

Portable Audio/Video Recorders

448.1 PURPOSE AND SCOPE

A. To provide policy and procedures for the use of the Portable Video Recording System (PVRs), including both video and all accompanying audio recordings of field activity in the course of official police duties.

B. To assist law enforcement personnel in the performance of their duties by seeking to obtain documentary evidence for criminal investigations, civil litigation, and administrative matters. Personnel shall utilize this device in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity.

C. PVRs data is a tool that can provide an objective record of events; however, it is understood that PVRs data may not necessarily reflect the entire experience or state of mind of the individual employee(s) in a given incident. In some circumstances, the PVRs could capture information that may not have been heard or observed by the involved employee(s). Similarly, there could be situations where the PVRs will not capture information that was heard and/or observed by the involved employee(s).

448.2 POLICY

A. Unauthorized use, duplication, and/or distribution of PVRs files are prohibited. Personnel shall not make copies of any PVRs files for their personal use, or for any other use not authorized by the Livermore Police Department ("Department"). Personnel are also prohibited from using a recording device such as a personal camera or any secondary video camera, or any other device to record PVRs files. All recorded media, images and audio are property of the Department and shall not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

B. The PVRs shall not be used to record non-business related activity and shall not be activated inside the Livermore Police Department, except under specific conditions listed under this policy that would warrant activation.

C. Only trained personnel shall operate PVRs equipment.

D. All personnel assigned a PVRs camera shall wear the device when working any uniformed Patrol assignment and/or when the Chief of Police or his designee deem it appropriate to wear. This includes Criminal Investigation Bureau personnel who are preparing to engage in a probation, parole, arrest or search warrant entry. Personnel will use only the PVRs issued and approved by the Department. The wearing of any other personal video or audio recording device is not authorized.

Portable Audio/Video Recorders

E. Personnel shall not remove, dismantle or tamper with any hardware and/or software component or part of the PVRs. Personnel shall immediately report any problems with the PVRs to their immediate supervisor.

F. There are many situations where the use of the PVRs is appropriate. This policy is not intended to describe every possible circumstance. Personnel may activate the system any time they feel its use would be appropriate and/or valuable to document an incident. Unless it is not safe or impractical to do so, personnel shall activate their PVRs cameras prior to making contact in any of the following incidents:

1. Upon acknowledgement of a dispatched call for service.
2. All self-initiated encounters where there is a reasonable suspicion the person is involved in criminal activity.
3. Traffic and pedestrian stops.
4. Probation or parole search.
5. Service of search or arrest warrant.
6. Vehicle pursuits (as soon as practical).
7. K9 deployments, (e.g., cover officers, perimeter officers, etc.)
8. During the transportation of any member of the public with the exception of a ride-a-long.
9. Any other situation in which initial contact does not warrant activation of the PVRs, but subsequent interactions become adversarial, activation is deemed appropriate.

G. Upon activating PVRs for one of the above incidents, personnel shall not terminate recording until the incident is secure and no further communication with the parties involved is reasonably anticipated.

H. Personnel may activate the PVRs before or during any other incident at their discretion.

I. Personnel shall not activate the PVRs to record any personal conversation of/or between another department member(s), volunteer(s) and/or employee(s) without the individuals knowledge and express consent to record the conversation.

J. If PVRs is activated or is going to be activated while interviewing a crime victim, personnel should notify the victim of this fact prior to obtaining a statement, whenever practical. If a crime victim refuses to provide a recorded statement, personnel should deactivate PVRs, obtain the statement and document this fact along with a summary of the statement in the police report.

K. Personnel shall have the discretion to turn the PVRs off during conversations with members of the community, including but not limited to confidential informants, who wish to discuss criminal activity in their neighborhood but are hesitant to come forward if they will be recorded. Officers shall verbalize while the camera is in the Event (recording) mode the specific reason the PVRs was turned off.

Livermore Police Department

Livermore PD Policy Manual

Portable Audio/Video Recorders

L. Sworn personnel are not required to obtain consent from a private person when:

1. In a public place.
2. In a location where there is no reasonable expectation of privacy (e.g., inside a building or dwelling where personnel are lawfully present and engaged in the performance of official duties).

M. Sworn personnel are encouraged to advise private persons they are recording if the advisement may gain compliance, assist in the investigation, and will not interfere with the investigation or officer safety.

N. SWAT personnel who are issued a PVRs and are engaged in an active SWAT operation, shall wear and activate the PVRs during pre-planned operations or enforcement encounters.

O. Personnel who do not record an activity that is required by this policy shall articulate their reason for failing to record in the appropriate CAD entry or police report.

448.3 RESPONSIBILITIES

A. LPD Information Technology Personnel:

1. Operation and user administration of the system.
2. Resolving equipment malfunction and/or reporting any deficiencies to TASER International for repair.
3. System evaluation

B. LPD Facilities and Equipment Manager:

1. Issuing and tracking of PVRs Equipment to personnel.
2. Coordination with IT regarding system/equipment related issues.
3. System Evaluation.

C. LPD Custodian of Records:

1. Ensure PVRs files are retained, reviewed and released in accordance with federal, state and local statutes and the City of Livermore/Livermore Police Department retention policy.
2. Audio/video recordings obtained by the PVRs that constitute evidence are not subject to disclosure pursuant to a Public Records Act Request.

D. Property & Evidence Personnel:

1. Produce and distribute copies of PVRs files upon request when pursuant to the provisions of this policy.

E. Program Manager. The Police Lieutenant designated by the Chief of Police to have overall management responsibility of the PVRs system to include:

Portable Audio/Video Recorders

1. Training
2. System Evaluation
3. Policy review
4. Coordinating with IT, Operations, Facilities and Equipment, Custodian of Records, and all other personnel regarding system/equipment related issues.

F. Supervisors

1. Upon notification of any problems with the PVRs, supervisors shall notify IT personnel and the Program Manager or designee, stating the problem or malfunction. If the Program Manager or designee is not available, the supervisor shall notify the on-duty Watch Commander.
2. Supervisors shall not randomly view PVRs data without cause.
3. Supervisors may conduct periodic audits of PVRs data to verify adherence to policy. Accordingly, it would be appropriate for first time minor infractions discovered by supervisors during routine review of PVRs data to be addressed as training opportunities. Should the behavior or action continue after training by a supervisor, the appropriate disciplinary or corrective action should be pursued.
4. Supervisors may also review PVRs data for purposes such as following up on citizen complaints, reviewing use of force situations, critical incidents, or other criminal/administrative investigations. During such reviews supervisors may identify videos which are appropriate for training purposes.

G. Personnel utilizing the PVRs are responsible for the following:

1. Ensuring the battery is fully charged and operating properly.
2. Immediately reporting unresolved equipment malfunctions/problems to their supervisor.
3. Correctly securing the camera to the head or shoulder area to reasonably ensure recording the field of view.
4. Documenting the use of the PVRs on one of the following:
 - a. On the police report/CAD entry.
 - b. As a notation on a citation.
 - c. On a field interview card.
5. Docking their assigned PVRs camera for automated upload of data files at the end of their shift.

448.4 OPERATION

A. The PVRs (AXON body camera) has two operating modes:

1. **BUFFERING** - When the camera is switched to the ON position, the AXON system is in the buffering mode. When buffering begins:

Livermore Police Department

Livermore PD Policy Manual

Portable Audio/Video Recorders

- a. The Operation LED on the controller will blink green.
 - b. The camera will be capturing video but no audio, and will not record to permanent memory while in buffering mode.
 - c. Buffered video duration is up to 30 seconds. This feature is intended to capture the video of an incident just before your activation of event mode.
2. EVENT - When personnel want to record an incident they need to double-press the event button on the camera.
 - a. The system will then record audio as well as video. The “buffered” video directly preceding the event will be saved and attached to the event recording. (The buffered video will not contain audio.)
 - b. The camera provides personnel with indications that it is recording in EVENT mode by beeping twice at the start of an event and every 2 minutes during an event. In addition the Operation LED on top of the controller will blink red.
- B. While on duty, personnel are required to keep the PVRs in the ON position and in buffering mode except for the following circumstances:
 1. When out of service during an authorized break.
 2. When inside police headquarters.
 3. While using the restroom.
- C. When personnel (primary or cover officers, or any personnel who capture PVRs data for a specific incident) capture PVRs data that is related to an incident or case they shall:
 1. Identify the PVRs files in the database by:
 - a. Noting the Livermore Police Department case number, or if none, the LPD incident number in the Case ID Field. The case number shall be recorded with the year and the case number. The CAD incident number shall be recorded with the entire number.
 - b. Entering a title. The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc.
 - c. Selecting the appropriate category(s) in the drop down menu. (If there is evidence on the video, this step is especially crucial to maintain the video in the database for the appropriate retention period.)
 - d. The information may be entered via department issued smart phone, MDC, or LPD computer workstation.
 2. Document in the related police report the fact that potential PVRs evidence exists and was downloaded into the Evidence.com database.
 3. PVRs data placed into Evidence.com shall be retained through the final disposition of the related criminal case.

Portable Audio/Video Recorders

4. In certain criminal or administrative investigations, a copy of the PVRs data may be made by the assigned investigator and/or Property & Evidence personnel and booked into evidence.

448.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should ensure the video is downloaded into Evidence.com as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident.(Penal Code § 832.18).

448.5 NON-CRIMINAL MATTER

Whenever personnel operating PVRs reasonably believe that a recorded contact may be of benefit in a non-criminal matter (e.g., a hostile contact), the officer shall upload the file into Evidence.com.

- A. Under such circumstances, the officer shall notify a supervisor of the existence of the recording as soon as practical.

448.6 REVIEW OF RECORDED VIDEO FILES

A. Although the data captured by the PVRs is not considered Criminal Offender Record Information (CORI), it shall be treated in the same manner as CORI data. All access to the Evidence.com system is logged and subject to audit at any time. Access to the data from the system is permitted on a right to know, need to know basis. Employees may only review video according to the provisions of this policy.

B. For purposes of checks and balances and to ensure supervisory reviews are conducted fairly, the POA President or his/her designee may review an individual employee's PVRs audit trail upon request and approval of the Chief of Police.

C. Personnel may view the audio/video data captured on their assigned PVRs camera in the field via a mobile device or MDC under the following circumstances. (Audio/video data can only be viewed and cannot be edited or erased from PVRs via mobile devices or MDC.)

1. For the purpose of completing a criminal investigation and preparing official reports.

D. Once the audio/video data is uploaded to Evidence.com, personnel may view their own data at a department desktop computer under the following circumstances after documenting the reason for access in the "Notes" section: (Access is automatically time/date stamped and records each access by name)

1. For the purpose of completing a criminal investigation and preparing official reports.
2. Prior to courtroom testimony or for courtroom presentation.
3. Prior to being interviewed in an administration investigation (i.e., internal affairs investigations) with the approval of the Professional Standards Supervisor and in accordance with this policy.
4. For training purposes, with the authorization of a supervisor, or by an FTO when providing training to a Police Trainee.

Livermore Police Department

Livermore PD Policy Manual

Portable Audio/Video Recorders

5. Personnel may not view other personnel's PVRs data which is not part of an incident they are investigating, without the approval of the Chief of Police or designee.

E. In the event of a critical incident, such as an officer involved shooting or other lethal use of force, PVRs data shall be uploaded to Evidence.com as soon as practical. Depending on the circumstances and/or exigency, it may be necessary for personnel other than the involved officer to upload the PVRs data. This will be determined by the supervising officer onscene.

1. Personnel actively assigned to investigate the incident (such as the case detective) may, with supervisory authorization, review the involved personnel's PVRs data as part of the ongoing investigation.

2. During the investigation, the initial interview of an involved officer should occur before the officer has reviewed any audio/video recordings of the incident. An involved officer will have the opportunity to review recordings in private (or with legal counsel if so requested) after the initial statement has been taken and provide a follow-up statement if needed.

3. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an involved officer. If the Investigator shows any audio/video recordings to an involved officer after the initial interview, the Investigator should advise the involved officer about the scope of audio/video recordings.

4. The following is an example of an appropriate advisement in a case involving video evidence:

"In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the event differently than you recall, and may not depict all of the events as seen or heard by you.

Video has a limited field of view and may not capture events normally seen by the human eye. The frame rate of video may limit the camera's ability to capture movements normally seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye."

448.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM

The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

448.7 PVRs FILE REQUESTS

A. Requests for copies of PVRs files from the District Attorney's Office or City Attorney's Office shall be in writing via memo or e-mail with sufficient information to locate the PVRs file. Personnel shall forward the request to Property & Evidence for copying and distribution of the PVRs data. A second copy should also be made and booked into evidence.

B. Non-Department requests:

1. All other requests for a PVRs file (court cases, subpoena's, public records act, etc.) shall be accepted and processed by the Department Custodian of Records in accordance with

Livermore Police Department

Livermore PD Policy Manual

Portable Audio/Video Recorders

federal, state and local statutes and departmental policy as set forth in Department Policy #810 (Release of Records and Information).

2. Media inquiries and/or requests shall be received and processed in accordance with Department Policy #346 (News Media Relations). As previously stated, PVRs data will generally constitute evidence and will not be subject to disclosure pursuant to a Public Records Act Request.

3. If the department determines that PVRs data should be released, the department will make all reasonable efforts to notify involved personnel prior to its release.

C. Request for Deletion of Accidental Recording

1. In the event of an accidental activation of the PVRs, the recording employee may request that the PVRs file be deleted by submitting an e-mail request with sufficient information to locate the PVRs file to the Division Commander who shall review the file, approve or deny the request, and forward the request to the Program Manager for action. In the event that an accidentally recorded video features an employee in a setting, such as a restroom or dressing room, and the employee expresses a concern that the video could contain nudity or other potentially private or personal content, the Division Commander will ensure that the video in question is reviewed by a person of the same sex as the individual featured in the recording. If it is determined that there is private content on the accidentally recorded video, the Division Commander will ensure that the video is not viewed by other personnel and is deleted.

D. Copying Procedures:

1. A copy of a PVRs file can be requested in accordance with the provisions of this policy.
2. Any request for copies of PVRs data that is not covered under this policy will be subject to the authority of the Chief of Police.

E. Investigators conducting criminal or internal investigations shall advise the System Administrator to restrict access of a PVRs file when necessary in criminal or administrative investigations.

F. A PVRs file may be utilized as a training tool for individuals, specific units, and the department as a whole. A recommendation to utilize a PVRs file for such purpose may come from any source as outlined below:

1. A person recommending utilization of a PVRs file for training purposes shall submit the recommendation through the chain of command to the Division Commander or designee.
2. Before approving the PVRs file for training, the Division Commander will assess the video's value for training purposes and if appropriate for training, will notify all involved personnel.
3. If an involved officer or other employee objects to the showing of a recording for training purposes, his/her objection will be submitted to the Chief of Police or designee.

Livermore Police Department

Livermore PD Policy Manual

Portable Audio/Video Recorders

4. The Chief of Police or designee shall review the recommendation and determine how best to utilize the PVRs file considering the objections of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., General Order, Training Bulletin, Officer Safety Bulletin, briefing or other training).

448.8 POLICY REVIEW

This policy was reviewed by Captain Sarsfield 06/11/20

448.8 ATTACHMENTS

See attachment: [Axon_Flex_2_Quick_Start_mpc0251.pdf](#)

Attachments

Axon_Flex_2_Quick_Start_mpc0251.pdf

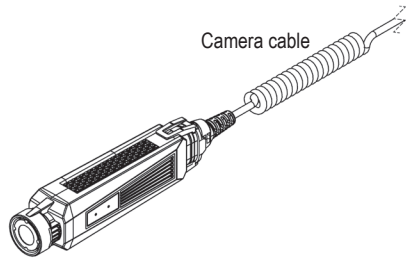


Axon Flex 2 Quick Start Guide

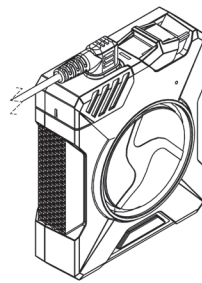
English

Hardware

Axon Flex 2 controller



Axon Flex 2 camera



Also available:
USB C to A Sync cable

Quick Reference

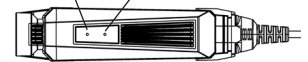
Cable Connection Port

Also for data transfer and recharge with PC or Axon Dock

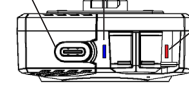
Function LED

Microphone

Speaker



Operation LED



Power Switch

Red = On/Buffering

Speaker

Mute or add marker

EVENT Button

Double-press = Start record

Hold 3 seconds = Stop record

Battery Status Button

Push to show status of battery

Slide Lock

Holds cable to controller

Battery LED

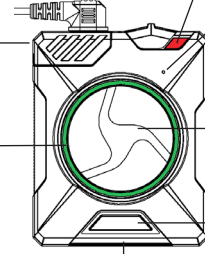
Green = 40–100%

Yellow = 20–39%

Red = Less than 20%

Status LED

(bottom of controller)



Read, understand, and follow all current instructions, warnings, and relevant Axon training materials before using any Axon system. The most up-to-date warnings and instructions are available at www.axon.com.

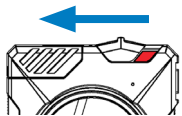
Before using an Axon Flex 2 system, ensure it is fully charged, and connect it to Evidence.com via the Axon Dock or Evidence Sync software to ensure it is properly configured. See *Controller Battery LED* and *Recharging the Battery and Uploading Data* for more information. If the battery's charge is ever depleted, recharge and reconnect the connect the system again.

Recording

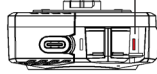
The Axon Flex 2 system has 2 operating modes. The default mode, or BUFFERING mode, provides pre-event buffering to capture activities that occur before you activate the EVENT (recording) mode.

1 Turn the system on. Move the ON/OFF switch to the ON position.

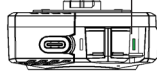
- The camera takes a few seconds to boot up and be ready to record (the red area under the switch will be exposed with the switch moved to the ON position).



Solid red
Boot up mode



Blinking green
BUFFERING mode

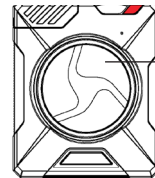


- The operation LED will be solid red and then transition to blinking green when the system goes into BUFFERING mode.
- The system will go into BUFFERING mode after the boot up sequence. With default settings, the BUFFERING mode holds the previous 30 seconds of video (NO AUDIO) leading up to the beginning of a recording.

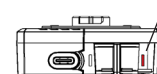
2 To record, quickly double-press the EVENT button.

- The system now records audio as well as video.
- The system will beep twice to let you know that recording started. The 2 beeps will repeat every 2 minutes (if the system is muted, there will be no audio notifications).
- The operation LED will blink red.

3 To stop recording and return to BUFFERING mode, press and hold the EVENT button for at least 3 seconds until there is a long, audible beep.



EVENT button



Blinking red – recording mode

Because the system does not capture audio in BUFFERING mode, the first 30 seconds of a recorded event will be video-only (depending on your agency's settings). BUFFERING mode starts only after the camera boots up. The system does not record when the Axon Flex 2 controller is turned off.

Controller Operation LED

The controller's operation LED displays the system's current operating mode.

Operating Mode	Controller LED
EVENT	Blinking red
BUFFERING	Blinking green
Recovering interrupted video*	Blinking red
Booting up/powering down	Solid red
Error state**	Solid red
Cable disconnect	Blinking yellow

* When the function LED also is blinking red. If little video was interrupted, the function LED will blink only briefly.

** When the Function LED also is solid red.

Controller Function LED

The Axon Flex 2 controller's function LED displays when certain functions are enabled.

Controller Battery LED

The controller's battery LED displays the battery's remaining capacity, when the device is being used or when charging.

Battery Capacity	Battery LED
Battery capacity is 40–100 percent	Green
Battery capacity is 20–39 percent	Yellow
Battery capacity is less than 20 percent	Red

Function Enabled	Function LED
Mute	Blinking blue
Camera error***	Solid red
Pairing mode	Blinking green

*** Use the power switch to turn the camera off and on.

Notifications

Operating Mode	Audio	Vibration
Powering on or off	One beep	Once
Recording an event	Two beeps (every 2 minutes)	Twice (every 2 minutes)
Press the battery button while the camera is recording	Two beeps	None
The device is ending an event and returning to BUFFERING mode	One long beep	Once, long duration
Low battery notifications:		
• Camera in BUFFERING mode and battery has power for 20 minutes or less (the camera will not record)	Four quick beeps (every 20 seconds)	Four times, quickly (every 20 seconds)
• Camera in EVENT (recording) mode and battery nearly discharged (the camera will shut down within a few minutes)		
Cable disconnect (the camera will shut down)	Three beeps	Six times
Camera memory is full (the camera will not record)	Three beeps	Three times
Camera internal clock not set	Five quick beeps (every 20 seconds)	Five times, quickly (every 20 seconds)

Status LED

When you plug your camera and controller into the Axon Dock, the camera and controller status LEDs display the device status.

Device Status	Status LED
Initial connection (momentary)	Solid red (for 20 seconds or fewer)
In queue awaiting upload	Solid yellow
Device ready (all videos uploaded successfully) and fully charged	Solid green
Device not assigned, agency mismatch, camera set in the offline mode, or device error	Blinking red
Uploading data	Blinking yellow
Firmware update, internal battery charging, extremely low battery, or memory full	Blinking red and yellow – DO NOT remove the camera from the Axon Dock
Transfer error, device re-trying to transfer	Blinking green and yellow
Possible network error. Refer to the Troubleshooting chapter of the User Manual.	Blinking red, yellow, and then green (cycling all colors)
Axon Dock has no communication with the camera. Contact Axon customer service.	LED off

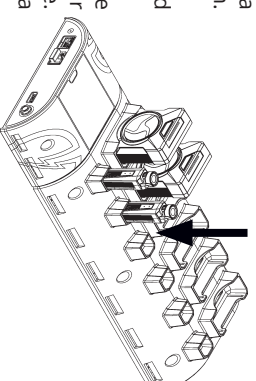
Recharging the Battery and Uploading Data

If you do not have an Axon Dock, upload video with a Windows compatible computer using Evidence Sync: axon.com/syncdownload.

- 1 Ensure the controller is off. Insert the camera and controller into the Axon Dock as shown.

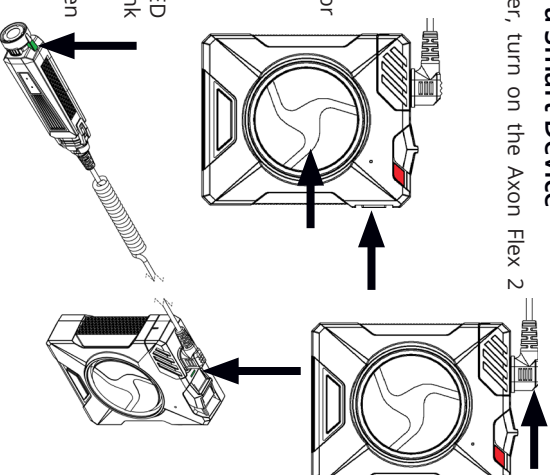
The Axon Dock automatically uploads the data from the camera to Evidence.com and recharges the controller battery. When a video uploads successfully to Evidence.com, that video is removed from the camera. (The camera must be registered to your Evidence.com account.)

- 2 At the beginning of the next shift, ensure that your camera (if one has been assigned to you) displays with a green LED before removing it from the Axon Dock.



Pairing an Axon Flex 2 Camera with a Smart Device

- 1 With the camera connected to the controller, turn on the Axon Flex 2 controller.
- 2 Wait until the Function LED is not lit anymore.
- 3 Hold down the Function and EVENT buttons for 5 seconds.
- 4 Wait until you hear 4 beeps. The Function LED on the controller and the camera LED will blink green.
- 5 On your smart device, follow the onscreen instructions.



Using Axon View

The Axon View application enables you to replay video and add metadata (GPS, title, ID, and category) to your videos using a smart phone or multimedia player.

- 1 Using your smart device, download the Axon View application from the Google Play store or the iTunes App Store. Search Axon View.

- 2 On your smart device, open the Axon View application and follow the onscreen instructions.

Note: All data is stored on the Axon camera. No videos are stored on your smart device.

For more information, see the *Axon Flex 2 System User Manual*, *Axon Dock Quick Start Guide*, *Axon View for Android Devices User Manual*, or *Axon View for iOS Devices User Manual*, available at www.axon.com, axon.com/au/, axon.com/uk/.