How to Go About Making Sense of a Police Report

With few exceptions, the two kinds of police reports that would most affect the general practice, personal injury, or criminal defense law firm where you work are those involving traffic collisions and those involving arrests.

It’s not safe or accurate to generalize about what police reports actually say or look like because each police agency (local, state, military, or federal) uses its own forms. What works for one won’t work for the other. Police reports may be standardized statewide, county wide, or not at all. An agency may copy an adjoining department’s report forms or use something completely different. But while each agency may use different forms, we can make certain assumptions based on the fact that, in the end, all reports will cover the same topics.

Most police activities fall into two categories: reactive and proactive. In reactive situations, officers come across incidents of crime or criminals and deal with them accordingly. This includes their response to radio calls, to citizens who flag them down while driving through their beat, and finally, to things they themselves notice as they patrol.

In car accident cases, the officers may be sent to the site at the request of the dispatcher; they may be told of the crash by a passerby; or they may in fact witness or drive past the accident themselves. As a side note, if your client was involved in an accident witnessed by the police and he or she is at fault, don’t expect the report to be much help for your cause.

Arrest cases are similar to car accidents. Officers may get a radio call which leads them to arrest someone; they may be told of some criminal activity going on, e.g., a burglary, a fight, car tampering, etc.; or they may come across someone they see committing a crime. They may even spot a known fugitive.

While these reactive instances cause officers to take action when they learn of problems, proactive police work is entirely different. Reactive police activities make up the bulk of police work. Proactive policing, though not as common, often leads to more spectacular results. In these cases, officers will go to high-crime areas and wait for things to happen. Narcotics, robbery, and burglary stakeouts are examples; undercover, wiretapping, and infiltration operations are others. Here, the police are ready and willing to take on criminals by setting traps for them. Most proactive police work that doesn’t involve special uniformed street patrols is conducted by experienced detectives and other veteran police investigators.

Another example of proactive policing involving traffic matters is the use of radar guns and so-called speed traps in certain heavily-traveled and high-accident areas. Here, the police are attempting to solve a problem using a proactive approach.

What does all this mean to you as a report reader? It should help you understand the hows and whys of your client’s involvement with the police, as an accident victim, as an arrestee, and as a citizen of the community.

Many personal injury attorneys focus their practice on traffic-related matters—minor or major injury car accidents, hit-and-run cases with injury, wrongful deaths, or fatal accidents. If you work for a personal injury attorney, you can expect to spend much of your time reviewing the police reports that correspond to these events.

And since criminal defense attorneys focus their efforts on clients involved in Driving Under the Influence cases, narcotics arrests, and felony or certain misdemeanor cases, you, as a paralegal to a criminal defense attorney, will tend to read many police arrest reports related to these matters.

Have no fear, report reading experience comes with time. You may know nothing about police reports and the associated jargon and terminology, or you may be an old pro, with enough knowledge to teach an Academy class on the subject of police reports. Either way, you should realize that the forms for police reports are in a constant state of flux. Department administrators are often inveterate tinkerers, and they don’t feel satisfied unless they’re changing police reports to meet new or supposedly new needs. One southern California police department changed its arrestee information sheet three times in six months. Police officers had to learn to fill out each one, and paralegals had to learn to read them.

This should warn you to be alert for new versions and new lay outs of the same old reports. The forms may change colors or the number of little boxes to be checked may grow from five to fifty, but one thing will not change—the language.
In any client case, traffic or arrest, the key to understanding the police report lies in the narrative, or what the officer writes as an explanation for his or her actions and the actions of the other case participants at the scene. Depending on the police agency, the report you read could be chock-full of jargon and inside terminology that only other police officers (or somewhat confused prosecutors) could understand, or it could be written in plain English, with a minimum of police-related terminology.

Many police departments go to great lengths to train and retrain their officers to write in plain English. Their goal is to avoid written statements like, "The violator's vehicle faced in a westerly direction after it struck the parked vehicle" or "The suspect was searched and a gun was removed." The first statement sounds as if it were written by a computer and not a human, and the second, passive voice exam- ple doesn't say who exactly searched the suspect or where exactly the gun was found.

A clearer way to make the first statement might be: "After hitting the parked car, the vehicle came to rest facing west." And for the second example, the sentence "Officer Davis searched the suspect and removed a gun from his right front jacket pocket" might tell the story better.

As you review traffic accident reports, focus your attention on three specific areas: the client, defendant, and witness information; the primary cause; and the facts surrounding the accident. You'll use the first part to complete the client’s case file (names, addresses, phone numbers, insurance policy information, etc.) and the second and third to look for statements, evidence, or errors in your client’s favor.

The most important piece of information on a traffic collision report (besides the other party's insurance policy number) is the determination of fault or the Primary Cause Factor (PCF). If the defendant was at fault, you have a good chance of winning the case based solely on the validity of the report, the credibility of the client, and the availability of any witnesses.

If the client appears at fault, you have to ask yourself if this determination could be subject to a legitimate argument that might change this outcome. If the report is in error or if you can find a witness who tells a completely different story, then you might have a chance with the case.

Why only a chance? Because, to many insurance adjusters, judges, or arbitrators, police reports are worth their weight in gold. Many of these people will admit, "If that’s the way the officer says it happened, then I tend to believe the officer."

Do police officers make mistakes when they complete traffic collision reports? Yes, occasionally they do. So why do these reports get such a high regard? Because the people who settle car accident cases tend to think that the officer is primarily an impartial observer, paid to weigh the facts, statements, and evidence fairly, and render a decision about the fault without regard to any biases. For the most part this is true. Police officers are trained in traffic matters to analyze the skid marks, vehicle damage, and other physical evidence, weigh it with the statements made by the drivers and any witnesses, and add in their training, experience, and knowledge of the area to make their decisions.

With your knowledge of how adjusters and judges weigh police reports, does this mean that you should suggest to your attorney that he or she drop the case because the report favors the other side? Sometimes the answer should be a firm and confident "yes." There is little sense clinging to false hopes with a case that is clearly a loser for your firm.

Still, before you suggest this drastic alternative, do a little digging and look below the surface of the report. Police officers are just as human as everyone else. They are subject to the same biases, prejudices, and preconceived opinions as the rest of us. Consider the following scenarios before you decide that a traffic case is a certain "dumper":

- The client speaks broken English, has a very shy personality (especially toward uniformed authority figures), and did not get the opportunity to explain his version of the events to the officer. Here, the other driver’s stronger (English) voice and more dominant personality may have influenced the officer into believing only one side of the story.
- The client was severely injured at the scene, knocked unconscious, and taken away in an ambulance. With no witnesses and no passengers to offer another version, the officer spoke only to the other driver to get the story.
- The client is an anti-police person. His or her demeanor with the officers at the scene was clearly hostile, argumentative, and maybe even combative. The other driver, on the other hand, is a nice sweet old lady who reminded the reporting officer of his kindly grandmother.

See the biases and preconceived opinions in each case? While it’s still possible that your client may indeed be
at fault in each scenario, the chances are good that certain outside factors may have influenced the officer’s opinions and caused him or her to believe the other party.

Without the benefit of having witnessed the accident, or interviewed an independent eyewitness who saw it, the officer is forced to rely on other considerations such as the physical evidence. If there is little evidence or the officer is untrained in recognizing its importance, your client may bear the brunt of his or her own circumstances, like the inability to speak clear English, severe injuries, or a hostile demeanor.

Since the first step in any case is to talk with the client, try to get a complete picture of the events that took place. Some of the circumstances surrounding the accident may bring other issues like those above to light.