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Why Video Footage Isn't Always The Answer

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Disclaimer

This presentation is not intended to be legal advice and attendees should consult with their own legal advisors. Instead it is training intended to critically and constructively review incidents and the decision-making process.

The use of video and photos of actual cases is only intended to enhance the training value of the content – not to discredit or criticize officers or agencies. Fact patterns cited are from press sources and/or from the relevant case law and have not been independently verified.

Overview

Assess video from two perspectives:

- Member Organization/Human Resources
  - Is video helpful in determining the source of the root cause of the issue: ***People, Policy, Training, Supervision or Discipline***?
  - Is video valid evidence of the need for training or discipline of staff by your member?
  - Is there a role for the pool to play in risk management to mitigate future third-party claims?
- Technical
  - Is video valid evidence in a claim or lawsuit faced by your member?

Overview (continued)

We will use sample videos to drill down to the:

- Role of human performance factors in video evaluation
- Impact of hindsight bias on decision makers
- Examine technical factors, such as compression and the perspective/angle of video
- Discuss the value of forensic experts in video assessment
- Consider how videos from various incidents can be useful as training tools

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INCIDENT OCCURS -> **RESULT**

Need to make **SENSE** of what led to the **RESULT**

Need RESOURCES to RATIONALIZE, UNDERSTAND &/or CRITICIZE – make DECISIONS to REDUCE or EVALUATE RISK

HINDSIGHT BIAS IS INSIDIOUS!

WAIT! Is there VIDEO??? That will explain EVERYTHING! Uh, well…

Without Video:

- Bias(es)
- Expectations
- Incomplete information
- "Knowledge"

WITH Video:

- Bias(es)
- Expectations
- Incomplete information
- "Knowledge"

SCIENCE – HUMAN PERFORMANCE FACTORS
Understanding humans enough to know you do not fully understand humans

TECHNOLOGY: Understanding video enough to know you do not fully understand video

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The Trouble with Video:

Organizational or Individual Issues?

Assessing the Video

Member Organization/Human Resource Questions

Does this video portray an/a:

- Isolated incident with this individual?
- Isolated incident within this member's police department?
- Individual failure or organizational failure?
- Need to "cut" losses on claim/lawsuit?
- Need to mitigate/prevent situation in future?

Video: Conclusive Evidence?

PLACEHOLDER FOR APD VIDEO IN STREET

PLACEHOLDER FOR W SCOTT VIDEO #1

Assessing the Video

Member Organization Questions

Does this video portray a/an:

- Unjustified assault by the officer?
- Unjustified assault by the teacher?
- Do we need more information?

Technical Questions

Do these videos accurately depict what was going within the field of the recording?

Did the officer wait several seconds to start shooting?

PLACEHOLDER FOR W SCOTT VIDEO #2 – NEED FURTHER EDITS

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The Trouble with Video:

Technical

The Trouble with Video: Technical

Video versus Human Eye

- Placement on body
- Frames per minute
- Low light
- Global focus versus specific attention
- Eye = pursuit tracking
- 3D or distances not accurately capture
- Perspective

PLACEHOLDER FOR VEGAS SHOOTING VIDEO

The Trouble with Video: Technical

- Index versus Predictive frames
- Original DVR source and file type is the best source for quality of video
- Compression = “lossy”
- AVI, MP4 etc. are all “packages”
- Interlaced video – errors result
- Deinterlacing - not necessary for progressive video

The trouble with video: Did you really see what you thought you saw?

PLACEHOLDER FOR DEINTERLACING EXAMPLE VIDEO

Edited from: https://www.youtube.com/watch?v=zfZFFLDPigs

Interlaced

Deinterlaced

PLACEHOLDERS FOR DEINTERLACING SCREEN SHOTS

Interlaced

Deinterlaced

PLACEHOLDERS FOR DEINTERLACING SCREEN SHOTS

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The Impact of Video

The Impact of video

PLACEHOLDER FOR APD VIDEO #2 SHOOTING CASE


Original
Callbrated

The Impact of Video

“That's been obvious in prior video of the shooting, but it hits you over the head in the clip released this week by {suspects}' attorneys, who used a marvelous technique called "zooming in" to give us a better view of what happened.

In the video, {suspect} is obviously running from {officer}. {Suspect} falls and again starts to run when he is shot from behind. That fact is as clear as an Arizona sunrise, and to believe otherwise is to doubt your lying eyes.”

Quote from a newspaper columnist after the press conference was held

The Impact of Video

- She noted that when {District Attorney} played surveillance video of the {Suspect} shooting at a news conference following the grand jury's decision, reporters were told the camera system had issues, including a deceiving aspect ratio, and that because of the angle of the camera, the exact location of the shooting was not captured.
- "They said, 'Who you going to believe — us, or your lying eyes?' Basically, they pulled a high-tech {con job (my interpretation)},"
- Quote from a prominent defense attorney discussing the D.A. press conference

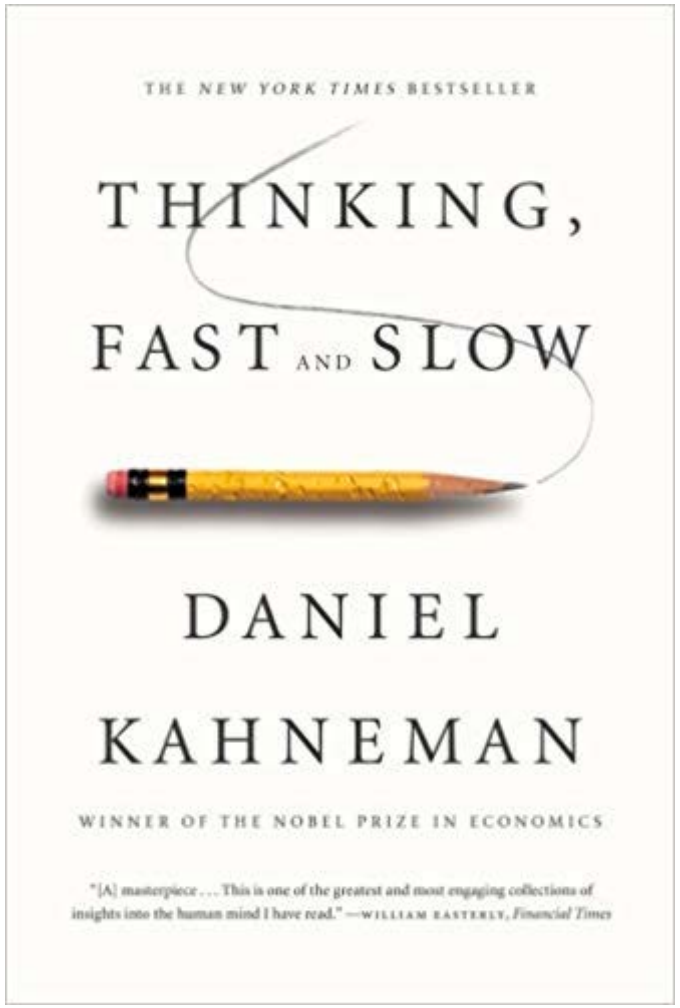
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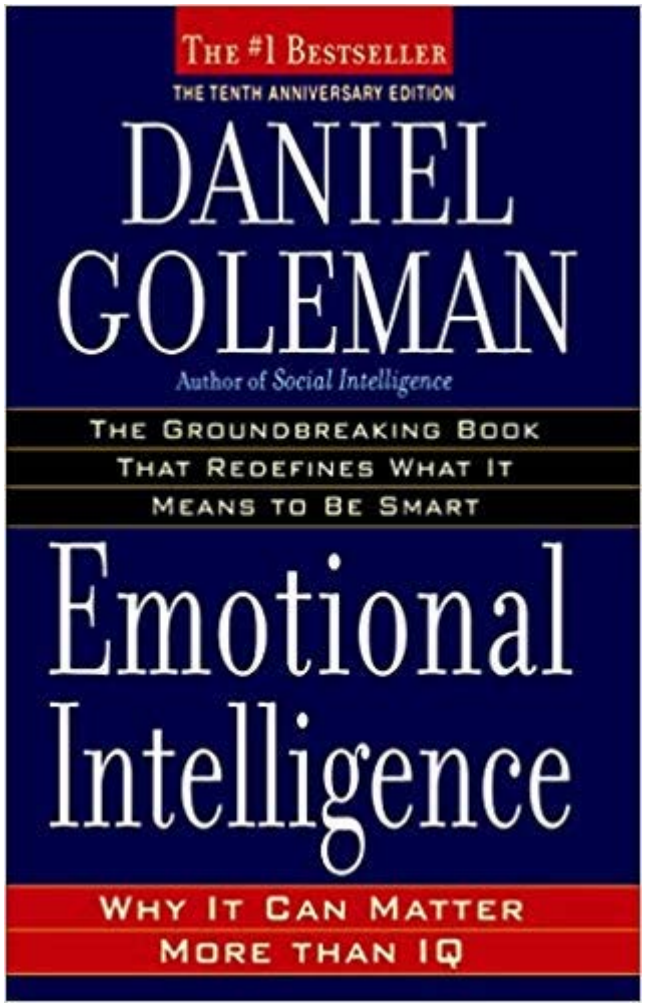
The Process of Thinking:

Resources & Training

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The Process of Thinking: Resources



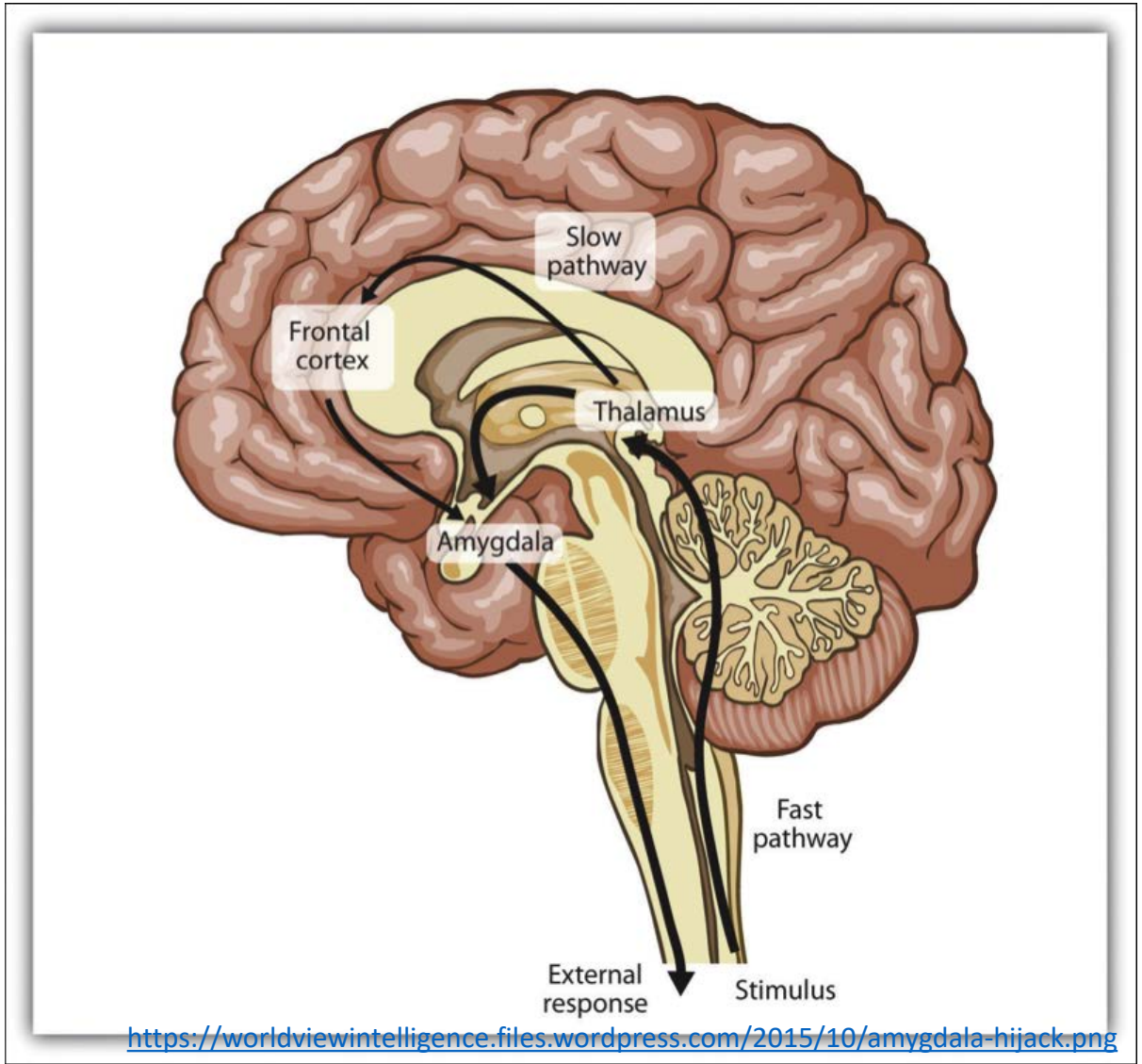


The Process of Thinking

Thinking, Fast and Slow by Daniel Kahneman

- **System 1** is fast, intuitive, emotional, automatic and heuristic-based. Officers will rely on this when responding to rapidly unfolding, stressful situations.
  - ➢ May not have all information needed
  - ➢ Rely on experience, training and what is known about the situation – "WYSIATI"
- **System 2** is slower, deliberate and requires effort and attention
  - ➢ Available with discretionary time

“Amygdala Hijack”



https://worldviewintelligence.files.wordpress.com/2015/10/amygdala-hijack.png

Using Video for Training: Risk Reduction:

- Partnership with PERMA
- Providing classes to increase officer safety and reduce on-the-job injuries

Using Video for Training – Risk Reduction & Assessment

PLACEHOLDER FOR RPD BUS INCIDENT SEQUENCE OF PICTURES

Humans Under Stress:

PLACEHOLDER FOR AUDIO CLIP FROM FOREST ACRES INCIDENT

Humans Under Stress:

PLACEHOLDER FOR FOREST ACRE FULL VIDEO

PLACEHOLDER FOR
BOSCH VIDEO AND
SCREEN SHOT

Bosch pulled his weapon and fired …

Why?

“Amygdala Hijack”

PLACEHOLDER FOR
GLASSCOX ARREST
VIDEO IN TRUCK

Glasscox v. City of Argo, 903 F.3d 1207 (11th Circ. 2018)

Attention, Perception and Memory:

- Memories are not like video recordings and are not a complete record of the event, instead they are records of a person's experience during an event
- Memories are almost always going to be incomplete and inability of a person to recall all details should not be used as an indicator of accuracy
- During a high stress event, a person's focus will remain on the threat or cause of the stress

Attention, Perception and Memory:

"Because of memory distortions, dissociation, and automatic reactions to stimuli during high arousal states, it is well documented in the trauma literature that people in extreme stress situations can engage in behavior that appears to be a purposeful reaction to sudden threats but which they have no memory for…

It should never be assumed that the witnesses and participants of any event, including officers, are automatically lying if their memories of an event do not coincide the physical evidence or other witness accounts"

Artwohl, Alexis. No Recall of Weapon Discharge, *Law Enforcement Executive Forum*. Volume 3 Number 2 Pages 41-49 (2003)

Review

Today we talked about:

- How to assess video, including:
  - Questions to ask about the member organization and individual staff person
  - Questions to ask about the technical components of the video
  - Why a forensic video can be important
- Reasons video may not show the full story
- Using videos from incidents for training purposes

For More Information/ Resources

www.lexipol.com/webinars/

- Various webinars on contemporary issues

www.lexipol.com/todays-tip/

- Gordon Graham on critical public safety issues

https://www.lexipol.com/author/chief-michael-ranalli/

- Articles on contemporary public safety issues

Questions?

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