

Tactical Report Writing

GRID

Issues for Consideration and Rules for Success

Thanks so much for inviting me back to San Jose to speak with you this afternoon regarding Report Writing. I am not in the Fire business, but in the related public safety field of law enforcement. There are many similarities between the professions. Both are noble causes. Both are important to our great society. Both involve good women and men with good hearts who want to do things right. There are some things that the fire service does better than law enforcement. Over the years I have learned about your commitment to Customer Service, and I wish cops would take this as seriously as you do. Additionally, I have learned that you take training much more seriously (as a group) than do your brothers and sisters in law enforcement. Also, you take physically conditioning much more seriously than many do in law enforcement. Over the years, I have also done some divorces involving firefighters, and have learned you are much more financially organized than my cops are. In a nutshell, so much of what you do you do so well. These are generalities, but I believe them to be accurate. On the other hand, there is the issue of Report Writing. How can I put this gently to you?

Your Reports Suck!!!!

My cops are Fifty years ahead of you in report writing. Scratch that, they are Fifty light years ahead of you in this arena. They are on a different plane when it comes to incident documentation. Hell, they even write things down that didn't even happen! (Just Kidding) You need to take this much more seriously than you currently do, for a whole bunch of good reasons. Here is a big reason: As you move away from traditional fire service operations (filled with all sorts of nice immunities) into other fields like EMS, Code Enforcement, Arson operations, HazMat operations and the like, you are getting more exposure to liability claims. Trust me on this, excellent reports are critical for your success in this regard.

This morning I spoke to you regarding the "Risk/Frequency" Analysis. Everything you do can be put into one of the four boxes you will see on the next page. Again, RPDM (Recognition Primed Decision Making) is your friend, and when you get involved in things you do all the time, I am not worried. Most reports you generate involve high frequency events, meaning you do that type of report a lot. I don't get too worried with these so long as you are following a system (fill in the blank or template) to make sure it gets done right. I get very worried when you write up "low frequency" events like fatals, major injuries, major property damage, harassment claims and the like.

Regardless of whether you have high or low frequency on any given report, all report writing is a "high risk" event. Hint: Once you submit a report or other form of

documentation, whether prepared with a pen or pencil, or on a computer, you are locked into that document for the rest of your career. Any attempt to change what is already documented is viewed with a high level of suspicion. Further, everything you document can be used later for you or against you as in every state represented here today there is a public records act, and in any type of court hearing your documentation is subject to discovery. Here is the chart that I mentioned earlier.

R I S K	NDT HR LF	HR
		HF
	LR LF	LR
		HF

F R E Q U E N C Y

I understand that there are other reasons why we need good solid incident documentation including discipline, internal records, pay records and the like. But the one that is paramount in my mind is the threat and reality of Civil Litigation. The key for the elimination of Civil Liability is two-fold. First, you must do your job right, and second, you must be able to prove it. I hear this from so many people in your profession when they learn they have been sued. “But I did my job right”. That is just wonderful. My question as a lawyer is this. “Can you prove it”. The other side, represented by an aggressive plaintiff lawyer working on a contingency fee basis wants to discredit you and/or prove you did not do your job right. Your proof (and therefore your protection) comes from solid incident documentation.

So here is the most important thing I can tell you about report writing. It is a discretionary time task. In reality, you have all the time you need to generate good solid incident documentation on any given task or event. So with that in mind, if you get involved in “low frequency” report, use the DT to ask someone who may have been there done that with this type of incident.

THE KEY TO THE ELIMINATION OF CIVIL LIABILITY IS A TWO PRONGED PROCESS. FIRST YOU MUST DO YOUR JOB RIGHT. SECOND, AFTER GETTING IT DONE RIGHT, YOU MUST BE ABLE TO PROVE IT. THE FIRST LEG OF PROOF COMES WITH GOOD RECORD KEEPING AS TO THE FIVE

PILLARS. RECORD KEEPING IS TOTAL, ABSOLUTE 100% DISCRETIONARY TIME. THE SECOND LEG OF PROOF IS INCIDENT DOCUMENTATION, PARTICULARLY ON THE HIGH RISK EVENTS THAT HAVE HISTORICALLY ENDED UP IN COURT. INCIDENTS NEED TO BE FULLY DOCUMENTED WHEN REQUIRED BY LAW, WHEN REQUIRED BY YOUR POLICY, OR WHEN YOU GET INVOLVED IN A “THRESHOLD INCIDENT”. INCIDENT DOCUMENTATION AND RECORDKEEPING IS ABSOLUTE 100% DISCRETIONARY TIME. TAKE THE TIME TO GET IT DONE RIGHT THE FIRST TIME. SO, WHAT ABOUT THOSE “THRESHOLD INCIDENTS”.

1. RECOGNITION OF “THRESHOLD” INCIDENTS

What type of incident does it take to successfully cross the “threshold” of a Plaintiff Lawyer’s door? Lawyers cannot take every case that comes into their office. They have some criteria. They need two things to get interested in a case. First, they need damages, the more the better. Second, they need someone to blame the damages on who has some serious assets. Fire Service professionals regularly get involved in these type of incidents (injuries to people and property) and you have the requisite cash to get a good plaintiff lawyer involved.

There are three - BIG HINT - Take the time to recognize your involvement in a Threshold Incident. When you get involved in one, large bells should be going off in your head.

- A. Any injury to person, deprivation of liberty, damage to property or damage to interest in property caused by us, including when they inform us of same.
- B. Any major injury requiring hospitalization or death, and you are on scene or there is City property involved.
- C. Any time someone tells you “I’ll sue!” or any derivation thereof. Oddly enough, people who threaten litigation are actually more likely to become involved in litigation.

So when you get involved in one of the above, and it may be inside or outside of the fire station, start to think. How can I prove what really happened? Here is my thinking. THIS IS THE FAMILY OF INCIDENT THAT MANDATES COMPLETE, CONSISTENT AND WITHIN POLICY DOCUMENTATION. THIS DOCUMENTATION NEEDS TO BE DONE ON THE DAY OR NIGHT OF THE INCIDENT. IN THE EYES OF A JURY, SUPPLEMENTAL REPORTS ARE VIEWED AS A COVERUP, SO GET THE JOB DONE RIGHT THE FIRST TIME.

2. INCIDENT DOCUMENTATION

A. REPORTS (CCP) - COMPLETE, CONSISTENT, POLICY

A complete report is a report that allows the reader 5 years downstream to answer very specific questions with very specific answers (VSQ's with VSA's). You have one shot to prepare this type of document. Do it right

Multiple documents get prepared on single incidents.
This is a "gold mine" for lawyers to look for inconsistencies

Write reports and document incidents as required by policy.

B. WITNESSES - Particularly Civilians

Your reports need to include statements from people. Not just other fire people, but people who have no stake in the outcome. When a Mom tells you her kid is on "crack" on scene, that needs to be documented. He ends up dead a week later from an overdose of something else, stand by for the allegations and the subsequent lying and denying.

C. EVIDENCE - What do you need to have to prove what really happened. Make sure it is logged in your report.

Juries view the loss, destruction or failure to gather exculpatory evidence with extreme suspicion.

D. PHOTOGRAPHS - A picture is worth a thousand words Photograph all "threshold incidents."

E. ELECTRONIC DOCUMENTATION - E-mail, phone tapes, radio tapes, MDT transmissions, computer logs.

A thought in this regard...I am firmly convinced that many fire department employees have no clue on how computers store and save information. Hint: You must assume that there is a permanent record of every keystroke ever entered into any computer within your organization. Each entry is subject to discovery downstream, whether it be in court, in the newspaper, or in some discipline hearing. So please use this system wisely. Would you want that screen appearing on the front page of the your newspaper???

EVERY MOMENT THAT PASSES FROM THE INSTANT OF A THRESHOLD INCIDENT, THE MORE DIFFICULT IT BECOMES TO PROVE WHAT HAPPENED. WE LOSE A LOT OF CASES BECAUSE OF OUR FAILURE TO DOCUMENT THE INCIDENTS THAT ULTIMATELY END UP IN COURT. WHEN WE DO NOT DOCUMENT PROPERLY, WE ALLOW THE OTHER SIDE TO MAKE UP ANY STORY THEY WANT AS

TO WHAT OCCURRED. REMEMBER, REPORT WRITING IS A 100% DT TASK!!! YOU HAVE TIME TO ASK SOMEONE HOW TO DO IT RIGHT!!

Here are my operational risk management thoughts on improving the quality of written documentation. I call this GRIID, my rules for improving incident documentation. As with all my rules, they are based on the principles of Risk Management. There are no new ways to screw things up, and predictable is preventable.

GRIID #1 - Incident Documentation is an essential component of your job. If you can't write, you are in the wrong line of work.

And, like any other component of your job, if it is not done right, there are problems. The basic rule of Risk Management is that most things that end up causing grief are predictable, and if predictable, it is preventable. If things are going to be done right, we need to focus on up front preparation for the incident involved. With respect to Incident Documentation, once again the Five Pillars of success are present. First, we need to hire good people who have the ability to learn how to write good documentation. Second, we need to have policies in place to show when reports need to be written, and what the necessary components of good documentation are. Third, training on how to prepare incident documentation is essential. Not training one time in time, but regularly to assure that people know the rules. Fourth, there needs to be supervisory involvement in the process, including review of documentation. Fifth, and finally, when something is not done right, it needs to be addressed appropriately. With all of that in mind, let us take a look at some of the regular failures that occur within the task of incident documentation.

GRIID #2 - Take timely notes during incidents

It does not matter what type of incident you are involved in, certain incidents need to be documented. This documentation may be required by your organizational policy, or it may be required by law. Some things need to be documented because you know while the incident is occurring, that the documentation will be necessary downstream. It is essential that all documentation be accurate, including small details such as specificity of statements, times, exact locations and similar items. Since much documentation is prepared over a period of time, or is prepared well after the incident is completed, you may find it helpful to keep notes during the incident. The image of the detective with the notebook should serve as a reminder that those who do this every day keep notes. Every scene management class I have ever seen at NFA talks about the value of a scribe who is taking notes on what is going on. Your detailed notes should be fully included in your final report. Many jurisdictions and organizations allow you to get rid of your notes after they are fully incorporated into your final report, but please check your local rules and policies prior to destroying notes.

GRID #3 - Remember why documentation is essential and what it will be used for. Don't write reports for anybody, write reports that are factual in nature.

Incidents are documented for many reasons. Regardless of what type of organization you work for, management needs incident documentation to find out what is going on with line personnel, what happened during any given incident, learn about mistakes so that policies and training can be updated and as a recordation tool. In many organizations, incident documentation is used as a defense in civil court should the organization or involved employee be sued, and documentation can be used to prosecute wrong doers. If you work for a law enforcement or other public safety agency, your incident documentation may be used in a criminal prosecution, or in civil court by and between other parties. When you document an incident, you must remember that the paperwork you generate will live forever, and will be reviewed by many both within and outside your organization. If the primary reason you are documenting the incident is for your organizational internal usage, focus on the things that are necessary for that reader. If the primary reason for the report is prosecution, you may want to focus on the “corpus delicti” of the crime. But never forget that the same report may be used for other purposes also, including defense of the organization in a liability lawsuit. Regardless of whom you are writing for, remember to include all the factual elements so that the reader will have a good working knowledge of what happened, even five years after the event transpired. Write every word knowing that you may have to defend that word downstream either internally or externally. For those of you who write documents that will be reviewed by lawyers opposing you, remember they are taught to never attack facts, but rather attack the deliverer of the facts (that's you) or the method of delivery (your incident documentation).

GRID #4 - Before you put pencil to paper, think.

First, the good news. Most of the reports you will ever generate in the fire service are “high frequency” reports. You do them all the time, and you will do them right this time as you have RPDM on your side. I get very worried on the “HR/LF” reports. Included in this are fatals, major injuries, mass casualty, and other “big” incidents. These are not done all the time. The good news continues. You have total discretionary time in the report writing process. Take the time to do it right, as it can not be done better later. As with any other “DT” task, ask someone who does it at a higher frequency than you do before you screw it up. This may even be your City Attorney. Hint: Major liability losses and embarrassments have occurred because someone turned a discretionary time task into a non discretionary time task. There are two types of incident documentation. One type is the “fill in the blank” where you check a box or insert a word or phrase. The other type is the free flow narrative, which requires you to construct a series of words, sentences and paragraphs to paint a word picture to the reader. Too many report writers start writing such a free flow report without a plan of action. Generally speaking, reports should be outlined either in your mind or on paper prior to putting the pen in your hand or your fingers on the keys with a blank screen. Since we live chronologically, it is easiest to read an event in chronological order. Headings on paragraphs may assist the reader in

understanding the substance of what is contained in the paragraph prior to reading it. Use the “active” voice throughout your documentation. This will allow you to bring your writing “alive” so that the reader understands what is going on. If the report is being prepared for a reader who needs an opinion or conclusion, your opinion or conclusion should be the last item, and it should be fully supported by the elements of the above paragraphs in your documentation. Opinions and conclusions that are not properly thought out and/or supported will never survive. Finally, if you are using a computer, please start off with a blank screen. Please!

GRID #5 - Remember the importance of clarity.

You would think that being brief and concise would be natural. Instead, it has to be learned. Don’t write like you talk, or you will be writing forever. You speak considerably faster than you can write, so work on clarity. Use short, simple words. Never use “gihugic” words when simple words will do. If you don’t know what a word means, don’t use it. Avoid using slang or jargon, unless it is a quote. Use short, simple sentences. Use short, simple paragraphs that are restricted to one thought or action. Readers of documentation are more impressed with clarity and thoroughness rather than a massive vocabulary and complex sentence structure. Save the big words for people you want to impress socially, or your first novel.

GRID #6 - Don’t forget the 5 W’s and the 2 H’s.

One of the basic principles of all incident recordation is documenting the Who, What, Why, When, Where, How and How Many. While this seems basic, so many writers forget one or more of these items. Starting with who was involved (co-workers, involved parties, witnesses) what happened (sequencing events that transpired including those prior to your involvement), why you were there and why you did what you did or why something happened, when did it happen or occur, where the event or events transpired, how it occurred if you know and how many. This approach will include much of the information you will need for your documentation. Successful report writers recognize that “winning” (having a good report that survives attack) is in the details including reference to witnesses, evidence, photos and tapes if they are available.

GRID #7 - Remember the importance of accuracy.

Minor errors in incident documentation may be interpreted as a sign of incompetence on your part (this is not good) or worse, dishonesty. It is critical that your documentation of any incident is accurate. Times, dates, locations, statements and other factual data has to be accurate. A good technique is to pretend that each document you submit is going to be closely scrutinized by someone who does not like you and would love to point out all of your errors. Accuracy can be enhanced by following the **CCP** rule: Complete, Consistent

and within Policy. Remember to include all necessary elements in your documentation, including apparently insignificant facts. Make sure your document(s) are internally and externally consistent, and that if your organization or profession has a policy, make sure your report meets the requirements of that standard. Once it is written down, it cannot be changed without a lot of explanation.

GRID #8 - Always proofread your documentation.

Proofreading will help assure the needs of #7 above. Proofread means more than clicking on the spell check button. Read your incident documentation after you prepare it. This is the benefit that I have over so many people. Eight years with nuns in grade school, 4 years with Priests and Brothers in High School, and 10 years with hard core Sergeants in the CHP. If you did not do it right, you got it back, and many times you got it back in pieces or red-lettered to death. Please take the time to review your writing (and fill in the blanks) word by word and line by line. Does it read well? Does it say what you want to say? Does it look professional with good grammar and precise spelling (just kidding, but it caught your attention), Small things make the difference in the long run, so spend the time to critically review what you have written prior to submitting it. If you don't think you will treat yourself honestly and fairly in reviewing your own writings, have someone else do it, but never a significant other. It puts a strain on relationships when people point out simple errors. Also, remember that a single incident may generate multiple reports. I guarantee you that lawyers with opposing interests will get every piece of paper generated on an incident (including other organizations) and nit pick them apart looking for inconsistencies. Report review by supervisors is essential. Let your people know up front that you spend the time to fully review documentation, and they will rise to your level of expectation. Managers have a role here in audits and inspections to assure things are being done right. During the prep of the annual performance eval, pull a couple of reports at random and read them to see if they are being done right.

GRID #9 - Be accurate, and if you're right, don't change it.

Most of your incident documentation will be turned in, be reviewed, used as necessary and filed. Sometimes, the reader is not pleased with your efforts, and they may ask you to make changes. Changes regarding format and style should be made to meet the needs and desires of the reviewer or reader. Changes regarding substance should only be made when that change is necessary to more accurately reflect what happened. Never make substantive changes in your incident documentation if you believe the substantive change is incorrect, inaccurate or an outright misstatement of facts. Any supervisor or report reviewer who asks you to sign your name to a report which is wrong is in the wrong line of work. If they order you to make a substantive change, which you know is wrong, request to speak to their supervisor or manager. The consequences of submitting reports you know to be inaccurate can be substantial, including criminal liability and punitive damages in civil court.

GRID #10 - Learn from your experiences.

As with any other task you encounter in your particular job, there is no substitute for experience. If you do not have experience, all you have to rely on is your training. With respect to incident documentation, get as much experience, either personally or vicariously, as you can. Reading reports generated by people you respect and admire is an excellent way to get ready to write your own. If you are ever taken on regarding a report, either in court or otherwise, learn from any mistakes you may have made, and don't make them again. Over the years, you will hear the expression "You are what you write" and that expression is very true. Take the time to do your job right, and fully document the incident and your involvement in the incident. It is the right thing to do.

Well, that wraps it up for this session on Tactical Report Writing. Of all the things you do, this one is relatively easy. Please take the time to do it right, the first time. Again, thanks for including me in your program today. My hat is off to you for the excellent job you continue to do across this great country. Thanks for your service, and above all, please work safely.

**Gordon J. Graham
Graham Research Consultants
6475 E. Pacific Coast Hwy.
Long Beach, CA 90803
714.374.9326
gordongraham@earthlink.net
www.gordongraham.com**