



YOU SEE IT, BUT DO THEY?

Written By CAPT M. Rizzo

We all know the old saying that “a picture is worth a thousand words.” The use of pictures and/or video as evidence in a case can benefit both the Hearing Officer and the Party as the case is adjudicated. In a sense, the Hearing Officer is “taken” to the scene through visual evidence. If properly presented, visual evidence can assist a Hearing Officer in understanding the facts prior to making a final decision. However, sometimes the improper submission of pictures and / or video causes the opposite result. Rather than enhancing the case review, improperly submitted pictures and / or video hinders the review. The following guidelines are provided should you have a need to submit pictures and / or video as supporting evidence.

Printed pictures are preferred to avoid the obvious difficulties that might be encountered with digital media. Whenever possible, print the pictures and send them instead of digital media. When sending pictures, ensure first that they are relevant to the violation. If so, label them accordingly, including the date and time the picture was taken and the name of the person who took the picture. Every picture should have a description of what it reflects and an exhibit or enclosure number that can be matched to a exhibit or enclosure number on the Enforcement Summary. Remember, two identical copies are necessary—one for the Hearing Office and one for the party. If the pictures are in color, then the party’s copy must be in color.

If sending digital media as evidence, there are some special considerations to keep in mind:

The Hearing Officer and the party must be able to “view” the CD or DVD. *Please do not send VHS tapes.* If we can’t see it, then the evidence is not in the case file. Use a standard format compatible with most computer media viewers. Always send two copies of the CD or DVD as the party must receive a copy.

Only include pictures or video clips that are “relevant” to the violations alleged. Sending two hours of video generally isn’t helpful.

Ensure you label each CD or DVD as an exhibit. The enforcement activity should include a full description of what is presented in the CD or DVD, who prepared the CD or DVD, the date it was prepared and its exhibit or enclosure number.