

MCCA Policy Statement on Release of Video

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Release of Information and Video in the Wake of a Critical Incident

The proliferation of video taken by officers and members of the public alike has ushered in a new era of instant attention and demands for accountability when police are involved in a significant use of force incident. Traditionally, it has been common practice to withhold such evidence until a complete and thorough investigation could be completed. Today, law enforcement agencies are increasingly pressured to release information to the public as soon as it becomes available.

Now, with the ready availability of cell phone video and other third party sources of video evidence, agencies that are reluctant to release information in a timely manner find themselves creating an “information gap” that will be swiftly filled by the media and citizen journalists, seeking to share their version of events, as well as conclusions they have drawn from often incomplete depictions of the event. The result becomes a narrative driven by the media, which often remains the “source” of truth even in the face of investigatory findings.

To promote accountability, public trust, and public safety, agency practices should seek to offer a narrative early in the investigation that is

based upon facts and evidence. The best, most accurate information, if shared timely, can both mitigate attempts by those outside of law enforcement to “write the story,” and calm community tensions that might otherwise be fostered by agency silence in the midst of media or third--party supposition. This is not to say that agencies should rush to judgment or jump to quick conclusions, but rather should engage and educate the public early in the life of a critical incident with basic factual explanations, supported by evidence. Importantly, agencies should also explain why certain information cannot yet be shared.

An agency that finds itself in the midst of an officer involved shooting, in custody death, or similar critical incident should consider the following:

- Providing a prompt media statement with a neutral summary of the facts as known at that time.
- Releasing at least some portion (a fair representation) of video evidence created by BWC or ICV. Prior to release, consultation with appropriate prosecution agencies, as well as consideration of state laws, relevant regulations and labor agreements will impact the release of such information.
- Avoiding advocacy or pre--judgment. Statements should be based only on the facts known at the time, without a “slant.”
- Engaging in communication and outreach efforts with the family of persons who have been the subject of a significant use of force. These families have suffered a major loss even when the subject’s actions

necessitated the use of force. Agencies should consider permitting families to view video of incident prior to public release and/or notifying the family of the impending release.

- Engaging with involved officers and their families when appropriate, but always offering peer support or other methods of support. Agencies should notify involved officers prior to public release of their names, video, or other evidence.

It is advisable to create a standardized approach to these situations, which is adhered to regardless of whether the incident appears to support lawful police action or not. An inconsistent or *ad hoc* approach invites criticism that an agency only shares positive information and seeks to treat negative information differently. This should be thoroughly discussed and reviewed with both the internal and external audience, so that members of the agency and the public understand the process and their expectations are met. Transparency regarding these incidents is critical in today's climate, but so is transparency in the process itself. In addition, agencies that investigate or are investigated by another agency in a critical incident should have a clear understanding in advance regarding the timing and content of information release to the public.

It will be incumbent upon a chief or sheriff to seek a balance between the following: interests of the community in wanting to know and understand the actions of their police; the interests of involved officers and agency members as a whole in a thorough and fair investigation; and the integrity of the process itself, especially with regard to the ability to

bring criminal charges against suspects or officers arising out of these incidents.

As with most issues in policing, there must be room for discretion and deviation from policy when necessary (*e.g.*, on--going threat or on--going investigation that would be compromised by the release of information), but these circumstances should be *extraordinary*. It is far better practice to create a policy or protocol *before* a critical event occurs, to educate the community and stakeholders about that policy and protocol *before* a critical event occurs, and then to follow your policy and protocol when a critical event does occur.

(Adopted February 9, 2017)