

	Greenville, SC Police Department <b>GENERAL ORDER</b>		
	<b>Subject</b> Body Worn Cameras	<b>Number</b> 247	<b>Type</b> Operational
<b>Effective Date</b> January 26, 2016	<b>Amends/ Rescinds</b> N/A	<b>Pages</b> 8	<b>Re-evaluation</b> Annual–January
<b>References</b> South Carolina Code of Laws § 23-1-240 (1976, as amended)			<b>Notes</b>

## 1.0 PURPOSE

The Greenville Police Department’s use of body worn cameras is intended to help foster community confidence and trust, as well as organizational health, by promoting greater transparency, accountability and resolution to questions of conduct by employees or members of the public, to support investigations and to facilitate the criminal justice process. Body worn cameras provide clear potential to obtain more complete and accurate documentation in certain incidents and situations to better support prosecution, internal conduct investigations, and improvements to training.

This policy establishes guidelines related to the use, management, storage, and release of audio and video recordings of body worn cameras.

## 2.0 DEFINITION

A body worn camera (BWC) is an electronic device worn on a person’s body that records both audio and visual data.

## 3.0 TRAINING

**3.1** All officers will receive department-approved training before being issued or using BWCs.

**3.2** Supplemental training will be conducted when deficiencies are identified in the use of these devices, or when changes in protocols, hardware or software affect use and management of these devices.

## 4.0 DEPLOYMENT

**4.1** BWCs will be assigned to uniformed officers whose primary function is to answer calls for service and interact with the public (e.g., patrol, traffic, K-9, SRO), or officers who have a reasonable expectation that they will.

**4.2** Officers assigned BWCs will be responsible for ensuring that the BWC is functioning properly at the beginning of and throughout each shift. In the event of a damaged,

malfunctioning or inoperable camera, an officer will immediately inform his/her immediate supervisor. The supervisor will replace the BWC as soon as practicable if a replacement is available.

- 4.3** While the lack of a BWC will not prevent an officer from working his/her normal shift, failure to report it to a supervisor immediately and use reasonable efforts to secure another for use shall constitute a violation of this policy.
- 4.4** Officers utilizing BWCs will wear the BWC on the strong (gun) side. Officers will wear the BWC on the collar or head (e.g., baseball cap, glasses, and approved head gear) unless otherwise approved by the Chief of Police or his/her designee.

## **5.0 RECORDING PROTOCOLS**

- 5.1** Officers are encouraged, but not required, to inform subjects that they are being recorded. In any event, if asked about the use of a BWC, the officer shall be forthcoming about its use, at which time to the officer has the discretion, if such discretion is afforded under this General Order, to deactivate the BWC. If the BWC is deactivated, the officer shall document the reason for the deactivation on the BWC or in a written report.
- 5.2** Once activated, the BWC will remain on until the conclusion of the event or until a supervisor authorizes that a recording may cease.
- 5.2.1** In circumstances involving crime scenes, once the scene is secured, an officer wearing a BWC may deactivate the camera if he/she is in a role that is not investigative in nature and the chance of encountering a suspect is unlikely (e.g., securing the outer perimeter, traffic direction), or upon direction from the on-scene supervisor.
- 5.2.2** In situations involving transport, the BWC will be left on until the officer reaches his/her destination. In arrest situations where the subject is uncooperative or combative, the officer will leave the BWC on until the subject is fully released to Detention Center staff.
- 5.2.3** When recording during the execution of a search warrant, an officer may deactivate the BWC after the initial sweep of the location, when the incident transitions from volatile and tactical, to stable and investigative in nature.
- 5.2.4** An Officer may elect to deactivate his/her BWC during interviews with witnesses to and victims of crimes –particularly crimes of rape and sexual assault, and individuals wishing to report criminal activity. For instance, if an individual is not willing to talk unless the camera is turned off, officers should weigh the importance of obtaining information versus the recording of the conversation.



**5.2.5** Officers may deactivate the BWC prior to discussing a case on scene with other officers or during on-scene tactical planning.

**5.3** Unless otherwise noted, officers wearing BWCs will activate the camera upon initiation of emergency or investigative activity, arrival on the scene of a call for service, upon initial contact with a suspicious or potentially dangerous person, or during a potentially adversarial contact. Additional activation guidance is provided, as follows:

- When responding to a “Priority One” call (in conjunction with the activation of blue lights and siren and throughout the response)
- Traffic stops
- Stopping suspicious persons or vehicles
- Voluntary investigative contacts
- Arrests
- Vehicle pursuits
- Calls involving emotionally or mentally ill persons
- Disturbances or disorders
- Calls involving weapons or violence
- Calls identified as “in-progress”
- Searches of persons, buildings, or vehicles (except for strip searches, for which a specific procedure is set forth in Section 5.3.1)
- The initial inventory of seized money or high value property
- K-9 tracking functions
- Use of force situations
- Forced entry search warrants/ tactical deployments
- When weapons are present or alleged to be present

**5.3.1** Strip searches. The use of strip searches is highly intrusive and therefore closely regulated and monitored. To preserve the dignity of persons subjected to such a search, an officer will comply with all search preparation requirements. Prior to the search, the searching officer will record a 360-degree view of the subject and location where the strip search is being conducted. All officers present will then place the BWC in a direction facing away from the subject immediately prior to the search itself, so the subject will not be visually recorded during the strip search, and will continue recording to ensure the existence of an audio recording of the search.

**5.3.2** Unless articulable exigent circumstances exist and such circumstances later documented, officers shall use best efforts to avoid recording persons who are nude or where sensitive human areas are exposed.



**5.4** Officers will note in incident reports whether or not a BWC was used. In the event a BWC was not used, officers will detail the reason for the lack of use in the incident report. Prior to discontinuing a BWC recording in any situation that has not fully concluded, officers will document the reason(s) for discontinuance on the video and in any accompanying report to the incident.

## **6.0 PROHIBITED USE AND RESTRICTIONS OF BODY WORN CAMERAS**

- 6.1** Officers in possession of a BWC will only use the camera in an official capacity in accordance with state law and departmental policy. Any personal use of a BWC or a BWC recording is strictly prohibited.
- 6.2** Officers wearing BWCs are prohibited from recording any person whom they know or reasonably should know is an undercover officer acting in his or her official capacity.
- 6.3** Officers wearing BWCs are prohibited from recording city personnel during routine, non-enforcement related activities except as part of an administrative or criminal investigation.
- 6.4** Officers generally will not record conversations with confidential informants and sources. In the event that the recording of a conversation with a confidential informant or source would be of important evidentiary value, the officer may choose to capture an audio-only recording of the conversation by positioning the camera away from the informant/source.
- 6.5** Officers will not record in places where a heightened expectation of privacy exists (e.g., locker rooms, hospitals, bathrooms) except during in-progress criminal activity or when the recording of a particular location would be material to a criminal investigation. In patient care or health facilities, officers should attempt to record only the parties involved in the event being investigated.
- 6.6** Officers will not record court proceedings, pre-trial conferences or any other judicial proceedings.
- 6.7** Officers are not permitted to wear or use a non-departmental issued or personally-owned BWCs while acting in their official capacities on or off duty.
- 6.8** Officers are prohibited from using any device to copy, photograph, or record the playback of any video/audio recorded by a BWC, unless such is being done for official, law enforcement purposes.
- 6.9** Officers are strictly prohibited from erasing, altering, or editing BWC recordings, or attempting to do so, with the exception of edits necessary for the proper release of video for training or to the public, and which are approved by the Chief of Police or his/her designee.



- 6.9.1** In the event that it is substantiated that an officer erased, altered or edited a recording or that an attempt was made to do so, it will be considered an act of dishonesty toward his/her employer, a violation of rules of conduct 7 (Truthfulness) and 21 (Improper Use or Disposal of Property and Evidence), and a very serious offense as outlined in HR-22.
- 6.9.2** In the event that it is substantiated that an officer has a sustained pattern of not activating his/her camera within the provisions set forth in section 5.0, it will be considered a violation of rules of conduct 17 (Use of City Equipment) and a very serious offense as outlined in HR-22.
- 6.9.3** In the event that minor policy infractions unrelated to the original reason for viewing the video are discovered, they will not result in discipline unless a pattern of repeated infractions has been established. If minor policy infractions unrelated to the original reason for viewing the video are discovered, the acts must be addressed, but may result in a training referral or verbal correction, and may be included on the employee's performance evaluation. Minor infractions associated with the provision will be addressed through the employee's chain of command.

## **7.0 COLLECTION OF BODY WORN CAMERA DATA**

- 7.1** Officers will upload BWC recordings upon completion of a tour of duty. An exception for utilizing the camera in a contiguous police off-duty work capacity may be made, but the camera must be docked at the conclusion of the assignment to upload BWC recordings and recharge the battery.
- 7.2** Utilizing the designated software application, officers will label each recording captured by the BWC with the appropriate case number (when available) in the following manner: a two-digit year followed by a hyphen, then the six-digit case number. In instances where there are multiple recordings of the same incident, the officer will label each recording with the case number followed by a hyphen and a numeral, starting with number one (1). Officers will also label each record with the type of incident identifier, as provided in the software and through training.  
Examples:
- 15-015364 DUI
  - 15-015364-1 DUI
- 7.3** In the event of a critical incident as listed below, an officer's immediate supervisor will take possession of the BWC as soon as practical and will be responsible for uploading data:
- Officer-involved shooting
  - In-custody death
  - Any incident involving an officer which results in death or great bodily harm



## **8.0 SUPERVISOR RESPONSIBILITIES**

- 8.1** Upon notification from an officer that a BWC is malfunctioning, the supervisor will immediately collect the BWC and report the malfunction to the system administrator. If available, the officer will be issued a replacement as soon as practicable.
- 8.2** Supervisors will review appropriate paperwork to ensure that recorded events are documented.
- 8.3** Supervisors will ensure that any recording related to an internal investigation is stored before the recording is purged from the digital storage system.

## **9.0 AUDITING**

- 9.1** Squad sergeants will conduct monthly random reviews of BWC footage captured by their assigned officers. Supervisors will review the footage to evaluate officer performance, to ensure the BWC is being used properly, and to select incidents that may have value for training purposes.
- 9.2** The Commission on Fire and Police Practices may, from time to time and in association with appeals from officers or members of the public, review BWC recordings to evaluate officer actions against questions of policy performance.
- 9.3** Internal Affairs will review and/or secure BWC footage on an as-needed basis to complete internal investigations and inquiries.

## **10.0 RETENTION, RELEASE, AND VIEWING OF RECORDINGS**

Decisions regarding the retention, release and viewing of recordings can be the most controversial and important post-incident actions taken by the Department. While BWC footage is not a public record subject to disclosure under the South Carolina Freedom of Information Act (S.C. Code § 23-1-240(G) (1976, as amended), often times public confidence and trust will hinge upon the release of records and video in a highly charged environment. Police and community interests include maintaining the public trust, protecting the integrity of an investigation, the State's ability to prosecute fairly, fairness to our employees, protecting the privacy interests of the public we serve and serving the public's right to know. These interests may conflict and can make the decision process difficult. The Greenville Police Department will balance each of these interests in a timely and responsible manner.

- 10.1** The BWC and all video files are property of the Greenville Police Department and will be used, created, viewed and released for official purposes only.



- 10.2** The release of any BWC recording shall be in compliance with South Carolina Code of Laws Section 23-1-240(G) and shall be redacted as necessary to protect the reasonable privacy expectations of individuals.
- 10.3** The public release of any BWC recording is subject to review by the Chief of Police or his/her designee before being disseminated.
- 10.4** Reviewing BWC recordings prior to providing statements:
- 10.4.1** Officers may review BWC recordings to assist with investigations and when completing reports.
- 10.4.2** Officers are permitted to review BWC footage of an on-duty incident in which they were involved prior to making a statement about the incident.
- 10.5** Recordings which may be beneficial for training purposes will be shared with the Administration Division captain to determine training value and use. If an officer involved objects to the use of a recording for training purposes, the officer may submit an objection, in writing, through his/her chain of command to the Captain, who will determine if the training value outweighs the officer's objection. In any event, recordings used for training purposes shall be redacted as necessary to protect the reasonable privacy expectations of individuals.
- 10.6** Video retention:
- 10.6.1** Officers shall cause their individual uploaded recordings to be retained in compliance with the retention schedule established for each category of recording, to protect for court purposes in trial or appeal, or for other criminal or internal investigative needs.
- 10.6.2** Videos categorized as state-level cases will be retained indefinitely in the provided storage system and a burned DVD shall be placed in property and evidence.
- 10.6.3** Videos categorized as municipal-level offenses shall be retained for one (1) year in the provided storage system. If a jury trial request is made, the video shall be burned to a DVD and will be placed in property and evidence.
- 10.6.4** Videos otherwise classified (e.g., traffic stops, suspicious persons or vehicles, in progress calls with no arrest) will be retained for ninety (90) days in the provided storage system.
- 10.6.5** When required by Section 10.6.2 above, it shall be the assigned case officer's responsibility to ensure that all applicable video files are downloaded and stored on a DVD and placed in property and evidence prior to each recording's



scheduled purge date from the remote digital storage system. An incident report is required for all recordings placed in property and evidence.

- 10.6.6** BWC recordings that are not made in connection with an arrest or investigation and are not part of an internal investigation may be purged within thirty (30) days of recording.
- 10.7** All retention of BWC recordings will be in compliance with state law regarding the retention of evidence for criminal cases. BWC recordings associated with an investigation shall be purged along with other evidence associated with that case as permitted by law.
- 10.8** In the event of an unintentional activation of the BWC, an officer may request the recording be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded to the officer's Division Commander. If approved, the deletion will be made by the system administrator.

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Kenneth C. Miller,  
Chief of Police

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Date

