

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.

• **UNIT ORDER #60 - Attachment**

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(Attachment)

The IAB investigator shall read the following Department Video Admonishment, on tape, to the involved employee prior to showing a video recording:

VIDEO ADMONISHMENT

M.P.P. SECTION 3-10/115.00 VIDEO REVIEW AND ADMONISHMENT

You are about to view a video recording. It is important to understand that while this recording depicts visual information from the scene, the human eye and brain could perceive some things in stressful situations differently than a camera records them, so this photographic record may not reflect how the involved personnel actually perceived the event.

The recording may depict things that personnel did not see or hear. Personnel may have seen or heard things that were not recorded by the camera. Depending on the speed of the camera, some action elements may not have been recorded or may have happened faster than personnel could perceive and absorb them. The camera has captured a 2-dimensional image, which may be different from a person’s 3-dimensional observations. Lighting and angles may also have contributed to different perceptions.

This recording is being shown in order to facilitate recollection of the incident. Video images are only one piece of evidence to be considered in reconstructing and evaluating the totality of the circumstances. Some elements may require further exploration and explanation before the investigation is concluded.

Additional admonishment to personnel involved in recorded incident:

If the video appears to show some details of the incident differently from what you recall, you should note those differences in your report.

IAB Investigator Statement: “Any differences between the video and what you recall should be described

by you during this interview.”
