

FORCE SCIENCE NEWS

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2009

COMMENTS ON FORCE SCIENCE TRANSMISSION NUMBER 114 - THE USE OF VIDEO TAPE AND REPORT WRITING

In the Force Science news transmission number 114, which was sent out on the 16th of January 2009, there is a discussion that came up in the metropolitan area around Minneapolis and St. Paul as to whether their officers should be allowed to review their video tapes before they write a report of an incident which was captured on video. Needless to say, these are usually officer involved shootings or other major use of force situations.

In that news line, Dr. Lewinski gives an excellent explanation of why memory is not perfect and why reviewing a video tape may stimulate an officer's memory to give a better statement. Also, Dr. Lewinski carefully analyzes the limitation of videos. However, it is Force Science's recommendation, to which Snyder and Hoag heartily agree that officers should be allowed to review their video tapes before giving a statement or writing a report. After all, the purpose of a report is to record as accurately as possible what actually occurred and seeing the video tape of the incident with all of its limitations is still better than not viewing it.

In that transmission, compromises are discussed where some prosecutors or agencies want the officers to be interviewed before they see the report. In that case, Dr. Lewinski suggests that the officer be allowed to see the video after the interview and then be re-interviewed or allowed to write an additional report. However, both Dr. Lewinski and Snyder and Hoag do not recommend that compromise. No good can come out of it and all that will occur is that documents will be created which either a criminal defense attorney or a plaintiff's attorney in civil litigation against the department will make "hay" of the fact that the officer had to rewrite an additional report, or correct his initial report based on viewing the video tape. This goes back to the theory that S & H have expounded for years in officer involved shootings; which is one comprehensive interview.

An analogy is made in this news transmission to a walk through of the scene where sometimes Dr. Lewinski recommends that an officer not do the walk through immediately if an emotional reaction may be too strong. On the other hand, it has been our experience in every shooting to which we have responded that a walk through as soon after as possible of the event is quite important to the officer and to us as their attorney.

In summary, the goal that should be shared by both the law enforcement agency and the officer after a traumatic event is to have the most accurate report of the incident as possible. Doing a "lets have a quiz interview" and then review the video tape does nothing to add to that goal and only detracts from it.

2008

JOHN HOAG TEACHES FOR FORCE SCIENCE RESEARCH

Force Science Institute has begun to offer a week long course which: “Explores the Complex Myths of Human Dynamics Involved in the Often Complicated, Confusing and Controversial Uses of Force by Police”. The first course was sponsored by the San Jose` Police Department. It was coordinated by Officer James Hoag (John’s son) who is currently a full time training officer. When the course was announced online through the Force Science email news, it sold out in one hour! The class is limited to less than 50 students and they are given small group instruction on working to understand and being able to testify about how human dynamics affect controversial uses of force.

Part of that instruction was a two hour presentation by John Hoag entitled: “Interviewing Officers Who Have Been Involved in a Shooting: Policy and Legal Implications.”

John’s presentation was well received: He has been asked to present his material again at two upcoming Force Science training sessions scheduled for next June and October.

Snyder and Hoag, LLC is proud that our work in representing police officers involved in deadly force encounters is being presented for the benefit of other officers on a national scale.

READ FORCE SCIENCE NEWS TRANSMISSION 110 FINALLY SCIENTIFIC EVIDENCE PROVES THAT APPROPRIATE INTERVIEW TECHNIQUES OF OFFICERS USED IN DEADLY FORCE WORKS

It is our belief that every police officer should be receiving and reading Force Science Research electronic newsletters. There have now been 110 newsletters. The last one discussed stress and memory from tests conducted with the London Metropolitan Police where experienced police officers went through a high stress scenario which ended in a shooting in a hospital reception lobby area. Then the participants had to either write reports or were interviewed by appropriately trained investigators. Results showed that those who were interviewed provided far more information than officers writing reports. More controversially, it also showed that if all officers involved in the incident were allowed to confer with each other before they were interviewed that the error rate for the information given was reduced drastically. Dr. Lewinski noted that in the United States it was very common to separate the officers, so they don’t have a chance to talk to each other before they interviewed. On the other hand in England, officers confer before they have to write their major use of force reports.

The obvious conclusions from this study is that not only should officers be appropriately interviewed as opposed to having to write a report about a use of force incident, but if multiple involved officers are allowed to discuss the incident with each other before being interviewed, that will produce higher quality interviews with less errors.