



# LIES, DAMNED LIES AND VIDEO.....

ELMER DICKENS, ESQ.

# LEGAL DISCLAIMER

- The following is not intended as legal advice and may not be relied upon as such.

# VIEWPOINT DISCLOSURE

- General counsel for Sheriff's Office
- Civil litigation - use of force and officer involved shootings
- 1<sup>st</sup> OIS shooting – 2000 – We need cameras!
- Officer risk of criminal prosecution vs. risk of civil litigation

# OFFICER INVOLVED SHOOTING

- WILL VIDEO ALWAYS SHOW EVERYTHING THAT THE OFFICER CAN SEE ?
- WE ARE GOING TO REVIEW AN OFFICER INVOLVED SHOOTING THAT WAS CAPTURED ON VIDEO.

# 911 CALL

- CALLER REPORTS BEING MENACED
  - WMA WITH WEAPON
  - BEHIND DORM NEAR CAMPUS FACILITIES BUILDING
  - EARLY 20'S
  - BLUE SHIRT, BLACK SHORTS
  - BROWN HAIR



CALLER HANGUP.

DEPUTY ONE BLOCK AWAY FROM  
FACILITIES BUILDING.


- 
- DEPUTY REPORTS THAT HE HAS LOCATED SUSPECT.
  - SHOTS FIRED LESS THAN ONE MINUTE LATER.



- DEPUTY TELLS INVESTIGATORS  
SUSPECT:

- WAS UNCOOPERATIVE
- HAD A GUN
- REACHED FOR THE GUN.



- 
- INDEPENDENT WITNESS REPORTED  
SUSPECT HAD HIS HANDS UP WHEN  
HE WAS SHOT

# INDEPENDENT VIDEO

- INVESTIGATORS LEARN THAT AN "INDEPENDENT" WITNESS TOOK A VIDEO WITH HIS PHONE – AND POSTED IT TO YOUTUBE SO POLICE COULDN'T COVER UP THE SHOOTING.

# INDEPENDENT VIDEO

- THE AUDIO IN THE INDEPENDENT VIDEO IS SPOTTY.

# INDEPENDENT VIDEO

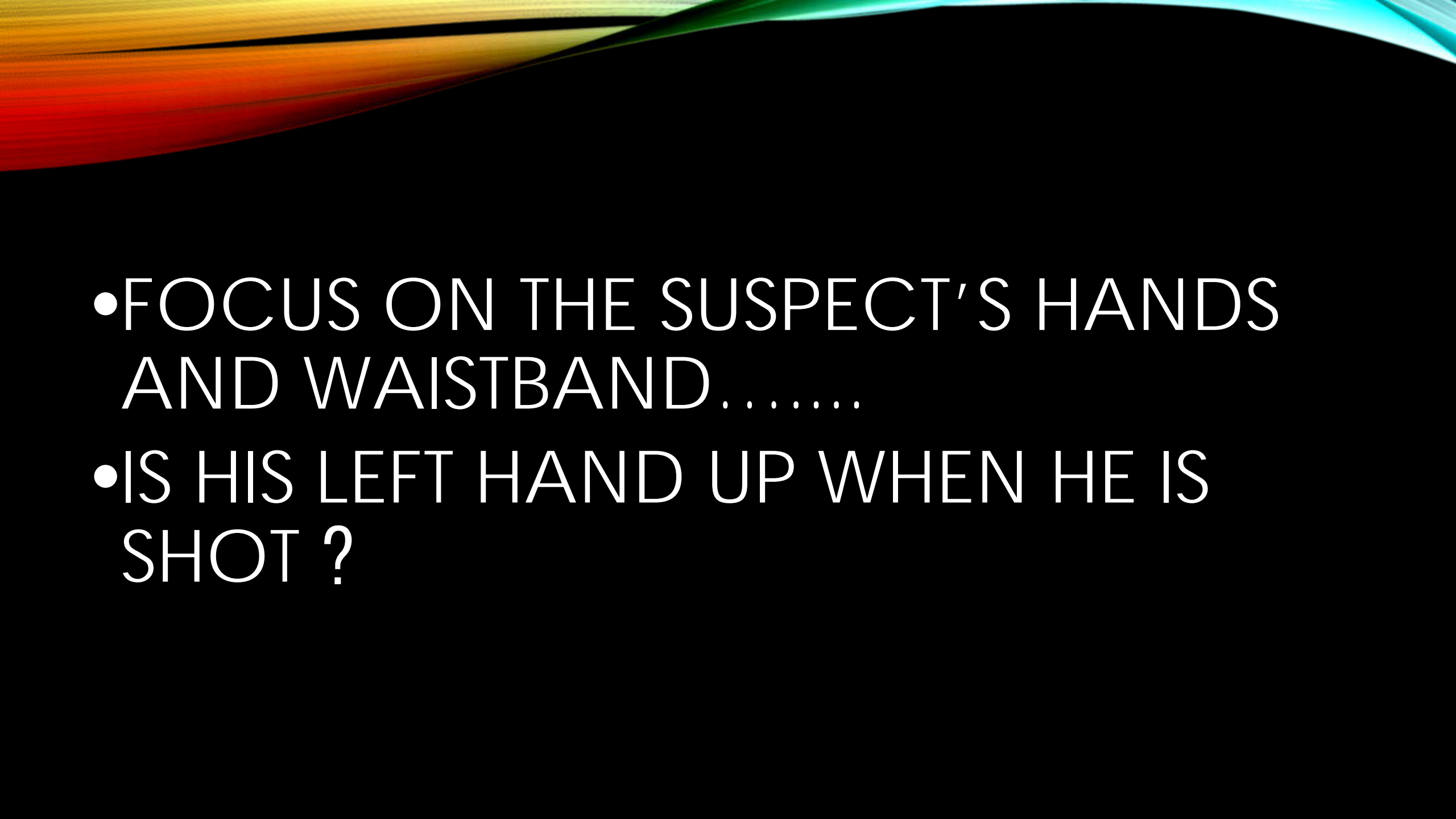
- 1<sup>st</sup> video – independent witness

# INDEPENDENT VIDEO

- WHAT WILL THE MEDIA AND THE PUBLIC THINK AFTER SEEING THIS INDEPENDENT VIDEO ?
- DOES THE OFFICER AND THE AGENCY HAVE A POTENTIALLY BIG PROBLEM ?

# DASHCAM VIDEO RELEASED

- THE MEDIA LEARNS OF A DASHCAM VIDEO AND DEMANDS ITS RELEASE.
- IT IS A NEW SYSTEM, AND THE AUDIO IS NOT VERY GOOD.

- 
- FOCUS ON THE SUSPECT'S HANDS AND WAISTBAND.....
  - IS HIS LEFT HAND UP WHEN HE IS SHOT ?

# DASH CAM VIDEO

- 2<sup>nd</sup> video – from dash cam



# ANALYSIS

- NOW THAT YOU HAVE SEEN BOTH VIDEOS, WAS THE OFFICER JUSTIFIED IN USING DEADLY FORCE ?
- BY A SHOW OF HANDS, WHO THINKS THE OFFICER MIGHT HAVE DISCIPLINARY, CRIMINAL OR CIVIL LAWSUIT ISSUES ?

# FRAME BY FRAME ANALYSIS

- IN THE EVENT OF AN OFFICER INVOLVED SHOOTING, WILL THERE BE A SLOW MOTION OR FRAME BY FRAME ANALYSIS ?
- IS THAT FAIR, OR DOES THE VIDEO SPEAK FOR ITSELF ?

# SLOW MOTION

- 3<sup>rd</sup> video – slow motion of suspect's hands

WILL THE MEDIA STORY LEAD  
WITH THIS FRAME FROM THE  
VIDEO ?



# AFTERMATH

- IS THERE A SERIOUS RISK NOW THAT THIS OFFICER GETS DISCIPLINED, CHARGED CRIMINALLY OR SUED ?
- DOES THE FACT THAT THE SUSPECT HAD A GUN IN HIS WAISTBAND CHANGE THAT ?

# AFTERMATH



# AFTERMATH

- IS THERE A CHANCE THAT THE OFFICER WAS TELLING THE TRUTH ?
- DOES THE CAMERA SHOW EVERYTHING THE OFFICER CAN SEE ?
- ANOTHER VIDEO FROM A DIFFERENT ANGLE.



# PERSPECTIVES MATTER

- Final video – showing what the officer saw



# PERSPECTIVES MATTER

- WHAT IS THE POINT OF ALL THIS ?
- HOW MANY OF US HAVE SEEN A VIDEO AND IMMEDIATELY ARRIVED AT A CONCLUSION ?

# PERSPECTIVES MATTER

- DOES THE MEDIA SEE A VIDEO AND ARRIVE AT A CONCLUSION ABOUT THE ACTIONS OF OFFICERS ?
- DO THEY ALWAYS GET IT RIGHT ?

# NEXT STEPS

- EXCITED DELIRIUM. TUNNEL VISION.
- WE ARE HARD-WIRED TO MAKE SNAP DECISIONS BASED UPON VISUAL INPUT.
- ONCE WE DO – IT IS HARD TO CHANGE OUR MIND.

# NEXT STEPS

- HOLLYWOOD TRAINS US TO "SUSPEND OUR DISBELIEF" AND ACCEPT WHAT WE SEE.
- SHARE THIS PERSPECTIVE WITH OFFICERS, THE MEDIA, ANYONE WHO WILL LISTEN.
- I HAVE POSTED A VERSION ON YOUTUBE.

# NEXT STEPS

- SLOW DOWN AND RECOGNIZE THAT VIDEO MAY NOT BE THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH.



SPECIAL THANKS TO YAMHILL COUNTY SHERIFF'S OFFICE

SHERIFF TIM SVENSON

SGT. BRIAN YOUNG    DEPUTY WILL LAVISH    DEPUTY ROBERT EUBANKS