

	Administrative Field Guide	Body Worn Cameras	PAGE 1 OF 5
	City of Charleston Police Department Field Guide		EFFECTIVE DATE: 03/09/15
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BY THE AUTHORITY OF THE CHIEF OF POLICE: <i>D. D. Miller</i>			

SECTION 1 PURPOSE

The purpose of 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 availability of BWC's enhances documentation of police-public contacts, arrests, and critical incidents. They also augment officer reporting and testimony in court. Audio and video recordings also enhances this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training. The BWC's may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

SECTION 2 POLICY

BWC's shall be utilized, based on availability, by all on-duty uniformed personnel assigned to the Operations Bureau Patrol Division at the rank of Sergeant and below to assist Department personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident. Additionally, to maximize effectiveness of the BWC and maintain integrity of evidence and related documentation, all personnel shall adhere to the procedures outlined within this policy.

SECTION 3 CONFIDENTIALITY

All recorded media, images, and audio are property of the Charleston Police 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 Chief of Police or his designee. Under no circumstances will any member of the Charleston Police Department make a personal copy of any recorded event without prior written permission of the Chief of Police, or his designee.

SECTION 4 PROCEDURE

Equipment

Department issued BWC's are intended for official Departmental use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.

1. Officers will only use those BWC's issued and approved by the Charleston Police Department. The wearing of personally owned video recorders is not authorized.

Officer Responsibility

Prior to beginning a shift, uniformed officers assigned to the Operations Bureau Patrol Division at the rank of Sergeant and below are required, based on availability, to utilize a BWC in accordance with this policy will ensure its readiness by conducting an operational inspection.

1. Any problems preventing the use of the unit during the shift will be reported to the on-duty shift supervisor immediately
2. Problems that cannot be remedied will be reported to the Special Projects Commander.
3. Any damage to a BWC shall be immediately reported to the Officer's supervisor. Damaged equipment shall not be utilized in the field until repairs have been completed.

Operating Procedures

1. Officers shall receive training on the use of BWCs prior to operating a BWC in the field.
2. If possible, officers should advise the person of the use of the BWC during situations involving non-arrests and non-investigative encounters.
3. During these types of encounters, once the BWC is activated it should remain on until the incident has reached a conclusion or the Officer leaves the scene. If the citizen objects to being recorded, the officer will note this on the video and end the recording. The intention to stop the recording will be noted by the Officer verbally on the BWC.
4. If, during a non-investigative encounter, an officer develops reasonable suspicion or probable cause of a crime, the officer will activate the BWC.
5. 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 operator to activate their BWC before taking police action. In these cases it is expected that once the immediacy of the situation is over, operators will activate their BWC to record the remainder of the incident.
6. If there is probable cause or reasonable suspicion at the beginning of an encounter or incident, the officer will activate the BWC.
7. Officers will activate the recording during each citizen encounter related to a call for service, conducting a traffic stop, conducting a field contact, and any time that enforcement action may be taken, or any other time deemed appropriate by the operating Officer.
8. To respect the dignity of others, unless articulable exigent circumstances exist, Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed. The BWC's shall not be used to record areas where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms.
9. Additionally, tactical activities such as building searches, searches for suspects, and building checks of alarms will be recorded.
10. Whenever a BWC is used in any incident, investigation or during a traffic stop, this fact will be documented on any citation and/or report prepared for the case.
11. Once the situation has evolved beyond the immediate preliminary encounter and has stabilized, if it becomes necessary to discuss the specifics of the event, investigation, or case with another officer or supervisor in furtherance of the investigation, the BWC may be temporarily muted during these discussions. If the BWC is muted, that will also be recorded on the video.

12. Officers will upload video to the system upon completion of their shift, or as soon as practical immediately following a significant event. All recordings will be properly labeled and identified for uploading utilizing the appropriate meta-data forms provided.
13. Officers will have access to review the recordings when preparing written reports or statements of events to help to ensure accuracy and consistency of accounts.
14. Officers will not have the ability to edit or erase any BWC recordings.
15. If there is a hearing or other disciplinary matter involving the officer, the officer will be allowed to review the BWC of the incident in question.

Supervisor Responsibility

1. It is incumbent on all supervisors to ensure officers utilize BWCs according to policy guidelines.
2. Operations Bureau Division Commanders, Team Commanders, and Team Administrative Sergeants will conduct random monthly reviews of five (5) selected recordings in order to assess officer performance as well as flag videos that may be appropriate for training purposes.
3. If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the supervisor will ensure the video is flagged for indefinite retention and, if necessary, restrict access to the video.

Video Evidence and Retention

1. Videos needed by Officers for evidence in court may be requested through the Team Lieutenants, Team Administrative Sergeants, or the Special Projects Commander.
2. Videos requested through FOIA, Discovery Motions, including Rule 5, will follow the department process for this release.
3. Recordings that are non-investigative, non-arrest, and are not part of any internal investigation will only be retained for fourteen (14) days. If it becomes necessary to maintain any of these recordings beyond the 14 day retention schedule the reason for the extended retention will be noted in the meta-data of the specific video.
4. Recordings for any violations/offenses listed in the S.C. Preservation of Evidence Act will follow the retention requirements outlined in S.C. Code 17-28-320(C).
5. Recordings that involve General Sessions offenses not listed in the South Carolina Preservation of Evidence Act will be retained for ten (10) years. If it becomes necessary to maintain any of these recordings beyond the 10 year retention schedule, the reason for the extended retention will be noted in the meta-data of the specific video.
6. Recordings that involve Municipal Court offenses not listed in the South Carolina Preservation of Evidence Act will be retained for four (4) years. If it becomes necessary to maintain any of these recordings beyond the 4 year retention schedule the reason for the extended retention will be noted in the meta-data of the specific video.

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