

UNIT ORDER #61 - SUBJECT OR WITNESS OF AN ADMINISTRATIVE INVESTIGATION

PURPOSE OF THIS ORDER:

This directive is intended to provide Internal Affairs Bureau (IAB) investigators with guidance on how to proceed when questioning subjects or witnesses when video evidence is relevant to an incident under investigation.

Directive:

Subjects and witnesses are not entitled to pre-interview discovery, therefore, when video evidence exists, it will not be shown, nor its existence disclosed to a subject or witness prior to their administrative interview.

Procedure:

When video evidence exists, the IAB investigator will:

- Interview the subject or witness and obtain a thorough and complete statement. If the subject, his representative, or witness asks about the existence of video evidence prior to the interview, advise them they are not entitled to pre-interview discovery and remind them they are expected to tell the truth whether or not it exists.
 - Read the Department Video Admonishment, M.P.P. section 3-10/115.00 on record to the subject or witness (see attachment).
 - Indicate on record that the audio recorder will be turned off
 - temporarily while the video is being shown, note the start time of the video and then show the subject or witness the video. Stay in the room while the video is viewed.
 - Go back on record, starting the audio recorder, indicating the stop time of the video and allow the subject or witness to provide additional comments, address any differences, discrepancies or omissions, and/or respond to any follow-up questions. If a break is taken after the video is viewed, so indicate on record and note the length of the break.
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