

Guide to Writing and Filing Incident Reports and Citations for Conservation Officers¹



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¹ This document is one of a series of practical guides designed to assist marine conservation programs and practitioners in planning, building, and implementing effective conservation compliance and enforcement action. These elements, along with other available materials, are intended to help local communities, stakeholders, government agencies and other conservation practitioners work together to maintain natural resources, biodiversity, and food security across Micronesian and other Pacific islands. For more information, please visit the Pacific Island Managed and Protected Area Community website at <http://www.pimpac.org>.

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INTRODUCTION

This guide is designed to teach conservation officers how to correctly write and file incident reports and citations. It is based on information presented at the MPA Enforcement Capacity Building Workshop held in Palau in March 2011.

In this guide you will learn what an incident report is, when it should be written, and to whom it should be submitted.

In this guide you will also learn what a citation is, when it should be issued, and how it is processed, first, in your program, and then in court. You will also learn how to prepare a case file and best practices for conservation officers appearing in court.

I. WRITING INCIDENT REPORTS

Writing an Incident Report is simple and straightforward, but hugely important. Because an IR is the first written account of an incident, it is of critical, first-hand documenting importance.

Definition of an Incident

An incident is any event, internal or external to you Program, that is unusual, suspicious, or in violation of procedure, rules, regulations or laws governing your Program and/or jurisdiction. An incident can range from a safety concern, to a shortfall in equipment, to any type of illegal activity. If you are not sure if an event qualifies as an incident, it's best to fill out a report anyway. That way you always have a written record to go back to.

Definition of an Incident Report

An Incident Report (IR) is a short account of an incident written immediately following the event. It is usually 1 paragraph in length, and must include 5 elements of information, as described below.

Gathering the Necessary Information

Conservation officers should always carry note-taking materials with them when on duty. When an incident occurs, you will need to record 5 elements of information.

An Incident Report has 5 parts:

Who? Record the names of all people involved in the incident. This includes Program officers, victims, suspects, and witnesses.

If you are not able to get the names of those involved, record as much physical description as possible, such as sex, race, approximate height, weight, eye and hair color, clothing, and scars/tattoos. If you are able to interview those involved, ask for IDs to record first and last names. These details are particularly important if the incident is a violation.

What? Explain, in simplest terms, what occurred during the incident.

Where? Record as precisely as possible where the incident took place. This includes information about any vehicle involved in the incident.

For incidents involving boats, make sure to include a complete description of the boat's approximate length, type of boat, color, and name.

When? Record the time or time frame as accurately as possible. Times are always approximate, because everyone's watch is different. Make sure to never write "exactly" before a time, but instead "at about."

How? If this information is available, explain how the incident occurred.

For example, was there a known failure in technology or equipment that caused the incident to occur? Were there extreme weather conditions that contributed to the event?

Filling out the Incident Report

Fill out all the necessary fields of the Incident Report Form. Make sure you understand your Program’s system for obtaining Record Numbers and write the correct Record No. in the space provided. Remember to sign and date the form.

When writing your report, you should condense the 5 elements of information into one paragraph. If you have a lot to report, two paragraphs are okay. Make sure to include the complete sequence of events from the incident, up until and including your writing of the Incident Report itself. (This is shown in the last sentence of the sample IR below.) An IR should be written and ready to be presented during the next morning's briefing.

Sample Incident Report Form

Incident Report Forms can vary in their number of fields, but at minimum should include all the fields from the sample below. (For a more detailed sample of an IR form, see Appendix. Great Barrier Reef Marine Park Authority Incident Report.)

**State Enforcement Program
Incident Report Form**

Record No:	Location of Incident or Event:
Incident Date:	Name of Reporting Officer:
Time:	Name and Contact of Witnesses and/or attending Officers:
Report:	

I certify under penalty of perjury that the above is true and correct to the best of my knowledge.

SIGNATURE _____

DATE _____

A completed sample IR form is presented below. Note the "4 W's and 1 H" and record them in the box that follows.

**State Enforcement Program
Incident Report Form**

Record No: 0002	Location of Incident or Event: Achang Reef Flat
Incident Date: 2011/08/19	Name of Reporting Officer: Robert Smith
Time: 20:15	Name and Contact of Witnesses and/or attending Officers: Mark Lee
<p>Report: At around 0635 on the morning of 18 July, CO Merur called CO H.Renguul reporting a delayed fishing boat, belonging to Patric Shiro, containing Patrick and 3 other fishermen. The boat was expected to return before midnight, but had not returned. The boat was last seen leaving Ollei Dock late afternoon yesterday with four males. The boat is about 23ft long, with single a 200hp engine, white bottom with a red trim, and a white bimini top. An Individual (not identified) then called CO Merur regarding the incident and requested assistance. First I and CO. Merur went to check if they were already back. We went to Ollei Port and found out they have not returned. Second we went to to Todai and observed the water around Ngerchur. Then we saw a boat anchored that matched the description of the boat we were looking for, so we went to pick up CO S.Renguul and went to get our Ranger boat at Oketol Dock. We departed to check the boat we saw. We reached the boat in about 10min. On our way to the boat, we found that it wasn't the one we were looking for (it was indeed Patrick Shiro and his boat, but this boat was not yet registered). We checked the passengers on board. They were all alive and well and did not require immediate medical attention. They indicated that they ran out of fuel and requested to be towed back to Ollei. So we then attached a line to their boat and towed the boat to Ollei Port. We went back to Oketol, secured the ranger boat, headed back to the office, and filed this report.</p>	

I certify under penalty of perjury that the above is true and correct to the best of my knowledge.

SIGNATURE Robert Smith **DATE** 2011/08/19

Who:
When:
Where:

What:

How:

II. ISSUING CITATIONS

After the conservation officer has taken every step to inform and educate the public and specific individuals about State Conservation Laws, if the CO witnesses a suspected violation, he or she has an option of issuing a citation to the violator.

A citation is a legal document that is issued to an individual who is breaking the law. A citation may be filled out for any and all illegal infractions, ranging from minor violations to major transgressions, including arrests.

A citation should be filled out and issued immediately following a violation.

Definition of a Citation

A citation is a paper commonly used in various courts—such as a small claims or traffic court—that is served upon an individual by a Conservation Officer to notify the individual that he or she is required to pay a fine or appear in court at a specific time and place.

Issuing and Filling Out Citations

A Conservation Officer is to issue a citation to an offender, immediately following the violation that the officer witnesses. The Officer must request that the offender show a form of government-issued identification (passport, license, state ID, etc.).

Filing out a citation is straightforward and only requires that the conservation officer fill out each field of the form. However, the officer should take his or her own notes about the violation in addition to filling out the form. These notes can follow the same guidelines for gathering information for an Incident Report (see above).

If the officer feels that the information required on the citation submittal form is inadequate to explain the violation, the officer may write and attach a supplemental report (SR) to the citation based on his or her notes.

It is important to always take a 360 degree-view photograph of the area where the violation occurred. Documenting the location of a violation is especially important

in marine protected areas, where boundaries and borderlines may come into question.

Citation forms for Conservation Enforcement units are specialized to include information pertinent to the specific MPA. At the end of this guide you will find the citation form for the Conservation Enforcement Program of Ngarchelong State.

Citation Processing

After a citation has been filled out and issued, it must be processed. The issuing officer is responsible for the routing of the citation. Meaning, the issuing officer is responsible for submitting the citation to the designated citation custodian in his or her program. The issuing officer will also have to appear in court when the violation is brought forth.

Timeline for Routing a Citation

The proper timeframe for routing a citation is specific to your Program's Standard Operating Procedures (SOP), but is usually within 24 hours following the time the citation is issued. It is the issuing officer's responsibility to ensure that the citation is routed to the court prior to the court appearance date listed on the citation. Failure to do so should result in disciplinary action against the officer.

Citation Custodian

The citation custodian is the conservation officer designated in a program to manage the citation inventory. The citation custodian is responsible for submitting the citation to court.

III. Filing Citations

After a citation custodian has submitted a citation to court, a court date will be set. A representative from the Conservation Enforcement Program must be present for the court date. In most cases, the court date should be attended by all officers involved.

PREPARING A CASE FOLDER

After a violation occurs you will need to open and maintain a case folder. The case folder holds all the important documents and evidence related to the case. Essential items in the case folder include:

- Incident Report
- Citation
- Officer Notes
- Photos

Other items in the case folder may include:

- Supplement Reports
- Witness statements
- Maps
- Crime scene evidence
- Video footage
- GPS readings

COURT APPEARANCES

When an officer appears in court, he or she is representing to the state the professionalism and legal competence of the entire Conservation Enforcement Program for which he or she works. Use the following checklist to ensure you are prepared for your court appearance.

□ Preparation

Before appearing in court, make sure your case folder is complete, including all case notes, copies of documentation, photographs, custody receipts, and supplement reports as relevant to the particular citation.

The case folder should be reviewed by all assisting officers.

□ Appearance

Timely Arrival. Arrive 15-30 minutes prior to the scheduled time of the court date.

Wear your uniform.

If you are requested to appear in court while you are out in the field... For example, you are on a marine patrol in casual uniform and you get an immediate Request to Appear (RTA) in court. It's going to take you time to come in from the ocean. The first thing you do after you swear in, is apologize to the court for the way you are dressed. If the judge finds out you had ample time to go home and get dressed, you will probably be fined by the court, because you did not take the time to be prepared.

□ Demeanor

Attitude and Posture. It is important to maintain a professional attitude, and strong, but respectful posture while carrying yourself in court.

- Sit up straight
- Face and directly answer the judge or jury
- Be confident
- Think fast with your responses

Filing a Citation, Step-by-Step

Conservation Enforcement Training

After a citation is issued and the officer returns to the office, the following step-by-step procedure summarizes the complete citation filing process.

Example Procedures for Filing Citations

- Step 1:** The Conservation Officer (CO) completes an Incident Report (IR) and creates a Case Folder to include IR and all other forms of evidence (photos, GPS readings, statements, completed citation form, etc.)
- Step 2:** The CO logs in the Case Folder all evidence, prepares copies (keeping originals), and submits copied materials to the appropriate State Official (e.g., the State Governor or AO, depending on State Protocol) for filing with the court.
- Step 3:** The State Official will then determine the appropriate penalty/fine for the violation based on its severity, number of counts, and previous violations, if any.

At the Small Claims Court Service Desk:

- Step 4:** If the suspected violator does not resolve the matter with the State within 15 working days, the State Official or legal council then files the complaint at the Small Claims Court or other relevant court Service Desk.
- Step 5:** At the Small Claims Court Service Counter, complaints can be submitted and registered for \$10, after which a court date will be set.

On the Set Court Date:

- Step 6:** The Conservation Officer will be expected to appear to present the case with all available evidence to the Judge.
- Step 7:** After hearing all the evidence, the Judge will make a decision either in favor or against the State's case.
- Step 8:** At the conclusion of the session, the Conservation Officer should ask the Judge how to improve the presentation of his/her case and evidence, in future cases.

Appendix 1. Great Barrier Reef Incident Report Form

Please provide a description of the suspected breach:



INCIDENT REPORT

Incident Report forms help you to report suspected breaches of the law in the Great Barrier Reef Marine Park. You are encouraged to attach further pages if required. **If you witness a suspected breach of the law you are advised NOT to approach any suspected persons or request information from them.**

Urgent Issues

To report an incident requiring an urgent response, please phone details as soon as possible to the Field Management Compliance Coordination Unit: **Phone: 07 4726 0588 (24hr). Alternatively, refer to the numbers on the back of this report during business hours.**

Reporting an incident

To report an incident, please forward this completed form and additional information including photographs, maps and charts to the Field Management Compliance Coordination Unit: **Fax: 1800 555 130 or 07 4726 0554**
Mail: FMCCU PO Box 6213 Townsville QLD 4810 To email, please save this document to your computer and email it as an attachment to **compliance@gbmpa.gov.au**

Sketch of area (if possible a sketch of the reef areas showing where this incident took place and any other observations eg. depth of water, sea state visibility of reef).

Details of Person/Company you are reporting (if known)

No. of Persons: (if there is more than one person please provide these details on a separate sheet and attach).
 Given Name(s) and Surname:
 Company Trading Name:
 Type of Operator (ie Commercial/Recreational):
 Address: City/Town:

Description

Female/Male: Age: Complexion: Height: Hair Colour:
 Other Features:

Details of Vessel/Vehicle

Registration No.: Model/Type: Make:
 Name of Vessel:
 Other Features (eg colour or description):

Details of Incident (please provide a summary of details of the suspected breach on reverse side of this form):

Location of Incident:
 Time and Date: Photographs taken: Yes /No
 Position of Offending Vessel/Vehicle:
 Position of Reporting Vessel/Vehicle:
 Datum if known (WGS84, GGA94, AGO95, other):

Contact Details of Person Reporting Incident

Given Name(s) and Surname:
 Address: City/Town:
 Telephone Home: Work: Mobile:

MARINE PARKS CONTACT DETAILS				
Field Management Compliance Coordination Unit PO Box 6213 TOWNSVILLE MC QLD 4810 Phone: 07 4726 0588 Fax: 07 4726 0554	CAIRNS PO Box 2066 CAIRNS QLD 4870 Phone: 07 4947 9616 Fax: 07 4046 6667	TOWNSVILLE PO Box 5391 TOWNSVILLE MC QLD 4810 Phone: 07 4722 5244 Fax: 07 4722 5311	WHITSUNDAY PO Box 5332 AIRLIE BEACH QLD 4802 Phone: 07 4967 7355 Fax: 07 4967 7388	GLADSTONE PO Box 5065 GLADSTONE QLD 4680 Phone: 07 4971 6500 Fax: 07 4972 1993



Appendix 2. Ngarchelong State Citation Submittal Form



NGARCHELONG GOV CITATION NO.: **RL-0034**
(Sequential)

NGARCHELONG STATE GOVERNMENT
Conservation and Law Enforcement Unit
P.O. Box 1504, Koror, Palau 96940 PW
Tel: 680-855-2967 / 680-488-2871 | Fax: 680-488-3966
Email: ngerch@palaunet.com

NGARCHELONG STATE CITATION, COMPLAINT, AND SUMMONS
People of Ngarchelong vs. Named Defendant

THE UNDERSIGNED OFFICER CERTIFIES THAT:

ON _____, THE _____ DAY OF _____, AT TIME: _____ am/pm. LOCATION: _____ COORD: _____
(Day) (Date) (Month, Year) (Time) (GPS Lat; Long)

FULL NAME: _____ ID #: _____ NATIONALITY: _____
(First, Middle, Last) (Dr. Lic.; SSN; Passport, Permit #)

D.O.B. _____ SEX: _____ HEIGHT: _____ WEIGHT: _____ RESIDENCE ADDRESS: _____

EMPLOYER: _____ POSITION: _____ PASSENGERS (if any) _____

VESSEL/BOAT: _____ LIC/REG. #: _____ REGISTERED OWNER OF VESSEL: _____
(Make, Model, Year, Engine) (Name and Address)

CITED VIOLATION:
Did then and there commit the following offense(s):

Violation	Law	N5GPL No.	Fine
<input type="checkbox"/> Fishing within Ngarchelong State without a permit	Fishing Act of 2000	N5GPL No. 86	up to \$50 (1 st) \$50-\$100 (subsequent)
<input type="checkbox"/> Entry into Protected Area without permit	Ebiil Conservation Area Act	N5GPL No. 10-26	Imprisonment of up to 90 days or a fine of \$500 (each count)
<input type="checkbox"/> Fishing or collection within Protected Area			
<input type="checkbox"/> Spilling or disposing of pollutant within Protected Area			
<input type="checkbox"/> Grounding within the Protected Area			
<input type="checkbox"/> Any extractive, destructive, or habitat modifying activities.			
<input type="checkbox"/> Unlawful harvesting of clam during closed season.	Giant Clam Conservation Act (through Jan 9, 2014)	N5GPL No. 09-25	Range: \$100-\$500 (each count)
<input type="checkbox"/> Unlawful harvest of clam by non-citizens.			
<input type="checkbox"/> Unlawful harvest of clam in area designated for clam protection.			
<input type="checkbox"/> Owning, storing or operating a boat within Ngarchelong waters without valid registration.	Boat Registration Act	N5GPL No. 10-27	\$150-\$500 (each count)
<input type="checkbox"/> Operation of Personal Watercraft (e.g., "Jetski") within Ngarchelong State waters.	Jet Ski Prohibition Act	N5GPL No. 10-31	\$500 (each count)
<input type="checkbox"/> Taking or possession of sea cucumber/beche-de-mer for commercial purposes within Ngarchelong State waters.	Sea Cucumber Moratorium (through Dec 18, 2016)	N5GPL No. 11-39	\$500 (each count)
<input type="checkbox"/> Violation of Other Ngarchelong State Law:			

ISSUING OFFICER REMARKS/FACTUAL DESCRIPTION:

I certify under penalty of perjury that I have reasonable grounds to and do believe the above-named person committed the above offense(s) contrary to Ngarchelong state law.

SIGNATURE OF OFFICER: _____ DATE: _____ ADDITIONAL OFFICERS PRESENT: _____

DEFENDANT:
By signing below, I acknowledge receipt of this citation and understand that if I choose to contest this matter, I must appear at the Small Claims Court Service Desk, Palau Supreme Court Building in Koror on the _____ day of _____, 20____ at 9:00 a.m. If I do not wish to contest this matter, I must appear at the Ngarchelong State Office located in Ngril, Ngarchelong before the above date and pay the assessed fine to the Ngarchelong state treasury as directed.

If I fail to appear in the designated court on the above date or fail to pay the appropriate fine at the Ngarchelong state office located in Ngril, Ngarchelong by the above date, then an additional complaint may be filed against me upon which a warrant for arrest may be issued.

SIGNATURE OF DEFENDANT: _____ DATE: _____