

UNIT ORDER #60 - SHOWING OF A VIDEO TO THE INVOLVED EMPLOYEE DURING A FORCE/SHOOTING INVESTIGATION

PURPOSE OF THIS ORDER:

The goal of the Internal Affairs Bureau (IAB) is to conduct fair, impartial, and comprehensive investigations. In order to accomplish this goal, it is necessary for the investigator to work back and forth between the evidence and the statements provided by the involved employees and witnesses in order to produce the most accurate picture of what occurred.

The possibility that an incident may have been captured on video is becoming more frequent. This has required IAB to implement a directive as to when available video will be shown to the involved employee.

Directive:

It is the IAB directive that a video will not be shown to the involved employee prior to the involved employee's interview. The Department's Use-of-Force Policy section 3-10/115.00, Video Review and Admonishment, takes precedence if there is any conflict between this directive and Department policy.

Procedure:

The IAB investigator will:

- Inform the involved employee that there is a video of the incident and that the employee will be allowed to view the video after first being interviewed.
- Interview the involved employee. If the involved employee or his/her representative objects and states that the involved employee is not going to submit to an interview until after he/she views the video, then order the involved employee to submit to an interview or may be subject to insubordination. Note: for hit shootings, if the involved employee has already been interviewed by Homicide Bureau detectives, then skip this step.
- Read the Department Video Admonishment, M.P.P. section 3-10/115.00 on record to the subject or witness (see attachment).
- Show the involved employee the video. Indicate on tape that the audio recording of the interview is going to be turned off while the video is being shown. Stay in the room with the involved employee and his representative while they view the video. It is all right if the involved employee wants to take a break after viewing the video.
- Go back on tape and allow the involved employee to provide additional comments, address any differences, discrepancies or omissions, and/or respond to any follow-up questions that you may have. Note: for hit shootings, interview the involved employee.
- In those cases when the involved employee has already documented their actions in a report or memorandum, he/she may request to document any differences in a report, as noted in M.P.P. section 3-10/115.00. Advise them to provide an explanation during the remainder of the interview, in lieu of providing a report. However, if the involved employee continues to express their desire to note the differences in a report, allow it. The report or memorandum should be completed and provided to you. Any new written documentation shall be provided to Homicide Bureau if applicable.

Reasoning:

This policy recognizes both the importance of obtaining a “pure” statement from the employee and the value that a video may serve in helping to refresh an employee’s memory so he/she can provide a fuller account of the incident. This policy may assist the Department in obtaining a more thorough representation of what occurred so that the employee’s actions can be properly evaluated and assessed.
