

Completing a Written Narrative Job Aid

Painting a Verbal Picture

Every law enforcement officer understands that simply using force that is reasonable and necessary, is not always enough. Officers must also be able to explain to an investigator, a judge, a jury or any court of enquiry that what they did at that moment in time was reasonable and necessary based on the totality of circumstances.

In virtually every case where officers use force to control subjects, their actions are both reasonable and necessary. It is very common however for officers to struggle when they are asked to explain and justify their actions. In the past we would see them use generic statements in their documentation such as: "The subject resisted arrest and force was used to subdue him". In lethal force cases some officers simply state, "He had a knife." The mere fact the subject had a knife is again an insufficient explanation to justify a shooting. Another generic response in lethal force situations is "I feared for my life so I shot him." That fear is an important part of the big picture, but only a part.

There have also been significant changes to law enforcement documentation over the years. In order to collect statistics and for ease of use we have gone to check box Use of Force reports. While officers are faced with increased calls for service and therefore increased reporting demands the need to complete well articulated reports has become necessary due to social and political views and demands. While simply completing check box or drop down use of force reports may be easy and conserve much needed time for officers this type of report stifles the articulation abilities of the officer.

Articulating the use of force is like painting a verbal picture. Let's think about how an artist does that for a minute. If you have ever watched artists paint on a canvas, they typically don't follow a checklist or tightly structured pattern - instead they follow very broad based principles like:

- Adding the background early, such as the color of the sky, the cover of the clouds or the rays of the sun.
- Gradually adding depth of color and structure to elements in the foreground.
- Finally, bright and detailed color and structure that explains exactly what the picture is about leaving no doubt to the observer what they are looking at, leaving an emotional impression on the observer of what the artist's picture actually is.

Telling a 'use of force' story is very similar. We cannot use checklists and tightly wound scripts that take away from the spirit of the story. The only way to get genuine story telling behavior imbedded into our narratives is to tell about the event, in plain language, without labels or 'model speak' with some emotional context threaded through the when, where, who, what, how and why elements we see in all forms of stories. While the IMIM assists trainers in teaching use of force tactics and rationale and allows officers and the courts to understand what occurred during an incident, it cannot paint a verbal picture on its own. This must be done through your ability to truly capture what took place and provide the emotion of the event to the reader or listener. Think of reading a novel or watching a movie and the emotions you feel. You become

part of the event, experiencing it through your emotions. If you can articulate so that others are drawn into your event in such a manner they will better understand what you went through and better understand your actions. A sterile, 'model speak' narrative will not capture this emotion. Communication consultant Chez Lorinez says the three essential principles that allow a presenter to communicate effectively are:

1. Be yourself
2. Use clear thought
3. Use strong feeling

Documentation on use of force frequently excludes many of the important details required to help explain your actions and inevitably justify them as reasonable and necessary based upon the totality of the circumstances. Too often, narratives only include information pertaining directly to the actual physical confrontation with the subject. While this is important, it leaves the canvass only partially filled and all the other important details which provide the background and fine detail are lost. As a result the picture is not clear and detailed making it difficult to understand and open to interpretation.

It is hoped that the following guide will assist in writing a narrative that paints the verbal picture. It must be understood that the examples provided will not speak to every point involved in a specific situation or every possible situation you may encounter. The job aid provided and rationale for it will assist you in creating a format which allows you to tell your story relating all of the important information and details required while providing a sense of the emotion involved. In other words, use the format and tell a story.

Preparing your Narrative

When writing the report, officers should simply tell the story of the encounter from beginning to end. Remember that people unfamiliar with the incident and, perhaps, police training and practices may read it, such as the Commission for Complaints against the RCMP. For direction and uniformity while still allowing you the freedom to include all pertinent information, the narrative can be divided into several sections: assessment, observations, actions, and Post Application Care.

1. Assessment

This first section deals with the officers' assessment of the situation when initially responding.

- takes into account information provided by the dispatcher
- includes the type of call and, possibly, prior events at the incident location
- such assessments can change several times during the course of the call as the dispatcher provides updates

- the severity of the situation will affect how you approach it and if how you may deem the use of force necessary

- include the call type given at the time of dispatch, as well as what the actual incident turned out to be.
- it is vitally important that not only do you list all the elements of your risk assessment but that you clearly explain what those observations meant to you, considering your previous police experiences and your own skills and abilities. (Officer Perceptions)

Example: If you responded to a reported robbery but, instead, discovered a case of shoplifting, your actions should be evaluated as if you were dealing with the more severe, dangerous robbery incident before you received updated information.

- Of course, force also may prove necessary when confronting subjects who have committed less serious crimes. However, as the courts do, agencies must consider the severity of the crime as part of the overall risk assessment process.
- In the previous example, if you simply stated that you responded to a shoplifting incident, those evaluating your actions would not have an accurate picture of what happened.

2. Observations

When documenting use of force, officers seem most likely to omit details in this category. Instead, they must include the numerous observations they made during a call.

- First, you should document information about the subjects.
 - This includes the number of subjects and their size, and what that observation meant to you.
 - A description of their clothing.
 - Was it inappropriate for the environment or climate (e.g., a coat in hot weather)?
 - Did they wear baggy garments, possibly indicating the presence of concealed weapons?
 - Was the clothing gang related?
 - Further, a T-shirt advertising a martial arts school or military unit may indicate extraordinary physical abilities.
- The narrative also should note other indicators, such as:
 - the subject's demeanor
 - body language
 - evidence of intoxication or drug use
 - prior encounters with law enforcement
 - and what those indicators mean to you
- Document the presence of any factors that may indicate possible resistance by subjects.
- Note observations of your surroundings:
 - Descriptions of the area where the contact occurred e.g., were there any escape routes?
 - Did the encounter occur in a known high-crime area or in gang territory?
 - What do these factors mean to you?

- Although the time of the encounter will be known, you should note other factors, such as visibility due to darkness or weather.
- Record any details connected with the environment that could have heightened the threat to you.
- Include observations about yourself and other officers. Important information includes:
 - The number, size, experience level, abilities, and limitations of personnel present.
 - What does that mean to you and how did it impact your intervention strategy?

Document all relevant details leading up to your application of force. This is the background for your picture which will provide more depth. Failure to include this information in the narrative may result in an incomplete picture and representation of the facts and circumstances that you were faced when making use of force decisions. In turn, anyone evaluating your actions will be unable to do so properly.

3. Actions

Obviously, this section constitutes the focus of most use of force narratives. Generally, officers include a wealth of information concerning their physical actions during an encounter. However, officers should document both the physical and verbal behavior, closely intertwined and often simultaneous, of both themselves and the subject.

Information pertaining to your verbal interaction with the subject should include:

- The announced identification of yourself as the police unless tactically inappropriate to do so.
- Any commands or warnings issued
- State what powers of arrest were present to authorize the potential to use force.
- As well as the person's reaction, noncompliance illustrates an individual's state of mind.
 - Did the person make statements acknowledging your identity as an officer?
- Note any threats or confrontational statements made by the subject. What did these statements mean to you?
 - Sometimes, hostile individuals will state their intention to resist or assault officers.
- Note a subject's lack of a verbal response or refusal to speak during an encounter.
 - This abnormal behavior also could demonstrate the person's lack of cooperation.

Documentation of the physical encounter should feature the type of resistance exhibited by the subject and the intervention options and tactical considerations employed by the officers. Important details include:

- Actions by the individual prior to those of yourself, such as assuming a fighting stance; removing clothing; hyperventilating, as in preparation for a fight; or any

- other such behavior. What did these actions mean to you?
- How else did the person show aggression towards you throughout the encounter?
- Describe your actions plainly. To ensure clarity, if using terminology from the IMIM or training material such as the Seven Tactical Principles elaborate on their terms. Examples include:
 - Describing a behaviour fully in plain language, what led you to believe what the behaviour was?, do not just name it.
 - Describe your use of punches, kicks, or elbow and knee strikes rather than simply stating your use of physical control techniques.
 - Explain the importance of tactically repositioning to a point of cover or entering an area which does not have an escape route. Explain the significance of these tactics and how they affected the manner in which you approached the situation.
- Include the steps taken to attempt to de-escalate the situation and if they did not work, why you may have had to escalate in your use of force.
 - Although, many times, the initial application of force will gain control of a suspect, in other instances it will not. On those occasions, include the failure to achieve compliance with a lower application of force, as well as the need to escalate to a higher force level.
 - Explain why you may have had to move directly to the highest use of force, lethal force with out any other intervention option used.
 - Be prepared to explain why you precluded other options and used the one you did.
 - Describe the de-escalation of force explaining that once you achieved control and compliance, the application of force ceased and control was maintained through the use of some type of restraint.

4. *Post Intervention Care*

Document details concerning any post-arrest events, which help illustrate the suspect's frame of mind during the encounter.

Document any first aid required by the suspect or officers.

- Too often, minor injuries sustained by police that did not require medical treatment receive inadequate attention.
- Any injuries, albeit insignificant, need documentation for several reasons:
 - First, policy requires it (form 3414).
 - A record helps to strengthen your justification for use of force during an encounter.
- Suspects may argue in court or in support of a false complaint against you that they never resisted and that you used force for no reason.
 - While documenting a minor injury does not guarantee a finding in favor of use of force, it serves as one more step in painting a clear picture for whoever is evaluating your actions.
- Provide documentation of suspects requiring and receiving first aid, as well as individuals who do not complain of or display injuries.

- In this regard, you can help prevent a false claim of a police-inflicted injury.
- In addition, your narrative should document any waiver of medical attention, and, if emergency personnel responded, you should obtain their file number or a copy of the refusal-of-treatment form and include it with your report.
- Document and photograph any damage to police equipment. This includes:
 - Uniforms torn during the encounter
 - Damage to patrol vehicles by the suspect during transport, etc.
 - Both instances would signify the assaultive nature of the individual during the encounter.
- Indication of intoxication or impairment, such as vomiting or urinating, during transport should be documented.
 - Later, when these subjects appear in court or make a complaint, they will do so while cleaned up, presenting themselves as upstanding citizens.
 - However, documented evidence that shows their state at the time of the encounter will allow the judge or the person reviewing your actions to see subjects as they were at the time of the incident.
- Finally, list all witnesses to the incident, including those who observed the suspect's demeanor before or after the encounter (e.g., jail employees, medical personnel, citizens, and other officers). Their names and a brief synopsis of what information they can provide should be included in the report.

Additional Questions to Consider

During the completion of your narrative, many questions may arise that, when considered and or answered, may ensure you have covered many of the concerns that previous reviews have identified. The following are a variety of questions that you may consider answering. They have all been asked during previous post event investigations and judicial processes. It is not an exhaustive list but should portray the degree of detail an officer should strive to achieve when explaining their actions:

1. Relate the details of the incident outlining all situational factors obtained during your risk assessment.
2. What powers of arrest were present to authorize the potential to use force?
3. Did you follow RCMP training protocols and use of force principles?
4. At the time when force was used, did you believe that the force used was necessary?
5. Why did you believe force was necessary?
6. Did you fear violence on the part of the subject, toward himself, you or others?
7. If so, why? What in the subject's behaviour motivated your apprehension?
8. Towards whom did the subject exhibit their behaviour? What did this mean to you?
9. What was the subject's size, compared to you? What did this mean to you?
10. Have you had any previous encounters with the subject? What did this mean to you?
11. What other knowledge of the subject, if any, did you have? What did this mean to you?
12. Did the subject appear to be under the influence of alcohol? High on drugs?

- Agitated? Under mental duress? What did this mean to you?
13. Was there anyone on hand capable of assisting you in subduing the subject?
 14. Was the subject alone?
 15. Were others also posing a threat? What did this mean to you?
 16. Was the subject shouting? Using abusive language? What did this mean to you?
 17. Was the subject uttering threats? What did this mean to you?
 18. Did you or could you make your presence known to the subject?
 19. Did you or could you identify yourself to the subject as a peace officer?
 20. Was there escalation in degree or violence threatened by the subject?
 21. Was the subject armed? With what? What did this mean to you?
 22. Were there potential weapons within close proximity of the subject?
 23. What threat cues, if any, did you perceive from the subject?
 24. What did those threat cues mean to you?
 25. Did the proximity of you to the subject factor in to the degree of force used?
 26. Did the proximity of the subject to others, factor in to the degree of force used?
 27. Did the circumstances allow for you to create more distance and time between you and the subject?
 28. Were there possible escape routes for you and / or the subject? What did this mean to you?
 29. Did you or could you state the purpose of your presence to the subject?
 30. What else did you say to the subject?
 31. What was the subject's reaction to what you said? What did this mean to you?
 32. Was the subject resisting you? How?
 33. Could you warn the subject that you could use force?
 34. What warning did you give that you could use force?
 35. How did the subject react to the warning? What did this mean to you?
 36. What level of force did you use?
 37. Was the level of force used effective?
 38. Did you repeat the same degree of force used in relation to any escalation in threat?
 39. Was the repetition of this degree effective?
 40. Can you match any escalation in force with an escalation in threat of violence by the subject?
 41. Was the escalation in the degree of force that you used effective?
 42. Depending on the type of force used, measure the force that you used and measure its severity and effectiveness in terms of how the subject reacted as a consequence.
 43. How did the environment, if at all, factor into the decision to the force option chosen?
 44. Did you have cover available at the time force was used? What did this mean to you?
 45. Did circumstances allow for the use of cover?
 46. Were there bystanders or others within probable effect of the force used?
 47. Did an urgency to respond in the interests of others, factor in to the degree of force used?

References

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2. Coleman, T. *Documenting the Use of Force*, FBI Law Enforcement Bulletin, November 19, 2007.
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