
USE OF FORCE REPORT WRITING

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CONNECTICUT STATE POLICE



MAIN POINTS

- **Facts over Conclusion**
- **If someone listened to an audio of your report with their eyes closed, would they accurately picture the incident?**
- **Video shows **WHAT** you did, we need to know **WHY****



OVERVIEW

- Legal Standards
- Identify the multiple stages of a Use of Force Incident
- “Graham” factors effecting Use of Force decisions
- Report Writing Guide



TRAINING EXAMPLE #1

Bed

Doze

Rest

Slumber

Awake

Snore

Tired

Nap

Dream

Peace

Wake

Yawn

Snooze

Blanket

Drowsy

Pillow



LEGAL STANDARDS

What standards are we held to?

- **Legal Standards**
 - **Graham v Connor**
 - **Relative Case Law**
- **Policy**
 - **POSTC Use of Force Policy**
 - **Your Department's Use of Force Policy**



GRAHAM V. CONNOR

- **Objective Test**
 - **“The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.**
 - **Based on the totality of the facts and circumstances, could such an officer believe that the force was reasonable?”** (FLETC)



GRAHAM FACTORS (SIRF)

- **Severity of the Crime**
 - **Immediacy of the Threat**
 - **Resistance to Arrest or Command**
 - **Evading by Flight**
-
- **Every report at a minimum should include these**
 - **What is the MOST important factor?**



BWC & REPORT DETAILS

- **Body Worn Cameras**
 - Do not capture your perception or full view
 - Fine details may not be recorded
 - BWC footage helps, but the report can explain reasoning
- **The more detailed the report, the better recollection it offers**
 - Refute complaint
 - Litigation
 - Court proceedings
- **Explain what you did, as well as what you didn't do.**
- **The BWC shows what you did, but not WHY**



TRAINING EXAMPLE #2

- The next slide will have a sentence, I want you to count the number of F's you see.
- The slide will be up for 12-15 seconds
- Count the F's



TRAINING EXAMPLE #2

- **Finished files are the result of year of scientific study combined with the experience of many years.**



TRAINING EXAMPLE #2

■ How many F's?

■ 3

■ 4

■ 5

■ 6



TRAINING EXAMPLE #2

- **Finished files** are the result of **year of scientific study** combined with the **experience of many years.**



TRAINING EXAMPLE #2

- **What if I now asked, how many E's?**
- **This is an example of**
 - **Inattentional Blindness**
 - **Focus of Attention**



USE OF FORCE (UOF) STAGES

- **Three main stages of UOF:**
 - **Before (Dispatch / Enroute / Scene)**
 - **During (UOF)**
 - **After (Scene / Medical / Report)**



BEFORE - DISPATCH

- **What did responding personnel know? How did they know it?**
 - **What was broadcasted via radio?**
 - “Head to 123 Main St., caller reporting her husband actively kicking in the bathroom door to beat her”
 - “Head to 123 Main St., subject is swinging a stick at neighbor”
 - “Head to 123 Main St. to settle a civil dispute”
- **Each example elicits a different response and approach**



BEFORE - CONSIDERATIONS

- The immediacy of the threat
- The nature and severity of the crime or circumstances
- The nature and duration of actions taken by the subject
- Whether the subject is actively resisting custody
- Whether the subject is attempting to evade arrest by flight
- (POSTC Use of Force Policy May 2022)



BEFORE - CONSIDERATIONS

- The number of subjects in comparison to the number of officers
- The size and condition of the subject in comparison to the officer
- The age, health, and condition of the subject
- The subject's violent history, if known
- The presence of a hostile crowd or agitators
- Whether the subject is under the influence of drugs or alcohol to the extent it would affect their tolerance towards pain
- (POSTC Use of Force Policy May 2022)



BEFORE – PRE FIGHT INDICATORS

- **Pre-fight indicators provide a high likelihood that aggression is imminent**
- **Examples:**
 - Target glances
 - Increased movement /swaying
 - Stalling / Escape route evaluation
 - Tensing of hands
 - Increased breathing
 - Clenching jaw / mouth

These are critical factors to support personnel when deciding to use force



BEFORE – DE-ESCALATION

- **Cite exact efforts of de-escalation tactics**
- **Also explain the subject's reaction or lack thereof**
- **Extended efforts of de-escalation can provide a tactical advantage to the subject to include:**
 - **Allowing formulation of an attack plan**
 - **Allowing identification of an escape route**
 - **Additional supporters arriving on scene**
 - **Timing an attack on the officer**

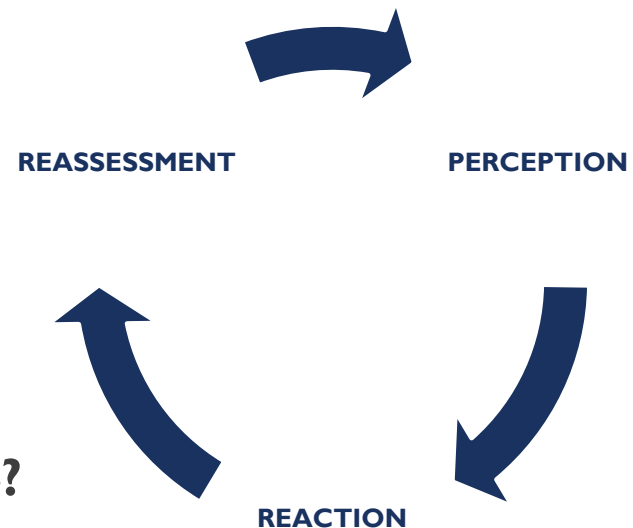
We cannot expect our Troopers / Officers to de-escalate forever



DURING – OFFICER ACTIONS

- What occurred during the struggle:
- What did the suspect do?
- What were they able to do?
 - This is important for notating non-compliance
- What audible commands were provided? What was the response?
- Did the Trooper / Officer re-evaluate?
 - Notate how: “Ofc. Smitt attempted to gain voluntary compliance by directing **ARRESTEE** to place his hands behind his back” to which he responded

“F you”



DURING – PEOPLE

- **Who was around the incident?**
 - **Bystanders are witnesses AND/OR**
 - **Could be involved parties**
 - **What does this matter?**
- **“As Ofc.A & B attempted to de-escalate the subject’s aggressive tendencies; a crowd began to grow in numbers while supporting the subject’s desire for freedom. Based on increasingly being outnumbered further de-escalation would only heighten the threat toward law enforcement therefore immediate force was necessary.”**



DURING – ENVIRONMENTAL

- **What was the setting? What was available?**
- **An officer's actions could be influenced based on environment**
- **Examples:**
 - **Ally without lights (vision)**
 - **In between two vehicles (space)**
 - **Vehicle crashed in a field (lack of location for backup & footing)**
 - **Pavement / Gravel (potential hazard for takedown)**
 - **Roadway / Highway (hazard of vehicles)**

These details should be notated as contributing factors in the report



DURING – LIMITATIONS

- **Certain limitations exist during a Use of Force Incident**
- **Example: Felony Warrant Vehicle Extraction – Punch**
- *Ofc.A was attempting to affect an arrest on WANTED PERSON. Attempts at de-escalation yielded negative results as they informed Ofc. – there is no way I'm getting out of this car. Ofc.A attempted to conduct a single person vehicle extraction. As he attempted this WANTED PERSON bit his left hand.*
- *At this moment they were in close proximity and WANTED PERSON still had operation of a vehicle. OC Spray would have yielded a threat to the public, taser was not an option based on close contact, the baton would have not effectively fit inside the compartment, therefore multiple closed fist strike to the face were the only option to defend himself from an assault via bite and regain control of the violent encounter”*



AFTER

- **Medical Evaluation**
 - “Upon gaining compliance and securing **ARRESTEE** in handcuffs, EMS was requested for an evaluation. **ARRESTEE** remained in a recovery position.”
- **Supervisor Notification**
- **Identification of Witnesses**
- **Best practice to rotate involved personnel to diffuse any emotions**



REPORT WRITING

- **We write good reports for:**
 - Courts
 - Juries
 - Examples
 - Litigation
 - Complaint Investigations
 - Public Viewing / FOI



BAD REPORT EXAMPLE

- **Jones v Treubig (NYPD LT) (US 2nd Circuit Court of Appeals)**
- *“According to Lt. Treubig, the initial tasing “didn’t **stabilize** [Jones] enough to the point where the officers were able to grab his hands.” J.App’x at 84. Lt. Treubig then “[r]eassess[ed] the situation” and depressed the trigger of the taser again, thereby recycling the taser and sending another electrical charge into Jones’s body.”*
- *“In sum, upon a review of the relevant legal authority, we hold that it was clearly established as of April 2015 that a police officer cannot use significant force, such as a taser, against an individual who is no longer resisting or posing a threat to the officers or others. In light of the jury’s findings and viewing the record on the remaining factual disputes in the light most favorable to Jones, we must assume for the qualified immunity analysis that Jones was subdued when Lt. Treubig re-cycled his taser, in that Jones was no longer resisting arrest or posing a threat to the officers or others, but rather lying face down on the ground with his arms spread”*
- **Qualified Immunity DENIED** but could a better report have affected it?

REPORT WRITING FACTS

- **An Effective Use of Force Report is:**
 - *Factual*
 - *Honest*
 - *Descriptive*
 - *Perception & Action Based*
 - *Comprehensive to a civilian*
 - *Chronological*



REPORT WRITING

- **Dispatched Information**
- **Prior to arrival – known information**
- **Arrival – Observation and Perception**
- **Interaction – Observation and Perception**
- **Action**
- **After Action**
- **Arrest**



DISPATCHED INFORMATION

- On 1/1/2024 I, Trooper Kane, was dispatched to 25 Water St., in the Borough of Danielson to investigate the report of an active assault.
 - Details: Victim(s), Injuries, Location, etc.
- The reported accused was identified as **SUBJECT (DOB 1/3/1980)**



PRIOR KNOWLEDGE

- Through previous police contact and knowledge, I am familiar with **SUBJECT**. I am familiar with **SUBJECT**'s appearance, and know him to be over six feet tall, medium build with long hair. I know **SUBJECT** to have a lengthy violent criminal history. **SUBJECT** has been convicted of numerous felonies including assault and escape from custody.
- **Known Information:**
 - **COLLECT**
 - **Previous Contacts**
 - **Common Knowledge**
 - **Barracks / PD / CTIC**



ARRIVAL

- **Upon my arrival I observed the accused:**
 - **Running away from my cruiser, while the reporting party grabbed their face with apparent injury and active bleeding.**
 - **Walk toward me in a challenging manner displaying numerous pre-fight indicators such as...**
 - **Actively striking the victim regardless of my numerous verbal commands of “State Police get on the ground”**



INTERACTION

- **As I conversed with the accused...**
 - I provided numerous directives to get out of the car or place his hands behind his back. His response was “nope”
 - List pre-fight indicators or body language observed
- **I asked SUBJECT “Is there anything I can say, to make you comply with my order without using force? “Nope”**
 - At this moment I knew that physical force was the only option to successfully effect an arrest therefore I...



REPORT WRITING WORDS

- Use plain language, avoid cop slang
- Speak in simple terms based on the action / desired outcome
 - *He was escorted to the grass vs To effectively secure him and prevent further self injurious behavior; I tackled him to the grassy ground and stabilized him by placing my knee on his lower back.*
 - *We executed a burrito tactic vs By using a team approach I secured the lower body (legs) with a bear hug while Ofc. Kane secured the upper body with a bear hug, safely pinning his arms to his side. This allowed us to safely take him to the ground*



REPORT WRITING WORDS

■ De-Escalation

- *I attempted de-escalation but since it was unsuccessful, I deployed my taser and he was arrested without further incident vs*
- *I attempted to de-escalate the situation by allowing SUBJECT to vent while allowing him space to pace. This de-escalation tactics was unsuccessful as his behavior was increasingly aggressive, evident by his increased speed of talking, walking and walking toward me in an aggressive manner. It was evident that de-escalation was no longer an option, therefore I utilized by taser to gain compliance.*



RESULTS

- **Identify secondary results, regardless if they were intended**
 - *“I Attempted to safely take subject to the ground, but based on his aggressive resistance he jerked away slipping from my grip and fell to the pavement, striking his head”.*
 - *NOT intended, but still occurred.*
 - *Completely reasonable if addressed properly.*



MEDICAL

- Once **SUBJECT** was secured in handcuffs, I notified my supervisor and requested **EMS** for an evaluation.
- The **SUBJECT** was assisted to the recovery position to prevent any further injury
- I attempted to place **SUBJECT** into the recovery position to prevent any further injury but each time I tried he attempted to kick me, therefore he remained in the prone position with no direct pressure on his upper torso so he could breathe properly.



SUMMARY

- In current climate, less is **NOT** better
- Be honest and detailed
- Note what you did, and why you did it
- Point out **Graham factors**
- Intent & Perception



TRAINING EXAMPLE #1

What words do you remember?

Write them down...



TRAINING EXAMPLE #1

Bed

Doze

Rest

Slumber

Awake

Snore

Tired

Nap

Dream

Peace

Wake

Yawn

Snooze

Blanket

Drowsy

Pillow



TRAINING EXAMPLE #1

How many people wrote **SLEEP**?



FLETC UOF ITP SUMMARY

- **Federal Informer (FLETC Publication)**
- **More Force Now**
 - **Less Force Later, Less Injuries to you and subject**
- **Action vs Reaction**
 - **.25-.31 Action vs .35 Reaction (Tempe Study Force Science)**
- **Respond to the THREAT of violence**
- **TEB Model**



FLETC UOF ITP SUMMARY

- **TEB = Thoughts Emotions Behavior**
- **Thoughts**
 - Clear or **Contaminated**
- **Emotions**
 - Low or **High**
- **Behavior**
 - Compliant or **Non-Compliant**

When all three in red are observed during a rapidly evolving, tense and uncertain critical incident. De-escalation is likely ineffective.

Use of Force is highly likely immanent.



CONCLUSION

- PowerPoint will be distributed for LEO use only
- Contact
 - Matthew.Kane@ct.gov
- What questions do you have for me?

