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

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LEGAL DISCLAIMER

• The following is not intended as legal advice and may not be relied upon as such.
VIEWPOINT INT DISCLOSURE

• General counsel for Sheriff’s Office
• Civil litigation - use of force and officer involved shootings
• 1st 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 HANG UP.

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 A NON-“INDEPENDENT” WITNESS TOOK A VIDEO WITH HIS PHONE – AND POSTED IT TO YOUTUBE SO POLICE COULDN’T COVER UP THE SHOOTING.
THE AUDIO IN THE INDEPENDENT VIDEO IS SPOTTY.
INDEPENDENT VIDEO

• 1st video – independent witness
• 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

• 2nd 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

• 3rd 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

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