Use of Force Videos in Court Cases Don’t Tell the Whole Story

Timothy Dimoff, CPP, Founder/President, SACS Consulting & Investigative Services, Inc.

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Police brutality? Have you seen the videos?
Use of force is an officer’s last option!
2016 Data

- 47% of general purpose law enforcement had body-worn cameras
- 86% had a formal BWC policy
There is no national database of officer-involved shootings or incidents in which police use force.
Don't judge before you don't know the whole story.
What the video doesn’t capture

- Elements of fear
- Pre-video audio and visual factors
- Other elements and factors and people outside the view area
- Other elements behind the officer
- Non-specific incidents
Does the video actually capture the “perception and viewing speed” of the officer?
Does the video actually capture the same “clarity of view” of the officer?
Case in point: infrared-enabled body cameras?
Use of Force Continuum

- The right to use force is a right of an individual or authority to settle conflicts or prevent certain actions by using force to either: dissuade another party from a particular course of action, or to physically intervene to stop them.
What is the continuum?

- Guidelines to take control of a situation that threatens security by protecting the police officer and others, as well as protecting the subject from himself.
- Police officers have discretion to the usage of levels.
Levels of Force
Five levels – from least use of force to greatest

- Presence
- Verbalization
- Empty hand control
- Intermediate weapons
- Deadly force
When confronted by a threat

- Defend yourself
- Take appropriate actions
- Neutralize or de-escalate situation
Total perspective of the threat many times cannot be captured on the video.
Video normal speed vs. frame by frame viewing?
Social Media Influence

- People taking video on their phones
- Video goes viral
- Starts a narrative that is difficult to change later
- Often is anti-police or pro-suspect
Use of force by law enforcement officers becomes necessary and is permitted under specific circumstances, such as in self-defense of another individual or group.
Reaction time is the key variable when an officer chooses to use force.
Use of simulators prove that video footage in many cases show that perception, reaction time and a clear understanding of all factors are not an easy human response characteristic.
Officers receive guidance from their departments but no universal set of rules governs when officers should use force and how much.
Reasonableness must be judged from the perspective of a reasonable officer on the scene, rather than with 20/20 vision of hindsight. Courts are challenged with determining if specific video footage can capture “the perspective of a reasonable officer” in all crucial situations involving the use of force.
Deadly force may be used to prevent the escape of a fleeing felon only if the officer has probable cause to believe that the suspect poses a serious risk to the officer or to others. The video cannot capture the officer’s mental knowledge of the criminal history of the subject who may be a fleeing felon.
Statistics

- Of police encounters, 1.4% or 574,000 of people report use of force or threat of use of force
- 25% say officer pointed gun at them
- 53% cite physical force such as kicking, grabbing pushing
- 75% reported that force was excessive and unwarranted
- 385 Americans were fatally shot by law enforcement in the first five months of 2015 – more than twice official statistics
Use of force can differ between departments, based on how policies are established and enforced.
Split-second Syndrome

- Use of force can be situation-based
- Well-meaning officers may resort to use of force when they must make a rapid decision
- The debate is whether video can truly capture objectively the process of “rapid decision”
Mid-point Review

Questions and Answers
Two ways to reduce officer involved shootings and use of force

- Body cameras
- Improved training
The many benefits of officers wearing body cameras
Pros of Body Cameras

- Lets you see what the officer sees
- Can reframe incidents and reduce anti-police sentiment
Benefits of Body Cams

- Reduces citizen complaints
- Reductions in crime
- Citizens say they feel safer
- For officers, faster criminal cases and less time on paperwork
- Higher number of citizen complaints resolved in police favor
- Decreased use of force incidents
- Higher number of arrests and citations for body cam officers
Benefits of Body Cams

- Better transparency
- Increased civility
- Quicker resolution - faster resolution of complaints and lawsuits
- Corroborating evidence
- Training opportunities
When body cameras are used, the use of force is reduced by as much as 50%.
Reduced Costs

- Less money spent on investigations
- Translates into significant cost savings
- Net savings PER OFFICER is about $3,000 annually!
Police video transparency becomes the law – with some exceptions
Police must redact video files before public release: costly and labor-intensive.
Exceptions to Public Access to Bodycam Video

- Dead or injured bodies, except in cases where the death or injury was caused by police
- Acts of severe violence, unless the violence was carried out by a peace officer
- Nude bodies
Exceptions to Public Access to Bodycam Video

- Identifying information about alleged victims of sex offenses.
- Personal information about someone who is not arrested or otherwise charged by police.
- Interiors of residences or private businesses, unless they are the location of adversarial events or police use-of-force incidents.
Bodycams have a calming effect, and make everyone behave better!
Officers are usually initially skeptical….but after using cameras find them to be their best eyewitness!
Conclusion

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