

Spartanburg County Sheriff's Office
General Order 510.8
Body Worn Camera

I. PURPOSE

A Taser Axon Body Worn Camera, referred from this point on as "BWC", is an "on-the-body" video and audio recording system assigned to a deputy as an additional means of documenting specific incidents in the field. The purpose of this policy is to establish guidelines related to the use, management, storage, and retrieval of the audio and video recordings from the departmentally issued BWC.

II. POLICY

BWCs will be utilized primarily by Uniform Patrol Deputies whose primary function is to answer calls for service and interact with the public or other deputies who have a reasonable expectation that they will. These deputies and other selected deputies within the office will be issued one upon proper instruction on its use and knowledge of this policy.

TRAINING

The BWC will be carried only by personnel who have trained in its use. Training will be documented and entered into the Spillman training file. Each deputy will be instructed and demonstrate the process of operation, downloading, and labeling of video. Supervisors will have additional instruction on the "sharing of evidence". This instruction will be documented in their training file. All instruction is available to each deputy within the Evidence.Com user guide. This should be referred to by deputies and supervisors to address questions in the operation of the body worn camera. A quick reference guide to the operation of the camera can be found attached to this policy in DMS for review, see appendix B. Supervisors can also review in the user guide, "sharing evidence", page 68 through 73, see appendix C, for refresher training on the sharing. This policy and attachments must be reviewed yearly in DMS. The BWC issued by the Spartanburg County Sheriff's Office will be the only BWC authorized for use.

III. DEPLOYMENT OF BODY WORN CAMERAS

- A. All BWC's assigned shall be utilized while on duty. Each assigned unit will be entered into Spillman Property Management Table under the deputy's name and each BWC is synced to the deputy in Evidence.Com by serial number.
- B. Immediate supervisors are responsible for ensuring on-duty deputies are equipped with a functioning BWC at the beginning of each shift. The supervisor will ensure the assigned camera is synced to the deputy in Evidence.Com.
- C. Upon being assigned the BWC, individual deputies are responsible for its use and maintenance during their shift. Any apparent problems with the BWC will be immediately brought to the attention of a supervisor.
 - Deputies will wear the BWC utilizing only the mounting equipment provided by the manufacturer of the BWC. It shall be the responsibility of the deputies to ensure the BWC remains in a position to allow the recording of an encounter or incident that most closely replicates the eyesight perspective of the deputies.
 - The BWC will be worn on the upper torso of the body, positioning determined by the deputy, to provide the best video coverage of the event.
 - There are three wearing mounts provided by the manufacturer contained in the BWC kit. The mount that best fits your person will be used.

IV. USE OF THE BODY WORN CAMERA

- A. The BWC shall be activated to record during all field contacts involving actual or potential violations of law including but not limited to:
- Traffic stops; motor vehicle accidents investigations when the parties to the motor vehicle accident are present
 - Suspicious vehicles or persons; field contacts
 - Arrests
- B. The BWC shall also be activated when responding to the following calls for service:
- Disturbances or disorders; public drunks
 - Calls involving emotionally or mentally disturbed subjects
 - Offenses involving weapons present or alleged to present; use of force; potentially adversarial contact or violence
 - When responding to any "in progress" call for service
- C. Additionally, the BWC shall be activated during the following situations:
- While operating a vehicle in a manner that requires activation of its blue lights and siren
 - During tactical activities, including the execution of search warrants
 - During warrantless searches of individuals, vehicles, buildings, and other places
 - During the initial inventorying of seized money or any high value property
- D. If not already activated, the BWC shall be activated to record any encounter that becomes adversarial after initial contact or in any situation that the deputies believes its use would be appropriate or valuable to document the incident or encounter.
- E. Once the BWC is activated, deputies will continue to record until the conclusion of their involvement in an event. When utilized during the execution of a search warrant, a deputy may deactivate the BWC after the initial sweep of the location when the incident transitions from tactical in nature to investigatory when it is clear that their participation is complete and presence is no longer needed.

V. RESTRICTED USES AND DEACTIVATION OF BODY WORN CAMERAS

- A. BWC shall be used only for legitimate law enforcement purposes in accordance with applicable law and this Sheriff's Office policy.
- B. The BWC will not be used to record fellow employees without the permission of the Chief Executive Officer (CEO) except during an investigation of a suspected violation of criminal, traffic, local law, or unless for a direct law enforcement purpose such as a crime in progress or the recording of the location is material to a criminal investigation.**
- C. The BWC shall not be utilized to record any court proceeding.**
- D. Unless present in an official capacity, the BWC should not be used in bathrooms or locker rooms.
- E. For the purpose of protecting their identity, the BWC will not be used while interacting with known confidential informants or undercover deputies. In situations where the recording of an interaction with an informant is of important evidentiary value, a deputy may choose to capture audio recordings of the interaction by positioning the camera away from the informant if possible.
- F. Deputies will not use the BWC to record personal activity.**
- G. Deputies shall only use the BWC while in patient care areas of a health care facility when the recording is for official purposes and care should be used to record only the parties involved in the event being investigated when possible. When a patient, be it a victim or suspect, is undergoing a medical procedure the BWC recording shall stop. 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.

- H. **Citizens are not allowed to view BWC recordings** unless permission has been obtained from the Sheriff or his designee.
- I. The viewing of any recording for anything other than approved Sheriff's Office purposes is prohibited.
- J. No deputies shall attempt to erase, edit or otherwise alter any data captured by a BWC unless granted administrative rights to do so by the Sheriff or his designee and have justification for the edit or deletion.
- K. **The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited.**

VI. COLLECTION OF BODY WORN CAMERA DATA

1. Process to obtain consent of victims and witnesses before using BWC's during an interview.
 - A. There is no obligation to obtain consent from victims or witnesses prior to using a BWC during an interview. However, if asked about its use, a LEO will be forthcoming about its use. At that time the LEO will have discretion on whether to keep the BWC on or turn it off. If the LEO discontinues the recording, the LEO must document the reason for discontinuation either on the BWC or in a written report.
 - B. The retention and release of data recorded by BWC's.
 1. Recordings that are non-investigative, non arrest, and are not part of any internal investigation will be retained not less than fourteen (14) days.
 2. Recordings of any arrest or violation 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 follow the retention requirements outlined therein.
 3. Data recorded by a body worn camera is not a public record subject to disclosure under the Freedom of Information Act:
 - i. 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;
 - ii. A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a Circuit Solicitor may release data recorded by a body worn camera in its discretion;
 - iii. 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 a misconduct or disciplinary action of a law enforcement officer'
 - iv. 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:
 1. A person who is the subject of the recording;
 2. A criminal defendant if the recording is relevant to a pending criminal action;
 3. A civil litigant if the recording is relevant to a pending civil action;
 4. 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;
 5. A parent or legal guardian of a minor or incapacitated person described in sub item (1) or (2); and
 6. An attorney for a person described in sub items (1) through (5).
- C. Prior to the end of the deputy's duty day, deputies, utilizing the designated software application, will categorize the recording captured by the BWC and ensure it is properly labeled with case number, (if report is done), ticket number, be it a UTT or Warning Citation number. In instances

where a deputy has multiple recordings of the same incident, they will differentiate the files when labeling them to include a number 1 of..... Each subsequent recording from that event will be labeled in the same manner, with the numerals continuing sequentially 1 of 2, 2 of 2, etc.... (See Appendix A for retention categories and times. Retention dates are subject to change based on need of the Sheriff's Office)

- D. ID: This will be either case # (14080000) as indicate on the report or ticket number, (UTT), this includes warning ticket number when issued.
In the case of warrant service, the following guidelines apply:
1. Spartanburg County Sheriff's Office incident, then the case number is the ID
 2. If another jurisdictions warrant, then the warrant number is the ID
 3. If a bench warrant is served, then it is the bench warrant number that is the ID
 4. If the service of the warrant generates an incident report, the case number is the ID
 5. A warrant attempt at a residence, search conduct, no suspect found, will be categorized as a warrant investigation.
- E. CATEGORY: This will be best applicable category for the incident. Example: if it is a traffic stop and it is determined that driver/suspect just committed a burglary, it will be categorized as a burglary. Remember, highest offense.
- F. TITLE: This will be the address (if residence). If it is a business, it will be the address and the name of the business.
- G. Remember also, you do have the ability to make notes in the "post a note" block, of the down loaded video if you feel it necessary, especially if you are sharing the video with someone that has a need for the share.
- H. Deputies shall note in any incident reports and/or citations that there is a BWC recording of any portion of the incident. Deputies may use media captured via the BWC to assist with an investigation and to aide in the completion of reports. If the BWC was not activated according to policy, it shall be briefly indicated as to why in the incident report.
- I. The creation of any DVD recordings from a BWC will be made only when requested by the deputy and documented in the incident report or supplemental giving the reason for the DVD, then turned into evidence.
- J. DVD copies, when requested or subpoenaed, shall be provided as Discovery to Solicitors Office or attorney in accordance with current Sheriff's Office policy.

VII. RETENTION

- A. The BWC and all video files are the property of the Sheriff's Office and are to be used for official purposes only.
- B. Any portion of a recorded image that records an event surrounding a violation of the law, which includes an infraction or a crime or offense prosecutable in the criminal courts in this State or the United States, is considered a record of a criminal investigation, and not a public record.
- C. Any portion of a recorded image that may be used to subject an employee to Spartanburg County Sheriff's Office disciplinary action is a part of that employee's personnel file as defined in and is open to inspection only as provided by law or Sheriff's Office policy, unless otherwise required to be disclosed as evidence in a criminal proceeding.

- D. Uploaded recordings will be retained on the remote digital storage system (Evidence.Com) based upon the retention schedule established for each category of recording. The retention times are established by this agency based on crime type and consideration for the Post Conviction Relief (PCR). See appendix A. Any video that has no case number, Uniform Traffic Ticket to include warning citation, or current complaint pending will be placed into the applicable category.
- E. Access to the Evidence.Com is a secure and easily accessed interface for management, sharing, and viewing of mission critical data.
- F. It is only accessible by deputies that are entered and granted access by a designated systems administrator.
- G. This is a password required system with additional security related questions being required during certain functions.
- H. It shall be the assigned case deputy's responsibility to ensure that all recordings which constitute evidence, or are required to be included in the case file, are properly labeled and categorized for storage prior to their scheduled purge date from the remote digital storage system. Each deputy is responsible for ensuring that their video, if to be used for criminal/traffic prosecution, the video evidence stays current and available in the Evidence.Com until the case is resolved. Once the video is no longer needed after the case is adjudicated, then it will remain in Evidence.Com until purged from the system.
- I. If a video from Evidence.Com is to be used in a criminal prosecution and will be entered into evidence during that prosecution, then a hard copy DVD must be made to introduce it as evidence. If the deputy is prosecuting the case in Magistrates Court, it is that deputy's responsibility to get it completed. All applicable Sheriff's Office policy pertaining to evidence will apply. Video evidence made under a Discovery Motion can be shared; the audit copy provided by Evidence.Com will show compliance. It will be the deputy's responsibility to notify his supervisor to share the applicable video under Discovery to the requesting attorney.

VIII. SUPERVISOR RESPONSIBILITIES

- A. Supervisors will ensure that only trained deputies are equipped with available BWC prior to the beginning of their shift. When issuing cameras, the BWC should not be removed from the docking station before the transfer of data is complete unless an emergency event occurs that would give reason for the removal. Removal prior to the complete download will not cause loss of remainder of video.
- B. When possible, supervisors should assign a deputy with a BWC to events where they believe the capture of video will be beneficial to the deputies involved or this Office.
- C. Upon receiving notification of any damage or malfunction of a BWC, the supervisor will remove the BWC from service and notify the system administrator of the need for repair. Until the repair is made, a new BWC will be issued as available.
- D. Supervisors will ensure that all recorded events are documented by the deputies in the associated reports and citations. If a deputy resigns or is terminated from their employments with this office that supervisor of that deputy is then transferred that deputy's video evidence.
- E. Supervisors will ensure that any recordings relating to an administrative investigation are downloaded and stored for inclusion in the investigative file prior to their scheduled purge date from the remote digital storage system.
- F. Notification of the existence of recordings which may be beneficial for training purposes shall be forwarded via the chain of command to the Captain or his designee over the Training Unit for determination of training value and use.

- G. Supervisors shall monitor deputies to ensure that assigned BWC are being properly charged, files uploaded, and properly labeled at the end of a deputy's tour of duty.
- IX. Employees found to be in violation of any provision contained within this general order may be subjected to disciplinary action.

By Order of:

Sheriff Chuck Wright

Appendix A

1. Uncategorized 45
2. Arson 3 years
3. Assault/Battery 3 years
4. Burglary 3 years
5. Complaint 3 years
6. Death Investigation 99 years
7. Disorderly Conduct 1 year
8. Domestic 3 years
9. Field Interrogation 3 years
10. Harassment 3 years
11. Juvenile 3 years
12. Medical 3 years
13. Narcotics 99 years
14. Non-Event 45 days
15. Officer Injury Until manually deleted
16. Pending Review Until manually deleted
17. Property 3 years
18. Robbery 3 years
19. Sex Offenses 3 years
20. Theft 3 years
21. Traffic Accident 3 years
22. Traffic Stop 3 years
23. Traffic Warning 45 days
24. Warrant Service 3 years
25. Warrant Investigation 45 days
26. Training Demo Until manually deleted
27. Training FTO 50 YEARS

28. Use of Force Until manually deleted