	Greenville, SC Police Department GENERAL ORDER		
	Subject Body Worn Cameras	Number 247A4	Type Operational
Effective Date December 7, 2020	Amends/ Rescinds 247A3	Pages 12	Re-evaluation Annual–January
References South Carolina Code of Laws § 23-1-240 (1976, as amended)			Notes Update from Citizen Review Panel section 6.9

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

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

Official Police Action is any action where an officer exercises the powers, privileges or authority granted the officer by their position.

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. The supervisor will place the failed camera in the BWC locker in the arsenal and the officer will send an email to the bwadmin@greenville.gov account indicating the issue, circumstances of the failure and if any video needs to be recovered.
- 4.2.1 In addition, officers will ensure that BWC signal equipment (e.g., vehicle signal unit and Conducted Electrical Weapon signal) is functioning properly at the beginning of the shift. This should be done by alternately activating the vehicle emergency equipment, or by taking the Taser off of safe mode while the camera is in buffering mode. If either of these fails to activate the camera, the officer should immediately check the other.
- 4.2.1.1. If the issue only occurs with the vehicle the officer should email the Service Writer of the issue and CC the BWCadmin account.
- 4.2.1.2. If the issue is isolated to the Taser, the officer should take the taser to supply and either obtain a replacement SPPM unit (X2) or a replacement taser.
- 4.2.1.3. If the issue occurs with both, the officer will proceed as if the device is malfunctioning, and follow the direction above.
- 4.3 While the lack of a BWC (or the event of malfunctioning signal equipment) 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 operable BWC for use shall constitute a violation of this policy.
- 4.4 When in uniform, officers issued a BWC will wear the BWC on an issued mount, on the collar, head, or shoulder unless otherwise approved by the Chief of Police or his/her designee. The appropriate mounts will be available from supply. Regardless of the mount used, officers will be responsible for taking reasonable steps to ensure that the camera is positioned and stable enough to properly capture the actions of the officer and those with whom they are interacting.



- 4.5 Officers who are issued BWCs, but are out of uniform, who are in training, or who are on a limited duty status where they are not interacting regularly with the public are not required to wear their BWC. If during one of these instances they become involved in a call for service, they must still document the lack of BWC video in accordance with recording protocols.

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.

- 5.2 Unless otherwise noted, officers wearing BWCs will activate the camera upon initiation any official police action to include 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. Examples of incidents requiring activation include, but are not limited to:

- 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
- Traffic collisions, including officer-involved collisions

- 5.3 Once activated, the BWC will remain on until the conclusion of the event or until a supervisor authorizes that a recording may cease., at which time the officer has the discretion 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. Officers may only deactivate or otherwise limit the view of the recording without supervisor approval in the following circumstances:

- 5.3.1 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.
- 5.3.2 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.
- 5.4 For long distance transports (i.e. Extraditions) the BWC will be utilized to capture interactions with the prisoner when the prisoner is outside of the vehicle in transport. During transport the BWC will be kept in the standby mode.
 - 5.4.1 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. The BWC sweep of the area will be made showing the entire area accessed and/or searched with an emphasis on any pre-existing damage or damage caused as a result of entry and/or search. After the BWC sweep of the area is made, all officers not directly involved in the search may deactivate their cameras. Officers involved in the search, who have a BWC, will continue to record until the conclusion of the search. Officers may mute their device during this portion of the search.
 - 5.4.2 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. Unless officers are faced with a complete lack of cooperation from a witness or victim if the recording is not stopped, officers shall instead position the camera such that the video is obscured, but audio is recorded. When necessary, the recording may be stopped, but camera should not be fully powered off.
- 5.5 Muting the camera is considered a lesser form of deactivation. Officers may only mute the BWC when policy would otherwise allow deactivation, or when it is necessary for prior to discussing a case on scene with other officers, during on-scene tactical planning, or at the direction of a supervisor.



- 5.6 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.
- 5.7 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. (i.e. A person in a state of psychosis, whether from mental illness or chemically induced, may be recorded because the increased likelihood that force may be necessary.) When a person is recorded who is nude or where sensitive areas are exposed, the officer will notify a supervisor to ensure the video is restricted.
- 5.8 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. For cases where no incident report is created, officers should note in the CAD any lack of BWC video and the reason. (i.e. Assisting a stranded motorist while in a training uniform without a BWC equipped.)

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 unless it would otherwise compromise the investigation of a criminal incident which is being recorded in accordance with this policy.
- 6.2.1 When recording of an incident is required by this policy, officers will attempt to limit recording a UC Officer who is acting in his/her official capacity.
- 6.2.2 Officers should not acknowledge the UC in the presence of civilians, and may mute/obscure or if necessary deactivate their BWC if direct



communication with a UC is required for the case/incident they are investigating.

- 6.2.3 If the UC has identified himself as Law Enforcement and exposed himself already, this section shall not apply.
- 6.3 Officers wearing BWCs are prohibited from surreptitiously 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, unless the recording is incidental to a recording required by this policy. 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, interacting with subjects in custody 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. Officers have discretion to record audio only in these locations.
- 6.6 Officers will not record court proceedings, pre-trial conferences or any other judicial proceedings. In the event that an arrest must be made in the courtroom, officers may record the arrest, but will, to the degree that is possible, attempt to avoid recording jurors and witnesses.
- 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. A BWC recording may only be edited as necessary for the proper release of the video for training or to the public, such as where confidentiality or protection of other witnesses or parties is required. Any edits made in this circumstance must be approved by the Chief of Police or his/her designee. Should a BWC recording be edited in any way, whether for use in training or for release to the public, the original, unedited footage



will be retained in accordance with all applicable policies and retention schedules.

6.10 Improperly altering a recording's retention category so that the system purges it, shall be considered erasing for the purpose of this policy. This shall not apply to cases where an officer alters a retention category to appropriately match the incident type.

6.10.1 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 5.2.

6.10.2 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 this policy, it will be considered a violation of Rules of Conduct 17 (Use of City Equipment) and/or 8 Compliance with Laws and Regulations and a very serious offense as outlined in HR 5.2.

6.10.3 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, may result in a training referral or verbal correction, and may be included on the employee's performance evaluation. Minor infractions associated with this 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 at least once during each tour of duty. An exception may be made for officers working in a police off-duty work capacity provided that the charger has sufficient battery life and that no recordings have been made in relation to a critical incident, an arrest, or a situation requiring an AIM report. Nevertheless, the officer will upload the files upon returning to his or her next regular tour of duty. Officers who will be off for more than 7 consecutive pre-approved days, will upload their BWC recordings at the end of the last shift prior to beginning leave.

7.2 Officers will label and categorize all recordings utilizing the designated software applications, in the following manner:



- 7.2.1 ID: The ID number will be the incident case number (when available) and will consist of a two-digit year followed by a hyphen, then a six-digit case number. Example: 20-123456
- 7.2.2 Title: The title will at a minimum consist of the incident type. Officers are encouraged but not required to use additional descriptors such as the subject name or address to aid in identification and video searches.
- 7.2.3 Category: Categories are predetermined by the department, and serve to ensure proper evidence retention. Officers will select the most appropriate category for each recording to ensure compliance with the retention section of this policy. More than one category can be assigned to a video when appropriate.
- 7.2.3.1 Categories will be audited at least annually by the BWC administrator, and will be updated as necessary to ensure proper retention of evidence and balance the need to manage data storage needs.
- 7.2.3.2 The BWC administrator will maintain a list of retention categories, current retention durations, and appropriate uses for each. This list will be available to all officers on the Police Department Intranet.

- 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. The supervisor should assign both the administrative incident and restricted category to these videos. Critical incidents include:
- 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 direct the officer to report the malfunction to the system administrator, and to turn in the camera for repair/replacement. The supervisor will also issue a replacement as soon as practicable. The BWC administrator will ensure that spare BWC's are available to supervisors to be issued.



- 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 Sergeants will conduct a review monthly of BWC footage captured by each of their assigned officers. This review will consist of viewing at least one video from each officer assigned to them, and a review of officer's uploads to evidence.com to ensure compliance with upload and categorizing requirements in this policy. 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. The review will be documented on the appropriate form and submitted to the BWC administrator. Submitted reviews will be maintained for 3 years.
- 9.2 The Public Safety Citizen's Review Board may 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.
- 9.4 The Operations Administrative Sergeant will check officer activation rates against calls for service to obtain a usage rate. The Operations Administrative Sergeant will forward this information to the Lieutenants over units with BWC equipped officers. When officers have usage rates of less than 90% their immediate supervisor will notify the officer, investigate the cause, and evaluate whether there is reason to believe a potential pattern for failing to activate exists.

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 Sharing recordings with prosecuting agencies will be the responsibility of the primary officer or primary investigator. The Greenville City Attorney's Office and the 13th Circuit Solicitor's Office are partner agencies on evidence.com. The sharing of videos with partner agencies may be done electronically. For cases prosecuted by the US Attorney's Office, the assigned investigator or any supervisor may share the videos electronically with a download link.
- 10.6 In the case of recordings needed by other law enforcement agencies, the investigator or a supervisor should send a download link or provide a hard copy to the requesting agency.
- 10.7 If the video is related to a critical incident, or marked as restricted it may be released to the investigating agency without additional approval; however, for all other requests the video must be approved for release by a Captain or above. In these cases, the BWC administrator or an Internal Affairs supervisor will be responsible for sharing the file as required.
- 10.8 Recordings which may be beneficial for training purposes will be shared with the training supervisor, to determine training value and use. Prior to use, the training supervisor will notify the officer by email of the intention to use their video. If an officer involved objects to the use of a recording for



training purposes, the officer may submit an objection, in writing (email is acceptable), through his/her chain of command to the Administration 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.

10.9 Video retention:

10.9.1 All videos will be retained for a minimum of 30 days, unless approved for deletion in accordance with this policy.

10.9.2 Officers shall categorize each video in accordance with type of case involved. Categories have assigned retention periods, which are set to balance the lawful retention of evidence, and the need to manage data usage.

10.9.3 Officers will create a digital case file on evidence.com for cases which require evidence retention beyond the normal retention period for the category assigned. Digital Case files protect all evidence contained, until the case file is deleted. For cases assigned for follow up in the Investigations Unit, the primary investigator will assume this responsibility.

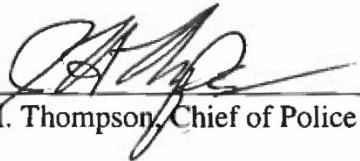
10.9.4 The BWC Administrator will initiate a review of active digital case files on evidence.com on an annual basis, and require the case officer to either mark cases as pending or adjudicated. Pending cases will remain until they have been adjudicated and the evidence may be deleted in accordance with law. Adjudicated cases will either be deleted, if they have already reached the lawful retention period, or dated in the comments when the case may be deleted in accordance with lawful requirements. In cases where there is a conviction, this will be when the convicted person has served any required sentence to include probation.

10.9.5 For videos categorized as administrative incidents, supervisor completing the Administrative Incident Report will create a case file of the video(s) in the designated software, and may attach additional digital evidence as appropriate.

10.9.6 The primary officer or investigator will delete the case file when notified by the prosecuting agency that the evidence may be destroyed in accordance with state law. Deleting the case file will default items to their original retention category, and queue them for deletion per the retention rules listed below.



- 10.10 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.
- 10.11 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.



J. H. Thompson, Chief of Police

12/7/2020
Date

