

**Body Worn Video Cameras****450.1 POLICY**

*Officers who have been issued the AXON body worn video camera system shall wear it at all times the officer may become involved in an enforcement situation.*

**450.1.1 PURPOSE AND SCOPE**

*The Fresno Police Department recognizes that video recording of contacts between Department personnel and the public provides an objective record of these events and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts which can enhance criminal prosecutions and limit civil liability. A video recording of an event or contact also enables the delivery of timely, relevant and appropriate training to maximize safety for FPD personnel and improve the delivery of police services to the community. While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.*

**450.2 RECORDING**

*Officers are prohibited from utilizing Department issued AXON system cameras for personal use. Personally owned video recording devices are also prohibited. Members will notify their supervisors they have been assigned an AXON recorder and shall make the recordings and/or recording device available upon supervisor request.*

*Only officers who have completed approved training will be allowed to operate the AXON system. All video recordings made while working as an employee of the Fresno Police Department in any capacity are property of the Department and subject to review by the Department and its agents. Recordings shall not be used for the purpose of ridiculing or embarrassing any employee.*

*Employees shall not obtain or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:*

- Personal copies of official recordings;*
- Re-recording of videos with personal devices;*
- Posting of official video and/or audio to any non-Department sponsored social networking or other web site;*
- Posting of AXON recordings on any Department sponsored site without express permission from the Chief of Police or his designee (any video posted on a Department sponsored social media or other web site will thereafter be considered public information).*

**450.3 ACTIVATION OF THE RECORDER**

*Officers shall position their camera to facilitate optimum recording field of view. Officers should activate their camera system as soon as practical upon encountering the below types of events. However, at no time should an officer jeopardize his/her safety, or the safety of any other officer, to activate a recording device.*

*Guidelines for Activation of AXON cameras – Officers are expected to record interactions including, but not limited to, the following:*

- (a) Arrests and detentions, or situations where an officer reasonably believes they will effect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain);
- (b) Officers assisting in an arrest or detention situation;
- (c) Confrontational interactions with citizens;
- (d) Vehicle and foot pursuits;
- (e) Forced entries, search warrants and warrantless searches (including vehicles);
  - 1. When entry is made with or without a warrant, all officers should activate their cameras prior to making entry and continue recording until the scene has been secured. Once the location is secure, and no other circumstances warrant recording, officers may deactivate their cameras.
- (f) Suspect interrogations (including Miranda advisement) and witness interviews;
- (g) Interviews of victims and witnesses.

Video recording of individuals who are picketing, engaged in peaceful protest or First Amendment protected speech will be avoided unless the officer believes a violation of criminal law is occurring, may occur, or if the officer interacts with a participant or third party to the event.

#### **450.3. KNOWLEDGE OF RECORDING**

PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

Any sworn member may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the sworn member reasonably believes that such a recording will be beneficial to the investigation.

- (a) Any sworn member contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn members conducted solely for administrative purposes.
- (b) Any individual contacted by a sworn Department member wearing a conspicuously mounted recording device will be deemed to have knowledge that such a contact is being recorded.

#### **450.3 REVIEW AND RELEASE OF RECORDINGS**

AXON recordings will be administratively reviewed and may be used during investigations related to use of force, officer involved shootings, complaints and pursuits.

The release of video captured by the AXON camera to any third party will be processed in a manner consistent with applicable law, current discovery request practices and the provisions of Policy §810. When criminal charges are being sought in a case, all related recordings will be provided to the District Attorney's office.

The system coordinator will conduct periodic, random audits to ensure the AXON camera system is operating properly and the camera is being utilized in accordance with this policy.