



POLICY AND PROCEDURE

Subject: BODY WORN CAMERAS	Policy Number: 107 Number of Pages: 6
Date of Original Issue: 08/29/2024	Date of Revision:
By the Authority of: Chief of Police: Zachary Owen	

DISCLAIMER: THIS POLICY BECOMES EFFECTIVE PER STATUTE WHEN FUNDING IS AVAILABLE

I. PURPOSE

This policy governs the use, management, and storage of audio-visual media recorded by a Body Worn Camera (BWC) and video retention requirements.

II. POLICY

This agency is committed to the belief that on-officer video is an important and valuable tool for law enforcement. On-officer video is essentially audio-video documentation of an officer's investigative and enforcement activities from the perspective of the officer's person. The use of BWCs is expected to result in greater transparency, more effective prosecution, consistent officer conduct, and improved protection against false allegations of excessive use of force, misconduct or racial profiling. Audio or video recordings of investigative or enforcement actions are evidence, and subject to rules of disclosure.

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All recorded media, images, and audio are property of this agency 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 agency head or designee.

III. PROCEDURES

A. Body Worn Camera Use and Activation

1. The Body Worn Camera (BWC) will be worn by all uniformed officers whose primary function is to answer calls for service and interact with the public, or officers who have a reasonable expectation that they will. The equipment shall be worn at all times that the officer is in an agency uniform and may become involved in an enforcement situation. This includes extra duty shifts and court appearances.
2. The BWC shall be utilized when a uniformed officer arrives at a call for service or initiates any other law enforcement or investigative encounter between an officer and a member of the public, including, but not limited to: on the scene of all violent crimes; traffic stops; motor vehicle accident investigation when the parties to the motor vehicle accident are present; suspicious persons; public drunk; public disorderly conduct; field contacts; arrests; emotionally disturbed persons; weapons are present or alleged to be present; use of force; and an adversarial contact or potentially adversarial contact.

B. Body Worn Camera Restrictions

1. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record communications with other police personnel without the permission of the chief executive officer (CEO), encounters with undercover officers or confidential informants, when on break or otherwise engaged in personal activities, 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.
2. Officers 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, officers will try to avoid recording persons who are nude or when sensitive human areas are exposed.

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3. Audio or video recording devices shall not be used in locker rooms, restrooms or any place within the agency where there would be a reasonable expectation of privacy.
4. Whenever an officer believes that a recorded contact may lead to a citizen complaint, he/she shall bring the recording to the attention of his/her supervisor as soon as possible. If no crime report or supplementary report is being prepared, details of the contact may be documented via information report or memorandum.
5. Members will not make surreptitious recordings of conversations with other agency employees except, when necessary, in the course of a criminal investigation or for administrative investigations with the express consent of the agency head.

C. Equipment Use and Maintenance

1. Designated employee(s) or staff member(s) shall be responsible for ensuring cameras are charged and in proper working order, for reporting and documenting problems with cameras, and for reissuing working cameras to avert malfunction claims if critical footage is not captured.
2. Officers should take reasonable steps to ensure the BWC has sufficient battery life.
3. Officers will not have the ability to erase or edit any BWC recordings unless specifically approved by the agency head.

D. Downloading and Recording Process

1. Designated employee(s) are responsible for downloading recorded information from the BWC and safeguarding against data tampering and deletion [Insert title of person responsible]
2. Recordings shall be downloaded in a timely manner, not to exceed [insert time frame]
3. The data from the camera recordings will be stored [insert location/platform of storage]

E. Process to Obtain Consent of Victims or Witnesses

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There is no obligation to obtain consent from victims or witnesses prior to using the BWC during an interview. However, if asked about its use, the officer will be forthcoming about its use. At that time the officer will have discretion whether to keep the BWC on or turn it off. If the officer discontinues the recording, the officer must document the reason for discontinuation either on the BWC recording or in a written report.

F. Supervisor Responsibilities

1. A supervisor shall review and document monthly a random selection of videos memorialized by shift personnel to ensure the equipment is working properly and officers are using the equipment according to policy and law. Supervisors shall proactively view video to assist in assuring proper response and documentation to critical incidents.
2. 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.

G. Retention and Release of Data Recorded by Body Worn Cameras

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 arrests or violations 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

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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 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).

H. Training

1. Officers shall receive training on this policy and the use of BWCs prior to operating a BWC in the field.
2. This training should include but not be limited to:

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- a. Wearing the BWC
 - b. Usage
 - c. Limitations
 - d. Activation
 - e. Deactivation
 - f. Retention request periods
 - g. Chain of custody
3. Supervisors shall additionally receive training in relation to the usage of reviewing capabilities for administrative and training purposes.
4. Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes. The supervisor should then forward that information through the appropriate chain of command for approval. Officers should be notified that they are on a video being used for training.