

**NATIONAL  
POLICE  
FEDERATION**



**FÉDÉRATION<sup>TM</sup>  
DE LA POLICE  
NATIONALE**

# **NPF INFORMATION GUIDE:**

**SERIOUS INCIDENTS: OFFICER NOTE-TAKING & DISCLOSURE**

Updated: August 2025

This document contains general information applicable to many but not all situations, including serious police incidents. If you are subject to obvious and/or imminent legal risk, you should obtain support and specific legal advice applicable to your particular circumstances.

If you have been involved in a major police incident (or “serious incident” per OM 54-3) involving death of serious injury, you must understand and ensure you meet your legal and professional obligations, all while considering your own potential legal/criminal jeopardy. The information found in this Guide is intended to help you balance the fulfillment of your duties as a Member, and the *Charter* protections against self-incrimination afforded to all individuals facing potential criminal charges.

### **What to do Right Away**

First, report immediate safety concerns and, if requested, any investigational needs, in keeping with section 3 of OM 54-3, as well as those reflected in the RCMP’s Preliminary Report Questions (previously referenced as “*Responsibility to Report*”, or sometimes “*Duty to Account*”). If you are not already familiar with OM 54-3 (the “Policy”), we strongly recommend you familiarize yourself with the obligations detailed there (particularly regarding the completion of the *Preliminary Report Questions* and preparation / submission of notes) and carry a copy of the Policy with you in your duty bag.

### **Preparing Your Notes**

Second, under the law and Policy, you have a duty to make timely and accurate notes of a major incident. This is a duty for all officers, including those who are (or may be) designated “Subject Officers” by the oversight agency, which is responsible for investigating major police incidents.

If you are a Subject Officer, or are unsure as to whether you will be designated as a Subject Officer, or are unsure as to whether you will be designated as a Subject Officer, when completing your notes, at the very outset, indicate: “*Compelled under the RCMP Act and potentially in adversarial position with the state – Use Immunity applies*”. This will show that your notes were completed to fulfill your legal obligation to do so and were not made voluntarily. For further information on the practical aspects of the submission of your notes to your supervisor, see “Providing your Notes to the RCMP” section below.

In your notes, do not offer opinions, explanations or justifications. Only write out the facts of what happened in a straightforward way. It can be point-form as opposed to a narrative. Explain who was involved, when/where it happened, what weapon/use of force was used (if any), and what weapon/force the client had or used (if any). If possible, timestamp your note entries to reflect the time and date they were made. You may find two examples of notes [at the end of this Guide](#) as a reference.

**NOTE:** your duty to complete comprehensive and timely notes is distinct from your obligation to respond to preliminary report questions, scripted under section OM 54-3-1 of the Policy. If you are a Subject Officer or remain undesignated and are asked the scripted **Preliminary Report Questions**, you should clearly indicate to the person posing the questions, and record in your notebook, you are doing so only because you are “*COMPELLED*”. If you do not know the answer to a question posed, do not guess or speculate, simply reflect you do not know.

## Supplemental Notes

The information above relates to the notes you must make *immediately* (or as soon as reasonably possible) after a serious incident. In addition to those notes, you may choose to prepare additional notes or records that go beyond what your legal duty requires, for your own benefit. This should be done after receiving legal advice \*see below) and should not be made in your RCMP notebook or using any RCMP IT equipment, nor should it be provided to anyone but your legal counsel. You should label any additional notes or documents as “*For my lawyer*” or “*Solicitor-client privileged*”.

These supplemental notes may go beyond the objective facts of what occurred and include details such as the risk factors that you perceived and how you perceived them.

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## Legal Assistance / LAPE

The next steps you must take will vary depending on your designation by the RCMP / Oversight Agency, either as a **Witness Officer** or **Subject Officer**.

Subject Officers (or those likely to be designated as a Subject Officer) should consult a lawyer and get legal advice at their earliest opportunity after completing their mandatory notes. Generally, a Subject Officer will qualify for legal assistance at public (LAPE). This is generally not the case for a Witness Officer. Legal fees will only be covered by your employer once your LAPE application is filed and approved. We therefore encourage you to prepare an application at your earliest opportunity to avoid delays in coverage.

*Please note that LAPE is not available in all circumstances. For information on LAPE eligibility, please consult the NPF, and/or refer to the [Treasury Board's Policy](#). Succinctly, the three pillars of LAPE are: (1) Acting in Good Faith, (2) Within the Scope of your Duties, and (3) Not against the interests of the crown. If you need help getting a lawyer or preparing your LAPE application, contact the NPF at 1-833-NPF-TEAM, who will, in turn, contact one of your regional directors or another qualified representative.*

## Disclosure of Officer Notes

### 1) Determine / Confirm your Designation:

- Before you provide your notes at the request of the Oversight Agency or any investigator, ask that they first confirm your designation as a Subject or Witness Officer. If they don't know or refuse to answer, ask if they anticipate how you will be designated. Make a note of what you are told in your notes, and do not provide your notes to the Oversight Agency unless you have received a confirmed "Witness Officer" designation (see below).

### 2) Providing your Notes to the Oversight Agency:

- If you have been confirmed to be a Witness Officer, indicate your confirmed designation in your notes. As a Witness Officer, you are required to provide your comprehensive notes to your on-scene supervisor, lead investigator, or investigative team and are compelled to cooperate with the Oversight Agency Investigation. When you are receiving your "official designation" from the Oversight Agency, obtain and keep a copy of the designation form. Do not provide your notes to the Oversight Agency until after the official designation is completed.
- If you have been confirmed to be a Subject Officer or remain undesignated, do not provide or otherwise consent to the Oversight Agency having access to the notes you made. Speak with your legal counsel to determine if/when they should be provided to the Oversight Agency. This will vary depending on the nature of the incident and your level of involvement / legal risk. So, while a Subject Officer must immediately complete their notes, they should get advice before consenting to providing them to the Oversight Agency.

### 3) Providing your Notes to the RCMP

- Prior to providing your notes to the RCMP, make "true copies: of the relevant pages from your notebook. Initial and date the copies and place them in a sealed envelope. Over the seal, sign and indicate the date and time. On the face of the envelope, add your rank, name, regimental number, and: "*Compelled under the RCMP Act and potentially in adversarial position with the state – Use Immunity applies.*" The submission requirement was introduced in OM 54-3. Do not provide your notebook in full. Make a note in your notebook that you have done this.

- Once sealed and labeled, provide the envelope to the designated RCMP Oversight Agency liaison officer or your on-shift supervisor who designated you. Make a note that you provided sealed copies of your notes to this individual and ask them to initial your notebook to confirm receipt. After preparing these initial notes and satisfying the points set out in OM 54-3-3, as a Subject Officer, you do not need to answer questions or give any statement to the Oversight Agency unless and until you have been formally re-designated as a Witness Officer by the Oversight Agency.

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## Carriage of Officer Notes

Regardless of your designation, all mandatory notes must be completed and provided to the RCMP's designated Oversight Agency liaison officer or on-shift supervisor. The above guidance is provided to minimize the risk that the mandatory notes are used against you in any other proceeding, namely, a statutory/criminal investigation.

If you are a designated liaison officer or charged with the carriage of officer notes:

- Only the notes of Witness Officers should be opened by the care holder. This person should also take notes of their rationale for opening the notes within their operational notebook, understanding that the notes were compelled and not provided voluntarily.
- Notes of a Subject Officer (or of undesignated Members who may become one) should not be opened by the care holder. The notes were compelled under strict legal obligation and are therefore covered by the Charter protection against self-incrimination. They should not be opened or shared for the purpose of investigating the officer in question.
- Subject Officer notes should not be added to PROS / PRIME or any digital file management system. They should remain in a sealed envelope in a hard copy only, and only in the possession of the RCMP.
- The transfer of notes to any third party, namely Crown or the Oversight Agency, ought to be recorded in the operational handbook of the care holder, along with their rationale for doing so.

*Given the balancing of the Subject Officer's interest against self-incrimination versus society's interest in relevant evidence being available to the trier of fact, and in light of the SCC's decision in R v Grant [2009] 2 SCR 353, it is possible that the more serious the charge against the Subject Officer, the more the balancing could favour admission of their duty notes.*

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## **Example #1**

**Facts:** At 0315 on 7 October 2025, Cst Smith and Jones are dispatched to the east alleyway behind 1234 Main Street on a report of a large man breaking into cars and garages. They attend and see a man matching the description. He is very large and does not comply with police directions to put his hands up and step back from the garage. Smith moves toward the man and tells him he is being detained. The man stares at him. He looks angry and ramped up. He swears at police and tells them “no way”. Then he uses his right hand to punch Cst Smith’s face. Cst Jones is fearful for the safety of his fellow officer and for his own safety. The two officers are alone in a dark laneway with a very large man who looks to be in a steroid rage. The man does not look like he is in a mental-health crisis; he looks like he is intent on fighting the police.

He understands English but he is not following commands. Cst Jones thinks his partner is seriously hurt and incapacitated and that he is next. They have not called for backup yet and Cst Jones does not think he'll be able to do that. So he quickly removes his baton and strikes the man three times on the upper left arm. His fourth blow lands not on the arm but in the neck/shoulder area. The man is vigorously swinging his arms, and so Cst Jones hits him once more in the shoulder area, then twice in the upper-leg area, which knocks him to the ground where they get his arms. Finally the officers get the man in handcuffs and call for an ambulance, because the man appears seriously injured.

### **Cst. Jones initial notes prior to speaking with counsel:**

- 7 October, 2025 at 3:15 a.m., dispatched to 1234 Main St. eastalleyway
- report of man breaking into cars and garages
- on patrol with Cst Smith, arrive at alleyway within minutes
- tell suspect he is being detained. He resists, swears at police, and punches Cst Smith in the face
- baton strikes used to control and handcuff suspect
- ambulance called because of man’s injuries
- Completed: 7 October, 2025 at 3:45 a.m.

## **Example #2**

**Facts:** At 0315 on 7 October 2025, Cst Smith is dispatched to the east alleyway behind 1234 Main Street on a report of a large man breaking into cars and garages. He attends and from approximately 35 feet away, he can see a man matching the description. He is very large and does not comply with police directions to put his hands up and step back from the garage. He has dealt with this male before and knows he understands English, but he is not following commands. The man stares at him, then places his hand into his pocket and quickly pulls out a knife brandishing it. He looks angry and ramped up. He swears at police and tells them “I will kill you”, but stays in place where he is. Cst Smith draws out his pistol while he repositions behind his police car, placing it between him and the male, while calls for back-up and begins to employ crisis de-escalation techniques and repeatedly directs him to drop the knife. The homeowner of the garage the suspect male was breaking into comes out his gate into the alleyway, near the suspect male, to see what is going on.

The suspect male raises the hand holding the knife and begins to lunge toward the homeowner. Cst Smith is fearful for the safety of the homeowner believing that his life is in imminent danger.

*Cst. Smith discharges his firearm multiple times hitting the suspect male causing him to fall to the ground without further motion. Just after this, back-up Members arrive who begin first-aid on the homeowner and the suspect male.*

*Things are resourced to the point you can take a second to breath and collect yourself, before you go on to make some basic notes.*

**Cst. Smith's initial notes, prior to speaking to counsel:**

- *7 October, 2025 at 3:16 a.m., dispatched to 1234 Main St. east alleyway*
- *report of man breaking into cars and garages*
- *arrive at alleyway within minutes*
- *suspect produced knife*
- *civilian male's life in danger*
- *firearm discharged*
- *Completed: 7 October, 2025 at 3:45 a.m.*

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