

## Use of Force Report Guide

Generally the report should be written clearly, concisely, completely, and factually. Use short, easily understood sentences.

- Write in active voice not in passive voice. In other words, the subject of the sentence does the action of the sentence:  
Example:
  - Active Voice: *I kicked the suspect.*
  - Passive Voice: *The suspect was kicked by me.*
- Write in the First Person (use: “I” “my” “me” “we” “ours” “us”) and not in the Third Person (“This officer,” “The undersigned officer”):  
Example:
  - First Person: *I then kicked the suspect.*
  - Third Person: *This officer then kicked the suspect.*
- Avoid pointless police jargon:  
Example:
  - Good: *I then got out of my car.*
  - Bad: *At this juncture, I exited my assigned mobile unit.*
  - Good: *I sprayed the suspect in the face with my chemical aerosol.*
  - Bad: *I deployed my departmental issued CAPSUM Mark IV Chemical Aerosol Personal Protection Spray in the approximate general vicinity of said suspect’s facial area and environs.*

## The Structure of the Narrative Portion of the Report

This is the heart of the report. The narrative should paint a picture of what you were facing for those who were not there. This is what the Supreme Court was talking about when they said, “Totality of the circumstances.”

The narrative should be written in chronological order. Because questions of use of force need to be viewed through the officer’s reasonable perception of events, the chronological order of events should be based on the order in which the officer experienced those events. The following list is the suggested order to present your information. These are the suggested eleven items to cover. Do not label these items as such, just write paragraph by paragraph.

- **Item 1:** The reason you were at the scene. (Where you were, what you were doing before being dispatched, why were you dispatched to the scene, what did dispatch tell you about the situation?)
- **Item 2:** What prior information/knowledge did you have regarding the scene or the suspect? (What were you expecting based on the information that dispatch gave you and based on your training and experience?)
- **Item 3:** What were the conditions upon your arrival at the scene? (What people were there; what were they doing? What was the suspect doing? What did he look, smell, and act like? What was he saying? What was the setting: lighting, smell, sounds, etc.? Remember to paint a picture!)
- **Item 4:** What you did upon arrival at the scene. At some point, you are (during the course of this item) going to have your first encounter with the suspect. Relate what the suspect was doing just prior to your direct encounter with him.
- **Item 5:** How did you and the suspect approach each other? (What was said? What did you observe? What did he do? What did you do?)

- **Item 6:** At this point, you will probably be initiating an arrest of the suspect or a detention of the suspect. If an arrest, explain what you were arresting him for and list the elements of that offense and what facts (as you saw them at the time) gave you probable cause to believe that those elements were met. If it is a detention (pursuant to *Terry v. Ohio*), then explain why (what facts) supported your view that criminal activity was afoot and that the suspect was engaged in that criminal activity. This information may be better presented in bulleted (list) form rather than in sentence form.
- **Item 7:** Describe when and how the suspect was told that he was under arrest (or was being stopped/detained).
- **Item 8:** At this point, all hell may have broken loose. This is the item in which you will be describing what force was used and why. Generally, you should describe what happened in terms of “the suspect did \_\_\_\_\_, this made me think \_\_\_\_\_, so I did \_\_\_\_\_.”  
Example:
  - *“I reached out and took hold of the suspect’s right wrist in order to handcuff him. The suspect then spun around breaking my hold on his wrist. He took two steps away from me, turned around, looked at me and said, ‘You touch me again and I will kill you.’ This made me afraid that he was either going to attack me or the others in the room, so I removed my baton from my belt or approached the suspect.”*

It is also in this item that you describe the factors under *Graham v. Connor*.

Example:

- *At this point, I considered the totality of the circumstances based on the following facts, as I understood them to be at the time, including the following:*
  - 1) The severity of the crime
    - a. List bullet points of the facts supporting this.
  - 2) The immediate threat to the public and myself
    - a. List bullet points of the facts supporting this.
  - 3) The suspect’s level of active resistance to arrest/detention.
    - a. List bullet points of the facts supporting this.
- *I then struck the suspect in his right shin with my baton while telling him two times to put his hands on his head.*

You should then continue with the “the suspect did \_\_\_\_\_, this made me think \_\_\_\_\_, so I did \_\_\_\_\_,” formula until the use of force situation is at an end.

- **Item 9:** Difference in “physical odds.” If appropriate, you should describe the physical difference between you and the suspect. Clearly, if you are 5’4”, 120 lbs. and the suspect is 6’2”, 300 lbs., that should be something that is considered within the “totality of the circumstances.”
- **Item 10:** How and when your supervisor was notified of the incident.
- **Item 11:** How and when the suspect was treated for injuries inflicted.