GREENVILLE COUNTY
SHERIFF'S OFFICE

GO - 249

GENERAL ORDERS

BODY WORN AND IN-CAR CAMERAS

PURPOSE:

This policy establishes guidelines for the use of In-Car and Body Worn Cameras (BWC) so that deputies can record their interaction with the general public in accordance with state law (S.C. Code of Laws 23-1-240). Recording law enforcement encounters with the public aids in resolving complaints, prosecution of criminal cases, and documenting collisions and vehicle pursuits.

DEFINITIONS:

Body Worn Camera (BWC) - An electronic device worn on a person's body that records both audio and video data.

In-Car Camera – An electronic device affixed to the patrol car that records both audio and video data.

WHO WILL USE:

Deputies whose primary function is to answer calls for service and interact with the public, or deputies who have a reasonable expectation that they will interact with the public will utilize body worn and in-car cameras.

WHEN TO USE:

If equipped, a deputy will utilize a body worn and/or in-car camera upon arrival at a call for service or upon initiation of any other law enforcement or investigative encounter between a deputy and a member of the public, including, but not limited to:

1. The scene of all violent crimes
2. All traffic stops
3. Motor vehicle accident investigation when the parties to the motor vehicle accident are present
4. Suspicious person calls
5. Incidents involving public drunk or public disorderly conduct
6. Field contacts
7. Warrant service
8. Incidents involving emotionally disturbed persons
9. Incidents where weapons are present or alleged to be present
10. Incidents involving use of force
11. Incidents where an adversarial contact or a potentially adversarial contact may occur

Note- Deputies should be mindful of excessive volumes on their AM/FM radios as it could interfere with what the recording device captures on the audio.

Body worn and in-car cameras will only be utilized in conjunction with official law enforcement duties. They will not generally be used to record:

1. Communications with other Sheriff's Office personnel without the permission of the Sheriff or his designee,
2. Encounters with undercover personnel or confidential informants,
3. When on break or otherwise engaged in personal activities, unless for a direct law enforcement purpose.

Furthermore, deputies should use discretion where there is a victim of rape or sexual assault. Additionally, to respect the dignity of others, unless articulable exigent circumstances exist, deputies will try to avoid recording persons who are nude or when sensitive human areas are exposed.

There is no obligation to obtain consent from victims or witnesses prior to using a body worn or in-car camera during an interview. However, if asked about its use, deputies will be forthcoming about its use. At that time the deputy and the deputy's supervisor will make the decision whether to keep the camera on or turn it off. If the decision is made to discontinue the recording, the deputy must document the reason for discontinuation on camera and in a written report.

Deactivation of a BWC or In-Car Camera :

As soon as possible after a critical incident, a supervisor will respond to the scene and confirm that the incident has concluded and the scene is secured. The supervisor will then confirm that the deputy is no longer an active participant and if the deputy has responded with a use of force. If so, while in-view of the camera and without engaging in further questioning of the deputy, the supervisor will relieve the deputy of duty and deactivate the cameras, but leave the cameras in the possession of the deputy. At that time, the deputy may engage in conversations that are subject to privilege, unless the privilege is expressly waived prior to this occurring.

Cameras and storage mediums of deputies who are involved in such incidents will remain in the possession of the deputy until they are collected from them by a representative of OPS or SLED.

Deputies who arrive after the incident has concluded as back-up or support for the subsequent investigation should continue to record interactions with the public according to this policy. All videos of critical incidents by these deputies will be uploaded to the server at LEC as soon as possible.

DATA STORAGE:

Recordings that are non-investigative, non-arrest, and are not part of any internal investigation will be retained not less than two years.

Recordings of any arrests or violations of offenses listed in the S.C. Preservation of Evidence Act, S.C. Code 17-28-320, the expungement statute of S.C. Code 17-1-40, or any other statute, regulation, or case law will be retained for not less than 6 years.

Due to the nature of some incidents/investigations, the recording may be kept for a longer period of time that will be determined by the specialized unit in charge of the incident/investigation.

All recordings shall be securely offloaded within 5 days or sooner if directed by a supervisor. The data from the BWC camera recordings will be stored in GETAC cloud-based server and data from In-Car camera recordings will be stored in the Arbitrator server locally on-site. In circumstances that exceed this period, a supervisor must be notified. Each file shall contain information related to the date, BWC identifier, and assigned deputy. In any incident that results in an arrest being made or an incident report / supplemental report being taken, all deputies on scene shall classify their recordings with the appropriate case number. Deputies shall immediately notify their supervisor if they are unable to offload any files covered by this policy.

Files should be securely stored in accordance with state retention laws and no longer than useful for training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.

BWC recording are not subject to the South Carolina Freedom of Information Act and shall only be released at the discretion of the Sheriff or his designee. (This is subject to the provisions of Criminal Practice Rule 5 and/or Brady requests.)

All access to BWC data (images, sounds and metadata) must be specifically authorized by the Sheriff or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate authorized purposes.

All images and sounds recorded by the BWC are the exclusive property of the Greenville County Sheriff's Office. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.

SUPERVISORY RESPONSIBILITY

1. Supervisory personnel shall ensure that deputies equipped with BWC devices utilize them in accordance with policy and procedures defined herein.

2. BWC's shall be placed on the chest area or in a manner recommended by the manufacturer.

3. At least on a monthly basis, randomly review BWC and in-car camera recordings to ensure that the equipment is operating properly, deputies are using the devices appropriately in accordance with policy and to identify areas in which additional training or guidance is required.

4. Review recordings of all Response to Resistance/Aggression and Vehicle Pursuits.

5. On a quarterly basis, check the deputies' recordings to assure they have been properly loaded to the server.

TRAINING: All sworn personnel will receive training prior to being issued a body worn camera or a patrol vehicle equipped with an in-car camera system.

PUBLIC DISCLOSURE OF BWC RECORDINGS: Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act, however;

1. The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body-worn camera for any legitimate criminal justice purpose;

2. A law enforcement agency may request and must receive data recorded by a body-worn camera if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer;

3. In addition to the persons who may request and must receive data recorded by a body-worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:

    a. a person who is the subject of the recording;
    b. a criminal defendant if the recording is relevant to a pending criminal action;
    c. a civil litigant if the recording is relevant to a pending civil action;
    d. a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;
    e. a parent or legal guardian of a minor or incapacitated person described in sub item (a) or (b); and
    f. An attorney for a person described in sub-items (a) through (e)

Hobart Lewis, Sheriff