Jim Hoerricks, Club Member, saves the reputation of two officers.

With intrepid skill, police work and timing, Police Dept. Forensic Video Analyst Jim Hoerricks, Club Member, saves the reputation of two officers.

The following is an edited version of a column by Gary Ingemunson, attorney, from the March issue of the Los Angeles Police Protective League’s Thin Blue Line newsletter — Ed.

The officers were lucky. Very lucky. It hadn’t started out that way. The capture had confused them in and told them Internal Affairs was on route. “You’d better get a grip,” she advised.

It had all started a few months before. It was a routine traffic stop. No license plates and tinted windows. The stop led to the recovery of a gun. Unfortunately for the driver, it was an ex-convict who was allegedly a gang member. No guns allowed. An arrest was made and a hearing in court eventually followed.

The hearing in court was routine; too. The officers were called to the stand and testified to the probable cause of a vehicle being driven on the streets with no plates, then discovery of the gun and the subsequent arrest. Then things started to change. Suddenly, the defense attorney produced a videotape that, she said, would prove the officers had testified falsely.

The judge agreed to meet the deputy district attorney at the lab early in the morning before his watch to perform an analysis.

In the early hours of the morning, the deputy district attorney, video in hand, met with [Hoerricks] at his lab. For the next several hours, the analyst did his work. The video had been faked and he could prove it. They took the information to court, where a camera crew was waiting to record the hearing. The suspect took the stand and the prosecutor and the defense attorney argued. The judge continued the hearing to listen to the experts. Fox-11 rehearsed the story that night and aired the prosecutor’s allegation that the tape was fake, but the story ended with the reporter stating the defense attorney had told them that “questions about the videotape would be cleared up soon, and when the dust settles he will prove that his client was the victim of LAPD misconduct.”

Two weeks later, the hearing resumed. The cameras were in court. The defense attorney called his expert witness. The expert had no training in forensic video examination. He testified that he had not ‘enhanced’ the video; but he had located another file on the security system that had been shot by another camera. So the enhanced video was not enhanced, but a different camera shooting at the same time. The defendant then took the stand and said that he received the video from the expert, but did not have time to talk to him. Therefore, he had assumed the video had been enhanced.

Regardless, enhanced or different camera shooting at the same time, it proved that he had a license plate on the car.

The next day it was [Hoerricks’s] turn. His expertise in forensic video training was impressive, and he was the author of a textbook used by analysts worldwide in video forensics. In layman’s terms, he clearly laid out all of the reasons that the video was not authentic — and he had a lot of them. The defense attorney tried to effectively cross-examine the analyst, but the answer to every question only made things look worse for the defense.

In the analysis, the defense attorney admitted that the video had been fabricated didn’t mean that the defendant’s allegation for over two months. But they are lucky. What if there had been no aggressive deputy district attorney willing to work over time, allegedly demanding the system listen to her? What if those had been no analyst willing to answer her phone after-hours and willing to come in early for an unscheduled examination of evidence just because it was the right thing to do? What if everyone had jumped on the “LAPD is always guilty” bandwagon, as has happened so many times in the past, instead of examining the evidence? What then? No one would believe the officers. Their careers would be in ruins. It has happened before. So, I say again, they were lucky.

And the sad thing is that something like this should not have to rely on luck. We owe it to Deputy District Attorney and former LAPD officer Deanna McCarthy. Thank you for having faith in our officers and the gumption to fight the good fight. We owe you to Deputy District Attorney and former LAPD officer Deanna McCarthy.

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