

South Carolina Department of Probation, Parole and Pardon Services

Division: Field Operations Division
Subject: Supervision
Topic: Body-Worn Cameras

Policy & Procedure No. 151
Page 1 of 5

Related Forms and Templates:

NOTICE OF DISCLAIMER:

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES (SCDPPPS). THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. SCDPPPS RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

CALEA STANDARDS: 41.3.8

This policy is to set forth guidelines for the utilization, management, storage, and retrieval of audio-visual media recorded by Body-Worn Cameras (BWC). The proper utilization of BWCs can enhance agent safety by the documentation of public contacts, warrant service, critical incidents, special operations, and other qualifying events. In addition, BWCs can provide additional information for agent evaluation and training.

POLICY:

Body-worn cameras will be utilized, based on availability and funding, by authorized agents in accordance with the policies, procedures, and training established by the Department. BWCs will assist agents in the performance of their duties by providing an accurate and unbiased recorded accounts of incidents. To maximize effectiveness of the BWC program and to maintain integrity of evidence and related documentation, all personnel shall adhere to the guidelines and procedures contained in this policy and exercise sound judgment in their use of body-worn cameras.

DEFINITIONS:

Body-Worn Camera (BWC) – An agency-approved multimedia camera system designed to be worn on an officer’s person and used to capture audio and visual data of interactions with offenders and the public.

Qualifying Event – An event that requires an officer to activate the BWC and to begin recording. Qualifying Events include, but are not limited, to the following:

- Conducting arrests
- Transporting offenders of the opposite sex when no officer of the same sex is available to assist with the transport

-
- Conducting field interactions with offenders
 - Conducting collateral interactions in the field
 - Conducting significant office interactions with offenders, family members, etc.
 - Performing Home Visits/Home Visit Progress Reports
 - Serving Department-issued warrants
 - Assisting other law enforcement entities (unless otherwise instructed by a supervisor)
 - Providing public safety assistance to the general public

GENERAL EXPECTATIONS:

Agents and supervisors shall receive training on this policy and the use of BWCs prior to operating a BWC during a Qualifying Event.

Confidentiality

All recorded media, images, and audio are property of the Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy, or as required by law, without the expressed consent of the Director or his designee. Under no circumstance will any member of the Department make a personal copy of any recorded event without prior, written permission of the Director or his designee.

Equipment

Department-issued BWCs are to be utilized for official Department use and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action per Policy 205 (Progressive Discipline).

Agents will only use those BWCs issued and approved by the Department. The use of personally-owned video or audio recorders is strictly prohibited.

Agents' Responsibility

BWC equipment is the responsibility of the individual agent and will be used with reasonable care to ensure proper functioning.

Prior to beginning a planned Qualifying Event, the agent will ensure the BWC's readiness by conducting an operational inspection. Any problems preventing the use of the BWC during a Qualifying Event will be reported to the agent's supervisor immediately.

Any damage to a BWC shall be immediately reported to the agent's supervisor and/or AIC. Damaged equipment shall not be utilized in the field and shall be returned to the Body-Worn Camera Director for repair or replacement.

PROCEDURE:

Agents will activate the BWC during each encounter with offenders and/or third parties/citizens related to:

-
- Calls for service
 - Searches
 - Arrests
 - Uses of force,
 - Crowd control,
 - Any time law enforcement action may be taken
 - When there is probable cause or reasonable suspicion of a crime at the beginning of an encounter or incident. (Exceptions include situations where there is a victim of sexual assault.)
 - At any other time deemed appropriate by the operating agent

Agents will utilize BWCs to capture the execution of any warrant, detention, arrest, or building entry. Agents are not required to activate the camera or recording device during pre-execution surveillance. Once the decision is made to execute a tactical option, the BWC will be activated and remain on until the tactical operation has concluded.

Agents shall not narrate or dictate their actions to the BWC, unless extenuating circumstances make this action necessary.

Unless articulable, exigent circumstances exist, agents will attempt to avoid recording videos of person who are nude or when sensitive human areas are exposed. The BWCs shall not be used to record at locations wherein a reasonable expectation of privacy exists:

- In locker rooms, dressing rooms, or restrooms
- To record protected health information such as medical records
- In places that are primarily used for medical or psychiatric treatment, unless the officer has an offender in custody and that offender has not been transported to the jail
- During field visits to external treatment classes and treatment facilities (sex offender treatment, cognitive behavioral classes, in-patient treatment, etc.)

During situations involving non-arrests and non-investigative encounters, agents shall acknowledge the use of the BWC when asked. During these encounters, the BWC should remain on until the incident has reached a conclusion or until the agent leaves the scene. If the citizen objects to being recorded, the agent will note this on the video and may exercise discretion in choosing to end the recording. The intention to stop the recording will be verbally noted by the agent on the BWC.

Circumstances may exist during these types of encounters, which would not otherwise require recording, that unexpectedly or rapidly become adversarial. In those situations it may be unsafe, impractical, or unreasonable for the agent to activate their BWC before taking law enforcement action. In these cases, it is expected that once the immediacy of the situation is over, agents will activate their BWC to record the remainder of the incident.

An agent shall deactivate the BWC during a Qualifying Event if continued recording of the event will capture and record:

-
- Privileged communications between an attorney and their client
 - Privileged communications between spouses
 - Privileged communications between a medical care provider (i.e. doctor, physician's assistant, nurse, etc.) and patient
 - Privileged communications between a mental health care provider (i.e. psychiatrist, psychologist, mental health counselor, etc.) and patient
 - Privileged communications between a person and a member of the clergy (i.e. priest, rabbi, imam, etc.)
 - The identity of a confidential source of information
 - An interview with a victim or witness who explicitly states they do not wish the interview to be recorded

Whenever a BWC is used in any assignment, investigation, or incident, this fact will be documented in any report prepared for the incident and in the Offender Management System (OMS).

If, once the situation has stabilized beyond the immediate preliminary encounter, and it becomes necessary to discuss the specifics of the event or investigation with another officer or supervisor in furtherance of the investigation, the agent will note this on the video and may end the recording. The intention to stop the recording must be verbally noted by the agent on the BWC.

Agents shall not record other employees' personal conversations unless it involves a violation of the law or is at the direction of the Director. BWCs shall never be used for personal use or for anything other than recording a Qualifying Event, unless directed by the Director.

Supervisor Responsibility

It is incumbent on all supervisors to ensure agents utilize BWCs according to policy guidelines. Supervisors will review a minimum of 10 BWC recordings per agent each month in order to assess agent performance and adherence to quality contact standards, as well as to identify videos that may be appropriate for training purposes. If deficiencies in an agent's performance are observed by the supervisor, additional video reviews will be conducted. Supervisors must document video reviews in the "Notes" section of the BWC software.

If a recorded event is associated with a complaint or an agent believes an incident may generate a complaint, the supervisor will contact the BWC Director to ensure the video is flagged for indefinite retention and, if necessary, restrict access to the video.

Video Retention

Agents will upload BWC videos as soon as practical following a Qualifying Event. All video files must be uploaded by the next business day. Agents will utilize the designated software application to categorize the recording and input the following information:

- SID number
- Offender's last name

-
- Category – from the drop down menu, select the appropriate category based on the interaction conducted

BWC recordings that are non-investigative, non-arrest, and not part of any internal investigation will be retained for 30 days. If the associated incident report, OMS entry, and/or other documentation indicates the necessity of maintaining any recording beyond the 30 day retention schedule, the reason for the extended retention will be noted in the data note section of the specific recording.

BWC recordings for all other interactions and/or offenses will be retained in accordance with applicable state and local laws.

Agents will have access to review recordings when preparing written reports or statements of events to help ensure accuracy and consistency in documentation. Agents will not have the ability to edit or erase any BWC recordings. An agent shall not attempt to edit or erase any BWC recordings without express permission from the Director.

If there is a hearing or other disciplinary matter involving the agent, the agent will be allowed to review the BWC recording of the incident in question.

Evidence and Disclosure of BWC Footage

If a BWC recording is needed for evidence in a legal proceeding, the agent will obtain permission through their chain of command to present the video from the online BWC video storage system.

Pursuant to S.C. Code Section 24-21-290, information contained within BWC recordings will be considered privileged and confidential. Any requests for BWC recordings, to include FOIA requests, subpoenas, and Discovery Motions, will be immediately forwarded to the Office of General Counsel.

All law enforcement requests for information and/or footage shall be forwarded to the Director or designee on the requesting agency's letterhead.

No employee shall release footage recorded on a BWC to anyone outside the Department without permission from the Director or designee.

Jerry B. Adger, Director

Issue Date