soliciting testimony from you and witnesses and victims. So, you know, you have to look at it a little bit differently than "this is what I want to remind myself of."

Officer Lewis remarked several times that the police report document was used to help him remember the details of the event. Even Sergeant Cuddy claimed that the report is used by

officers to refresh their memory on the stand during trial. Since so few officers actually end up going to trial, perhaps a "shift in mindset" like Guston suggests, is warranted. Officers need to be trained, not to write reports for themselves as the primary audience, but for the audience that will use the report to charge a suspect with a crime.

In addition, Guston notes that he dislikes when officers advocate or try to justify their actions in the report. He argues,

> You don't have to fluff…If your report is written objectively, there is nothing for the defense attorney to pick on you. If you are trying to bolster, "well she was very agitated and he was quite da da da." I don't want to hear that shit. I don't need extra adjectives. I don't need it. I mean "He was upset. She was agitated. She was bleeding." Not bleeding "profusely"! Take a picture. I will determine if it was profusely or not.

The addition of subjective adjectives and unnecessary information obviously frustrates Guston. He struggles as a reader when reports use this kind of language because he knows that defense attorneys will capitalize on it. Guston also seems aware that officers often write reports thinking about a defense attorney and worrying about where the officer may appear weak in the report. He argues that instead of trying to improve or "bolster" the report with adjectives and conclusions, officers should stick to the simple objective facts of what they observed.

I ask Guston what he will do with the case now that he has read the report. He states,

> Umm, I will have to wait and see…It is a problem. I can't imagine a cop not realizing witness information is not important. I mean people have gone to the gas chamber on witness testimony…He has got to remember if he works 10 cases a month and there are 60 cops over there, that means I have 600 cases. So I'm

> sorry if it takes him 5 more minutes to say where the location of the wasp spray is. Put it in the report. I have to look at this report and witness statements. That is all I have to go on when I decide to plea or take it to trial. I can't sit down and look at every single thing, watch all the videos, and everything else to make decisions on that many cases a month. It is just impossible. So what I need is the cop to tell me everything I need to know in that report. And they should know what I need to know. And, you know, the reality is they don't.

Guston comes to the realization in this interview that officers just don't know what he needs, as a prosecutor, in a police report. Officer Lewis had none of the concerns that trouble Guston. He felt he was doing a good and thorough report by saying that photos were taken. Lewis knew that this would be important information for the prosecutor and others to know, but there is a serious deficit of understanding when it comes to what the prosecutor really requires in the report. Guston cannot go to evidence and look at the photos for every case that he receives. A detailed description of what is on the photos is needed in the report in order for him to effectively prosecute cases. Officers are largely unaware of the requirements of the prosecutor in regards to report writing. Details about video, photographs, conversations, and all statements are critical and need to be in the report narrative. In addition, the rules of discovery must be met in the police report. A comprehension of legal argument is needed for officers to clearly understand how to write a good report.

The Defense Attorney

Chris Allen is a defense attorney and works with clients facing charges in Jackson City Court. He has been in private practice for several years and is a partner at his firm. He worked

in a prosecutor's office prior to becoming a defense attorney. This interview was conducted in his office.

I ask Allen to read the report and tell me what he sees as problems, opportunities, or otherwise, notable portions of the report. He begins by reading the narrative and then looks through the witness statements, affidavits, and other documents. He starts by complaining that this report is similar to all the others that he reads. He claims,

> Just from reading these, and it is pretty much the same with all of them, most of these are typically cut and paste in some form or fashion. So, umm, you know the first sentence says, "The officer responded to the residence reference a disturbance." I would want to know, and I think even the prosecutor would want to know, well he responded but why did he respond? Who called? Was it anonymous? Was it someone with actual knowledge? Was it somebody three doors down that heard a noise? Was it the right house? How does he know?

Right away, Allen is looking for more detailed information in the report. For him, it is not enough to note that dispatch sent the officer to an address. He wants to see the circumstances surrounding the call, the information Lewis and I had as we approached the scene.

Allen moves on to the second sentence,

> And so, then the second sentence because I look at these from a stand point of did the officer, at least based on the report, do things the way he should. And so he says, "He was met at the door." Well that doesn't make a whole lot of sense. Did he knock on the door? Was she standing there waiting? How did that come about? Did he knock on the door and she had to come out right then? And so did he even have authority, is I guess the word I will use, to be there. Was he inside

> the threshold, was he not? And then he goes right into, "I met her at the door," which sounds like perhaps a consensual encounter, to speaking with her. It's just, we need to know how he got in the house. The State needs to know. I need to know. Either one of these people has the right to refuse consent, and since it is a residence, it has to be written consent. So there is a big gap there to me. And so then he goes into this conversation, and the initial lady he spoke with says it is an "abusive relationship." I would love to know what that actual conversation was that he summed up with, "well, it is abusive." That is obviously completely left out. And again, throughout all of this unless I am missing it, we don't see where they are at. We don't know where they are at and there was no altercation going on when he got there. Umm, so it is not a great report, but, candidly, I haven't seen many great reports.

I ask Allen if he would represent either of the parties in the incident. I want to know if this report makes him feel confident in defending either party.

He replies,

> I would represent either one of these people, and I don't think the State would be able to prove anything on these particular charges. But, you know ideally with reports like these, it would be wonderful if there was a body mic [microphone] on recording so you could compare it and see what the actual conversation was.

Allen's initial statement and this one refer to the lack of conversational evidence in the report. The prosecutor complained of Officer Lewis solely using the written statement as the actual account of what happened in the report. Allen's first comment about the "abusive relationship" comes not from Officer Lewis but from the woman's written statement. Both the prosecutor and

the defense question Lewis' conclusion that the relationship was abusive. Of course this wasn't Lewis' conclusion. It was her statement, but it is not clear to either reader of the report. Lewis' use of witness statements as the body paragraphs of his report is problematic and confusing to the audience.

I tell Allen that I was on scene during the questioning of the individuals and that there were two witnesses on the scene as well. I ask him if he would be interested in knowing more about the witnesses in the report. He replies,

> Absolutely! Because they are likely people who may not have any skin in the game, so to speak, so I want to know what they heard. Unfortunately, that happens a lot where there are other people present, and it may help or hurt your case as a defense attorney, but they aren't mentioned. No idea why. Did he even take any statements from them?

I explain that the witnesses didn't want to make written statements but that one or both did claim to hear the woman screaming, "Don't hit me. Don't hit me." Allen replies, "Well he didn't bother with it [including their statements] because it helped to enforce what he already knew was going to be his action… 'I have decided you are both going to jail.' So yeah, that is completely left out." Unlike the prosecutor, Allen is not upset or surprised by the officer's actions. Though he sees problems in the report, he sees them as opportunities for defense, not as a stumbling block to successful prosecution. His insight as a reader is valuable because he can highlight the weak spots in the report from which he can build a defense.

Allen continues,

> Another really interesting thing is they get in this habit of "because I see this then it must be true." It is like a self-fulfilling prophecy. She mentions wasp spray so

> he says there is wasp spray on the bed. Well that is interesting that he knows that is wasp spray on the bed. I don't know how he knows that is wasp spray. It could be water. It could be anything else. But you know, then "Michael had red watery eyes from the wasp spray." Well, maybe he was drunk. Maybe he was high. It should be that he had "red watery eyes." It should be the things that he observed, all of the things that he observed. But now in here, he has this conclusion and unfortunately it goes on to become one of those conclusions that becomes a fact in testimony. But we don't know why he had red watery eyes. We don't know if it was wasp spray on the bed as well as the walls. We just know something was there. So, it is not a great report.

Allen wants an objective report without officer conclusions. Even if the evidence doesn't side with his client, he would rather see all the objective facts than conclusions and summaries made by the officer. The prosecutor noted that he wanted only objective fact as well, and he urged officers to stop using adjectives and advocacy in their reports. Despite being on different sides of the courtroom, there are similarities in the needs of the prosecutor and defense as readers.

Allen notes,

> It makes absolutely no sense that he takes two people to jail, and there are two people there that weren't in the altercation, and he isn't going to include what they said. It makes zero sense. None whatsoever. In fact, I don't think [He flips through report looking for witness information and I tell him that there is no information about the witnesses in the report or supporting documents.] If he is going to write this report and do his job, at a bare minimum, he should list everyone in the house. Umm, which he didn't. This is pretty shoddy.

> Unfortunate, but it is. I don't know why you wouldn't want to include independent witnesses' names, what they said. I mean, he had no problem including information about what the two people said who he arrested, who are both bias, clearly…It kind of looks like a report that was written by an officer that was just annoyed to be there, if that makes sense. "Sprayed me with wasp spray." "Was throwing things around the room." It really is just a bad report. It is. They should be all inclusive.

Allen seems to think this officer is suffering from the kind of apathy suggested by the prosecutor. It is unfortunate that they both assume this attitude of the officer after reading the report. As a person who was with the officer when he was on scene and writing the report, I did not detect a hint of apathy, disregard, or carelessness in his manner. I think he lacks the awareness and understanding of what readers need to see in his reports. He mentioned himself as the main reader of the document so many times, he must believe that other readers are just like him and need the same information he needs. This is now painfully false. It is regretful that a careful and concerned officer is disregarded as lazy and apathetic because of his report writing.

I ask Allen if the report gives him some ammunition to use as a defense attorney. This is usually something that officers try to dodge in their writing and something that Lewis was clearly trying to avoid during his interview. Allen responds,

> Oh absolutely. It isn't like calling an officer to stand and calling him liar, liar. That is not effective. But what is effective, is close calls like this when you go through with the officer about his training, and the Academy. Did they teach you to write a report? What do you include in that report? Don't you think it is important to include all the details? Yada yada yada. And then you bring out,

> well, why didn't you include that Joe Smith was there? Don't you think that is important? Jane Doe? What about this? What about that? Why don't you have these things in your report? So, you get to that point it doesn't necessarily tear their credibility down, but it certainly makes a judge or jury look at them differently. It helps from the defense side, absolutely.

Officer Lewis had no intention of writing a report that irritated the prosecutor and gave ammunition to the defense. He is neither an apathetic officer nor a lazy one. The defense attorney is capitalizing on what is not in the report, what is left out. He wants all the objective evidence and statements the officer observed in the field.

Allen recounts a recent conversation he had with a prosecutor in Oklahoma. It is a dire statement about police report writing and the possible future for police departments. He recalls,

> I talked to their prosecutor, and she told me point blank she had asked her officers to quit writing reports. Because their reports were so bad, they were being flipped around, and the reports at the end of the day ended up helping the defense case more than the State trying to prosecute them. I mean, they asked their officers to entirely stop writing reports! Umm, so by the time this DUI went to trial [his client's case] we just had a field day with this officer's memory. I'm asking him what he had for lunch that day. Who did he stop right before? So umm, I don't think that the State really likes reports. I think that they are a necessary evil because otherwise they are not going to be able to testify about date, time, that kind of stuff. But it is this kind of stuff that gives ammunition more so to defense attorneys. If you just put it all in here, put the witnesses, put what they said, and just let it see where it falls. It is really not up to the officer to

> decide what is relevant or not. Put every single thing that happens. Put everyone that was there. Every witness. And if he isn't even going to put in here the witness names and what they said, even without a written statement, it makes it look like there is something to hide.

Allen sees many problems in this report, all problems that would help a potential defense. The lack of witness information, the lack of details about the call the officer was responding to, questions about how the officer obtained consent to enter the home and speak with all of these individuals, and questions about the assumptions and conclusions the officer makes in his report, provide ample opportunities for the defense to attack the credibility of the arrests and the officer. The officer is regrettably unaware of how a defense attorney would read his report. If he understood the mistakes and holes in the report, I think he would have written it very differently. The defense attorney really likes his chances in court with this report and knows the prosecutor will have trouble proving the case.

The Judge

Judge John Laffoon is the misdemeanor judge for Jackson Police Department and all other PDs in the county. His is an elected office, and he has been a judge for two years. Prior to his time as judge, he worked as a defense attorney in Northwest Arkansas. Our interview took place in his courtroom. Prior to any instructions, he begins immediately reading the report. He is the first to ask if he can write on the report, and he is the only one of my police report audience members to make notes on the report as he reads. After underlining a few sentences in the police narrative he flips through the supporting documents and asks me, "Am I to critique this?" I explain that I would like him to tell me what his concerns are with the report.

He responds,

> Sure. Well, and here is the thing, as a judge I don't necessarily care whether they have the stuff in the report or not. It does make my job a lot easier though when they do a good report. And the reason why is because what happens is, although the report itself can't be entered into evidence, they can have the report there to refresh their memory. And the thing that strikes out at me first about this is he says that he meets an individual [at the door] not a part of the disturbance. We don't know who that individual is. And we don't know what that person says about what they saw. So, you know, that is the first thing that strikes me. He is not going to remember months later and then Jackson [the prosecutor] is not going to be able to subpoena the person, and it would be nice to know who this person is and to determine if this person has some sort of motive to lie. You just don't know, and it would have been nice to have that.

Judge Laffoon has the same witness concerns as the prosecutor and defense attorney. Information about what the witnesses saw and heard is critical, and it is obviously missing from this report.

He continues,

> The next thing that jumps out at me is that he does note that she had a bruise on her lower back and a bump on her head. Here is my problem. I don't know how long it was between when he got dispatched and when he got there, but I assume it was a matter of minutes. Here is my problem with it. If you know anything about bruising, it doesn't happen just like that [He snaps his fingers]. It takes a while to come out. He didn't ask, "Look, I see a bruise on your lower back. Did

> you get that here," or "I notice it is blue, or red, or its purple." I mean, if it is purple it has been there a while, but if it is red and raised then it wouldn't be a bruise. It would be more of an abrasion. I mean, that makes me wonder. Now, the bump on her head, yeah, that happens immediately as blood comes to the head. There needs to be more discussion about the bruise and the bump on the head because I imagine the bruise would be there from another time, and he needs to ask her if it happened earlier and how much earlier.

The judge is requesting the same kind of detailed information about the injuries that Officer Lewis' supervisor, Sergeant Cuddy, requested. Despite that direct request, Lewis only added one sentence stating that the woman did not know how her injuries occurred. Sergeant Cuddy was right to request more information. However, Cuddy did not double check the report or was satisfied with the meager addition that Lewis made. The judge would like more information about these injuries as would the prosecutor.

Similar to the concern of the defense attorney, the judge has apprehensions about the legality of the officer's conversation with the individuals on scene. He remarks,

> Oh, and then I was wondering about the Miranda concern. I mean he does separate them, and he does put them in different rooms, and I understand that he was there on a disturbance call, but at some point you got to determine is this person free to leave, and the answer is, No. [If they are not free to leave, the officer must read them their Miranda Rights.] I don't think either one of them is free to leave, and if they did try to leave he would have arrested them right there. I think of course as you know, Miranda is in custody, custodial interrogation, so number one is, "Are you in custody?," and I think clearly you are. And second is

> that he didn't Mirandize either the victim or the defendant because at that point he doesn't know who is who. I don't know actually about police procedure or not, but I would imagine if you go to a disturbance call you are going to want to put them in handcuffs, and I don't think that he did… I mean, that is what I would think, and I would imagine that if he didn't do that it isn't good procedure, and second of all I still think that even if he didn't have handcuffs on them they were still in custody at that time and that there was no Miranda warning given there.

In 1966 the Supreme Court in Miranda v. Arizona ruled that "The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way" (Miranda). In addition, the case stipulated that individuals in State custody must be informed, "that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him" (Miranda). All suspects must be read these rights and understand them before they are questioned. This is complicated when officers are trying to determine on the scene who is the victim and who is the suspect. As soon as it seems apparent however, officers are expected to read the suspect his or her Miranda rights. The judge is concerned that the civil rights of these individuals may have been violated during this incident. The simple inclusion of one sentence explaining that the individuals were read their Miranda rights would resolve this question.

Judge Laffoon looks at his notes on the police report and continues,

> This is just a pet peeve of mine and, you know, it probably doesn't matter but here is the thing. I get kind of tired of the State, not necessarily the officer, but the

> State. They seem to want to criminalize these type of events. I mean, if you are unable to determine who the primary aggressor was based upon what was told, then he arrests both of them? And I guess the thing about that is this is okay, so now they are both guilty? Well they can't both be guilty. The likelihood of two people just sitting there and at the same exact time exchanging punches, both intending to hurt each other is just almost impossible. So, I guess my point is, that as a defense lawyer when they arrest both of them I like that because I say, "State, you have charged both of them, and one of them is going to have self-defense and one of them isn't. So obviously, you don't even know. You arrested both of them." To me, that is built in reasonable doubt. So, I have never liked that. Just based upon what I am reading here, she has the bruises. She has the bump on the head. Yeah, he has spray in his eyes, but I think you gotta make a call. "You know what, I'm going to give you guys a warning but if I come back out here again tonight then you are both going to go to jail." I think that would have been the better call.

Even though the judge blames the State (prosecutor) and not the officers for criminalizing these sorts of cases, the prosecutor indicated that he feels the same way as the judge. Both would like to see a report like this not become a report at all. The judge would offer a warning and tell the parties to behave themselves. Likewise, the prosecutor insists that the officer not arrest the individuals if he isn't going to take the time to put in all the details and evidence that need to be present in the report. The prosecutor and judge have years of experience in the judicial system. To them, a case like this just adds to the quagmire of the legal system. The officer, who only has

a year of duty, has not been trained and does not have the experience to comprehend the larger picture of this case and his report writing.

I tell Judge Laffoon that there were two witnesses on the scene not mentioned in the report. I explain that the officer did not include them because neither one wanted to fill out a written statement, and I ask the judge if that is adequate justification. He responds,

> I don't think so and here is why. That may very well be the point that they don't want to get involved, but it isn't up to them whether or not they want to get involved. As an officer, I would think that you would show up and find out who is there. Were there outstanding warrants for these people? Who am I talking to? What is going on here? Then get the name and address and identification. Let the State decide whether to subpoena them or not. If he says they don't want to take the time to get involved, then why are we arresting them?

The judge brings up an excellent point. It would seem that police procedure alone would dictate the acquisition of witness identification on the scene. The fact that there is no information on the witnesses is troubling from a report and a police operations standpoint. Also, the judge again acknowledges his questioning of the arrests at all. Just like the prosecutor, he wonders why the individuals were arrested when a clear aggressor is not identified in the report. As a reader, the event's legitimacy is questioned. The same outcome could be explained in a better documented and detailed report.

I ask the judge if he would like to see in the report that the woman in the incident was advised by her attorney to keep wasp spray by her bed for self-defense. He replies,

> I did wonder why wasp spray was in the bedroom. I mean, I did wonder that. Uh, I guess that probably would help me to show these other instances and that she

> was injured, and I guess if she has used it before on him and it stopped him that would explain why there is wasp spray in the bedroom. So yeah, that would have been something I would like to see. You do have to look at it from his [the officer's] point of view though. I don't know how many times he has been out there, and I don't know how many times other guys have been out there. To him this is probably the sixth, seventh, eighth time we have been out here, and it always ends up dismissed, and we end up going through it, and the charges get dismissed. I'm not saying it makes it right. I'm just saying I understand why it is written the way it is.

The judge assumes that Officer Lewis has a degree of apathy for this event and the people involved. This is similar to the attitude of the prosecutor and defense attorney. However, Lewis has only been a police officer for one year, and he never said anything on scene about being at that house several times for domestic disturbance. It is my understanding that this was his first time at this house with these individuals, so he should not have a presumption that this case will get dismissed based upon past history. It is interesting that the judge thinks this must be the situation with this report.

I ask Judge Laffoon if better training could aid officers in writing better reports or in handling situations like this one. He argues, "I would have liked to seen 'JPD has been out here 11 times or whatever it was this month.' I think if the prosecutor had seen that, he could have said, 'Well look we are going to do it this time and then we are going to prosecute and we are going to be done with it.'" The judge is requesting the type of information that Officer Lewis in his interview blatantly refused to include. As he was writing the report Lewis remarks, "Do I really need to know what their past domestic history is? No. You know, when they run their

numbers they will see that. And I didn't arrest them for their past domestic battery history. I arrested them for what they were doing that night" (Lewis). Officer Lewis has reasoning for not including historic information on the couple's domestic violence, but he is unaware that this is just the kind of information the judge that will read this report wants to see. Lewis believes that the individuals' record ("run their numbers") will show their past history, but the prosecutor and the judge do not base decisions on that kind of information. Everything they need to know must be in the report. Despite the judge's leniency for officer apathy in this report, it is simply not the case. Officer Lewis is a new and dedicated officer, and unfortunately, his report does not reflect that fact.

Conclusions

It is apparent that all of the readers, with the exception of Officer Lewis, were in some way disappointed with this report. His supervisor requested additional information on injuries and was given little to clarify his concerns. The prosecutor was furious with the exclusion of witness information and observations, while the defense attorney was disturbed by the lack of official consent in the officer's questioning. The judge had apprehension about the legality of the entire conversation and the lack of witness identification. It is clear that the readers' needs were not met in this report. Even Officer Lewis, who believed that the main reader of the document was himself, will be let down as it progresses through the judicial system.

Officer Lewis had little insight into the needs of the prosecutor, defense, and judge. Perhaps the lack of audience awareness can be blamed on training. Report writing is obviously neglected at the Academy and during the Jackson Police Department in-house training program. However, Lewis' understanding of his report audience is constructed by not only training but by police culture, officer fears, and legal assumptions. He is unaware of the importance of

including witness information, but how could this be? All of the readers, with the exception of Lewis and his supervisor, were stunned by the exclusion of witness identification, contact information, and statements made to the officer. How could Lewis be so blind to the need for this information? The answer may lie in his preference for written statements and fear of cross examination on the stand. In his interview, Lewis stated several times that he liked written statements because they provided support for his report and prevented a defense attorney from confusing his testimony on the stand. This officer gives value to the written statements of suspects over his own recollection of conversations that he has with them on the scene. He appears to give this preference because he is afraid to not have any documents to support his conversation or because he fears a defense attorney will question him and he won't be able to rely on his recollection in the report. This is problematic, as is evidenced by the interviews in this chapter. Lewis' fear of going on the witness stand at trial, a probability that he has yet to experience, prevents him from writing a fully detailed objective report. The truth is that officers seldom testify in court. Most cases are settled through the prosecutor and defense attorneys reaching a plea agreement. Lewis, as a reader of this document, is primarily concerned about himself reading it again in an unlikely future. The needs of the prosecutor and defense attorney are almost completely ignored.

It is surprising to see that the needs of the prosecutor, defense attorney, and judge are largely the same. They want the report to include all available evidence. Every witness, statement, remark, and observation should be in the report. What an officer leaves out, could be crucial information to them. In addition, the defense attorney and judge needed additional information about legal police procedures involving consent and Miranda warnings. These concerns are critical in light of an officer's possible violation of civil rights. One sentence in the

report could easily clarify if the conversation he had with the two parties was a legal one. All of the readers prefer that the information in the report be objective and without additional adjectives or summaries. These requirements do not seem complicated. What may be necessary is what Guston called a "shift in mindset." Lewis simply doesn't know how his report will be read by others. He, along with his supervisor, assumes everyone needs the same information. This is obviously wrong. The other people reading this report need more than a story to follow. They need objective details, elements of the crime, and assurance that legal rights were granted to citizens. In addition, they need to be able to find and contact witnesses, even those that don't want to make official statements.

Part of Officer Lewis' dilemma may be the misguided belief that all readers of the police report are equal; the report is read the same by the prosecutor and judge as it is by the supervisor. This assumption may have misled the officer to only include information he deemed important at the time. However, the needs of the prosecutor outweigh the officer's need to remember the chronological order of events in a report. Perhaps if the officer realized the hierarchy involved in the report genre system, he could better identify the needs of the readers.

Officer Lewis is a new and enthusiastic police officer. It is regrettable that his report led a prosecutor, defense attorney, and judge to assume that he was apathetic, sloppy, or down-right lazy. I can assure them that he is not. However, Lewis is not aware of how his audience will read his reports. I am almost certain that had he known his report would be received the way is in in this study, he would have changed it drastically. Officer Lewis' fear of court, of defense attorneys, and of his own recollection shapes this report. A lack of training on audience and report writing only compounds these fears. Perhaps most troubling is that Officer Lewis thinks he writes good reports because he has a college degree and took writing classes (Lewis). But

grammar is not content, and a developed paragraph may not contain witness identification. This study highlights the lack of audience awareness of one officer and his police report; however, his problem is not unique. As the prosecutor, defense attorney, and judge explained, Lewis' report contains common problems present in many police reports.

CHAPTER SEVEN

DISCOURSE ANALYSIS OF A POLICE REPORT

Chapter Seven

Discourse Analysis of a Police Report

This chapter uses discourse analysis to explore the varied levels of meaning in one police report. It attempts to uncover implied intentions, social positions, and audience awareness, through the investigation of several categories suggested by scholars. Norman Fairclough argues that discourse analysis "should not be seen as prior to and independent of social analysis critique" (16). His work seeks to uncover social realities and political undercurrents in play during the creation of texts. Similarly, James Paul Gee argues that his theory "is one that sees discourse analysis as tied closely to the details of language structure (grammar), but that deals with meaning in social, cultural, and political terms" (*How to* ix). Both scholars view discourse analysis as more than a means to discover, for example, how many forms of verbs are present in a text. They want to discover the social or political reasons for the use of those verbs.

Both Fairclough and Gee offer rhetorical rationales and detailed explanations for how to conduct a textual discourse analysis. Fairclough in *Analysing Discourse: Textual Analysis for Social Research* describes several strategies and topics of investigation for discourse analysis of a text. His main strategies include conducting a social analysis by examining the social practices, intertextuality, and assumptions in a text. He also considers the genre and action by reviewing the generic structure, meaning relations in sentences and clauses, speech functions, and grammatical mood. He addresses the Discourse of the text and the text as a representation of social events. Finally, he investigates the style, modality, and identities present in the text.

Gee suggests similar analysis techniques, but he breaks these large elements into twenty-seven categories he calls, "Tools." His book, *How to Do Discourse Analysis*, describes these tools and how to use them in analyzing a text. They include global concerns such as the "The

Big 'D' Discourse Tool"," "The Figured Worlds Tool," "The Identities Building Tool," and "The Context is Reflexive Tool," among others. His linguistic tools include, "The Topics and Themes Tool," "The Vocabulary Tool," The Dexis Tool," "The Subject Tool," and "The Topic Flow or Chaining Tool." These tools work separately and dependently to form an analysis depending on the researchers aims and intentions.

In examining these scholars' suggested practices for analysis, I found neither to be an exact fit for the police report genre. Gee's twenty-seven "Tools" seemed too unwieldy to include in the course of analyzing one text. The tools represent dissected categories and sub categories of larger overarching concepts, and they primarily focus on linguistic elements of grammar in texts. Fairclough, while introducing a more manageable number of elements, mainly emphasizes the social and political aspects of a text rather than its linguistic properties. He explains that his "social scientific categories, unlike practical categories, allow particular texts to be seen in relation to elaborated general theories" (15). This is an important element in his discourse analysis practice; however, for this study I wanted to approach the text with as small an agenda as possible. I wanted to be open to any social or political opinion that might form from a careful study of the text.

In order to fit discourse analysis to my purposes of studying both the linguistic nature of the text and the social practices from which it is derived, I combined these two scholars' categories into six separate classifications of analysis. I think both Gee and Fairclough would condone my reshaping and blending of their categories. Gee's tools, as he explains, "are meant to be adapted for the reader's own purposes. They are meant, as well, to be transformed as the reader adapts them to his or her own theory of the domain" (Gee, *Introduction* 12). Fairclough argues, "Textual analysis is also inevitably selective: in analysis, we choose to ask certain

questions about social events and texts, and not other possible questions" (14). Thus, this analysis is the result of combining and reshaping two scholars' suggestions for discourse analysis. Each section explains the particular scholarly framework behind the tool or category used to study the text. The classification titles were either standing category titles used by Fairclough or one that I created after combining several groups. It is my hope that this method of analysis blends the need for linguistic clarity and study with the need for placing the police report in its social context. The following is the full text used for this discourse analysis. The actual copy of the narrative is located in Appendix A.

> Police Report Narrative:
>
> On July 21, 2011 at approximately 2252 hours I responded to the residence at 423 N. 37th Place reference a disturbance. Upon my arrival I was met at the door by a [sic] individual who was not involved in the disturbance advising me that both suspects were located in the bedroom. Both suspects were not involved in a physical fight at the time of my arrival and were separated to conduct interviews.
>
> I first spoke with the female suspect, Pamela F****, who provided a written statement regarding the incident. Pamela stated that the relationship between her and her boyfriend, Michael G****, is an abusive one. She stated that Michael was accusing her of cheating and called her a 'disgusting whore.' Pamela said she tried to not argue with Michael but he continued the verbal abuse. She stated that Michael grabbed her and at that point she sprayed him with 'wasp spray' out of self defense. Pamela stated Michael then began throwing things around the room, attacked her a few more times, and hit her in the head. It should be noted that Pamela had a bruise on her lower back and a bump on her head. Pamela stated she was unsure when during the altercation she obtained the injuries. Photographs were taken of her injuries.
>
> I then spoke with the male suspect, Michael G****, who stated that they were in an argument and that she was accusing him of cheating. Michael stated they were lying in bed and she sprayed him with 'wasp spray.' He stated she sprayed him in the face and he got up and started throwing stuff around because he could not see. He stated as he was attempting to leave she continued to spray him. Michael was not aware of how Pamela obtained her injuries but stated he did not hit her. It should be noted that Michael had red, watery eyes form [sic] the wasp spray. There was a large amount of wasp spray on the bed as well as the walls. Photographs of the location of the wasp spray were taken.

> Due to the fact that I was unable to determine who the primary aggressor was and both parties sustained minor injuries from the altercation both parties were taken into custody. Michael G**** and Pamela F**** were jailed at B***** County Sheriff's Office for Domestic Battery 3rd Degree (5-26-305). The wasp spray used in the incident was logged into evidence. No further information to report at this time.

Social and Rhetorical Contexts

Fairclough and Gee agree that framing a text within its social context is a critical part of discourse analysis. Reading theory also emphasizes this concept. In *Understanding Reading* Frank Smith argues, "Reading—like writing and all other forms of thinking—can never be separated from the purposes, prior knowledge, and feelings of the person engaged in the activity nor from the nature of the text being read" (193). Likewise, Louise Rosenblatt notes that "Reading always implies both a reader and a text in a reciprocal relationship…a reader implies someone whose past experience enables him or her to make meaning in collaboration with a text" (x) There is the combination of the text and reader that make meaning along with reader experience. This rhetorical and social context for writer and reader is an important element in discourse analysis.

For the first category of analysis I utilize Fairclough's category of "Social Events and Social Practices." He argues that "texts are parts of social events which are shaped by the causal powers of social structures (including language) and social practices (including orders of discourse) on the one hand, and social agents on the other" (38). Police reports are well situated and ritualized within this context of social events reported by a social agent. The police report text must be examined as one document within a larger social framework.

In addition, I incorporate Gee's "Fill in Tool." This tool asks, "What needs to be filled in here to achieve clarity? What is not being said overtly, but is still assumed to be known or inferable?" (Gee, *How to* 196). Throughout the discourse analysis I use Gee's "Why This Way

and Not That Way Tool" in order to offer alternative sentences and sentence structures to the ones presented in text. Gee argues, "Always ask how else this could have been said and what the speaker was trying to mean and to do by saying it the way in which he or she did, and not in other ways" (*How to* 197).

The narrative of a police report must be examined within its social context as a document created by a police officer. The officer is a person who has been entrusted to protect and serve the public. He or she has sworn to adhere to and enforce the laws of city, state, and country. In society, police are perceived in great extremes. They are heroes and villains. They are bearers of justice and instruments of tyranny. They may be freedom fighters in one community and wretched hypocrites in the next. Is it any surprise then that some officers feel insecure about their social positions in law enforcement? The police emphasis on professionalism, education, and service that has transpired in recent years can be attributed to the polar extremes of public police perceptions. The police report used in this discourse analysis must be seen within this social context.

The narrative of the police report text resulted from a domestic disturbance for which the police were called. The officer who arrived on scene first is responsible for writing the report. In this case, Officer Lewis arrived on scene, observed a couple no longer in an altercation and questioned them about the events prior to his arrival. Each person had a different story. Officer Lewis decided to arrest both parties for domestic battery, and he wrote the report to record the event. This text, therefore, is part of a larger social event that took place on that night. It involved several police officers and witnesses, along with a police department dispatcher and supervisor. The event, as it is recorded in the report narrative, lacks much of the detail and action that occurred as a part of this larger social context. Some of this detail is addressed in the

report by including the suspects' written statements, copies of their tickets, and the officer's sworn affidavit. However, the witnesses, other officers, and much of the conversation between the officer and suspects are missing from the final report. Some of this is to be expected due to the necessity for condensed and concise police reports, but the report lacks some of the richness of the encounter which is needed in the report narrative to clarify the event for readers.

The narrative of the report must also be seen within its place as one page within a multiple-page report that includes copies of tickets issued, handwritten statements by the two suspects, officer affidavits on submitted evidence, and documents detailing the charges, suspect information, address, and time. Furthermore, this police report is one of thousands that will be written this year in the Jackson Police Department. All police encounters and arrests are memorialized in reports and social texts like this one. The report purports to stand as a truthful and accurate depiction of what occurred on the night in question. It also documents the reasons for arresting and jailing two citizens. As such, the report must justify the actions of the officer and uphold the public belief in police departments. This report, and every other, must reflect a sense of justice and fairness.

The social practice of this report is invested in demonstrating the legality of the officer's actions and the illegality of the suspects'. Gee argues that what the speaker says plus the context equals what the speaker means (*How to* 11). He clarifies that "meaning" is quite broad in discourse analysis. Finding the speaker's intentions, goals, and purposes in the text is the primary aim of his "Fill In Tool" (Gee, *How to* 13). Using this tool in regard to the report narrative produces a better understanding of how and why the officer produces the text. In the first paragraph, the term "disturbance" is used twice to define why the police have been called to the residence. Gee's tool leads me to hypothesize that the officer believes the reader will

conclude by the use of the word that two people are involved in domestic disturbance dispute, meaning two people who live in the same home are fighting. This information is filled in for the reader by the officer claiming that "both suspects" were "not involved in a physical fight at the time of my arrival." The meaning and intention of the sentence is to explain that two people, who the readers should immediately know are the "suspects," are not fighting when the officer arrives.

The second paragraph, Pamela's side of the story, moves in context from the general nature of her relationship as "abusive", to the specific context of that night when, "she tried to not argue with Michael but he continued the verbal abuse." The reader is left with a lot of information to fill in, as the narrative offers very little in the way of detail or explanation. Pamela's story moves immediately from describing her relationship (abusive) to the events of this night with very little detail or context. Besides her boyfriend's calling her a "disgusting whore," the reader knows little about the verbal fight that escalated to a physical one. The officer would like the reader to move with Pamela in her story within the context of the "abusive" relationship. He is attempting to background the abusive nature of the relationship into a description of the night he encountered the pair. The officer expects readers to fill in that because the relationship is abusive, these two people had a verbal altercation that led to a physical fight, and this chain of events is commonplace in their relationship. In this paragraph the reader is also expected to fill in that the injuries Pamela has were obtained from this specific altercation on this specific night as a result from fighting with Michael, her boyfriend. Even though the relationship is abusive, the reader is asked to believe that all of her injuries resulted from the fight on this evening.

In the third paragraph, Michael's side of the story, the officer writes, "It should be noted that Michael had red, watery eyes form [sic] the wasp spray." This statement is intended to justify his actions in arresting and jailing Pamela. Since Officer Lewis admits in the report that Pamela has multiple injuries and photographs are taken of those injuries, he must justify her arrest by observing that Michael has identifiable injuries as well. The reader must fill in his intention of justifying the arrests of both parties. Officer Lewis does not report that he took pictures of Michael's eyes as proof of his injury, so the reader is asked to fill in that while photographs of Pamela's injuries were important, photographs of Michael's injuries are not necessary or were impossible to obtain. Michael's red eyes could have been from drinking, crying, or cigarette smoke. The officer expects the reader to submit to his assumption that red eyes were only a result of being sprayed in the face with wasp spray.

The fourth and final paragraph is the conclusion of the event. Officer Lewis writes, "Due to the fact that I was unable to determine who the primary aggressor was and both parties sustained minor injuries from the altercation both parties were taken into custody." He asks the reader in this paragraph to believe that he couldn't determine who was at fault, but he is doing more than that. Officer Lewis is justifying his actions and his intent is to persuade the reader that he did the right thing by arresting both Pamela and Michael. The readers of the report must decide if this is truly the case and if they could come up with a different understanding of the event if they were on scene. The report asks instead to go along with the officer's conclusion that it was impossible to determine who the primary aggressor was and, therefore, both must go to jail. The fact that both must go to jail is also debatable in this context. The officer could have chosen to leave without arresting either party, but the report asks that the reader fill in the

missing context which is, if both parties are at fault and one cannot be determined more at fault then both must be arrested.

Officer Lewis tries to leave the reader with only one possible conclusion to the case. His rhetorical argument, X must equal Y, requires the reader to fill-in that this is the actual scenario. In terms of social practice, the officer shapes his report by justifying his arrests through the careful inclusion of specific observations. He knows that at the very least his supervisor and prosecutor will be the next readers of this document. Officer Lewis asks that they fill-in the gaps in the report and recognize the context of the event as one where his actions are justified.

Genre

One could argue that there are as many genres as there are texts. Genres classify, categorize, and unify various forms, fields, and contexts of activities. Many genres are easily recognized by their highly ritualized and rigid structure; however, every text, even those written within rigid and set generic patterns, displays creativity in breaking from its genre or including others. This inclusion of other genres is what Fairclough calls "genre mixing" (34). For this section of analysis, I use Fairclough's notion of genre as a starting place to begin my study of genre in the police report.

The relationship between text and genre is never a simple one. Texts are rarely written in a single genre; They often combine, mix, or hybridize genres (Fairclough 34). While this is the case, it is still important to look at how a text fits into Fairclough's concept of broader genres like narrative, argument, description, and conversation.[10] Fairclough agrees that these broad genres operate on a "high level of abstraction" and are really "categories which transcend particular networks of social practice" (68). He acknowledges that there are multiple types and

[10] Composition scholars typically classify these as "modes" or "modes of discourse" rather than "genres." Fairclough identifies and classifies these types of writing as genres.

genres within these broad categories and that even more defined genres like interview or report contain abstractions and different types (Fairclough 68). Genres are never clearly defined, and even those that are less abstract still allow room for genre twisting, mixing, and blending.

The police report narrative used for this chapter is crafted within the framework of the police report genre, but recall that this genre is really an attempt to incorporate and mesh other larger genres. The police report genre has specific parameters and ways of presenting information. The narrative element of the report is intended to create a story of what happened on the scene. The officer is expected to include his or her observations and create a story that other readers can follow. In my interview with Officer Lewis, he mentioned several times that he was trying to "paint a picture" or "tell a story" of what happened in the narrative (Lewis). In this report, Lewis uses narration to create a chronological order of his and the suspects' actions. Statements such as, "Upon my arrival I was met at the door by a [sic] individual who was not involved in the disturbance advising me that both suspects were located in the bedroom" fulfills the purpose of building the scene and story. Narrative elements are expected in a police report to create clarity for the reader while including important details of the event.

Description is another important category to include in police reports and is demonstrated in the example report. Readers expect detailed descriptions of what occurred on the scene, injuries, and actions taken by the officer and others. The requirement that police reports be objective is especially relevant to the inclusion of descriptions. Excessive adjectives and hyperbole are typically avoided. In this report, Lewis uses description to describe both subjects' injuries: "Pamela had a bruise on her lower back and a bump on her head," and "Michael had red, watery eyes." In addition, the report describes the scene: "There was a large amount of wasp spray on the bed as well as the walls." The use of the word "large" to describe the amount of

wasp spray is non-specific and debatable. It also breaks with the requirements of a police report to avoid adjectives and subjective information. Thus, the report strays from the strict expectations of police report genre to include a more descriptive statement.

While it may be logistically impossible, a report should, on the surface, present only what an officer observed. There is very little if any divergence from the observable facts on the scene, use of adjectives, or judgments made in the police report genre. This genre expects others in the criminal justice system, namely prosecutors and lawyers, to determine what the observable facts in the report actually mean. Of course, this genre expectation is lofty at best and impossible to achieve at worst. Yet, officers are encouraged to leave all judgment and conclusions out of a final report narrative. For this reason, it is surprising to see elements of argument genre present in this police report. The last paragraph can be viewed as a Toulmin-structured argument. The officer claims, in effect, that both parties deserve to be arrested. His grounds for this argument are that both parties sustained injuries, and he was unable to determine who acted as the primary aggressor. The warrant underlying this argument is that the primary aggressor in domestic violence dispute is taken into custody and charged if there is visible injury to the other party (the victim). In this case, the officer is unable to decide who is the victim and who is the aggressor. Thus, he determines (claim) that both parties should be arrested. This argument seems out of place in a genre that is supposed to be free of anything resembling a subjective stance; however, in police reports it may be that only the semblance of objectivity is required, not the actual adherence to it.

The inclusion of the suspect statements and some quotes (“disgusting whore”) ties this police narrative to interview genre. Reports typically document the conversations officers have with victims, suspects, and witnesses, so the inclusion of interview genre elements in reports is

not surprising. In this report the officer uses the suspects' written statements almost verbatim to detail his conversations with them. While this may not be an accurate portrayal of his individual conversations, the report is written as though each person is answering unstated questions that the officer has posed. Officer Lewis writes, "Pamela stated that the relationship between her and her boyfriend, Michael G****, is an abusive one. She stated that Michael was accusing her of cheating and called her a 'disgusting whore.' Pamela said she tried to not argue with Michael but he continued the verbal abuse." In this exchange, it appears that the officer is asking her questions: Is he your boyfriend? What happened tonight? However, he only records the answers to the questions in the report, not the questions. This type of exchange is similar to interview genre, in which the questions of an interviewer and the answers of the interviewee are recorded. Similarly, the report demonstrates this same genre type in the description of Michael's interview with the officer. Lewis writes, "Michael stated they were lying in bed and she sprayed him with 'wasp spray.' He stated she sprayed him in the face and he got up and started throwing stuff around because he could not see. He stated as he was attempting to leave she continued to spray him." While the description of the interview does not include both questions and answers, it does demonstrate the inclusion of another genre type found within this police report.

In addition to the inclusion of what Fairclough terms "broad" genres, this report contains several statements typical of the police report genre. This report follows a generic opening for police report narratives. Officer Lewis writes, "On July 21, 2011 at approximately 2252 hours I responded to the residence at 423 N. 37th Place reference a disturbance." This first sentence structure is typical of the reports I have studied. The officer does not lead with "I," instead he states the date and the approximate time, even though the actual time stated in the report is quite specific. He follows this by stating that he "responded" to an address "reference a disturbance."

This first sentence is basically a template for starting a police report narrative. It is an easy and concise way to acknowledge the date, time, address, and reason for the particular call. This convention is similar to news report genres in that news stories attempt to include the who, what, when, where, how, and why early in the text. The police report genre generally and the author of this report specifically may utilize the convention of news-like reporting to give police reports the sense of being factual and objective. Officer Lewis closes with, "No further information to report at this time." This closing sentence is common in police reports and also has a sense of news writing and reporting genre. It reminds me of a news reporter on the scene of a news story seguing back to the anchor at the news desk, "There is nothing more to report here, now back to you in the newsroom." Fairclough describes this type of inclusion as interdiscursivity. He argues that "Analysis of the interdiscursivity of a text is analysis of the particular mix of genres, of discourses, and of styles upon which it draws, and of how different genres, discourses or styles are articulated (or 'worked') together in the text" (218). While this report is clearly written in the police report genre, the inclusion of several other genres can be seen within it. These other genres work to lend credibility and support to the author. They also demonstrate the ambiguous boundaries of the police report genre itself. Argument and description genres subvert the police report in this example. Reports are considered to be free from subjective opinions, descriptions, and argument, yet in this police report there are all three.

Intertextuality

Both Gee and Fairclough identify intertextuality as an important category of discourse analysis. Fairclough defines intertextuality of a text as, "the presences within it of elements of other texts (and therefore potentially other voices than the author's own)" (218). Similarly, Gee defines intertextuality as one text alluding, referring to or quoting another text (*How to* 165). In

addition, Gee and Fairclough broaden the definition of "text" to include speech, interviews, media, and other texts as they are quoted or summarized (Fairclough 40-55). Gee asks researchers to use intertextuality in order to consider what voices are included and excluded, to ask how those voices are reported and how they are textured (*How to* 166). Both Gee and Fairclough use the term intertextuality in a comprehensive context. There is often not an overt insertion of one text into another. The inclusion of conversations, allusions, concepts, and other broad definitions of texts are acceptable for intertextuality discussions. The police report offers ample opportunity for the inclusion of witness statements, legal statutes, other officers' observations, interviews, conversations, and other reports. The example for this study is no different.

The first instance of intertextuality in the report is found in the first paragraph. The officer writes, "I was met at the door by a [sic] individual who was not involved in the disturbance advising me that both suspects were located in the bedroom." The witness offered a comment or conversation that acts as a text within the report. The witness is never mentioned in the report again, and no details are given about him or her. It is unclear if it is a man or woman, neighbor or roommate, child or adult. It is ambiguous to the point of being unsettling. Who is this person? Is he or she upset, hurt, drunk, scared? Did he or she hear anything during the fight? Is this the person who called the police? The witness is written out of the report as much as he or she is written into it. By that I mean, the officer seems to not want to recognize or emphasize the fact that someone was on the scene with him and the suspects. Since the witness is never brought up again, this mention of him or her is almost apologetic. There is no direct quote of the conversation the witness had with the officer, so the reader must rely upon the officer's summary of the interaction, which appears to have been short and uneventful. Fairclough refers to the

summary of a text as "indirect reporting," and the actual quoting of a text as "direct reporting" (49). These types of reporting refer to the way in which texts are incorporated into other texts. In this instance, the intertextuality is an unknown conversation between witness and officer. The officer uses indirect reporting to diminish the witness as much as possible in the report.

The second paragraph offers a complex puzzle of intertextuality. It begins, "I first spoke with the female suspect, Pamela F****, who provided a written statement regarding the incident." This sentence gives the impression that there are two texts from Pamela: One is the conversation she had with Officer Lewis, and the second is the written statement she made that night. This first sentence is relatively clear. However, the next sentence, "Pamela stated that the relationship between her and her boyfriend, Michael G****, is an abusive one," can confuse the reader. The intertextuality is murky here and continues throughout the paragraph. It is unclear if the officer is using indirect reporting of their conversation or if he is reporting on her written statement. This is important because it is claimed in the sentence that the relationship, "is an abusive one." Did Pamela say this to the officer directly? Did she tell him about several different episodes of domestic violence that caused him to conclude and summarize that the relationship was abusive? Did he read her statement and decide that the relationship was abusive on his own? This kind of statement seems very subjective if the officer came to this conclusion on his own. This would not be the case if he was directly reporting what Pamela told him or wrote in her statement. The report wording makes the identification of the actual text he is referring to impossible.

I reviewed the actual written statement made by Pamela and compared it to the report. The paragraph is almost verbatim what is written in her statement. She writes,

> This is an abusive relationship –even if I am innocent of anything he hits on me. He was accusing me of cheating – calling me a 'disgusting whore' etc. I tried to be quiet and not argue but he kept on verbally abusing me. He eventually grabbed me and I sprayed him with wasp spray in self defense. He began to throw things around and break them in my house. He attacked me and hit me in the head a few times" (Appendix A).

The officer writes her statement down in the report as if it is his own observation through conversation. There is basically no direct or indirect reporting of the event in this paragraph other than the inclusion of Pamela's statement. The lack of the officer's own observations is not identified unless a reader compares the report narrative with the suspect statement. This degree of intertextuality in the report was surprising.

The other suspect statement does not appear intertextuality as much as Pamela's does, probably because it is so difficult to read. As far as I can determine the content of Michael's written statement is as follows,

> [Illegible] police about child abuse. Then she was sayin that I was cheating. Then I said while I was layin in bed that if she was lie about her boyfriend then I would. Then she sprayed me with spray and I got up. Couldn't see so I threw stuff to get away. Then I got up and said I'm leavin. She then kept sprayin (Appendix A).

Officer Lewis uses the statement in attempting to summarize the events from Michael's perspective. Lewis writes, "I then spoke with the male suspect, Michael G****, who stated that they were in an argument and that she was accusing him of cheating. Michael stated they were lying in bed and she sprayed him with 'wasp spray.'" Although Officer Lewis does not mention it explicitly, he uses Michael's statement in the report. The same intertextuality identification

problem is at work in this paragraph. While the officer uses the written statement, it is not mentioned in the report, and the reader assumes that Officer Lewis is indirectly reporting on a conversation that he had with Michael on scene. The only sentence that Lewis adds that is not in Michael's written statement is, "Michael was not aware of how Pamela obtained her injuries but stated he did not hit her." Since Michael does not say anything about not hitting Pamela in his written statement, the officer is indirectly reporting on a conversation that he had with Michael. Again, the intertextuality references in the report are unclear and create a degree of confusion in identifying the responsible text.

The final paragraph provides an allusion to the legal statute for Domestic Battery 3rd Degree. While the officer never directly or indirectly reports the statute, it is clear that he refers to it. He writes, "Due to the fact that I was unable to determine who the primary aggressor was and both parties sustained minor injuries from the altercation both parties were taken into custody. Michael G**** and Pamela F**** were jailed at B***** County Sheriff's Office for Domestic Battery 3rd Degree." Even without the exact statute language, a careful reader can determine that Domestic Battery 3rd Degree involves a suspect inflicting minor injuries during the course of a domestic dispute.

Thus, while this report includes witness testimony, suspects' written statements, suspect interviews, and the legal statute for Domestic Battery 3rd Degree, the intertextuality of these outside documents and conversations is hidden and often unclear in the police report. The voices heard in this report rarely include the officer's. By relying so heavily on the suspects' written statements, the officer avoids reporting on actual conversations he had on scene. In addition, the lack of detail about the witness effectively silences him or her.

Relationships

Relationships form in a text through characters and their actions described in specific grammatical structures. Fairclough utilizes "social actors" to determine the relationships present in a text (145-50). The social actors can be represented in various ways through their inclusion and/or exclusion in clauses. Gee's "Relationship Building Tool" and "Doing and Not Just Saying Tool" are also relevant to this discussion and are explored. The "Relationship Building Tool" investigates how "words and various grammatical devices are being used to build and sustain or change relationships or various sorts among the speaker, other people, social groups, cultures, and/or institutions" (Gee, *How to* 199), while the "Doing and Not Just Saying Tool" explores not just the words of the speaker but what he or she is trying to accomplish with the text (Gee, *How to* 196).

Fairclough claims that in terms of relationships in discourse analysis, social actors are the primary participants. He explains, "Social actors are usually the Participants in clauses." (145). They can act in several different capacities within the text, as included or excluded, pronoun or noun, activated or passivated, named or classified, personalized or impersonalized, or referred to specifically or generically (Fairclough 145). In the police report there are three primary social actors and at least one secondary social actor. The officer, Pamela, and Michael are the social actors in the report, while the witness is only mentioned once and is excluded from the report thereafter. The dispatcher that sent Officer Lewis to the call could also be considered a social actor in the report, although he or she is completely excluded.

The references to the two actors besides the officer are interesting. The reader first encounters them in the text as, "both suspects." This classification depersonalizes them and immediately separates them from the officer. The relationship that is created in the report is

quickly categorized as good guys and bad guys, where the officer is the good guy and the suspects are the bad guys. In the second paragraph, the woman is classified as "the female suspect" before she is referred to as the specific and personal noun, "Pamela F***." This reference is repeated for the man: "I then spoke with the male suspect, Michael G****." This immediately establishes the relationship the officer wants to create for the reader. The audience should see these two as "suspects" before reading any of the events that occurred that night. A prominent shift happens in the last paragraph. In this section the officer is conveying that both people were arrested for Domestic Battery and taken to jail, but here he refers to them as "both parties." He writes, "Due to the fact that I was unable to determine who the primary aggressor was and both parties sustained minor injuries from the altercation both parties were taken into custody." This classification seems removed from the earlier one of "suspects." Also, despite the fact that the officer uses the personal pronoun "I" in this sentence, he does so only once in the paragraph and only after the introductory clause, "Due to the fact that." He could have easily started the sentence, "I arrested the two suspects because both suspects had injuries, and I could not determine the primary aggressor." However, he uses the "I" in a way to remove himself as much as possible from the action and remakes the "suspects" into "parties."

The personal pronoun is excluded from both of the final sentences of this paragraph: "The wasp spray used in the incident was logged into evidence. No further information to report at this time." This could have been written with the personal pronoun as the actor. For example, "I logged the wasp spray into evidence. I have nothing further to report at this time." The exclusion of the officer as the social actor in the final paragraph suggests that he wanted to distance and protect himself from the decision he ultimately made.

Other instances of pronoun use in the report are intriguing. In the paragraph describing Pamela's side of the story, the pronouns "she," and "her," are used 16 times. "Michael" appears by name five times and once each as "he" and "him." The officer only appears once ("I") at the beginning of the paragraph. He is excluded from at least three points in the paragraph where he could have been the actor in sentences like, "Photographs of her injuries were taken."

The use of pronouns is quite different in Michael's paragraph describing the events. The use of "they" appears twice in the beginning of the paragraph. This is distinctly missing from Pamela's paragraph about the events. The use of "they" suggests for the first time in the report that the social actors were acting together. The pronoun count also suggests a more balanced picture. "Michael" is mentioned four times, "him" three times, and "he" five times. "Pamela" is listed once by name, but four times as "she" and twice as "her." In this paragraph, the officer is again only included once at the beginning of the paragraph and is excluded in the last three sentences. He could have written, "I observed large amounts of wasp spray on the walls and bed," along with using the personal pronoun "I" in the other sentences.

Fairclough argues that pronouns are worth attention in texts. They often help discern the exclusion and inclusion of social agents. More importantly they can aid in determining author agency. He notes that the exclusion of the author in a text could be symptomatic of a view where something happens to people, "rather than something which is done to people" (Fairclough 149). The officer is excluded in many places in this text suggesting that he does not want to be seen as the agent of arrest. Fairclough argues that actors who are "activated" in the text are the "Actor[s] in processes (loosely, the one[s] who does things and makes things happen" (145). The social actors most mentioned (Pamela and Michael) are activated in the action and are, therefore, responsible for the actions in the report and the ultimate arrest.

The officer's attempt to hide his role as the social agent can be evaluated using Gee's "Doing and Not Just Saying Tool." This text is complex because three social actors are trying to act as agents within the document. Since the officer relies so heavily on the suspects' written statements in the text, they both occupy a position of agency in trying to get the audience to see their point of view. Of course, the officer has the ultimate agency as he is the author of the document and is responsible for the decision to arrest both people. In Pamela's paragraph, she begins by foregrounding the relationship as "abusive." This is a hint for the reader that she has suffered violence before and is accustom to these types of fights. However, her statement is not as compelling as she might have liked because she qualifies the relationship as abusive, and not Michael as an abuser. This leaves room for an impression that both he and she are responsible for the fighting and violence in the relationship. Pamela is specific in saying that Michael called her a "disgusting whore." This may be an attempt at sympathy from the officer and the audience and an attempt to define Michael as the bad guy.

Michael's paragraph works to justify the destruction of property in the house and to villainize Pamela. He makes a point to explain the broken property in the room by claiming that because Pamela sprayed him in the face he could not see. This caused him to knock things over and throw things. This explains the broken items in the room, while at the same time creating sympathy for him. He villainizes Pamela by suggesting that she sprayed him for no reason as he lay in bed, and she continued to spray him as he was trying to leave.

The officer as the main social agent of the text is attempting to do several things in the report. He is trying to convey, convict, and cover. The officer's main job function in this report is to convey his observations and comprehension of what occurred. The report offers both Pamela and Michael's side of the story. The officer includes information he knows the audience

will require, such as the date, time, suspect names, and evidence. In addition to conveying this information, he is trying to justify his decision to arrest the pair as has been discussed in detail in other parts of this chapter. He convicts the pair of Domestic Battery 3rd Degree by including they both had "minor injuries" in the report and that he was unable to decide who was the aggressor. Throughout the document, he also works to cover and remove himself from the action. Despite being the officer that logged evidence, took pictures, interviewed suspects, and observed injuries, he rarely uses "I" in sentences that describe those events. He is making an effort to distance himself from the disapproval of readers and consequences that will result from his actions. The officer is unsure of his relationship with the report audience, and he works to create a text that negates this insecurity.

The report is awash in relationship complexities and motives. Pamela and Michael through their written statements tried to garner sympathy and create a story where they were the victims. The officer, while trying to remove his agency from the report, managed to convey information, justify his decision to arrest, and cover his bases with evidence.

Topics and Themes

The remaining sections focus more specifically on the linguistic aspects of the police report. I use Gee's "Topics and Themes" tool with Fairclough's "Meaning Relations" to analyze the sentences and structure in the report. This detailed study of grammar in the text produces new insight and understanding of the issues already discussed. Gee defines the topic of a sentence as the grammatical subject. The theme is anything that comes before the topic (subject) is introduced, and it, "creates the perspective from which everything else in the clause or sentence is viewed" (Gee, *How to* 66). In sentence structure it is common to have the theme be

the topic; that is, there is nothing prior to the topic in the sentence, and thus the theme is the topic. When this does not occur, it is worth examining the theme of the sentence or clause.

The report contains several examples of themes that are not topics. The first sentence has a topic ("I") that is set off by the theme, "On July 21, 2011 at approximately 2252 hours." Alternatively, this could have been written, "I responded to a disturbance at ….on July 21, 2011 at approximately 2252 hours." Likewise, the next sentence's theme is "Upon arrival" prior to the topic of "I." Two sentences in a row, the officer chooses to detach the theme from the topic. In the first example, he highlights the date and time of the event instead of the fact that he is the one responding to a domestic disturbance call. In the second example, he uses a prepositional phrase to emphasize that he arrived on scene. He does not do this when the two suspects are the topics of sentences. The third sentence, "Both suspects were not involved in a physical fight at the time of my arrival..." advances the suspects as topic and theme.

He continues this pattern throughout the report. In the second paragraph detailing Pamela's story she is always the topic and theme: "Pamela stated," "She stated," "Pamela said," "She stated," "Pamela stated." As soon as the report turns to include information given by the officer, the separate theme appears. He writes, "It should be noted that Pamela had a bruise on her lower back and a bump on her head." The officer could have written, "I observed a bruise on Pamela's lower back and a bump on her head," foregrounding his own observation of her injuries, or he could have chosen to highlight her injuries saying, "The injuries Pamela sustained include a bruise on her lower back and a bump on her head." The phrase, "It should be noted," suggests an audience, and "it" downplays the significance of the fact that she has injuries. If it is being noted, then it is obviously being noted *for* someone. The "should be" also suggests an

audience that expects this information, or at least, it is an indication that the officer believes he is supposed to report the information that follows.

The pattern of theme and topics is repeated in the third paragraph, which describes Michael's point of view. The officer begins each sentence that refers to the suspects with their name or pronoun as the topic and theme: "Michael stated," "He stated," and "Michael was not." The officer then shifts to another, "It should be noted," sentence to describe Michael's eyes, repeating the theme and topic from the previous paragraph. He follows this with two sentences where the officer is removed as the topic/subject but is obviously the agent of action. He writes, "There was a large amount of wasp spray on the bed as well as the walls." This structure creates a dummy subject of "There" while the true subject is "wasp spray." The officer could have written, "I observed wasp spray on the bed and walls," or "Wasp spray could be observed on the bed and walls," or "The bed and walls had wasp spray on them." Each of these sentences emphasizes a different topic but keeps the theme and topic the same. The officer chooses a weak dummy subject by starting the sentence with "there." He ends the paragraph, "Photographs of the location of the wasp spray were taken." The topic and theme of photographs seems an odd choice when the primary action subject is the wasp spray location on the bed and walls. He could have written, "I took pictures of the wasp spray on the bed and walls," in order to include the fact that he took the photos on scene and observed the wasp spray himself, or he could have said, "Wasp spray locations were photographed," to indicate that wasp spray locations are the important part of the sentence and the true subject. His choice of grammar removes him from the action and foregrounds photographs rather than the important subject, wasp spray locations.

The final paragraph displays the same structure. The first sentence, "Due to the fact that I was unable to determine…" creates the theme "Due to the fact that," and the topic, "I." He could

have written, "I was unable to determine…" or "A primary aggressor could not be determined." In these two examples the theme and topic are the same within the sentence, but the first identifies that it is the officer making the decision to arrest according to central factors, and the second creates the central factor (a primary aggressor) as the subject. Starting the sentence with "Due to the fact that" is a theme that suggests the officer is highlighting he has "facts" to back up the decision he is getting ready to state. It suggests an audience that may dispute the decision he made, and it distances him from the true subject position in the sentence. Gee argues, "Subjects of sentences name what a sentence is about (its 'topic'). They also name the perspective from which we are viewing the claims we want to make (its 'theme') if they are initial in the sentence" (Gee, *How to* 68). When the officer makes the suspects the theme of the sentence instead of himself, he is making choices about what he wants the reader to focus on. Throughout the report he removes himself ("I") from the topic/theme position.

Active/Passive Voice

In terms of active and passive voice, the voice in the report changes as the subject changes. The officer primarily uses the passive voice to describe his actions. Examples include, "Upon my arrival I was met at the door…," "Both suspects were not involved in a physical fight at the time of my arrival and were separated to conduct interviews," and "Photographs were taken…" Throughout the officer's narrative, the voice describing his actions is consistently passive. In the final paragraph describing the outcome of the encounter with the couple, he continues in the passive voice despite the fact that this portion of the report is the justification for the arrest. He writes, "both parties were taken into custody," "Michael G**** and Pamela F**** were jailed," and "wasp spray…was logged." The use of passive voice removes the

officer from the action of the report. He could have written, "I took both parties into custody and logged the wasp spray into evidence," but instead he detaches himself from the verbs.

The officer's use of passive voice in describing his actions is in contrast to the active voice in the other paragraphs describing Pamela's and Michael's actions. In the second paragraph he writes, "Pamela said she tried to not argue with Michael but he continued the verbal abuse. She stated that Michael grabbed her and at that point she sprayed him…" In the majority of Pamela's paragraph the active voice is used to describe the events. However, in Michael's paragraph, the voice is active when describing Pamela's actions against Michael and passive in describing Michael's own actions. For example, "Michael stated they were lying in bed and she sprayed him with 'wasp spray,'" and, "He stated as he was attempting to leave she continued to spray him." These two sentences could be written in the passive to match the officer's voice or in active voice throughout. The first example could be written, "While they were lying in bed Michael was sprayed with wasp spray," or in active voice, "Pamela sprayed Michael with wasp spray in bed." Structuring the sentence where Michael's actions are passive and Pamela's active suggests that Pamela is more responsible for her actions than Michael. He is effectively set up as the victim in the paragraph, not just by the words that are written but by the use of voice in the sentences.

Clauses

The additive and elaborative clauses in the report also shed light on the intentions of the writer. Fairclough argues that by looking at relations between sentences and clauses social research issues can be illuminated (87). He identifies and describes several semantic elements in clauses. The causal category includes reason (why something follows) consequence (what follows), and purpose (how it follows). The temporal is usually identified by terms of time, such

as "when," or "at this time," in a clause, while the additive element is usually identified with "and" or "also." The elaborative category is an additive element to the clause but is identified by "who," "which," or other term to include additional information to the sentence. Contrastive elements are identified by "but," or "however." The following is an examination of the semantic relations in the report. I have identified the causal, temporal, additive, and elaborative elements of the sentences and clauses.

> TEMPORAL On July 21, 2011 at approximately 2252 hours I responded to the residence at 423 N. 37th Place REASON reference a disturbance. TEMPORAL Upon my arrival I was met at the door by a [sic] individual ELABORATIVE who was not involved in the disturbance ELABORATIVE advising me that both suspects were located in the bedroom. Both suspects were not involved in a physical fight at the time of my arrival ADDITIVE and were separated to conduct interviews.
>
> I TEMPORAL first spoke with the female suspect, Pamela F****, ELABORATIVE who provided a written statement regarding the incident. Pamela stated that the relationship between her and her boyfriend, Michael G****, is an abusive one. She stated that Michael was accusing her of cheating ADDITIVE and called her a 'disgusting whore.' Pamela said she tried to not argue with Michael CONTRASTIVE but he continued the verbal abuse. She stated that Michael grabbed her ADDITIVE and at that point she sprayed him with 'wasp spray' CONSEQUENCE out of self defense. Pamela stated Michael TEMPORAL then began throwing things around the room, ADDITIVE attacked her a few more times, ADDITIVE and hit her in the head. It should be noted that Pamela had a bruise on her lower back ADDITIVE and a bump on her head. Pamela stated she was unsure TEMPORAL when during the altercation she obtained the injuries. Photographs were taken of her injuries.
>
> I TEMPORAL then spoke with the male suspect, Michael G****, ELABORATIVE who stated that they were in an argument ADDITIVE and that she was accusing him of cheating. Michael stated they were lying in bed ADDITIVE and she sprayed him with 'wasp spray.' He stated she sprayed him in the face ADDITIVE and he got up ADDITIVE and started throwing stuff around REASON because he could not see. He stated as he was attempting to leave she continued to spray him. Michael was not aware of how Pamela obtained her injuries CONTRASTIVE but stated he did not hit her. It should be noted that Michael had red, watery eyes form [sic] the wasp spray. There was a large amount of wasp spray on the bed ELABORATIVE as well as the walls. Photographs of the location of the wasp spray were taken.

> REASON Due to the fact that I was unable to determine who the primary aggressor was ADDITIVE and both parties sustained minor injuries CAUSAL from the altercation both parties were taken into custody. Michael G**** and Pamela F**** were jailed at B***** County Sheriff's Office ELABORATIVE for Domestic Battery 3rd Degree (5-26-305). The wasp spray used in the incident was logged into evidence. No further information to report TEMPORAL at this time (Lewis, police report).

There are several temporal distinctions in the report. This corresponds with the narrative nature and genre of the police report. The temporal elements direct the reader through the chronological events in the narrative. Most of the semantic relations are elaborate and additive. The officer has several facts that he needs to include in the report, and he does this by elaborating and adding to the clauses and sentences. There are only two contrastive relations in the report ("but he continued the verbal abuse") despite the fact that two very different narratives are offered through Pamela's and Michael's points of view. Also, there are few causal relations in the report, although when they appear they are important. The officer indicates that Pamela sprayed Michael "out of self defense," and that Michael threw items "because he could not see." In addition, the officer claims that his arrests were made, "Due to the fact" that he could not justify any other course of action. The causal relations are all an attempt to rationalize the actions of the various parties and to account for the decisions they made. They deserve careful attention in the text.

Choices

The act of writing requires countless choices regarding subjects, word choice, verb use, sentence structure, and other decisions. These choices, however, are neither random nor insignificant. They determine a vital element of a text, its tone and intentions. I draw upon Fairclough's types of exchanges, speech functions, grammatical moods, modalities, and

nominalizations, along with Gee's "Vocabulary Tool," which explores how the vocabulary marks the text's style and contributes to the purposes of the communication (*How to* 196).

The type of exchange in the report is "knowledge-exchange" (Fairclough 105). This is because the majority of the sentences in the report are declarative statements intent on conveying facts, information, and explanations of events. There are some examples of evaluative statements such as, "There was a large amount of wasp spray on the bed as well as the walls." While this sentence is declarative and factual in nature, the addition of "large amount" to describe the wasp spray on the bed and walls is evaluative. Even the assumption that it is wasp spray on the bed and not water or some other substance is evaluative. The grammatical mood is declarative, and there are no examples of interrogative or imperative speech functions in the report.

In terms of modality, Fairclough argues, "explicitly modalized forms (marked by modal verbs such as 'may' or other markers) can be seen as intermediate between categorical Assertion and Denial, and they register varying degrees of commitment to truth or necessity" (219). There are very few modals present in the report. This is significant because the lack of modality indicates the officer leaves little room for doubt in the report. His declarative statements are direct. For example he writes, "Pamela stated that the relationship …is an abusive one." He could have written, "Pamela stated that her relationship can be abusive at times," but the direct use of "is" abusive commits him to this position. Fairclough argues that "Modality can be seen as initially to do with 'commitments,' 'attitudes,' 'judgments,' 'stances,' and therefore with Identification" (166). Since the report has few modalities, the statements are meant to be viewed as the truthful stance, and the officer commits himself to his judgment of the events. The only two modalities that exist occur in the phrase, "It should be noted." Adding the phrase rather than

just stating the evidence outright, demonstrates the officer's internal obligation to provide the information he believes the reader needs in the document. It is interesting that the clause "It should be noted," is used to prelude statements about the suspects' injuries. The fact that both suspects have injuries is critical to the officer's justification of their arrest because if neither party had injuries then it would be difficult (or even illegal) for the officer to arrest them. The statute for Domestic Battery 3rd Degree requires that the victim has visible, notable injuries. Since the officer notes the injuries of both parties, he is able to arrest both of them. He is qualifying the most important statements in the report with modals. This suggests the officer is not as committed to his observation of injury and final decision to arrest as he is in the rest of the report. These statements hint at a lack of confidence and commitment to the truth, which is unlike other sentences found in the report.

Nominalization is another way to qualify statements. Fairclough claims that, "One consequence of nominalization is that the agents of processes, people who initiate processes or act upon other people or objects, are absent from texts" (13). The nominals, "written statement," and, "self defense," both occur in the paragraph detailing Pamela's story. These nominalizations separate her from the action of writing a statement and defending herself against Michael's attack. Also, the term "injuries" is used as a nominal in the report. He writes, "Pamela stated she was unsure when during the altercation she obtained the injuries." He could have written, "Pamela stated she was unsure when during the altercation she was injured." This changes the verb from "sustained" to "injured," which is more impactful. The officer could have activated the verb but instead selected the nominal.

The vocabulary and word choice in the police report is worth investigating in this discourse analysis. Gee's "Vocabulary Tool" suggests three classifications of words.[11] Tier 1 words are "basic everyday words…like 'go,' 'home,' 'dinner,' and 'dog' (*How to* 53). Tier 2 words are more formal and appear in academic and other realms, "words like 'process,' 'state,' 'account,' 'probable'…" (Gee, *How to* 53). They are words not used in casual, everyday conversations. Tier 3 words are "specialist technical terms," and jargon (Gee, *How to* 53). .

In the police report there are several appearances of Tier 2 words. In the first paragraph the officer uses, "approximately," "residence," "reference," and "disturbance." The second and third paragraphs that recount the suspects' stories use tier 1 words more than tier 2. Examples include, "boyfriend," "grabbed," "sprayed," "hit," "bruise," "bump," "face," "bed," and "stuff." Each time the officer is the social actor, the vocabulary increases in complexity. The final paragraph displays the officer's use of tier 2 and tier 3 words. Tier 2 words include, "determine," "primary," "sustained," and "altercations." The specialist tier 3 words are "aggressor," "custody," and "Domestic Battery." While these words are not limited to law enforcement, their usage in legal matters is different than in other contexts. The officer uses vocabulary, tier 2 and tier 3 words, to establish his professionalism, legitimacy, and authority in the report. The vocabulary also works to separate his voice from that of the suspects which he quotes directly and indirectly in the second and third paragraphs. He appears more distinguished, educated, and professional than the other two parties.

Conclusions

Ultimately, this analysis is just one of many that could be derived from the text. As Fairclough notes, "no analysis of a text can tell us all there is to be said about it – there is no such

[11] Isabel Beck originally developed these categories for classifying vocabulary. See *Bringing Words to Life: Robust Vocabulary Instruction.*

thing as a complete and definitive analysis of a text" (14). However, by reviewing the linguistic elements of the report, some important social and political elements have been analyzed.

The social context of the police report text includes the public perception of officers as both, heroes and villains. Officers are writing within a larger social context where the public sometimes distrusts and disagrees with them. This changes the character of the report. Part of what the officer does in creating the report and the choices he makes has to do with the fact that he feels the need to justify his actions to an unfriendly audience and public. The text of this report must also be reviewed within its context of the night in question. There were multiple officers on the scene, witnesses, and chaos. The report naturally lacks some of the richness of the actual events that took place. However, some of the witness detail and conversations that are missing are critical to the comprehension of the report.

The narrative of the report should be seen within its place as one page of a multiple-page report that includes copies of tickets issued, handwritten statements by the two suspects, officer affidavits on submitted evidence, and documents detailing the charges, suspect information, address, and time. Furthermore, this text is one of thousands of texts that are created every year by this police department in Northwest Arkansas. All of the police encounters and arrests are memorialized in reports and social texts like this one.

While this report is clearly written in the police report genre, the inclusions of several other genres are identified in the text. They include narration, description, interview, report, and argument. These additional genres lend credibility to the author, but they also subvert the police report genre. Subjective opinions, descriptions, and argument, are not welcome in police reports, yet in this report all three are present. They demonstrate and reveal the ambiguous boundaries of the police report genre itself.

This report includes witness testimony, suspects' written statements, suspect interviews, and the legal statute for Domestic Battery 3rd Degree. The intertextuality of these outside documents and conversations are murky in the police report. The officer's voice is detached and rarely identified in the document. By relying so heavily on the suspects' written statements, the officer avoids reporting on actual conversations he had on scene. It is often unclear if the officer is using the texts written by the suspects or his interviews with them when he directly and indirectly quotes them in the report. There is little clarity in the intertextuality present in the narrative. In addition, the lack of detail about the witness effectively silences him or her, and the intertextuality of the officer's encounter with him or her is stifled.

The report is awash in relationship complexities and motives. Pamela and Michael, through their written statements, try to garner sympathy. Both want to be seen as the victim through their recreation of events. The officer allows them this while also casting them as aggressors in the report. He distinguishes himself from the other parties in the report by quickly referring to them as "suspects" and himself as, "I." However, the officer tries to remove himself from the report and negate his own agency. He still manages, though, to convey information, justify his decision to arrest, and cover his bases with evidence.

In terms of topics and themes, the officer creates sentences that focus on the subject except when the subject is himself. Pamela and Michael are always the topic and theme of their paragraphs. However, when the officer enters the report in the form of "I" it is always preluded with a separate theme. The report is also written in passive voice when officer is "speaking" and in active voice when suspects are speaking. Structuring the sentence where Michael's actions are passive and Pamela's active suggests that Pamela is more responsible for her actions than

Michael. He is effectively set up as the victim in the paragraph, not just by the words that are written but by the use of voice in the sentences.

Finally, all of the choices that the officer makes in regard to grammatical mood, vocabulary, modalities, and nominalizations affect how he is perceived by readers. The declarative mood of the report demonstrates a desire for facts and truth, while the vocabulary effectively distinguishes the officer from the suspects in the report. The use of modalities and nominalizations in the report suggest that Officer Lewis is not as comfortable with his final decision as the declarative mood and vocabulary propose. His use of modalities tied to critical statements of evidence present an officer that is not committed fully to evidence. After all, despite his argument for arrest, the officer could have argued that the pair not be arrested by downplaying their injuries. Michael's red eyes could have easily been explained by a night of drinking and smoking. Pamela's injuries could have been sustained in a mutual scuffle or as a result of her attack on Michael. In this scenario, neither party is arrested for Domestic Battery because the evidence for injury is not strong. Conversely, the officer could have argued that Michael deserved to go to jail for injuring Pamela. Her wounds were severe enough to warrant photographs, while Michael's red eyes were not. The grammar, structure and social elements of the discourse analysis reveal that this report is not a simple string of factual observations. This report is textured by social/political undercurrents and grammatical choices.

CHAPTER EIGHT

FINDINGS, CONCLUSIONS, AND SUGGESTIONS

Chapter Eight

Findings, Conclusions, and Suggestions

There are obvious concerns about the Jackson Police Department's training, report writing, and report audience awareness. This chapter addresses the three research questions presented in Chapter One. The findings from each chapter will be discussed along with implications of these findings and suggestions for improvement.

In regards to clinician composition studies, Stephen North argues, "Clinicians…are concerned with that is unique and particular in some unit within a population (a writer, a teacher, a writing tutorial, etc.), but they also bring to bear on their investigations all they know about the larger population of which that unit is a part" (200). While, I can only comment on this one police report writing experience and audience, the interviews suggest that the problems in this report are common in the field. Likewise, the training academy in this dissertation is the only one studied, but its training program is based upon training regulations, rules, and practices present in many academies around the country. The primary finding of this dissertation is that current police training programs and literature fail to address important issues such as genre and audience in regards to report writing. This lack of training may result in officers that are unprepared to meet the literacy needs of the judicial system.

Question One: In what ways does police training address report writing?

The training programs researched in this dissertation did not adequately address legal Discourse defined in Chapter Two or police literacies discussed in Chapter Four: writing, reading, technology, and street literacy. Similarly, they fail to address the social practice of report writing within the police context, the report audience, or the report genre itself. These are

important aspects of a police officer's duties, and they contribute greatly to report writing practices.

Report writing and literacy training at the Jackson Police Department, at ALETA, and in police writing literature is not effective in making many police officers better report writers. The Jackson PD, while suggesting training in literacy skills in its Policy and Procedure Manual, fails to actually hold officers accountable for obtaining the training. In addition, the FTOs in the department are not the best choice for transmitting literacy knowledge and acting as literacy sponsors. The officers selected for FTO duty are excellent officers in performing their work safely and effectively on the streets; however, they are rarely, if ever, selected solely upon the basis of writing excellent reports. They may not be able to spot the real problems in a report or identify limited audience awareness.

The ALETA academy does very little training in any of the four literacy areas critical for officer success. Chapter Four defines writing literacy, reading literacy, technology literacy, and street literacy in regards to police activities. These literacies must be obtained if officers are to work effectively and efficiently in their jobs. However, Chapter Five suggests that little if any time is spent on the four literacies at the police academy. An analysis of the ALTETA training manuals, training calendar, and cadet training packet reveals that within a twelve-week training program in 2006, only six hours were spent in the Traditional Literacy category (reading and writing). This accounted for less than 1% of the total training hours during this session at the Academy. This was surprising and disappointing considering that everyone I interviewed, including police chiefs, attorneys, and officers, agreed that report writing was critical to the effective operation of a police department and judicial system. Out of 430 hours, only four hours

were spent on Technology Literacy and thirty hours on Street Literacy. It is apparent that officers are not receiving a great deal of training in literacy skills at ALETA.

One reason may be that the police culture and secondary Discourse in which officers participate naturally resists evaluation and criticism. Gee et al. argues, "No Discourse—not LA street gangs or LA police…wants to apprentice its newcomers to a process that makes them question its fundamental values and perspectives on the world" (12). This is certainly true for the department studied in this dissertation. From the academy, to in-house training, to FTO ride-alongs new officers are never encouraged to question the methods or practices of police work. This includes police writing, report genre, and other literacy concerns. Very few experts or trainers from outside the police population train new officers in law, writing, technology, defense tactics, gun skills, etc. The lack of outside influences further isolates new officers and indoctrinates them into police Discourse. Perhaps then, it is no wonder that officers have little understanding of the report audience, their needs, and expectations.

Question Two: What level of audience awareness do police officers have when writing reports?

In Chapter Six, I examined one officer's report writing practices and the readers' reactions to one of his reports. During the officer interview, I learned that he considered himself a primary (and perhaps the most important) reader of the report. This was not unlike what I learned from my interviews with other officers, supervisors, and chief of police. They all viewed the officer who wrote the report as an important reader of the report in the future. This idea is mainly tied to any future court appearance the officer would have to make in regards to the events of the report. This officer, and the others I interviewed, viewed the report as a tool to help the officer remember the event, the people, and the outcome. However, this writer-based prose

approach to report writing does not appear successful. In interviews, multiple problems and questions were posed by the prosecutor, defense attorney, and judge about the events in the report. It is clear that the officer was unaware of the holes that would appear in his report as a result of other audience members reading his report.

Part of the problem with this officer's audience awareness could easily be his uncertainty in the resolution of the evening's disturbance. Chapter Seven, the discourse analysis, suggests that the officer may not have been confident in his decision to arrest both parties. His writing decisions in regards to grammatical mood, vocabulary, modalities, and nominalizations affect how he is perceived by readers. The use of modalities and nominalizations in the report suggest that the officer is not as comfortable with his final decision as the declarative mood and authoritative vocabulary propose. His use of modalities tied to critical statements of evidence contradict his final decision to arrest both parties. It suggests he is not committed fully to the evidence presented in the report. While he may have been trying to write to convince others that he made the right decision, it is just as easy to assume that he may have been writing the report to convince himself of his decision. It is impossible to capture his actual thoughts on the matter (even with verbal-probing interview), but he is performing a rhetorical act in the report and arguing his position to the audience, even if he is not aware that this is what he is doing.

The limited audience awareness, displayed in Chapter Six, is again revealed when the officer struggles to determine his place in the report. Although he uses "I," it is never as the topic and theme of a sentence and it is rarely used in regards to any action. While the text suggests he is collecting evidence, interviewing subjects, and arresting suspects, a definitive "I" is never the one doing it. He is missing from the report in many ways. It leads a reader to wonder; is he an observer, an active participant, an interviewer, an investigator, an apologist?

His lack of a defined role in this report may be attributable to his lack of a defined sense of audience and their unknown expectation of him as a police officer in a police report.

The lack of a defined role for writer and reader may be due to a limited understanding of genre. Police officers using report forms feel protected from including too much information, leaving out a detail/fact, or forgetting past events. They may also feel that following the format closely better ensures that they will not be embarrassed by a defense attorney or judge in the future. However, Paré questions the fairness (or its lack) of genres to the parties involved. He asks, "Do they 'work' equally well for all who participate in or are affected by them?" (140). This is a difficult question for police officers to answer. Does Officer Lewis' report work for the suspects? Well, not really. Neither one had any say on what was included in or omitted from the report. It also, according to interviews, does not work well for the prosecutor, the defense attorney, or the judge. The officer in this study misunderstands the role of the report genre. It must serve multiple audiences and include the information they need.

It is difficult, however, for police officers to feel they can adapt or change this genre to meet audience needs. Officers feel a great deal of responsibility for the maintenance of police genres, including the police report. Kevin Chapman, Jackson Police Department sergeant, claims officers don't have enough influences and styles of writing or options to choose from when writing. After the police academy and FTO training, "they are scared to death to change [the report genre] because they are worried they will get in trouble" (Chapman). Officers do not see themselves as part of the activity system that can shape and change the genre form. They view the genre as a strict and rigid format, but the inclusion of several other genres identified in the report text, including narration, description, interview, report, and argument, reveals the ambiguous boundaries of the police report genre itself. If officers were aware that the genre is

not simply an objective story, this could free them to write better rhetorical documents. For as Wayne Booth argues, "the author cannot choose to avoid rhetoric; he can choose only the kind of rhetoric he will employ" (149). It is nonsense to think that any police document could be purely objective. Each individual will texture the report with his or her own experiences, culture, background, and understandings of audience and genre. Officers should be encouraged to write rhetorically with a well-developed audience in mind. This focus would result in reports that better suit the officer and audience's needs.

Question Three: How do actual report audience members read and evaluate reports?

Many writers are forced to write for a fictitious, invoked audience because there is no possible way to know the actual audience. For police officers this does not have to be the case. I interviewed four audience members that regularly read Jackson Police Department reports. They revealed important information about how they read and analyze reports, information that Jackson police officers should and could be privy to.

It is apparent in the interviews that all of the readers, with the exception of the officer, were in some way disappointed with this report. The supervisor requested additional information and clarity on the injuries in the report. The prosecutor was frustrated by the exclusion of witness information, while the defense attorney was disturbed by a murky, possibly illegal, officer contact and consent. The judge was apprehensive about a possible Miranda violation and the lack of witness identification. It is clear that the readers' needs were not met in this report. Even the officer, who thought of himself as the main reader, will be let down as the report progresses through the judicial system.

This officer failed to see report writing as a social transaction, a contract between writer and reader. If most officers view police report writing as an exercise for refreshing their

memory, they fail to address the rest of the audience. Mark Guston, Jackson Prosecutor, argues that police officers need a "shift in mindset." He notes,

> You are not just writing this report to refresh you on what happened. There are discovery requirements that we have to meet based upon what you put in this report. I use this report as a guide for soliciting testimony from you and witnesses and victims. So, you know, you have to look at it a little bit differently.

Guston, along with the defense attorney and judge, argue that officers need to understand the report genre and its purpose from their (prosecutor and court) perspective. A defined audience awareness, one in which officers understand readers' needs and objectives, could improve report writing generally.

Fortunately, the needs of the prosecutor, defense attorney, and judge are largely the same. They want the report to include all available evidence. Every witness, statement, remark, and observation should be in the report. What an officer leaves out, could be crucial information to them. In addition, the defense attorney and judge needed additional information about legal police procedures involving consent and Miranda warnings. These concerns are critical in light of an officer's possible violation of civil rights. One sentence in the report could easily clarify if the conversation he had with the two parties was a legal one. All of the readers prefer that the information in the report be objective and without additional adjectives or summaries. These requirements do not seem over burdensome for police. Officer Lewis, along with his supervisor, assumes everyone needs the same information that they do. This is not true. A change in mindset for officers is necessary for them to write more effective reports.

Suggestions for Police Training

Adult education comes with many challenges, especially when training is critical to job

performance. Learning at any age can evoke anxiety, confusion, and pain, but for adults, learning also requires an investigation of belief systems, modes of conduct, and value frameworks (Lytle 384). It is difficult for adults to be faced with realities of their performance of certain literacy skills. In the case of police training, it is best if classes are participatory in nature. Susan Lytle argues that "participatory approaches not only involve learners in negotiating the curriculum, but also in program management and governance, thereby providing opportunities for developing literacy within the program as an organizational, not just an instructional setting" (385). New officers need more opportunities to see and identify their literacy shortcomings and seek avenues to correct them. A more participatory role by all potential literacy sponsors (police supervisors, FTOs, prosecutors, attorneys, judges) throughout training should be taken in order to ensure that each officer feels confident in his or her literacy skills. The following are suggestions for training improvements for the Jackson Police Department, ALETA, and the State of Arkansas.

1) ALETA should partner a police expert with a writing expert from a local university in order to instruct its report writing course during the academy. This dissertation has detailed many reasons why police officers themselves may not be the best trainers when it comes to literacy skills. ALTEA should also consider bringing in a prosecutor and defense attorney to co-teach this course along with the writing professional and police expert. The addition of a report audience member would distinctly improve the opportunity for new officers to learn about the audience for their reports and help them gain audience awareness. The prosecutor or defense attorney could bring in examples of poor and excellent reports from actual cases and analyze those reports with cadets. Many other benefits could also develop from paring outside writing professionals and legal experts with police trainers. An outside party can better identify the

literacy shortcomings of officers and offer solutions. On the other hand, officers know their jobs better than any outside expert. Working together, these instructors could develop the best way to approach the instruction of literacy for new officers. ALETA should also seriously consider adding a computer and technology course to its current curriculum. With the explosion of technology in society and police work this topic is difficult to ignore. Trainers must recognize that officers enter the academy with various experiences and knowledge of computers and technology. A basic and necessary level of technology literacy should be established and then taught to new officers in order to ensure that all officers have a working knowledge of the technology they will use daily.

2) Field Training Officers cannot be held responsible for training new officers in reading and writing literacy skills. FTOs may feel uncomfortable or insecure in correcting or instructing another officer's writing. However, FTOs can suggest "expert" report writers within the department that can mentor and advise new officers on their writing skills. While all supervisors review their subordinates reports, these "expert" report writers would be used by new (and experienced) officers to aid in reconstruction, audience awareness, inclusion of details, and proofreading of reports. The expert report writers could be identified by supervisors and prosecutors for their successful writing practice. In this way, new officers can rely upon the information these "expert" writers give them, and the department can depend on the skills of the expert writers to pass on and apprentice new officers into the accurate and clear writing of police reports and other documents.

3) In-house training should more actively encourage and seek to strengthen the departments' literacy skills. Once a year, the department should offer a refresher course on reading and writing strategies for reports, warrants, emails, and other documents. The four to

eight hour course should be conducted by an outside writing professional in coordination with an internal writing "expert." Officers should be evaluated on their writing and technology skills each year as a part of their yearly review and evaluation. This would help to ensure that officers take their writing skills seriously and seek to improve them throughout the year through the use of the yearly refresher course and by working with the "expert" officer writers. Departments should work to ensure that each officer is receiving his or her forty hours of additional training each year by making this a part of each officer's evaluation. In the same way, officers should be required to take the six hours of college English by the end of their third year of employment, if required by the police department, and this should be evaluated by the department's head training coordinator in order to ensure compliance. I do have suggestions for replacing the ambiguous "English" requirement, however, with more specific courses below.

4) The Arkansas Commission on Law Enforcement Training and Standards should consider updating their requirement for six hours of college English in order to acquire an Intermediate Certification. In most cases, officers select Composition One and Two to fulfill this requirement. These courses are primarily taught to college freshmen in order to integrate them into the writing practices of the university and academic writing. They are essentially learning a secondary Discourse, that of the "University" not of the police. Officers that take Composition One and Two obtain very few transferrable skills to aid them in their job. A technical writing course or its equivalent would be much more appropriate for police officers than a traditional Composition or Introduction to Literature course. In addition to a three-hour college credit technical writing course, I suggest a three-hour criminal procedure course to replace the current requirement of college English. The way in which lawyers read can be different than how a police officer reads and interacts with texts. Ruth Ann McKinney in her book, *Reading Like a*

Lawyer, identifies several ways that effective law students learn to read law. She argues that "the development of law rests primarily on *written* precedent housed in centuries of court opinions and statute books. To be understood, law has to be read, and read well" (53). A criminal procedure course can better introduce officers to the law than a one-day academy training session. Officers would learn to interact, think, read, and understand the law and the people who practice it. The experience of reading and discussing law in a law school setting with law students and lawyers as professors would be immensely valuable to officers. Their reading and writing literacy skills along with legal Discourse would be vastly improved with just this simple change of an already established requirement.

By implementing these suggestions, Arkansas and police departments can better prepare officers for their duties. The traditional literacy skills of reading and writing have been ignored for too long by the Commission and by departments. By transparently addressing these concerns and instituting these solutions, officers can be confident in their writing ability. Judicial efficiency can be secured along with ensuring that defendants and victims are correctly identified and accurately described in officers' reports. By taking these suggestions, departments can provide for the literacy needs of their officers and improve their professionalism.

Suggestions for Composition Studies

This dissertation examines how audience and genre concerns play out in an actual workplace environment. The impact of limited literacy skills and audience awareness affects the individual writers, their readers, and the organization as a whole. If training and police report writing pedagogy is at fault, which I believe it is, studying the areas where training lets officers down provides a framework for looking at our own composition pedagogies in the University. Are we teaching students to "imagine" and "conjure up" audiences when an actual audience

member could be obtained, interviewed, and assessed? Even offering students an audience heuristic that requires them to consider several factors, may not be effective if students don't know the answers to these questions. Using audience evaluation formulas and heuristics with my own students, I find that these tools are not useful when students do not understand them or the audience they hope to define. If there are better ways to obtain audience data besides making it up in our heads, trying to define it with stereotypical aspects of a heuristic, or simply ignoring it all together, we should be looking for them. As Ede and Lunsford have concluded, audience concerns are more than either invoked or addressed ("Audience Addressed/ Audience Invoked," "Representing Audience"). Audiences need to be defined and evaluated, while allowed the additional room to change and develop. Considering the social context and environment, along with the rhetorical situations is also helpful in discussing audience awareness with students, as only in these contexts can the audience be discussed.

In addition, are we preparing students for their eventual careers by asking them to write for fictitious audiences in fictitious genres? Police officers write police reports for real audiences, but they are often oblivious of rhetorical stances that would meet the readers' needs and expectations. If officers viewed their reports as more than memory tools or daily chores, the genre of the police report would have more importance for them. Police training does not address the issues of genre or audience, and this exclusion does not prepare officers for the real-world scenario of report writing. Most of their training is focused on grammar, proofreading, and organization. While they are instructed to be objective in reports, this is impossible in actual practice. What they really need is a rhetorical framework in which to create the appropriate level of audience awareness, style, voice, and stance. Perhaps we should be working on the same sort

of frameworks for our students and building assignments that have real purpose and motivation for students.

The study of workplace literacies and writing practices offer a great deal of insight into the kind of pedagogies we support in the Academy. Through further study of workplace writing, technology, and training we can better prepare students for their future writing environments. Even those students destined to remain in the academy will benefit by understanding the type of writing that takes place outside of it, the audience concerns, and genres.

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APPENDIX A

POLICE REPORT

Appendix A: Police Report

DOMESTIC BATTERY III
CR # 2011-4546
OFFICER [redacted]

On July 21, 2011 at approximately 2252 hours I responded to the residence at [redacted] reference a disturbance. Upon arrival I was met at the door by a individual who was not involved in the disturbance advising me that both suspects were located in the bedroom. Both suspects were not involved in a physical fight at the time of my arrival and were separated to conduct interviews.

I first spoke with the female suspect, Pamela F[redacted], who provided a written statement regarding the incident. Pamela stated that the relationship between her and her boyfriend, Michael G[redacted], is an abusive one. She stated that Michael was accusing her of cheating and called her a "disgusting whore." Pamela said she tried to not argue with Michael but he continued the verbal abuse. She stated that Michael grabbed her and at that point she sprayed him with "wasp spray" out of self defense. Pamela stated Michael then began throwing things around the room, attacked her a few more times, and hit her in the head. It should be noted that Pamela had a bruise on her lower back and a bump on her head. Pamela stated she was unsure when during the altercation she obtained the injuries.

I then spoke with the male suspect, Michael G[redacted], who stated that they were in an argument and that she was accusing him of cheating. Michael stated they were lying in bed and she sprayed him with "wasp spray." He stated she sprayed him in the face and he got up and started throwing stuff around because he could not see. He stated as he was attempting to leave she continued to spray him. Michael was not aware of how Pamela obtained her injuries but stated he did not hit her. It should be noted that Michael had red, watery eyes form the wasp spray. There was a large amount of wasp spray on the bed as well as the walls. Photographs of the location of the wasp spray were taken.

Due to the fact that I was unable to determine who the primary aggressor was and both parties sustained minor injuries from the altercation both parties were taken into custody. Michael G[redacted] and Pamela [redacted] were jailed at [redacted] County Sheriff's Office for Domestic Battery 3rd Degree (5-26-305). The wasp spray used in the incident was logged into evidence. No further information to report at this time.

[redacted] POLICE DEPARTMENT

Detail



Print Date/Time: 10/18/2011 14:27
Login ID: [redacted]
Case Number: 2011-00004546

[redacted] Police Department
ORI Number: AR0040200

Case Details:

Case Number: 2011-00004546
Location: [redacted]
[redacted]AR 72756

Incident Type: Battery/Domestic
Occured From: 07/21/2011 22:45
Occured Thru: 07/21/2011 22:52
Reported Date: 07/21/2011 22:52 Thursday

Reporting Officer ID: [redacted]
Status: Cleared by Arrest
Status Date: 07/21/2011
Disposition: City Attorney
Disposition Date: 09/29/2011
Assigned Bureau: Uniform

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time

Associated Cases	Status	Assisting ORIs	Role

Modus Operandi	Solvability Factors	Weight
		Total:

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	13B	05-26-305	Domestic Battery 3rd Degree	1

Offense # 1

Group/ORI: State
Crime Code: 13B
Statute: 05-26-305
Counts: 1
Attempt/ Commit Code: Commit
Description: Domestic Battery 3rd Degree
Offense Date: 07/21/2011
NCIC Code: 3899
Scene Code: Residence/Home
Bias/Motivation: No Bias
Offense Status:
Status Date:
Occupancy Code:
Arson Code:
Domestic Code:
Child Abuse:
Gang Related:
Aiding/Abetting:
Sub-Code:
# of Adults:
# of Juveniles:
IBR Seq. No: 1
Property Damage Amt.:
Abandoned Structure:
Household Status:
Domestic Circumstance:
Carjacking:
Accosting Situation:
Hate Bias Indicator:
Premise Code:
Gambling Motivated:
Order of Protection:
Prior Inv - Victim:
Prior Inv - Offender:
Anit-reproductive rights crime:
Cargo Theft:
Special Circumstances:
Precipitating Event:

Offender Suspected of Using

Alcohol: No
Drugs: No
Computer: No
Aggravated Assault/ Homicide Circumstances #1:
Aggravated Assault/ Homicide Remarks #1:

Victim Suspected of Using

Alcohol: No
Drugs: No
Computer: No
Aggravated Assault/ Homicide Circumstances #2:
Aggravated Assault/ Homicide Remarks #2:

Justifiable Homicide Circumstances:
Justifiable Homicide Code:
Larceny Type:
Method of Entry Type:
Method of Entry:
Point of Entry:
# of Premises Entered:
Method of Exit Type:
Method of Exit:
Point of Exit:
How Left Scene:
Direction of Travel:
Counterfeit Type:
Counterfeit Status:
Counterfeit Amount:

[redacted] POLICE DEPARTMENT

Detail

Print Date/Time: 07/27/2011 13:12
Login ID: [redacted]
Case Number: 2011-00004546

ORI Number: [redacted] Police Department AR0040200

POLICE DEPARTMENT
[redacted] ARKANSAS
WRITTEN STATEMENT FORM

CR# 2011-4546

TYPE INCIDENT Dom Batt III | INC. DATE 7/21/11 | INC. TIME 2252 | TYPE INCIDENT Dom Batt III
CALL DATE 7/21/11 | CALL TIME 2252 | UNIT ASSGN 301 | GEO. CODE 1 | DISTRICT OCCURRED 1

ADDRESS OF INCIDENT [redacted] APT.

1. Subj's Class: (Check One) Person Reporting | Victim | Suspect | Witness | Owner | Contact | Driver | Vehicle #

Name: Last [redacted] First Pamela Middle G.
Race C Sex F DOB 1/17/65 HGT 5 ft 6 in Wgt 150 Hair Color brown Eye Color green
Address [redacted] City [redacted] State AR Zip Code 72756
Home Phone # [redacted] Type DL Driver's Lic. # [redacted] State AR
Employer [redacted] Middle Business Phone # [redacted]

Note to the person providing this statement: This form is provided for you to write your statement concerning the incident you witnessed or in which you were involved. It is vital that your statement be factual and based solely on your knowledge of this incident. Where possible, include details including vehicle type and/or color, direction of travel of vehicles or persons, and your location when you observed this incident.

This is an abusive relationship - even if I am innocent of anything he hits on me. He was accusing me of cheating - calling me a "disgusting whore" etc. I tried to be quiet and not argue but he kept on verbally abusing me. He eventually grabbed me and I sprayed him with wasp spray in self defense. He began to throw things around and break them in my house. He attacked me and hit me in the head a few times.

(Please use back if more space is needed)

I statement above represents the facts of this incident to the best of my knowledge. This statement was provided willingly and without threats or coercion of kind.

Signature of person giving statement Pam [redacted] Date 7/21/11 Time 11:25pm
Officer receiving statement [redacted] Date 7/31/11 Time 2335

** Non-Disclosure has been requested by Subject

[redacted] POLICE DEPARTMENT

Detail

Print Date/Time: 07/27/2011 13:12
Login ID: [redacted]
Case Number: 2011-00004546

ORI Number: [redacted] Police Department AR0040200

WRITTEN STATEMENT

POLICE DEPARTMENT
[redacted] ARKANSAS
WRITTEN STATEMENT FORM

CR# 2011-4546

TYPE INCIDENT Dom Batt III | INC. DATE 7/21/11 | INC. TIME 2252 | TYPE INCIDENT Dom Batt III
CALL DATE 7/21/11 | CALL TIME 2252 | UNIT ASSGN. 301 | GEO. CODE 1 | DISTRICT OCCURRED 1
ADDRESS OF INCIDENT [redacted] APT.

1. Subj's Class: (Check One) Person Reporting Victim Suspect Witness Owner Contact Driver Vehicle #
Name: Last [redacted] First Michael Middle T
Race W Sex M DOB 12-14-1984 HGT 6 ft 1 in Wgt 180 Hair Color Br Eye Color Br
Address [redacted] City [redacted] State AR Zip Code 72653
Home Phone # [redacted] Type DL Driver's Lic. # N/A State AR
Employer N/A Business Phone # N/A

Note to the person providing this statement: This form is provided for you to write your statement concerning the incident you witnessed or in which you were involved. It is vital that your statement be factual and based solely on your knowledge of this incident. Where possible, include details including vehicle type and/or color, direction of travel of vehicles or persons, and your location when you observed this incident.

Wife Assaulted Police About Child Abuse then She WAS Still Mad Cuss Cheating then is told Child Abuse Taken Him If She Was Dating Big Bad Boy Girlfriend then Would then She Stayed me with Baby Girl, Sat Up Cried Sec 30 Minutes Stayed Quiet Then I Sat Up and Said Im Crazy She then Kept Spazing

(Please use back if more space is needed)

The statement above represents the facts of this incident to the best of my knowledge. This statement was provided willingly and without threats or coercion of any kind.

Signature of person making statement [redacted] Date 7-21-11 Time 11:35PM
Officer receiving statement [redacted] Date 7/21/11 Time 2335

09-OP-0106 Revised 04/16/2009

** Non-Disclosure has been requested by Subject

[redacted] POLICE DEPARTMENT

Detail

Print Date/Time: 07/27/2011 13:12
Login ID: [redacted]
Case Number: 2011-00004546

ORI Number: [redacted] Police Department AR0040200

FAX TRANSMISSION

[redacted] POLICE

Chief of Police

FAX TRANSMISSION

TO: BCSO

FROM: Officer J. [redacted]

DATE: 07/22/11

RECEIVERS FAX NO:

NUMBER OF PAGES (including this cover sheet): 07

COMMENTS:

Affidavit, report & citations Attached.

Pamela [redacted] W/F 01/17/65

Michael [redacted] W/M 02/14/86

PLEASE CONFIRM: _____ NO CONFIRMATION NECESSARY: _____

SENDER (if different from above): Sgt [redacted]

09-AD-0103 Revised 04/04/11

** Non-Disclosure has been requested by Subject

[redacted] POLICE DEPARTMENT

Detail

Print Date/Time: 07/27/2011 13:12
Login ID: [redacted]
Case Number: 2011-00004546

ORI Number: [redacted] Police Department AR0040200

AFFIDAVIT

CR# 2011-4546

AFFIDAVIT

State of Arkansas)
) ss.
County of [redacted])

I, [redacted], of the Rogers Police Department state under oath that the narrative and/or incident report attached hereto is a record maintained by the Rogers Police Department and is true and correct to the best of my knowledge.

Witness my hand and seal this 22nd day of July, 2011

Further affiant sayeth not.

[redacted] #[redacted]
Affiant

Subscribed and Sworn to before me this 22nd day of July, 2011.

10-15-2014
My commission expires:

COMM. EXP. NOTARY PUBLIC 10/15/2014 COUNTY ARKANSAS

[redacted]
Notary Public

District Judge

09-OP-0105 Revised 04-19-11

** Non-Disclosure has been requested by Subject

[redacted] POLICE DEPARTMENT

Detail

Print Date/Time: 07/27/2011 13:12
Login ID: [redacted]
Case Number: 2011-00004546

ORI Number: [redacted] Police Department AR0040200

CRIME SCENE/PHOTO LOG

[redacted] POLICE DEPARTMENT

CRIME SCENE/PHOTO LOG

CASE NUMBER 2011-4546 DATE 7/21/11 TOC 2252

UNIT # 301 TYPE OF CRIME Dem Batt III PAGE 1 OF 1

ADDRESS OF INCIDENT [redacted] N [redacted] P1

PHOTOGRAPHER [redacted] EVIDENCE COLLECTOR _____

TIME	PHOTO #	DESCRIPTION	LOCATION FOUND	EVIDENCE #
2234	1	Coversheet		
2240	2	Walls		
2240	3	Mattress		
2240	4	Broken Lamp		
2241	5	Bruise Lower back		
2241	6	Head injury		
0034	7	Coversheet		

10-OP-0007 Revised 05-19-10

** Non-Disclosure has been requested by Subject

APPENDIX B

POLICE TRAINING INTERVIEWS

Appendix B: Police Training Interviews

Police Training and Writing: Interview Questions

Background:

1) What is your name and position?
2) How long have you been at this position?
3) What kind of writing are you officially responsible for?
4) Who reads your writing?
5) Do you do any writing outside of writing for work?
6) How much time do you spend writing in a day or in a week average?
7) What is hard about the writing you do?
8) What is the most satisfying?

Police Writing:

1) Describe your interactions with police writing? What types of police writing do you see and how often?
2) What are common problems you see in police writing?
3) What consequences do these problems have in the courtroom/field/department?
4) What are the most critical mistakes officers can make in their writing?
5) How do these affect the officer and/or the judicial system as a whole?

Reading:

1) What do you assume officers/lawyers/judges/ actually read?
2) What do officers need to be reading?
3) What do you read?

Training:

1) What training do officers receive in regards to writing? Reading?
2) What do you think about the training they receive?
3) What could be done differently or better in regards to literacy training?
4) What other comments do you have about the nature of police writing?

Dan Hausz, County Prosecutor

-Hausz has been in the prosecutor's office since 1997 and prosecutor since 2007. He prosecutes cases for the county that includes the city of Jackson.

Background Writing:

1) What kind of writing are you officially responsible for? Pleadings, briefs, policy, and correspondence.
2) Who reads your writing? Judges, attorneys, and the public can read most items as they become public documents in most cases.
3) How much time do you spend writing in a day or in a week on average? Hausz spends 8-10 hours a week drafting documents. He says this time varies according to the case and week.
4) What is hard about the writing that you do? Distilling an argument from multiple documents, sources, and points of view into a succinct and condensed document.
5) What is the most satisfying thing about the writing that you do? Hausz notes that he enjoys learning new aspects of law in cases that he hasn't worked before and must learn in order to use in briefs and pleadings.

Police Writing:

1) Describe your interactions with police writing? What types of police writing do you see and how often? The prosecutor's office handles literally thousands of police reports each year. Hausz says they are what "drives the office of prosecutor." They receive reports from the sheriffs' department, state police, and all the city police departments in Benton County. They make all of their charging decisions based upon the one document they receive from these entities: the police report. He argues that these must be accurate and thorough. He could not emphasize enough the importance of this document.
2) What are common problems you see in police writing? Police reports don't always reflect ALL that the officer does. Hausz notes that in many cases the names of witnesses, the officer's name that collected various evidence, addresses, and phone numbers are not written in the report. He states that even mentioning that a person was mirandized and that a form was signed lets the prosecutor's office know that there is a document trail they can follow. These seemingly "little" details to police officers are critically important to Hausz and his office. He claims that they spend lots of time tracking down witnesses, speaking with officers for clarification, and looking for supporting documents. All of this can be prevented with more thorough, detailed reports.
3) What consequences do these problems have in the courtroom/department/office? The lack of accuracy and details leads to judicial inefficiency. It causes headaches in tracking

down information and interviewing officers for more information. While Hausz could not estimate the actual time lost to poor reports, he did agree that it was significant.

Reading:

1) What do you assume officers actually read? This question stumped Hausz as it did many interviewees. After some time to think he notes that he assumes they read law bulletins put out by their departments. Other than those he admits he has no idea what they read.
2) What do officers need to be reading? Law bulletins, supreme court case rulings, crime lab analyses.
3) What do you read? Hausz points to huge stacks of papers and law books around his office. He notes that he reads the majority of his day. Documents include police reports, Arkansas Supreme Court Cases, research cases, and legal statutes.

Training:

1) What training do officers receive in regards to writing/reading? Hausz admits he really has no idea. He states that he assumes the police academy offers some training in this area. I tell him that while they do offer training it is only 8 hours out of 430 hours. He was surprised that it was so low. I also note that the bulk of report training focuses on grammar. Hausz says he does not care about grammar or usage. He is much more concerned about accuracy of information and the inclusion of all important details. The report is rarely admitted for evidence because police officers are called to testify.
2) What could be done differently or better in regards to literacy training? Hausz recommends role playing or other scenarios in which officers could follow a crime scene to the report to the prosecutor's office to trial. He wants them to see how their report plays out in these contexts. The importance of their details is critical in order to stir their memory at trial. Often, the officers don't recall the situation at all and can only rely on their report in court.

Other comments:
Hausz notes that one document (the police report) can determine the fate of the both the accused and the victim. It is a critical document in the judicial system. He also notes that suppression hearings, in which lawyers and police officers must appear, could be greatly limited if officers included all the details in their reports such as mentioning that the suspect was read Miranda and signed the form, or that the officer had the video in his car turned on during the stop. I asked Hausz about officers included statue language in their reports. He notes that while it doesn't help the prosecutor's office, he did believe it would help the officer to include the elements of the statue when writing the report.

Chad Rucker, Defense Attorney

-City of Jackson Prosecutor for three years before entering private practice one year ago.

Background Writing:

1) What kind of writing are you officially responsible for? Briefs, Motions, correspondence letters and documents that detail his interaction with clients.
2) Who reads your writing? Judges, clients, prosecutors, and lots of co-workers.
3) How much time do you spend writing in a day or in a week on average? Rucker estimates he spends 25% of his time writing.
4) What is hard about the writing that you do? Accuracy of details and the argument. He also notes it can be difficult to advocate for a client in the shortened documents that judges read. The argument must be complete while being brief.
5) What is the most satisfying thing about the writing that you do? Rucker notes that it is satisfying to document his dealings with clients in order to CYA (cover your ass). Many times clients are advised of their rights and the way in which Rucker thinks the case may go. He also notes cases they must show up to and other decisions they must make. Often, they fail to heed his advice so his CYA documents protect him.

Police Writing:

1) Describe your interactions with police writing? What types of police writing do you see and how often? Rucker reads the police reports of all of his clients. He reads reports all the time as he works with clients.
2) What are common problems you see in police writing? Rucker complains of incomplete reports, inconsistencies between what the report says and what the video shows, and describes problems with "what isn't in the report." Officers have a tendency to advocate in their report. Rucker believes this is wrong. An officer should objectively state the facts of what happened and include ALL of what he/she saw, not just the things that advocate the suspect has committed a crime. It is up to the legal system to determine if a crime has been committed, not the officer.
3) What consequences do these problems have in the courtroom/department/office? Rucker notes that he loses cases because officers don't include more objective information. Of course, officers lose cases when he can prove that they have left something out. This is accomplished in suppression hearings and regular court cases. Rucker complains that when officers don't name other officers on the scene, it doesn't allow him to call them as witnesses and get another perspective. (A common practice in the law enforcement community, this practice is often strictly enforced by the culture of a department in which officers tell other officers not to name them in the report. Officers do not want to appear

in court for a case that is not theirs and asked to recall details that probably will not remember.)

4) What is the most critical mistake an officer can make in their writing? Not being objective and being too invested in the outcome of the interaction.
5) How does this mistake affect the officer and/or the judicial system as a whole? Rucker argues that officers should not decide the case in the report. The victims and accused are owed a report that accurately reflects ALL the details of the interaction. There are not enough supplemental reports done by officers. Rucker notes that as more details through investigation come to light, officers should write supplemental reports to their original but they don't. Other officers on the scene should also write supplemental reports but they don't because they don't want to be called into court.

Reading:

1) What do you assume officers actually read? Statutes, changes in the law, memos, and training materials.
2) What do officers need to be reading? All of those he mentioned.
3) What do you read? Police reports, briefs, co-worker writing, law changes, statutes.

Training:

1) What training do officers receive in regards to writing/reading? Rucker notes that when he was prosecuting for the City of Jackson he intended to teach a class on report writing but never had the chance. He even collected several example reports in order to show the different mistakes and outcomes in police reports. He knows that the Academy teaches writing but doesn't think that the writing portion should be taught by other cops (as is currently the case). This perpetuates a problem that he also sees in Field Training Officers who train officers to write reports after they leave the academy. In the police culture they simply reiterate and train the officers incorrectly.
2) What do you think about the training that officers receive? Grossly inadequate.
3) What could be done differently or better in regards to literacy training? Rucker recommends training officers with prosecutor and defense attorneys in the classroom. These lawyers should act as the instructors instead of police officers.

Other Comments:

Rucker argues that officers should better understand the law. They should not advocate and justify their position in a report. The report should be focused on objective facts and a good structure that tells a story. The importance of narrative was stressed by Rucker. Only in telling the story can all the details of the case come to light. He also argues that grammar does not matter. He says it could be written phonetically as long as he gets the objective details he needs. The sentences in a report should be short and concise.

Kevin Chapman, Jackson Police Officer

-Chapman has been an officer for over 15 years and a sergeant for four. He is currently the Drug Unit Sergeant.

Background Writing:

1) What kind of writing are you officially responsible for? Payroll, memos, overtime forms, quarterly reports on informants, police stats, grants, and for the last two weeks I have been writing interoffice proposals to move the Drug Unit and set up an undercover officer training.
2) Who reads your writing? "Lieutenant, Captain, Chief."
3) Do you write outside of work? "Well, you know, I own a small business. So I do advertisements, commercials, marketing." Programs and class information. He caters info to where he is going for the presentations.
4) How much time do you spend writing in a day or in a week on average? 24 hours a week.
5) What is hard about the writing that you do? "Repetitiveness. You see and or write the same kind of stuff all the time. You can just like fill in the blank."
6) What is the most satisfying thing about the writing that you do? He has the freedom to write in his own style but admits that he makes all of his officers write like he does. "I like it (reports) to be written like a story and I will tell you why. We are very myopic in our views about who reads these things and who matters. Who can understand. We think only cops, only prosecutors, and judges read these things, which is not true." He prefers the reports be accessible to anyone, especially important for jury members. He doesn't like jargon or too official.

Police Writing:

1) Describe your interactions with police writing? What types of police writing do you see and how often? He checks all reports. Receipts. Memos. Citizen complaints. Lots of tips, information, and leads. Policies and procedures.

2) What are common problems you see in police writing? Lack of training in writing styles. "Really only one or two writing styles: The one you learn in the academy and the one your FTO is making you do. I can tell you by reading an officer's report, who trained them. I can tell you exactly what FTO trained them!" He has a problem with officer's taking themselves out of the report by not using "I" but instead using R/O for "reporting officer" or "officer." "Sometimes we do things just to try to look professional and it is not really necessary." The officers don't have enough influences and styles of writing or options to choose from. All they know is One and Two. They are scared to death to change that because they are worried they will get in trouble. Then it just becomes a habit.

3) What consequences do these problems have in the courtroom/department/office? "Overwhelming majority of cops don't testify in court on a regular basis." And he thinks this is a problem because most don't see a jury and understand how jury members are going to read their report. If they don't understand, they will shut down. It is important the report flows, makes sense, and tells the story. Officers can also look ignorant when they use big words incorrectly or look like robots when they read reports on the stand. "I don't care what anybody says, if the jury doesn't like you, you aren't going to win with the jury. I've been doing this for 15 years."
   Also, he found that officers that wrote like he wanted them to write ended up remembering cases and suspects without having to resort back to the reports. The narrative created a vehicle for learning and memorizing case facts. The one officer that refused to write in the "story-like" manner could not remember the facts of his cases like the other officers that used the narrative style.

Reading:

1) What do you assume that officers read? "To a lot of the younger generation they don't have to read cause they get entertained (by music, games, etc.). They don't read." But most police officers are looking at catalogs or magazines for police work. They love motorcycles, guns, and sports. "But very few will read a book." It is against policy to make copies of updates to policy and procedures manuals. So they aren't reading the updates. They don't go online to read them. "You are setting these guys up for failure."
2) What do officers need to be reading? Policy and procedures but they need to be interacting with those things, updated laws, legal statues, "Do we ever sign something saying we realize there has been a change to a law? No." That causes people to be harassed and charges null-processed because officers don't realize the law has changed. He uses an example that he stopped someone for something that was NOT a primary violation for stop. It turned into a four hour paperwork nightmare writing letters to the citizen and prosecutor apologizing for the illegal stop.
3) What do you read? I read ESPN on my iPhone.

Training:

1) What training do officers receive in regards to writing/reading? Academy and FTO. You are encouraged to take English One and Two. "The problem is you don't have a lot of discretion to use what you learned in Comp One and Two." Prioritizing writing is important but cost always trumps that. "My personal opinion is you have a lot of weapons on your belt most of those you go your whole career and never use, or 1% of the time you might use. The weapons that you use the most you mouth, your demeanor, your body language, report writing you train very little in them."
2) What could be done differently or better in regards to literacy training? If there was more training in writing at the Academy and more testing of that "we could weed out a lot of

the thick skulls." He went through a reading program when he was a kid that taught him how to read fluidly and create the story in his head. "How do you do that and accomplish that with police? I'm not sure. We are so resistant to change." He also thinks the training they receive in college could really help because the guys that are already in the department aren't going to change. You have to get recruits interested in training and writing before they get here. He thinks it should be mandatory that officers have English Comp One and Two before they can even apply. "It raises the standards and immediately improves the quality of people coming into your department."

Stephen Mathes, Jackson PD Police Chief

- Chief for 8 months. Officer and eventually Deputy Chief in another city for 31 years.

Background Writing:

1) What kind of writing are you officially responsible for? Everything from grants to policies. Police reports, occasionally. Memos. Proposals.
2) Who reads your writing? Internally, everyone, I would hope. City council, mayor. In terms of grants, grant administrators.
3) How much time do you spend writing in a day or in a week on average? 3 hours a day.
4) What is hard about the writing that you do? Not that much. "I have been doing it a long times so it is really not that difficult."
5) What is the most satisfying thing about the writing that you do? "Taking an idea and placing it into a format so that other people can read it."

Police Writing:

1) Describe your interactions with police writing? What types of police writing do you see and how often? Police reports of significant issues on a daily basis. Crime reports. Police stats, evaluations of officers, staff every other day. Proposals, disciplinary actions, memos and monthly reports. Lots of reading.
2) What are common problems you see in police writing? Police report-"Education levels will influence the quality of reports we get." An associate's degree was required in his last department. Police departments have started dropping some of those requirements. He says that basic grammar in police reports is just not there. "We are not just taking a raw recruit and trying to teach them law and police tactics but basic grammar in some instances." He says that is everywhere, not just here. He does note though that in his last department he saw people come in with four year degrees that could not write. "We don't place an emphasis on writing as a society."
3) What consequences do these problems have in the courtroom/department/office? "In the courtroom I think a defense attorney, if they were honest, if a defense attorney picked up a report that was poorly written they are automatically going to say, here is a person I can attack. I can attack credibility. I can attack on several levels." In the same way, he says a prosecutor can review a report that is poorly written and think "I've got a real weakness here." Internally, the entire chain of command accepts poorly written reports. He gets the reports that have been approved by the entire chain of command that are not good reports. "Content in reports is critical. Grammar is second to that but you really need to get the thought across." A mistake in content in reports can really hurt an officer. "You will truly lose a case in court, and let me tell you the problem with that. Losing a case should be significant to an officer, not because you lose, but because some victim has

been victimized again by the system. By your poor quality work, a victim was victimized again."

Reading:

1) What do you assume officers actually read? " Policies, they read, because we force them to. They have to read and sign something saying that they read it" (This is interesting given the police sergeant's interview in which he says there is no way they are reading. They are just signing the forms) They read criminal intelligence bulletins, crime trends, and patterns.
2) What do officers need to be reading? Police managers fail to get information officers need to them on the streets. "We don't recognize and capture trends in crime." Important to use new technology to track and be proactive about fighting crime.
3) What do you read? He rarely reads the paper. "I don't care about other people's opinions." Every evaluation on officers, proposals, information and data I need to make decisions, and emails.

Training:

1) What training do officers receive in regards to writing/reading? HS education. Academy trains on basics of police report writing. They don't spend enough time on writing. The training is minimal. Larger departments with bigger budgets can pay for more emphasis on that area.
2) What could be done differently or better in regards to literacy training? The State needs to require at least 600 to 1000 hours of training. In the country there are 10,000 departments and over 75% only have 20 officers or less. The greater emphasis needs to come from Federal and State level that requires hiring good officers and providing or requiring more training.

Other comments:

None

APPENDIX C

POLICE AUDIENCE STUDY INTERVIEWS

Appendix C: Police Audience Study Interviews

Kale Lewis, Jackson Police Officer

Kale Lewis has been on the Jackson PD for one year. He has a degree in finance from a large state college. This ride-along was conducted on July 21, 2011. He wrote the report at 1:15 AM Friday morning in the Jackson PD computer room. The interview audio was recorded.

I: So before you start writing the report what are you thinking about?

KL: Well one thing I like to do is …get written statements on scene. I like it because it is in writing. It provides recollection of what actually happened, later on when they go to court. So whenever somebody is sitting there saying well why isn't your story matching up with this later on down the line it can kinda help the judges. Also I just kinda base, um and you know when you get there the most important thing is to try to determine who was the primary aggressor… What I did here is I just opened up "my call" and it kinda generates some of the information that is already in there, the CR number, time of call that sort of thing. (Begins filling in boxes on report form).

I: Now who are thinking about? Who is going to read this?

KL: Judges, attorneys, uh, me down the road if it does go to court. Because a lot of these things…

I: For you recollection?

KL: Yeah, that's why you want to be as detailed as possible that way when you do get up there on the stand, you can you know, always have something to look back on, that way you're not caught saying something that is not necessarily a lie but , but, you know. If you're not detailed on them they can all just merge together. Well, what, what did I do that for. So, but basically what I want to do when I write my report tell and I just kind a go by an outline. I want to tell time, where I was going, what I was dispatched for, and what I observed when I first got on scene. From there I'll tell, basically, what one party told me and if there is more than one party if there is witnesses or whatever, I will just go down the line and just keep on telling their side of the story. And then at the very end, I like to come up with my conclusion and one this one, due to the fact that both victims, you know, suffered wounds, then, were injured in this altercation, then you know, I arrested them.

I: So you have a template in your mind when you start?

KL: Basically yeah. (Continues filling in boxes) Now this one will be Domestic third degree.

I: Will you explain why it is Domestic third degree in the report or do you just let the prosecutor look at the facts in the report?

KL: Well, you know, I don't have all the statutes in my head. A lot of time we have to refer to these (points to Arkansas Statute book). Third degree is basically no weapons were involved. Nobody was seriously injured. It starts going up when you have a victim that is pregnant, or an elder, or somebody like that when in this case a 25 year old man could have inflicted some injury.

(He marks alcohol was not involved on report form and states) Now were they probably both drinking beers, yes, but did I, you know, did I feel like the alcohol was the reason for the fight? No.

(He question how to describe the wasp spray involved in the fight) I guess, poison. Yeah, that sounds like poison to me. A lot of times these get kicked back. And it's like, even if you do something that makes sense, they still get kicked back because they have a way that they want them.

I: And by that you mean the supervisor?

KL: Well what happens is my Sergeant will look at it, or my Lieutenant, and then it will go through and someone over in Records will look at it and they will start merging everything together. If there is an error with it my Sergeant will usually go ahead and kick it back to me. If it gets past him if it has something small that he missed then Records will kick it back and will notify him and then I will have to go back in and fix it.

(We discuss his familiarity with writing reports)

KL: Well I don't really have a problem with it. I graduated with a degree in finance so, um, you know, I've had quite a few writing classes. But, you know, it can be a challenge for other people. And it doesn't matter how much time you spend on writing a report, or you get done with and investigation, and something else will pop in your mind. I should've done this, or I should've done that. You know it just constantly, you're just constantly kinda second guessing yourself.

(We start with the Report Narrative)

I: And this is just your normal heading?

KL: Yeah.

I: Because you know everyone does this differently?

KL: Yeah, I do Battery Three… (Continues labeling heading)

I: Now was this how it was presented to you or did you come up with your own?

KL: Well some of it was FTO and then, you know, once you get into it, you take away, and you know, we switched around FTO's some. I think I had four or five different FTO's, so. Yeah, I take what I learned from them and kinda, I make up my own way that I like doing things. Some people are, you know, extremely detail orientated to where, I believe you need details in there and I get them in there, but at the same time you need to be, you know, pretty efficient with what you do. I mean, you can't be sitting there working on a Domestic Battery for four hours. Do I really need to know what their past domestic history is? No. You know when they run their numbers they will see that. And I didn't arrest them for their past domestic battery history. I arrested them for what they were doing that night.

I will usually start out looking at my date and time… (first sentence dictated).

I: Why do you put "approximately" when it is so exact as 22:52 for the time?

KL: Well that is what time the call came in. So the call comes in and you get dispatched. Well, the call came in at 22:52. I might not have got dispatched to it til 22:53. So say approximately just so, you know. It's approximate.

I: Okay and I notice you say "I" in your reports. Other officers don't do that.

KL: I always write it first person, I mean, I was the one with the story here. It is, you know, my recollection of what happened. I'm the one that went there. I'm the one that made the arrest. I'm going to be the one, you know, testifying later on in court.

I: So it's more like your ownership of it?

KL: Yeah.

I: As far as people reading it, do you think there is good reason to use "I?"

KL: Umm, I, I mean, um, I kinda do. I mean if you are sitting there reading it, it kinda lays you out a picture like maybe you are putting yourself in their shoes. Basically what you want to do is paint as pretty a picture as you can for the judge, and the lawyers, and you know, the people involved. And basically the best account of what they said happened and why you made your arrest.

(typing narrative)

I: Okay let me interrupt you here. Another way to say this, "Upon my arrival I was met at the door by an individual" is to say "I got there and this lady ran out and said, 'they're in the bedroom'."

KL: Well it was really calm when I got there.

I: But I mean you are making a language choice of more formal than "I got there and this lady ran out."

KL: Well, if I had got there and there was a fight in progress or something to where, you know, I go immediately hands-on with someone and put them in handcuffs or something like that then, you know…

I: But the language here, what I said was very casual. I got there and this lady ran out. So you are making a choice not to say that. You are choosing more formal language.

KL: Well, I'm doing it cause, like when I got there I was met at the door by a lady saying they are in the back bedroom. There was another guy there; obviously the fight is not in progress. Nobody is really panicking. Nobody is really worried. They are in the back bedroom and no one is fighting. So, it's kinda, it shows, that at this point the fight, you know, was resolved, and it is over with.

I: So the language is more reserved and calm because that is how you felt on the scene?

KL: Mm hum.

I: You don't want to make the impression that people were rushing up to you?

KL: Yep

I: So are you writing now with someone in mind?

KL: I am just painting the picture. You know, neither one was in a physical fight upon my arrival. Nobody was seriously injured or anything like that. No one is going to the hospital or anything like that.

I: So this sentence is setting up the next part of what you did? Because the fight was over, this is what I did next?

KL: Yeah, the first thing you want to do is separate both parties that way you can get their story and they're not sitting there listening or yelling at one another.

(Writes first paragraph)

I: And that sentence lets everyone know there is a written statement?

KL: It is nice when there is a written statement cause you're not trying to recollect what everybody said, and well you know, did he say that? You have a first-hand account of what they said happened. If I can do it, and like on hers it is a pretty good written statement, what I do, is I will write my report and my account of what she told me based off of her written statement. So that is what is nice about those. So I will just say, basically, he was accusing her of cheating, you know, and say just exactly what she put in her written statement.

(Copies down her written statement in report)

I: And that is just straight from what she wrote here.

KL: Uh huh. Yep.

I: I notice you use first names. (when referring to victims/subjects after initial full name in report) Why do you use first names instead of last names?

KL: Umm I guess because a lot of time, I think I decide to go with first names because a lot of times they have the same last name, and it is just habit, you know. Sometimes you know if they have an extremely long last name or something like that, but hey, first names seem like they are shorter, usually they are different, um, you know if they have the same first name then I might use their last name. Plus it kinda, I don't know, first names are more personal, and you know, so.

I: You would want to be more personal in a report why? Who are you thinking about reading it that you would want to be more personal?

KL: Uh, I think maybe if it goes to trial by jury, uh, you know. A lot of people do use last name and date of birth (using robotic voice) and la la la. But I don't really like to do that. When I write my reports I like them to look like I'm writing a story. I want to, I don't want someone to fall asleep when they are reading it, you know, it is straight forward as possible, you know, that is my deal with it.

KL: And like this if it is something I really don't want to look like it came out of my house, like this "disgusting whore" (referring to what female subject wrote in her statement the male called her) then I will put it in quotations. So, yeah. (Continues typing)

KL: And you know another thing. She was pretty mad, pretty upset that I arrested her and everything. And you know, I tried to explain it to her and everything. I can't prove who the victim is here. I mean, yeah she did call the police, but that doesn't mean that you are not going to jail.

I: Now will you put any of that in the report? That she was upset with you?

KL: No. No, it, you know, you, it, you know if they are in the backseat of the car spouting off something like "next time I'll hit her harder" or something like that, then yeah. But, you know, she was arrested for domestic battery, she was upset. Why she was upset: she might have been upset she was going to jail, might have been upset cause she messed up, might have been upset cause she really was the victim in this incidence but it is impossible for me to determine who the victim was. And you know State of Arkansas states, if it is visible (injury) we have to make an arrest. It would be unfair to me to take Michael to jail and not her. He has a face full of Raid (wasp spray).

KL: She stated that her attorney said if he attacked her to keep bug spray by her bed and spray him.

I: Are you going to put that in here?

KL: Uh, no. That kind of stuff. I'm going to say that it was by the bed. (changing his mind) I probably will. You know, down at the bottom after I get done telling their side of the story, I'll put it should be noted such and such, and put that down at the bottom. (Finishes typing her story)

KL: And at this point I will put that is should be noted she had a bruise on her lower back and a bump on her head. Photographs were taken of her injuries.

I: Is it important that you say photographs were taken in the report?

KL: Yeah, because that way, you know, someone is reading it later on, you know, they want to see how serious the injuries are, they see that we have them on file. And you know I add the intake sheet and the photo log and all this goes in report. And then I guess they make paper copies of all these in records. I'm not real sure what they do.

(Third Paragraph)

KL: And you know, this is pretty easy. You just want to paint a picture of what they said happened and then let them get up there on the stand and get caught up in a lie or. And you know another reason they want to do this is you know to get a no contact issue. You know they both go to jail and a no contact order is issued and we don't have to worry about them killing each other that night.

(Typing male's witness statement into report)

I: Are you thinking about the prosecutor here as well?

KL: Yeah and on this, you know. Say if it a DUI or something like that . You want to make your, I guess, you want be as extremely detailed as possible. Well, I'm not even as detailed. I'm trying to make it something that I can read before I go into court. And I'm not going to get up there and get hammered by a defense attorney or something. (In "lawyer" voice) Well, you said it was bug spray here and now it is wasp spray. Which one was it? I want the facts to be in there but I want it to be extremely uncomplicated.

I: So you switched it from bug spray back to wasp spray thinking about a defense lawyer and not want to hang you up.

KL: Yeah, because you know a defense attorney, maybe not so much on this but on a DUI or something, you know you will see a DUI report that tells the exact number of times the subject stepped off the line. Well, it doesn't say you have to say the exact number of times he stepped off the line. All it says is the clue is them stepping off line. You say "He stepped off line on a

number of steps." That keeps you from getting hung up. What does it matter? And this is only my personal way of doing it. I mean, you know, I have only been here a year and I might change. It just depends on what I start getting hammered on in court for, you know. But everything that I have had so far, I haven't been on the stand. So, you know.

I: As for your supervisor, what are you thinking about your supervisor reading it and what he may be looking for?

KL: Different supervisors do things different ways. So a lot of times it is just learning your supervisor, learning what he wants in there, but most of them are going to look through it and, you know, they realize people write different.

I: So in this report though was there anything or anywhere you were thinking of him and what he would want you to include?

KL: No. Uh uh. He is just looking for the same thing that you need in a report. The same information.

I: So you are thinking mainly of yourself as the reader? You have brought that up several times.

KL: Well, myself if I have to go to court. I also, uh prosecutor, uh whoever is going to be taking this to court, whoever is going to be arguing it.

I: So for the prosecutor, are there things in here that you included for that office or thinking about him?

KL: No. No, I mean, I just pretty much. I mean everyone involved from the prosecutor to the officer to everybody involved, we are going to want the same information. You know, what happened, and what did you do to resolve it, basically. And then also when it does go to trial are you going to be able to recollect what happened, are the prosecutor and judge going to be able to read your report and have a pretty good picture of what, and you know to cover yourself. This woman was saying that I made an unlawful arrest and that she would be talking to her attorney about this. So, you know, also a lot of what you do is CYA. You want a good reason and a good recollection of why both parties were arrested on a domestic battery. And another thing is that I had two witnesses there but neither one of them wanted to write a written statement, but you know, they did say they heard her say "Don't hit me." So I am going to include that, but, they saw a lot more than they are willing to tell, so. But if you got two people sitting there, granted one was the guy's sister, but if I was somewhere, if my brother was beating the crap out of someone, I would, I mean, I would want to talk to the police. SO that also makes me think, you know, this probably isn't just an innocent victim in this. Cause both them (witnesses) are saying they fight all the time and I would just rather stay out of it.

I: You've got her, you've got him. What next?

KL: Uh, and then basically I will just do my conclusion. (Typing)

(Report is finished)

I: So are you not going to include anything about the witnesses then? I do not want you to change your report, I'm just wondering.

KL: Um, since they are not willing to do a statement and tell me what happened I am just basically going to leave them out. Now that is not to say that they won't come forward if it goes to court. Pamela might be able to talk to them…to defend her in court. But since they weren't really willing to talk to me basically, since they weren't willing to fill out a statement, I want my report to show basically what these two people said happened.

Interview concludes.

Tom Cuddy, Jackson Police Supervisor

Tom Cuddy, Jackson PD Sergeant. This report was reviewed at 2:00 AM on a Friday morning in the Jackson PD supervisor room. The interview audio was recorded.

I: So what are you looking for when you read an officer's report?

TC: I am just looking for the basics. You know, who, what, when, where, why and how. Okay? And on top of that I look for the elements of the crime to make sure they have those in there.

I: Who are thinking about as other readers of the police report?

TC: It needs to be understood by anybody. Okay? And, you know, we tell them no cop-talk, you know, no acronyms, all those need to be spelled out. Like on child abuse cases they get interviewed at the Child Advocacy Center. As long as they spell it out the first time and explain what the abbreviation "CAC" stands for. The only acronym they are allowed to use is like NWACC because it is just understood that everyone knows what that is. But no cop talk. It (the report) should be able to be understood by anyone that picks it up. Should be able to sit here and read it. They should be able to follow it in sequence from the time the officer was dispatched from dispatch to the time that whatever the resolution of the case was, arrest or whatever it was.

I: As far as the prosecutor goes though who will be reading this, are you looking for what the prosecutor is going to need in the report?

TC: Well, yes and no. And the reason I say that is for us to make an arrest we need probable cause. For the prosecutors, they are looking at beyond a reasonable doubt. When I'm looking at it I have to make sure that, like if an arrest was made, there was probable cause to make the arrest. For the guys to make an arrest there has to be certain standards. As far as misdemeanors, you can't make a misdemeanor arrest without a warrant unless it falls into five categories: a domestic battery, a misdemeanor that happened in your presence, shoplifting where the person was detained by loss prevention, so there are certain standards. I have to make sure that all that stuff is in here. I'm looking at it for as far as when they go to court if it is a good report for them (the officer). They need it to refresh their memory and I have to be able to understand it whether I was out there or not. By reading their report I should know exactly what happened.

I: What are the things that you most commonly "kick back" a report for?

TC: Just minor grammar, errors, and the way I do it when I open the report I go straight to the narrative and read it first. I do that before I go through all these check boxes and all that because if I didn't have the narrative there would be several of these (check boxes) I wouldn't know.

I: So why don't you just go ahead and read through the narrative, and if there is something you want to correct we can stop and talk about it.

(Reads quietly)

TC: A lot of times I like to read it over several times because depending on how somebody (stops) what kind of school they went to, the extent of their education, they write different. And we have some Hispanic officers where their primary language is Spanish, so then you have to go through it. Sometimes, you know, they get their adjectives in the wrong place or something like that, and it doesn't flow, you know. Not just them, you know, people when they are typing they get in a hurry and they are thinking what they want to say but leave out crucial elements. So I read pretty slow and deliberately.

(Reads Quietly)

TC: So one thing that I would send this back to him for was to, in here, in the paragraph where he is talking to her, it says that he (suspect) is verbally abusing her and that he grabbed her and at that point she grabbed the wasp spray out of self-defense. He began throwing things around the room. He (officer) needs to be a little more specific about what he (suspect) did that she (suspect) is saying was self-defense. Because here he (officer) says she has a bruise on her lower back so how did she obtain that bruise? Was she thrown down? Did he hit her in the back? Did he kick her in the back? You know, how did she get that bruise? How did she explain that bruise? And the same way with the bump on her head. Those are the main things that I noticed. I didn't see anything else. One thing that I would like for in here (check boxes) is that we have to say if they were injured and what the injuries were. We would put in there that they had minor injuries. I would make sure they didn't click the wrong box.

I: Now there were two other people that were in the house. Should they not be in the report? Should they be in the report?

TC: I would put at least their names if they were identified. That is one thing that as I am checking these, he is not the only officer that was there. There were other officers so there will be supplemental reports coming in. That is one thing that I may ask him. I would ask him, hey did you ID those people, or did someone else? I don't want to seem like I am micromanaging. You know it is something that is important because the prosecutor can ask those people to come in and tell them what happened.

Interview concludes.

(The report from the time the officer initially wrote it to the time it was officially changed and logged as an official report had no significant changes. The two witnesses on the scene were not included in the report and only one sentence was added to describe how the woman received her injuries.)

Mark Guston, City of Jackson Assistant Prosecuting Attorney

Mark Guston, City of Jackson Assistant Prosecutor. He has worked in private and State practice for six years. His main duties and experience is in prosecution of misdemeanors and legal defense. The interview audio was recorded.

I: I obtained this report during a ride along in Jackson. I would like you to read it, and as a prosecutor, see what information is missing, what information do you not need, are they (officers) recognizing that they are writing for you when they write their reports.

You can take as much time as you need to read it. As you read it if there is anything that strikes you just stop and we can discuss it.

(Long reading pause. He reviews report material like witness statements and tickets issued in the event before getting to the narrative.)

MG: Well, the first thing that I read (on the narrative) is that "I was met at the door by someone not involved in the disturbance." It would be nice to know who that is because they could potentially be a witness. Umm. (He reads narrative aloud). It says "Michael grabbed her." Where? Did it leave a mark? Did he grab her once? One hand? Both hands? Were they in the house? Umm. (Reading from report) "At that point she sprayed him with wasp spray." Did she spray him in the face? In the eye? Did she spray in his direction? Was she 10 feet from him? Was she 2 feet from him? Umm. (Reading aloud) "Pamela stated Michael then started throwing things around the room." What things? Were there broken things lying around to corroborate her story? (Reading again) "Attacked her a few more times." In what way? Verbally? Physically? Umm. (Reading aloud) "And hit her in the head." With what? His hand? With his fist? Open hand? Closed hand? With an item that he was throwing? (Reading) "It should be noted that Pamela had a bruise on her lower back and a bump on her head." Okay. (Reads aloud) "There was a large amount of wasp spray on bed and walls. Photographs of locations were taken." Where would that location be? You can put that in the report. (Finishes reading the report aloud)

I: It seems there is still a lot of information that you need.

MG: (Laughs) Oh yeah.

I: There was another witness on the scene as well. When the officer was writing this report I was asking if he was going to put who the witnesses were in the report. He said, well neither one of them wanted to talk, so no. He literally said, "If the prosecutor wants that then they will go find them or maybe she (the victim) will convince one of them to testify for her."

MG: Well see the problem with that is that I'm not an investigator. I'm a prosecutor. So if he is on the scene and they are standing there and they are witnesses to a crime, it doesn't really matter if they don't want to talk they have to give me their name and basic information.

I: I don't think he took their names or information.

MG: And so how am I supposed to find them? Call the two defendants that are represented by council and say "Hey, who was at the house and saw all this?" That is ridiculous.

I: So this is a huge problem for you now?

MG: Yeah, it is a huge problem now. Particularly if you have a he said/she said because it looks to me like, if there is wasp spray all over the bed it sounds like his story is more plausible than hers. I'm sure neither one of them did what they should have done, but I mean, instead of typing "I took a picture of the wasp spray location, would it be that hard to type the wasp spray was on the bed, on the nightstand, on her side of the bed, something. But no, not getting the names of the people that were there and witnessed it is unforgivable. That is just ridiculous.

I: I noticed that when he wrote this report he only used the victim/suspect statements in the report. He didn't have any notes about what she said when he asked her questions or any of their conversations. He didn't use anything other than what they wrote down. I thought he would want his own quotes from her of what she said when he asked questions?

MG: Yeah, yeah he would. I would. (He reads statements again)

Oh well this is interesting. She says "This is an abusive relationship." I mean, you look at language one of the things is that there are certain things people aren't going to say. If you have an alleged rape victim and an alleged rapist and the victim is saying "We did this" and then "We went into the room" you've got a problem, because that is not how victims talk. They say, "That son of a bitch dragged me in there and took me and then he, and then he, and then he." They don't say "we." So the first thing when I am reading hers, "this is an abusive relationship." She doesn't say, "he is abusive." Or "He beats me up," she says, "well, this is an abusive relationship." We both do this.

I: Now I know that she had told the officer that her attorney told her to keep wasp spray by her bed for self-defense. Which I thought was interesting, but it wasn't included in the report. The witnesses also heard her say "Don't hit me. Don't hit me." But that is not in the report.

MG: The witnesses heard her say as it was going on, "Don't hit me. Don't hit me."

I: Yes.

MG: I can't imagine how that is not relevant. I mean, again, it takes it from a he said/she said to witnesses. When you have a case like this anything beyond what the two parties say is hugely important. We absolutely need to know who these witnesses are. I don't care if they don't want to talk.

The problem is this, you really can't give me too much information. There is really no such thing when you are prosecuting a case. Because if the defense attorney gets some information

and shows up with a witness who says they saw it all, and I say, "well I didn't know there was a witness." They are going to say "Well they were there. Cop didn't want to ask them any questions." That makes me look like a dumbass. Which makes him (the officer) look like a dumbass. Which makes me angry. Which makes me call supervising officers and have conversations about that officer's level of training. Maybe they need to go back and have a little refresher course. I can't really think of anything more egregious than having a witness to something and not even getting their contact information. I mean, if they didn't want to talk at the time, you at least get their contact information. So that I can put them under prosecutor subpoena and get them in here and question them myself.

I: When I was with the supervisor, I asked him about the two other witnesses on the scene. "Should we get them in the report, is that important?" And he said, "Yeah, I'll probably have him go back and put that information in there." Well you can see that it never got included.

MG: There is some substance here of well, it is just a misdemeanor. Nobody really got hurt. Well, okay. I get that. But if that is the attitude, then don't arrest them. Don't charge them. Don't add a case to my caseload that I've got a he said/she said, and I could have had witnesses that could have made it easy to plea or easy to try. Now I've got a shitty case on the docket, and all it looks like is the prosecutor is dismissing domestic batteries. I mean, if you don't care enough to put the time into doing that, and I'm not saying that you should or shouldn't. Some of these are just a bunch of bullshit and the best thing to do is tell one of them to leave the house and work it out. But if you are going to write a report and you are going to arrest them, spend an extra ten minutes putting the right information in the report.

I: I know when she got arrested she was really upset because she felt she was the victim. She had several statements of being upset and told the officer she was going to call her attorney. Is that something you would want in the report?

MG: I mean I think anytime a victim or potential defendant, I mean look, the rules of discovery are pretty simple. Rule 17.1, 17.2, 17.3 if a defendant makes a statement and it's not contained in discovery, I don't get to talk about it. If I send this police report and these witness statements to the defense attorney, and they look at it and say, "Fine. We are going to trial on it." And I show up and the cop gets on the stand and starts saying, "Well, she also told me…" buzzzzz. Red buzzer goes off. He doesn't get to say that. I don't care if it is in his field notes, I don't care where it is written, or if he remembers it that day, I have to give any defendant or their attorney the substance of any statements made by that person. If I don't give them to them, I don't get to use them. Now they can get their witness, their client, their defendant on the stand, and they can say whatever they want. If the defendant gets up there and tells a whole different version of the story, then guess what. Then the defense attorney, which is exactly what I would do if I were the defense attorney, recalls the cop. Because I as the prosecutor, don't get to bring that information out. But the defense attorney can put their client on the stand. And she says, "Well I told that cop this, and I told him I was going to call my attorney, and..." Then that defense attorney is

going to call that cop back on the stand. “Did you hear what she just said? Yeah. Is that true? Well, I remember her saying all that. Is it in your report? Why not? What stuff do you decide to leave out? What stuff do you decide to put in?” The facts are the defendant is going to say whatever she wants and the cop isn’t going to be quite sure. All it is going to do is, she is going to say what she wants and the cop is going to up there going, “Yeah, yeah, I kinda remember that.” It just adds to her story, whether it is true or not. That is a big fucking problem.

I: What will do then when you get this report? Will you try to prosecute both of them?

MG: Umm, I will have to wait and see. I may be calling the officer and asking for a supplemental report. It is a problem. I can’t imagine a cop not realizing a witness information is not important. I mean people have gone to the gas chamber on witness testimony.

I: Is there anything else you want to add about being a prosecutor? Do you feel this report was written with you in mind?

MG: I don’t know who the hell this was written for. It is just a sort of vague statement of the facts. He has got to remember if he works 10 cases a month and there are 60 cops over there that means I have 600 cases. So I’m sorry if it takes him 5 more minutes to say where the location of the wasp spray is. Put it in the report. I have to look at this report and witness statements. That is all I have to go on when I decide to plea or take it to trial. I can’t sit down and look at every single thing, watch all the videos, and everything else to make decisions on that many cases a month. It is just impossible. So what I need is the cop to tell me everything I need to know in that report. And they should know what I need to know. And, you know, the reality is they don’t (know what he needs in report.)

I had a veteran cop, a good cop, bring me in something the other day. A detective. No complaints, pretty thorough. It had to do with terroristic threatening. “On whatever date, he received text message from 1234567 that said "You are going to get what is coming to you." Next day,” I’m going to beat your ass, going to kill you, blah blah blah”. Victim says he and Joe have been fighting and having problems forever.” But I have a big problem because there is nothing in there that tells me that that number belongs to Joe. All I need is a statement from the victim saying “that is Joe’s phone number. He has had that number for years. Or he has called me 10 times from that number.” But just that information: I received some texts. Joe and I have been having problems. With no “those texts came from Joe’s phone”, I’ve got to have that connection. The first defense in any of those cases is, “Well my friend had my phone. That was my cousin…” To cops I think seems so obvious because they are on the scene, they are talking to them, it is visceral. But that’s not how it is in the courtroom, you know what I mean? You have to be able to draw a line from A to B to C. If I’m a judge and someone brought that to me, I would go, “well this is from that number but does it belong to Joe.” And so again, it is not necessarily that I am faulting them, their perception is it is right in front of me boom, boom, boom, A to B to C. My perception is that is not how it happens in the courtroom. We have to do

this in a certain manner and have to be able to draw each little line individually. Those are just things that are always going to happen.

I: But do you think with training though? I mean, in the Academy could they?

MG: It is just a shift in mindset. I mean I could probably put together, and I may, a little class on things I've seen in reports. Just to say, look guys, overall pretty good but you have to change your perspective. You are not just writing this report to refresh you on what happened. There are discovery requirements that we have to meet based upon what you put in this report. I use this report as a guide for soliciting testimony from you and witnesses and victims. So, you know, you have to look at it a little bit differently than "this is what I want to remind myself of."

I: I expected him to when I was with him writing the report to be saying "this is for the prosecutor, this is for the defense." But over and over he just kept saying, "well this is really just to refresh my memory."

MG: No. I don't ever want to hear from an officer though that I changed or kept something out for the defense attorney. That is not your problem, that is my problem. Your problem is to do an objective investigation of that crime. I don't need you to try to bootstrap it, freshen it up, fluff it up, leave shit out.

I: And he never said that but I know the more experienced officers I have rode with and watch write reports they will change wording and that sort of thing while thinking of the defense.

MG: Well, and that is different. I have told cops, "Don't say it that way." I mean like "A strong odor of intoxicants." There is no such thing. Nowhere in your training are you trained to detect strong, moderate, slight, odor. You don't have a special nose. Just put "odor of intoxicants." Because a good defense will say "Strong? What does that mean? Do you have a special nose? Some little device you put in there that tells…" And you know it doesn't mean anything. It is just a way to get them (officers) reacting to what the defense attorney is saying rather than testifying.

You don't have to fluff. You don't have to worry about that kind of shit. If your report is written objectively, there is nothing for the defense attorney to pick on you. If you are trying to bolster, "well she was very agitated and he was quite da da da." I don't want to hear that shit. I don't need extra adjectives. I don't need it. I mean "He was upset. She was agitated. She was bleeding." Not bleeding "profusely"! Take a picture. I will determine if it was profusely or not. Now, you can quantify. Like, "there was blood from under her nose to half way down her shirt." It is true and it gets the point across. "She was covered in blood…" I don't need that shit.

Interview concludes.

Chris Allen, Local Defense Attorney

Chris Allen is a defense attorney and works with clients facing charges in Jackson. He has been in private practice for several years and is a partner at his firm. He worked in a prosecutor's office prior to becoming a defense attorney. This interview was conducted in his office. The audio was recorded.

I: So what I am doing, I had the police officer write the report as I sat by him. I was also on the scene of the incident. So, I will have you read the report and look at what you think about the report. Officers know defense attorneys will read their report, so I want to see how you read it and what you think about it.

(He reads report. He begins by reading the narrative then looks through the other documents.)

CA: Just from reading these, and it is pretty much the same with all of them, most of these are typically cut and paste in some form or fashion. So, umm, you know the first sentence says, "The officer responded to the residence reference a disturbance." I would want to know, and I think even the prosecutor would want to know, well he responded but why did he respond? Who called? Was it anonymous? Was it someone with actual knowledge? Was it somebody three doors down that heard a noise? Was it the right house? How does he know? And so, then the second sentence because I look at these from a stand point of did the officer, at least based on the report, do things the way he should. And so he says, "He was met at the door." Well that doesn't make a whole lot of sense. Did he knock on the door? Was she standing there waiting? How did that come about? Did he knock on the door and she had to come out right then? And so did he even have authority, is I guess the word I will use, to be there. Was he inside the threshold, was he not? And then he goes right into, "I met her at the door," which sounds like perhaps a consensual encounter, to speaking with her. It's just, we need to know how he got in the house. The State needs to know. I need to know. Either one of these people has the right to refuse consent, and since it is a residence, it has to be written consent. So there is a big gap there to me. And so then he goes into this conversation, and the initial lady he spoke with says it is an "abusive relationship." I would love to know what that actual conversation was that he summed up with, "well, it is abusive." That is obviously completely left out. And again, throughout all of this unless I am missing it, we don't see where they are at. We don't know where they are at and there was no altercation going on when he got there. Umm, so it is not a great report, but, candidly, I haven't seen many great reports.

But sure, I would represent either one of these people and I don't think the State would be able to prove anything on these particular charges. But, you know ideally with reports like these, it would be wonderful if there was a body mic (microphone) on recording so you could compare it and see what the actual conversation was.

I: I was on scene and there were two witnesses on scene. Is that something that you would want to know about too?

CA: Absolutely! Because they are likely people who may not have any skin in the game, so to speak, so I want to know what they heard. Unfortunately, that happens a lot where there are other people present and it may help or hurt your case as a defense attorney, but they aren't mentioned. No idea why. Did he even take any statements from them?

I: Well, he said that they didn't want to talk. And he told me that one of the witnesses heard her say, "Don't hit me, don't hit me," but that is not in the report anywhere.

CA: Do you know how he knows that they didn't want to talk?

I: He said that neither one of them wanted to write a statement so he wasn't going to bother with it.

CA: Well he didn't bother with it because it helped to enforce what he already knew was going to be his action which was someone is going to jail. I have decided you are both going to jail. So yeah that is completely left out.

It looks like they took photos.

I: He did. There are photos of the wasp spray on the bed and the walls and photos of her injuries.

CA: Another really interesting thing is too they get in this habit of "because I see this then it must be true." It is like a self-fulfilling prophecy. She mentions wasp spray so he says there is wasp spray on the bed. Well that is interesting that he knows that is wasp spray on the bed. I don't know how he knows that is wasp spray. It could be water, it could be anything else. But you know, then "Michael had red watery eyes from the wasp spray." Well, maybe he was drunk. Maybe he was high. It should be that he had "red watery eyes." It should be the things that he observed. All of the things that he observed. But now in here he as this conclusion and unfortunately it goes on to become one of those conclusions that becomes a fact in testimony. But we don't know why he had red watery eyes. We don't know if it was wasp spray on the bed as well as the walls. We just know something was there. So, it is not a great report.

I: Would it also make a difference if he told me that she was very upset about being arrested? She felt like she was the victim, and she had told him two things about her attorney. One, that her attorney had advised her to keep wasp spray by the bed should she be attacked. The second is that while she was being arrested she was very upset and verbally told him that she was mad, frustrated, and going to call her attorney. Should any of that be in the report? Do you need to know either one of those statements?

CA: For me it is sort of an all or nothing. I mean, if he is going to include a conversation where he sums up she said a bunch of things and I determined it to be an abusive relationship, then I don't know why he wouldn't include the rest of it. It is all things that need to come out at some point. Put all the cards on the table so we see where it is at. Who actually called the police?

I: I think she did. Then the witnesses on the scene told some of the story but didn't want to write it down.

CA: It makes absolutely no sense that he takes two people to jail, and there are two people there that weren't in the altercation and he isn't going to include what they said. It makes zero sense. None whatsoever. In fact, I don't think (he flips through report looking for witness information).

I: There is no information about them.

CA: If he is going to write this report and do his job, at a bare minimum, he should list everyone in the house. Umm, which he didn't. This is pretty shoddy. Unfortunate, but it is. I don't know why you wouldn't want to include independent witnesses' names, what they said. I mean, he had no problem including information about what the two people said who he arrested, who are both bias, clearly.

I: When he wrote the report he only used the two written statements in the report. I mean, if you look at her statement, the first sentence is "This is an abusive relationship." So when he says, "she told me," he is just relaying the written statement onto the report.

CA: (He reads statements) It kind of looks like a report that was written by an officer that was just annoyed to be there, if that makes sense. "Sprayed me with wasp spray." "Was throwing things around the room." It really is just a bad report. It is. They should be all inclusive. And the other thing is, write it like a normal person would write it. The jargon gets old and officers get locked into that. "I responded..." You went to the residence. We know you responded. You didn't go out there on your own. Umm, so it is a horrible report. There is a whole lot more knowing what you (interviewer) told me about the facts were there or who was there, so yeah, it is bad.

I: So as a defense attorney, the report would give you some ammunition?

CA: Oh absolutely. It isn't like calling an officer to stand and calling him liar, liar. That is not effective. But what is effective, is close calls like this when you go through with the officer about his training, and the Academy. Did they teach you to write a report? What do you include in that report? Don't you think it is important to include all the details? Yada yada yada. And then you bring out, well, why didn't you include that Joe Smith was there? Don't you think that is important? Jane Doe? What about this? What about that? Why don't you have these things in your report? So, you get to that point it doesn't necessarily tear their credibility down but it certainly makes a judge or jury look at them differently. It helps from the defense side, absolutely.

Now, it hurts from the defense side if he lists these other two witnesses and their story backs up one side. That sure as hell hurts.

I: But at the same time then you would know about that information.

CA: Yeah. I would know if on the front end and I could go about the case differently. It would make a large difference. But it doesn't make any sense either as someone who used to prosecute these cases. As a prosecutor, I am going to be angry down the road to find out there are two witnesses that you didn't list! SO the problem for officers that do that, as an prosecutor you get apathy. There is stuff that is not in here. There is a bunch of shortcuts. So.

And if these are things that just come out at trial, then all bets are off. Especially for misdemeanors when you are just going to have a trial in front of the judge. I think for these people it is going to be pretty easy to defend. Plus, as time goes by the witnesses that were there, they forget.

(Chatting as we wrap up, Allen begins to tell a story about a Prosecutor in Oklahoma)

CA: I talked to their prosecutor, and she told me point blank she had asked her officers to quit writing reports. Because their reports were so bad, they were being flipped around and the reports at the end of the day ended up helping the defense case more than the State trying to prosecute them. I mean, they asked their officers to entirely stop writing reports! Umm, so by the time this DUI went to trial (his client's case) we just had a field day with this officer's memory. I'm asking him what he had for lunch that day, who did he stop right before, so umm, I don't think that the State really likes reports. I think that they are a necessary evil because otherwise they are not going to be able to testify about date, time, that kind of stuff. But it is this kind of stuff that gives ammunition more so to defense attorneys. If you just put it all in here, put the witnesses, put what they said, and just let it see where it falls. It is really not up to the officer to decide what is relevant or not. Put every single thing that happens. Put everyone that was there. Every witness. And if he isn't even going to put in here the witnesses' names and what they said, even without a written statement, it makes it look like there is something to hide.

If he didn't even take some field notes to write down their information, you are never going to be able to get them (witnesses) The defense isn't going to help you! (Prosecutor or officer gets names and info). I had a really bad case (as prosecutor) with dead bodies in another county that I ended up having to dismiss because the officer got so caught up in the crime scene itself, that they didn't interview a single witness. So these people could potentially be exculpatory witnesses for the defendant but we are never going to know what they said or who they are because they were allowed to leave the scene. It was a mess.

I: Now you get to sit on the other side.

CA: That is right. Now I get to sit over here and pick these things apart. (Laughs)

Interview Concludes.

Judge John Laffoon, City of Jackson Judge

Judge John Laffoon is the district judge for the City of Jackson. His is an elected office, and he has been a judge for two years. Prior to this time he worked as a defense attorney in Northwest Arkansas.

(He begins to read report. He gets right to it prior to me telling him the instructions and we back up a bit.)

I: While you're reading if there is something that jumps out at you or something that you think is great or that you feel is being written for you.

JL: Well when you say "police audience" who are you thinking of, their supervisor, who do you think it is?

I: All. When I talk to officers they mention that they are writing for themselves a lot, but they know they are also writing for their supervisor, for a prosecutor. They are very cognizant of the defense attorney that is going to be reading it.

JL: I think you are right.

I: And while they mention judge, I don't know if they are writing specifically for you or not.

JL: No. No. No. I would say I would be the least of their worries.

(He asks if this is his copy of the report so that he can write on it. He is the first to ask this. He underlines a few things and makes some notes as he goes. He reads the back material of the report and reads the witness statements.)

JL: Am I to critique this?

I: I'd like to know what your concerns are. What jumps out at you as a problem?

JL: Sure. Well and here is the thing, as a judge I don't necessarily care whether they have the stuff in the report or not. It does make my job a lot easier though when they do a good report, and the reason why is because what happens is although the report itself can't be entered into evidence. They can have the report there to refresh their memory. And the thing that strikes out at me first about this is he says that he meets an individual (at the door) not a part of the disturbance. We don't know who that individual is, and we don't know what that person says about what they saw. So you know that is the first thing that strikes me. He is not going to remember months later and then Jackson (prosecutor) is not going to be able to subpoena the person, and it would be nice to know who this person is and to determine if this person has some sort of motive to lie. You just don't know. And it would have been nice to have that.

The next thing that jumps out at me is that he does note that she had a bruise on her lower back and a bump on her head. Here is my problem, I don't know how long it was between when he got dispatched and when he got there, but I assume it was a matter of minutes. Here is my problem with it. If you know anything about bruising it doesn't happen just like that (He snaps his fingers). It takes a while to come out. He didn't ask, "Look I see a bruise on your lower back did you get that here," or "I notice it is blue, or red, or its purple." I mean, if it is purple, it has been there a while. But if it is red and raised then it wouldn't be a bruise. It would be more of an abrasion. I mean, that makes me wonder. Now, the bump on her head, yeah, that happens immediately as blood comes to the head. There needs to be more discussion about the bruise and the bump on the head because I imagine the bruise would be there from another time and he needs to ask her if it happened earlier and how much earlier.

Oh, and then I was wondering about the Miranda concern (reading of Miranda rights to the people involved in officer questioning). I mean he does separate them and he does put them in different rooms, and I understand that he was there on a disturbance call, but at some point you got to determine is this person free to leave, and the answer is No. I don't think either one of them is free to leave, and if they did try to leave he would have arrested them right there. I think of course as you know, Miranda is in custody custodial interrogation, so number one is, "are you in custody," and I think clearly you are. And second is that he didn't Mirandize either the victim or the defendant because at that point he doesn't know who is who. I don't know actually about police procedure or not but I would imagine if you go to a disturbance call, you are going to want to put them in handcuffs and I don't think that he did.

I: It doesn't say in the report he did.

JL: And I don't think that he did. You are going to want to handcuff them and put them in separate rooms and talk to them, so they are not going to reach for a knife or for a gun or for something like that. I think I would have handcuffed them both and said "look, for your safety and mine I am going to handcuff you and set you on the couch. I'm going to go over here and talk to your husband and you are going to sit here with the handcuffs on." I mean, that is what I would think and I would imagine that if he didn't do that it isn't good procedure and second of all I still think that even if he didn't have handcuffs on them they were still in custody at that time and that there was no Miranda warning given there.
(This issue is critical because all persons in custody must be aware that they don't have to speak to the police officer. This is their Miranda right. They must be read these rights and understand them before they are questioned. This gets difficult when you are trying to get the story and don't know who is the suspect and who is the victim. As soon as it seems apparent however, officers are expected to read them their Miranda rights).

I: And that should be in the report because that helps everyone know that this was a legal discussion they were having?

JL: Absolutely. As a defense lawyer I am going to want to find out, "Look did you have handcuffs on you." Or were they free to leave?

(Reads report silently)

This is just a pet peeve of mine and, you know, it probably doesn't matter but here is the thing, I get kind of tired of the State, not necessarily the officer, but the State, they seem to want to criminalize these type of events. I mean, if you are unable to determine who the primary aggressor was based upon what was told, then he arrests both of them. And I guess the thing about that is this is okay, so now they are both guilty? Well they can't both be guilty. The likelihood of two people just sitting there and at the same exact time exchanging punches, both intending to hurt each other is just almost impossible. So, I guess my point is, that as a defense lawyer when they arrest both of them I like that because I say, "State, you have charged both of them and one of them is going to have self-defense and one of them doesn't." So obviously, you don't even know. You arrested both of them. To me, that is built in reasonable doubt.

So, I have never liked that. Just based upon what I am reading here, she has the bruises. She has the bump on the head. Yeah, he has spray in his eyes, but I think you gotta make a call. You know what I'm going to give you guys a warning but if I come back out here again tonight then you are both going to go to jail. I think that would have been the better call.

I: The prosecutor had the same feeling. If you can't determine, just tell them to separate and "be good."

JL: Right. I'm going to keep you on my list and if I have to come back here tonight, I'm going to hook you up. (arrest you).

I: Now, there were two witnesses on the scene.

JL: Oh really.

I: Yes, I was actually on scene with him and I wanted to follow the report through the scene to supervisor and through the process. When I was sitting with him as he was writing this I asked him, why don't you want to put the witnesses in here? He said neither one wanted to fill out a witness statement because they fight all the time and they didn't want to get involved. That was his justification for that. Is that adequate justification for you?

JL: I don't think so and here is why. That may very well be the point that they don't want to get involved but it isn't up to them whether or not they want to get involved. As an officer, I would think that you would show up and find out who is there, were there outstanding warrants for these people, who am I talking to, what is going on here, and then get the name and address and identification. Let the State decide whether to subpoena them or not. If he says they don't want to take the time to get involved, then why are we arresting them?

I: One of the witness heard her say "don't hit me. Don't hit me." I asked him why that wasn't in the report.

JL: Well, I know this officer and he has probably been out there and been out there and been out there and he knows the people will come in and sign an affidavit saying I don't want to prosecute, so he is just, he is, I don't know his fourth or fifth time out there. And he is just like, I come out here and I write the report and then prosecutors dismiss it and then we come back out again. I think that is probably what the situation is. They get tired of it. But that is my point. If you always go out there and she has bruises and he doesn't, you gotta hook him up and finally send him to jail then maybe that will end it. I don't know. You got to resolve this because it is just going to keep going.

I: I know the prosecutor was not very happy with this report.

JL: No. It is very vague and it is not very thorough.

I: Would it make a difference if the woman in the incident was told to keep wasp spray by her bed for self-defense and none of that is in the report. Is that something you would like to see in the report or not?

JL: I did wonder why wasp spray was in the bedroom. I mean, I did wonder that. Uh, I guess that probably would help me to show these other instances and that she was injured and I guess if she has used it before on him and it stopped him that would explain why there is wasp spray in the bedroom. So yeah, that would have been something I would like to see.

You do have to look at it from his point of view though. I don't know how many times he has been out there, and I don't know how many times other guys have been out there. To him this is probably the sixth, seventh, eighth time we have been out here and it always ends up dismissed and we end up going through it and the charges get dismissed. I'm not saying it makes it right. I'm just saying I understand why it is written the way it is.

I: What do you think could fill in the holes? Better training? Or even the outcome, that he arrested both of them?

JL: I would have liked to seen JPD has been out here 11 times or whatever it was this month. I think if the prosecutor had seen that, he could have said, "Well look we are going to do it this time and then we are going to prosecute and we are going to be done with it." What happened with this case?

I: Well it is going to be coming up. It just happened about a month ago.

JL: Have there been other previous incidents?

I: Not that I am aware of. He wasn't familiar with this couple. I don't know that he had been out there before.

JL: Wow. Okay.

I: So do you think these issues should be addressed in training?

JL: Training. Maybe in the training you want to emphasize you want to get these facts and witnesses. I mean you said they heard the victim say "Don't hit me." I mean, that is pretty crucial. Those are things I think you need to put in there. But again, maybe it is the cynic in me but it is repetitive repetitive repetitive stuff that I just imagine, but you are telling me that is not the case.

I: No I don't think so. He has only been there a year and he didn't say anything about coming out there a lot.

JL: Well good.

Interview Concludes.