

STATE OF SOUTH CAROLINA)
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COUNTY OF GREENVILLE)
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IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

STANDING ADMINISTRATIVE ORDER

Body Worn Camera Video Protective Order

19 JUN 17 AM 8:45
Paul Wickensimer-ODC 8UL SC

This Standing Protective Order is issued to ensure that certain discoverable material provided to defendants by the Solicitor's Office pursuant to Rule 5, SCRCrimP, will remain confidential in order to protect the privacy rights of victims, witnesses, and members of the public. In support of this order the Court finds the following:

1. A body worn camera ("BWC") is defined as an electronic device worn on a person's body that records both audio and video data (hereinafter "BWC Recordings"). S.C. Code Ann. § 23-1-240(A).
2. Law enforcement officers ("LEOs") in Greenville County are outfitted with BWCs in compliance with the provisions of S.C. Code Ann. § 23-1-240 and agency policy.
3. During the course of a LEO's duties, his or her BWC may record audio and video data that includes personally identifying information and images of victims, witnesses, and other members of the public that the LEO may encounter during the investigation.
4. The South Carolina Legislature specifically exempted BWC Recordings from the S.C. Freedom of Information Act. S.C. Code Ann. 23-1-240(G)(1).
5. Upon proper request from a defendant or their legal counsel, a defendant or his/her attorney are entitled to receive a copy of BWC Recordings if they are relevant to a defendant's pending criminal action. S.C. Code Ann. 23-1-240(G)(5).
6. Dissemination of BWC Recordings to the media, or any entity or individual not specifically entitled to such recordings by statute, creates a substantial risk of violating the privacy rights of victims, witnesses, and members of the public who may appear on such recordings simply as a result of interacting with law enforcement.
7. Based on the foregoing, this Court finds that a substantial basis exists to justify implementing additional safeguards on the dissemination of BWC Recordings to protect the respective interests of defendants, witnesses, victims, and the public at

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large. Additional privacy safeguards will also facilitate the expeditious disclosure of relevant discoverable BWC material by the Office of the Thirteenth Circuit Solicitor in pending criminal actions.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

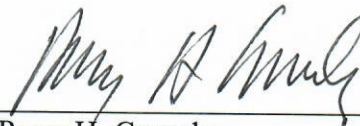
8. Upon proper request from a defendant or their legal counsel in accordance with Rule 5, SCRCrimP, a copy of any relevant BWC Recordings shall be made available to the defense;
9. No additional copies of the BWC Recordings, or any portion thereof, shall be made by the defendant, the defendant's attorney, investigator, expert, or any other representative or agent of the defendant, except for purposes of preparation, analysis, review, and/or investigation. If an additional copy is made for such a purpose, the defendant and/or defendant's attorney shall number the copy, maintain a record of the copy, and retrieve the numbered copy when the case is finally disposed;
10. If any additional copies of the BWC Recordings are requested from the State, defense counsel must provide the State with a specified reason why a copy is needed, and any copies will be numbered to ensure that all are maintained in a confidential manner consistent with this order;
11. The BWC Recordings, or any portions thereof, shall not be used by the defense for any purpose other than to conduct additional investigation and/or prepare a defense in the pending criminal action;
12. BWC Recordings provided by the Office of the Thirteenth Circuit Solicitor as part of the discovery process shall not be publicly exhibited, shown, displayed, used for educational, research, or demonstrative purposes, or displayed in any other manner, except for in judicial proceedings related to the pending criminal charges. This Order does not affect or restrict the statutory BWC Recordings dissemination authority by specific law enforcement entities as set forth in S.C. Code Ann. 23-1-240(F) and (G) to display, duplicate, and disseminate BWC footage;
13. The BWC Recordings may be viewed only by parties to the criminal action, their counsel, and their counsel's employees, investigators, experts, or witnesses as may be necessary for investigation of the case and trial preparation;

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A signature in black ink, possibly "R. G. ...".
A signature in black ink, possibly "P. H. ...".
A signature in black ink, possibly "P. H. ...".

14. No written transcript of BWC Recordings, nor the substance of any portion thereof, shall be divulged by the defense to any person not authorized to view the BWC Recordings;
15. No person other than those individuals specifically set forth in *Paragraph 13* above shall be granted access to BWC Recordings, any transcriptions thereof, or the substance of any portion thereof unless that person has first agreed in writing that he has received a copy of this Order, and that he submits to the Court's jurisdiction and contempt powers or sanctions for any violation of the Order. In the event counsel is substituted or added, both former and new counsel shall be subject to all provisions and requirements of this Order;
16. Upon a finding by this Court that any entity or individual has violated any of the terms or conditions of this Order, the Court may impose additional conditions and sanctions including contempt; and
17. That upon final disposition of the case, any copies of BWC Recordings, and any transcripts not already admitted into evidence in the case, shall, if retained, remain confidential as set forth in this Order.

IT IS SO ORDERED.

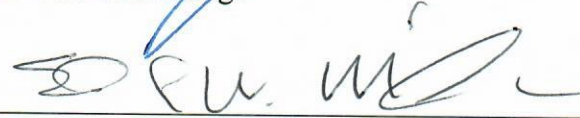
Greenville, South Carolina
May 13, 2019



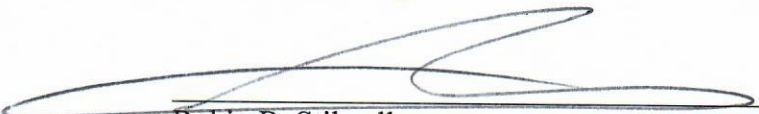
Perry H. Gravely
Circuit Court Judge



Alex Kinlaw, Jr.
Circuit Court Judge



Edward W. Miller
Circuit Court Judge



Robin B. Stilwell
Circuit Court Judge



Letitia H. Verdin



Circuit Court Judge

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