

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, REGARDING DISCLOSURE OF
POLICE VIDEO EVIDENCE

WHEREAS, the Fresno Police Department is committed to prioritizing and expediting criminal investigations, including allegations of criminal conduct by officers; review of officer involved shootings by the Fresno County District Attorney's Office; and public transparency, when appropriate; and

WHEREAS, the integrity of law enforcement's investigation and review process, privacy rights of those involved, and public safety concerns is of paramount importance and must be considered in determining if, when, and how to release video evidence; and

WHEREAS, the City of Fresno and the Police Department have a legal and ethical duty not to do anything that would jeopardize the integrity of an investigation or prejudice a potential criminal case; and

WHEREAS, the City hereby wishes to enact this policy related to release of police video evidence.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. It is the policy of the City of Fresno to be transparent and release police officer body worn camera video and other video recordings related to criminal investigations and law enforcement incidents at the earliest legal and appropriate

opportunity, to the extent the video or portions of video would not interfere with a criminal investigation or impair legally protected privacy interests.

2. Video will not be released to members of the public, including affected parties, the media, or pursuant to a Public Records Act request, unless expressly authorized by the Chief of Police, this Resolution, court order, or other applicable law.

3. Prior to public release of any video, the District Attorney's Office shall be consulted to determine whether release of video evidence would interfere with a pending criminal investigation. If other law enforcement agencies are involved, including the State of California Department of Justice and/or the U.S. Department of Justice, they shall be consulted, as well. Video shall not be released to the extent other law enforcement agencies have objected on the basis that investigations are pending and may be prejudiced by release.

4. Video or portions of video shall not be released that would impair rights of police officers under the California Public Safety Officers Procedural Bill of Rights or any rights under the Health Insurance Portability and Accountability Act, or any other privacy law.

5. Prior to public release of video, the Chief, in his discretion, may allow private viewing by family members of persons directly involved in incidents and their attorneys, with an agreement there shall be no public comment made about what is portrayed in the video until such time as the video is made public.

6. If video is to be released, the Chief may, recognizing the release of these often graphic videos is sensitive for all affected parties, direct the videos be edited. For privacy and safety concerns, the faces of the officers, witnesses, and the involved

individuals may be blurred out or sound muted. Other distinctive identifying features may also be rendered unidentifiable. However, any editing shall preserve the substantive integrity of the video, such that the video released fairly and accurately portrays the incident.

7. Prior to public release in cases of officer involved shootings, the video shall be made available for private viewing under the direction of the Chief by the Mayor, City Manager, Councilmembers, and City Attorney.

8. Councilmembers, accompanied by the City Attorney, may privately view video in their capacity of having ultimate authority over all legal matters of the City under Charter section 803(g). Any private viewing by Councilmembers shall be deemed part of an attorney client communication and strictly confidential. Councilmembers are prohibited from making any non-privileged comment on their observations of the video, until such time as the video may be made public or when authorized by the City Attorney. Councilmembers shall not be entitled to retain a copy of any video at that time.

9. If video or portions of video are provided to the media and/or public, then copies shall also be made available to Councilmembers at the same time.

10. The Chief may issue additional regulations concerning these matters not inconsistent with this Resolution.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Katie Doerr [Date]
Chief Assistant

KBD:ns [73210ns/kbd]