



## **Guide to Writing a Defendant Chronology**

*Our monitor went into felony arraignment court, and the judge was reading the chronology from the WATCH Post newsletter to get information on the defendant.*  
WATCH board member

Chronologies are written histories of an offender's life of crime that highlight gaps in the criminal justice system response and offer recommendations for improvement. WATCH introduced the concept with the publication of its first chronology in the *WATCH Post* newsletter in the early 1990s and has found it to be an effective tool for focusing the attention of the criminal justice system on needed changes.

This guide provides an overview of the steps involved in creating a chronology. Your process will likely vary depending on the type of information you are able to gather, where that information is stored, and any costs associated with collecting it.

### **GETTING STARTED**

Writing a chronology is a major undertaking. It can take one to three months for WATCH staff to research, write, and edit a chronology. Give yourself plenty of time to gather your data, write a draft, have it edited, and check all your information for accuracy.

#### **Choosing a Defendant**

When choosing a defendant, consider someone with lengthy and local criminal history (for both interest and access to records), crimes related to the issues your organization addresses, and whose cases (which should include a relevant recent or current case) shed light on problems within the criminal justice system. WATCH's chronologies focus on repeat domestic abusers, sex offenders, or child abusers, but repeat offenders of any type could be chronologized.

It is likely you already have someone in mind. Other good sources for possible candidates include local advocates and law enforcement officers (who may know of repeat offenders who regularly escape charges) as well as probation officers and prosecutors. Do an initial search on several candidates and see if one yields more information than the others. This will help narrow your selection process.

## GATHERING DATA

1. Start compiling all of your data in one file. Begin with any information you already have in-house, such as monitoring notes, felony complaints, police reports, and so on.
2. Identify all cases involving the defendant, even those unrelated to your issues. WATCH gathers information on every type of case except traffic violations. You may not need to use all the cases in your chronology, but it saves time to gather information about them up front (especially since an unrelated case may trigger a probation violation hearing for a related case).
3. Collect police reports from local law enforcement agencies as well as any felony complaints that have been filed. Most likely you will have incidents from cities other than yours and will have to call their law enforcement agencies to request the relevant police reports. This may take several attempts. It is helpful to know whether your state has legislation pertaining to the cost of copying government records. For example, Minnesota statute caps the cost of copying public data at 25 cents per page if the request is for 100 or fewer pages.
4. Gather information related to orders for protection, harassment restraining orders, marriages and divorces, paternity filings, and child protection petitions and orders. If you're not sure where to locate this information, start by contacting your local family court and asking for guidance.
5. Depending on who has worked on the case, you may want to interview prosecutors, defense attorneys, law enforcement officers, child protection workers, and probation officers. They may not want to be identified in your chronology as a source, but these conversations can clear up points of confusion you might have encountered or provide new leads for additional information.
6. You may find out during the course of your research that the defendant has committed similar crimes in other states. It may be worthwhile to do some searching on the Internet to see if these states, like Minnesota, allow members of the public to access case information online and to collect the police reports if the out-of-state cases ran concurrent with the local ones.

### Quick tip

WATCH only publishes public data that has been gathered through legal means, never information that is second-hand or cannot be confirmed.

Additional data to consider gathering:

*Court transcripts:* Although court transcripts are interesting, they are usually not necessary and can be prohibitively costly to obtain. Collect other case information first and determine later in the process if transcripts are really necessary.

*Jail rosters:* Jail rosters can be useful in determining when a defendant was in or out of custody.

*911 tapes:* 911 tapes or transcripts may prove helpful to your chronology. Again, gather other data first and if you determine you want to listen to 911 tapes contact your local law enforcement agencies. Additionally, if the case was prosecuted, the prosecutor who handled it may be willing to share their 911 tapes with you.

<b>ORGANIZING YOUR DATA</b>
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A simple table graph or spreadsheet is essential for keeping track of cases. Enter each case with the date, offense, victim, resolution, and other relevant information. There is typically more detail for each case than you could possibly track. Pick just a few things to start with, then keep an eye out for themes and patterns and be prepared to go back and track other data as they emerge. For your first chronology, you may want to pick a defendant with a less extensive criminal history.

<b>START WRITING</b>
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Introduction and conclusion

Each chronology begins with a short introduction that outlines the defendant's criminal history. It is easiest (and often best) to write the introduction after you have written all the case summaries and events. You often do not have the whole picture until you have put everything in chronological order and seen how the cases may have overlapped.

The conclusion summarizes the key issues the chronology brought to light and, if appropriate, presents a list of specific recommendations that could have made a difference in the overall handling of the cases listed.

## Case summaries and events

Organizing the very detailed criminal history information of the defendant can be very challenging. What follows provides information on how to organize your information to make it the most writer and reader-friendly.

Here is an excerpt of a case summary from a recent WATCH chronology. It is the second of nineteen cases for a defendant named Andrew Billingsley.

### **Case #2: Domestic assault in the second degree (*felony*)**

**5/3/99 Minneapolis Police Report:** Police responded to a domestic assault at the home of Victim B, who told officers that Billingsley, her ex-boyfriend, kicked her door open, struck her in the head with a folding chair, and destroyed objects around her house. Photographs were taken of Victim B and of the scene. Victim B's children, ages two and four, as well as her sister, witnessed the assault. *This case was never charged.*

Each case summary follows a logical order. Start with the basic case details, including the source, incident date, and crimes committed.

*List cases by case #1, 2, 3, etc. instead of by city or county case number. This makes it easier to follow. If you want, you can footnote the county or case number or add it elsewhere.*

*List the original charge(s). If any charges are later amended or dropped, you can explain that in future entries.*

**Case #2: Domestic assault in the second degree (felony)**  
**5/3/99 Minneapolis Police Report:**

*Use the date of the police report, but include the incident date if it is different.*

*Always name the source(s) for the information you are referencing. There may be multiple sources (e.g., a police report and a criminal complaint).*

Then, describe what happened. Writing a case summary is like telling a story: you need to have a beginning, middle, and end and have it follow a logical sequence of events. To illustrate, the previous example can be broken down into the five specific areas that need to be addressed in every case summary:

**What are the case details** (as stated previously)

*Case #2: Domestic assault in the second degree (felony)*

*5/3/99 Minneapolis Police Report:*

**How do we know about this incident?**

Were police dispatched? Did the victim walk into the police station? Was the defendant pulled over by the police for speeding? In this case: *“Police responded to a domestic assault at the home of Victim B.”*

**What are the details of what happened?**

The details also need a beginning, middle, and end. *“Billingsley, her ex-boyfriend, kicked her door open, struck her in the head with a folding chair, and destroyed objects around her house. Photographs were taken of Victim B and of the scene. Victim B’s children, ages two and four, as well as her sister, witnessed the assault.”*

**What is the outcome?**

*“This case was never charged.”* Some cases are easy to present in one paragraph, others are not. If the case takes months to resolve or there are multiple probation violations, you should follow a different format that is explained later.

**Who are the criminal justice system personnel involved?** Because this case was never charged, no names of criminal justice system players were included, however, identifying personnel with a significant role in the case is a very important part of the chronology. Due to space considerations, WATCH typically lists only personnel it regularly sees in court, e.g., judges, attorneys, and probation officers.

**Quick tip**

Criminal complaints can go on for pages. Your job is to synthesize that information into a few sentences for the case summary while staying true to the facts and avoiding unsupportable inferences. Having trouble? Write the entire incident out and then cut what you have written in half. Then do it again.

**Here is an example from another case summary:**

(1) June 28, 1990

*Minneapolis Police Records, case # 90048543*

(2) Police were called to the scene of a group of men beating a woman. (3) Theodore Bobo, Sr., 23, was arrested for pushing a woman six months pregnant to the ground and charged with fifth degree assault. (4) He pleaded guilty to disorderly conduct, and Judge Thomas Wexler sentenced him to serve 30 days at the adult correctional facility with 30 days stayed for one year. (5) Claire Cole was the prosecutor. Richard Trachy was the defense attorney.

**Were you able to identify the following information?**

1. What are the case details? (the formatting of the case details varies slightly for this case, but the basic information is the same)
2. How do we know about this incident?
3. What are the details of what happened?
4. What is the outcome?
5. Who are the CJS personnel involved?

**Quick tip**

Use lay language to describe events, not legal or medical lingo. For example, “the victim’s injuries included bruises and cuts on her face” is preferable to “the victim’s injuries included lacerations to the bridge of the nose and bruising near the orbital bone of the right eye.”

It might be helpful to include another quick tip regarding language in police reports that incorrectly describes sexual assaults and how it should be changed in the chronology to reflect the crime that was charged, e.g., not, “The 13-year-old victim was forced to perform oral sex on the offender,” but “The offender forced his penis into the 13-year-old victim’s mouth and kept it there until he ejaculated.”

## OTHER OPTIONS FOR ORGANIZING SIMPLE CASES

You may wish to include more events for your cases. The previous example did not include arraignment or outcome dates. Here is an example that does:

### **Case Two: Fifth Degree Domestic Assault (Misdemeanor)**

**7/14/92 Minneapolis Police Report:** DD reported that Kennedy tried to run her down with his car. After she got out of the way, Kennedy stopped the car, got out, and ran after her. He told her he was going to get a gun and kill her. DD's brother witnessed the incident.

**7/15/92 Arraignment:** Kennedy pleaded not guilty before Judge John Stanoch.

**8/18/92 Outcome:** The assault charge was amended to disorderly conduct, to which Kennedy pleaded guilty. He was sentenced to 60 days in jail with 57 days stayed and credit for three days. Conditions of his probation included no contact with the victim and no same or similar charges. Myron Greenberg was the judge, Julie Rose was the prosecutor, and J. Burseth was the defense attorney.

Remember, there is no right or wrong way to do this; you will need to figure out what makes the most sense to you and to your readers. The important thing is to be as clear and accurate as possible.

## WHEN CHRONOLOGIES GET COMPLICATED

Cases can become very complicated as they start to overlap. You will undoubtedly pick a defendant based on his long criminal history and will need to carefully explain and organize the details of overlapping cases (e.g., a defendant who has been convicted of a crime and placed on probation, then commits another crime that results in new criminal charges as well as a probation violation) and their eventual outcomes.

Rather than presenting all of the events for a particular case together, readers can better grasp the complexity of handling overlapping cases if a strict chronological order is followed. It helps to put cases in boldface to more easily track references to specific cases throughout the chronology. The following represents several complicated cases kept in chronological order.

## CHARLES EDWARD KENNEDY

### *sample chronology*

#### **Case Seven:**

#### **First Degree Criminal Sexual Conduct (Felony), Third Degree Criminal Sexual Conduct (Felony)**

**4/29/95 Minneapolis Police Report:** Kennedy, who was living with his girlfriend, raped her 13-year-old daughter, GG. GG was sleeping in her room with her baby brother, Kennedy's biological son, at the time of the assault. Kennedy went to GG's bedroom and told her find another place for the baby, then raped her on the floor.

**5/18/95 SIP Report:**<sup>1</sup> Judge Herbert Lefler was notified that Kennedy was trying to contact GG from jail.

**9/7/95 SIP Report:** Child protection notified the criminal court that Kennedy, by then released from jail, was in contact with GG.

#### **Case Eight:**

#### **Attempted First Degree Criminal Sexual Conduct (Two Felony Counts)**

**5/31/96 Minneapolis Police Report and Complaint:** On 11/1/95, Kennedy, who was once again seeing GG's mother, spent the night at GG's home and sexually assaulted her again. Kennedy entered GG's bedroom, rubbed her thighs, attempted to penetrate her vagina digitally, and offered her money for sex. GG told her mother about the incident the next day, and Kennedy was kicked out of the home. This incident was not reported until 5/31/96.

**6/3/96 Spriegl Evidence:**<sup>2</sup> The prosecution moved to admit Kennedy's past sexual assaults from 1991 and 1992 into evidence for **Case Seven**. The victim of the 1991 assault, HH, was the 14-year-old daughter of Kennedy's girlfriend at that time. In HH's home, Kennedy tried to take her shirt off and told her, "If you don't have sex with me, I'm going to kick you out." The victim of the 1992 assault, (identified in this chronology as II), was sleeping in a motel room with five other people when Kennedy raped her.

**6/17/96 Jury Trial:** The jury trial for **Case Seven** (with **Case Eight** offered as Spriegl evidence) began before Judge David Duffy. The charges had been amended to Attempted First Degree Criminal Sexual Conduct (Two Felony Counts) and Third Degree Criminal Sexual Conduct.

**10/3/96 Jury Trial:** While testifying at trial, Kennedy attempted to explain the presence of his semen on GG's shorts by stating that everyone living in the home wore each other's clothing.

**10/16/96 Verdict:** The jury found Kennedy guilty of two counts of attempted first degree criminal sexual conduct, but not guilty of the third degree criminal sexual conduct in **Case Seven**.

**11/6/96 Case Seven Outcome:** Judge Lynn sentenced Kennedy to serve 43 months in prison with credit for 153 days. Carla Hagen was the prosecutor, and John Lucas was the defense attorney.

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<sup>1</sup> Refers to *subject in process*, now known as the *Minnesota Court Information System (MNCIS)*

<sup>2</sup> Evidence of prior bad acts.



## FREQUENTLY ASKED QUESTIONS

### **Why don't you list the bail details for each case?**

Sometimes WATCH lists the bail details, sometimes not. It depends on whether bail was problematic. Chronologies usually tend to have themes. If in writing your chronology you find that the defendant was regularly released without bail or inappropriately low bail, you will want to include this information as well as name the judge(s) who set it.

### **What if I only have partial information on a case?**

If the information is useful to the chronology, you can include it along with an explanation as to why certain details are absent. For example,

*“Carter was not arrested in this case. The police report indicates officers referred this case to the Hennepin County Attorney’s Office for charging, but no record of it exists in MNCIS.”<sup>3</sup>*

### **Can I include information I received through a conversation with an attorney or other court personnel?**

Only include publicly accessible information in your chronology. In most instances, information gleaned from conversations with criminal justice system personnel can help to guide your research or direct you to the primary source, a court document or other written (and verifiable) account related to the defendant. In other words, listing your source as, *“Conversation with Sue Jones in records”* is neither sufficient nor appropriate.

### **Could my chronology compromise a victim’s safety or privacy?**

To minimize the possibility of putting a victim at risk, replace a victim’s name with either initials, letters, or numbers. WATCH also contacts the local victim/witness program to let them know about the upcoming chronology and to ask them to inform any victims and reassure them that neither their names nor any identifying information will be published.

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<sup>3</sup> Minnesota Criminal Information System.

## THE EDITING PHASE

- Several people should read through the chronology to check for errors and omissions. When possible, have a prosecutor who handled one of the cases and thus has specific knowledge of the defendant read through it and offer comments and suggestions.
- It is helpful to read through all the editing comments first before attempting to make changes to get a sense of what questions have been raised.
- Check all the facts as well as your interpretation of any events that raised a question for or were unclear to the editor. Review documents or make phone calls to verify the accuracy of the information or interpretation.
- Check your formatting to ensure it is consistent throughout the document.
- Be sure all first and last names of criminal justice system personnel are included and properly spelled.
- Carefully review the text as often as needed to ensure that spelling and grammar are correct. Spell-check is not sufficient, as it does not catch things like “forth degree.”
- Do another careful proof of the entire document after the changes have been made.

## PUBLISH YOUR CHRONOLOGY!

Your chronology can be a stand-alone publication or part of your newsletter. If it is part of your newsletter, be prepared to have it run up to six or more pages. Chronologies can be very long.

Send copies to criminal justice system personnel and be prepared for their feedback. If you learn that, despite all the checking and double-checking, you still made a mistake, be sure to include a visible correction in your next newsletter.

<b>NEED HELP?</b>
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Contact WATCH for free help writing or editing your chronology. A staff member would be happy to give you some ideas wherever you're at in your chronology or to proof your final version and offer some suggestions.

**Contact:**

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