

	<b>Horry County Police Department</b> <b>General Order</b>		
	<b>Subject</b> Use of Body Worn Cameras (BWC's)	<b>Number</b> 17-5	<b>Distribution</b> All Personnel
<b>Effective Date:</b> September 1, 2015	<b>Amends /Rescinds:</b> All previous versions	<b>Pages:</b> 1 of 7	<b>Re-evaluation:</b>
<b>References:</b> SCLEA		<b>Notes:</b>	

**I. PURPOSE**

Certain uniformed law enforcement assignments within the Department may be equipped with a Body Worn Camera. This directive is to establish policy for the operation, use, and control of Body Worn Cameras (BWC's) assigned to those officers of the Horry County Police Department.

**II. POLICY**

It is the policy of the Horry County Police Department that officers will use Body Worn Cameras to record video and audio transactions, in their entirety, that occur between officers and the public as described in this policy. The Horry County Police Department believes that using this equipment enhances the Department's ability to review arrests and arrest procedures, officer and suspect interaction, evidence for investigative purposes, and officer evaluation and training; and provides accurate documentation of events, actions, conditions, and statements made during arrest and other critical incidents, which serve to improve upon officer reports, collection of evidence, and prosecution efforts. Video and/or audio recordings produced by these devices are the property of the Horry County Police Department and may not be reproduced or duplicated except as described in law or this policy.

**III. DEFINITIONS/ABBREVIATIONS**

1. *Activated:* The BWC system is actively recording video and audio and the wireless body microphone is turned on and functioning accordingly.
2. *Taser Axon:* Brand Name of the BWC systems currently being utilized by the Horry County Police Department.
3. *Deactivated:* To stop the BWC system from either video and/or voice recordings
4. *GPS:* Global Positioning System
5. *BWC:* Body Worn Camera audio / video recording equipment.
6. *Turned Off:* The BWC system has been completely shut down.
7. *Turned On:* The BWC system is on and ready for use
8. *Pre-Event Buffering:* Device feature where the camera continuously records and holds the most recent 30 seconds of video prior to record activation. With this feature, the initial event that causes the officer to activate record is likely to be captured.

#### IV. PROCEDURES

##### A. GENERAL OPERATION

1. 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 interact with the public will be issued and wear a BWC.
2. The BWC shall only be activated for legitimate law enforcement purposes.
3. The maintenance of BWC equipment issued to an officer, is the responsibility of the officer to whom that equipment is assigned. BWC equipment will be maintained according to the manufacture's recommendations and this policy.
4. Officer's working Extra Duty assignments who are not issued BWC's for their regular duties will sign one out from the Technology Unit prior to signing on.
5. State Constables will be issued a BWC during their assignment. The shift supervisor or their designee will coordinate the issue, upload and return of the BWC with the Technology Unit.
6. At the beginning of each shift, officers will ensure that BWC equipment is working satisfactorily and report any problems to the supervisor and the Technology Unit via e-mail at ([police@horrycounty.org](mailto:police@horrycounty.org)) immediately. This will include but is not limited to:
  - a. Camera operations
  - b. Microphone operations
  - c. BWC has sufficient charge and storage capacity
7. Officers will make every effort to ensure non-police related electronic devices within the vehicle (radios, CD players, etc.) are turned off when the BWC system is recording. This may or may not apply to the police radio also, at the discretion of the officer according to the investigation being conducted or action being taken. Other noise, such as wind or road noise from an open window, will also be limited whenever possible.
8. Officers will use their BWC equipment to record all of the following activities:
  - a. All Traffic Stops and Traffic Enforcement Activities. Officers will activate BWC equipment when following a vehicle with intent to stop it. Officers will deactivate the equipment only after the traffic stop has ended and the officer or the violator has left the scene.
  - b. Emergency responses. Officers will activate BWC equipment at the beginning of an emergency response and ensure the entire event is recorded. Officers will deactivate the equipment only after the incident that generated the response has ended or the officer has left the scene.
  - c. Pursuits. Officers will activate BWC equipment at the beginning of a pursuit and ensure the entire event is recorded. Officers will deactivate the equipment only after the incident that generated the pursuit has ended or the officer has left the scene.
  - d. Officer Involved Accidents and Incidents. Officers responding to the scene of an officer-involved accident or incident will activate the equipment at the beginning of an emergency response to an officer-involved accident or incident, or upon arrival at the scene if the officer did not respond in an emergency manner. Officers will deactivate the equipment only after the incident has ended or the officer has left the scene.

- e. Interviews of Victims, Suspects, or Witnesses and Field Interviews (non-custodial). Whenever possible, officers will utilize their BWC's to interview victims, suspect, or witnesses. Officers will include any applicable sub-events, like Miranda warnings, of the event in the recording; however, recording Miranda warnings or any other legal requirements does not supersede the documentation required in this or other policies.
  - f. All active felony or misdemeanor investigations. Officers responding to an active investigation will activate the BWC equipment upon approaching the scene of such investigation. Officers will deactivate the BWC only after the event has ended or the officer has left the scene.
  - g. Prisoner/Detainee detention or transportation in the police vehicle. Officers will activate the BWC equipment upon detaining someone in their assigned vehicle or transporting a prisoner/detainee to any facility. Officers will deactivate the equipment only after the transportation of a prisoner/detainee has ended and upon entering a detention facility.
  - h. Performing Back-Up Responsibilities. Officers will activate the BWC equipment upon arrival at a scene where the officer is performing as back-up to an officer of this or any other department or agency. Officers will deactivate the equipment only after the incident is over or the officer has left the scene.
  - i. All assigned/dispatched calls for service. Officers will activate the BWC equipment upon arrival at a location in response to a call for service and will not deactivate the BWC equipment until the response is finished or the officer has left the scene.
  - j. Any other official contact that may turn into an enforcement action.
9. Officers may manually deactivate the BWC system, for non-enforcement activities, as follows:
- a. Whenever the video and/or audio are temporarily deactivated during an enforcement action or in any of the situations described in subchapter IV.A.5 above, for any reason, it is the officer's responsibility to properly document the reason(s) for deactivation in the corresponding incident report. Supervisors will annotate such approvals, the officer, the reason, and the approximate length of the deactivation in the corresponding report of investigation.
  - b. If a non-enforcement activity develops into an enforcement activity, officers will activate the BWC system as early as possible in the event.
  - c. In the event of extended incidents, the field supervisor or commanding officer(s) may authorize the deactivation of BWC's once the incident has entered an investigative phase and the law enforcement action is complete.
10. Exceptions and Restrictions for use:
- a. Officers are not required to activate and record investigative or enforcement encounter with the public when:
    - (1) A witness or victim refuses to provide a statement if recorded and the encounter is non-confrontational;
    - (2) In the officer's judgement, a recording would interfere with his or her ability to conduct an investigation, or may be inappropriate, because of the victim or witness's physical condition, emotional state, age, or other sensitive circumstances (e.g., a victim of rape, incest, or other form of sexual assault);
    - (3) Situations where recording would risk the safety of a confidential informant, citizen informant, or

undercover officer; or

- (4) In patient-care areas of a hospital, rape treatment center, or other healthcare facility unless an enforcement action is taken in these areas.
- (5) The reasons must be CLEARLY documented in an incident report as to why the BWC was not utilized.

b. Officers will not activate BWC's in Department locker rooms, restrooms, or any other place where there would be a reasonable expectation of an officer's privacy including but not limited to breakrooms, rest areas, or off duty gatherings. Recordings of Department personnel shall not be made unless an authorized pre-existing investigation is being conducted that has been approved by the Chief of Police.

c. Notice to members of the public of recording

- (1) Officers are encouraged to inform individuals that they are being recorded when feasible;
- (2) Officers are not required to obtain consent from members of the public when the officer is lawfully in the area where the recording takes place such as a residence that they were called to for service. However, if asked, officers should be forthcoming about its use.

#### 11. Officer's Responsibilities

- a. Officers are to be properly trained in the proper procedure and usage of the BWC's. This training may be accomplished in a classroom setting or in on-the-job training such as during the FTO process.
- b. Officers will ensure the BWC is turned on and ready for operation at all times while available for calls for service or in a law enforcement capacity.
- c. Officers will ensure the BWC is positioned and adjusted properly to record events.
- d. Officers will ensure recording of the BWC until the enforcement/investigation is completed. Officers are prohibited from deactivating their BWC prior to completion of an enforcement/investigation.
- e. Officers will ensure the BWC is properly charged upon reporting for duty and has sufficient capacity to record events. Officers will wear the BWC at all times while on duty unless it is being charged or uploaded.
- f. Officers will activate the BWC to record narration of an event whenever possible.
- g. Once an event has ended, officers will enter at a minimum:
  - (1) Case Number (when applicable)
  - (2) Event type
- h. Officers will notify a supervisor immediately if problems are encountered in the labeling, marking, or uploading of any BWC recordings.
- i. Officers will ensure the BWC system is not bypassed, modified, or altered in any fashion that may impede or interfere with its operations.
- j. Officers will upload BWC video(s) as follows:

- (1) Officer will upload all BWC video(s), daily on the docking stations at prescribed locations or on their personal docking/charging station at their residence.
  - (2) Officers will upload BWC video(s) immediately after a critical or high profile incident or investigation where the video may be pertinent to a complaint, a newsworthy event, when it involves prominent, important, or distinguished complainants, victims, suspects, or witnesses. Officers may seek additional guidance from an immediate supervisor in such cases.
- k. Officers will only use BWC equipment that is approved by the Horry County Police Department.
  - l. Officers will make assigned BWC equipment available to supervisory personnel, criminal investigations personnel, Technology Unit personnel, and Office of Professional Standards personnel upon request.
  - m. Officers will deactivate and turn-off BWC equipment if instructed to do so by supervisory personnel, criminal investigations personnel, Technology Unit personnel, and Professional Standards personnel to preserve evidence.
  - n. Officers are encouraged to inform their supervisor or training officer of any video that may be of value for training purposes.
  - o. Retention periods in this or any other policy apply to retention of recordings for managerial purposes only. Recordings identified as evidence must be downloaded to DVD and submitted as evidence accordingly by the originating officer in a timely manner. In cases requiring the submission of a case file, the case officer will include a copy of the recording in DVD format in the case file.

## 12. Supervisor Responsibilities

- a. Supervisory personnel will ensure that all officers follow established procedures for the use and maintenance of BWC equipment and handling of video/audio recordings.
- b. All department personnel issued audio/video equipment will be trained on its proper use and maintenance.
- c. Supervisors will ensure personnel upload recordings according to this policy. Supervisors may extend the time requirement associated with recordings of critical or high profile incidents or investigations, where the video may be pertinent to a complaint, a newsworthy event, when it involves prominent, important, or distinguished complainants, victims, suspects, or witnesses; however, such recordings will be uploaded not later than the end of the shift.
- d. Supervisors will randomly review videos, of all assigned officers on at least a monthly basis, to assist in periodic assessment of officers' performance and determine whether BWC equipment is used in accordance with this policy. The supervisory review is a function of the first-line supervisor and is intended to ensure that the assignment has been satisfactorily completed and reported consistent with Departmental policies. Supervisors will document these reviews on the Horry County Police Department Line Inspection Report. The form will be retained at the Precinct level, after review by at least the Deputy Precinct Commander.
- e. Supervisors may identify video(s) that may be appropriate or useful for training and send those videos to the Training Division.
- f. Supervisors will ensure that damaged BWC equipment is reported and that repair and replacement of damaged or non-functional BWC equipment is performed in a timely manner.

## B. Video Control and Management (SCLEA 16.10C)

1. All videos, audio recordings, or data produced by officers working for the Department and/or produced by equipment owned and issued by the Department, will remain the property of the Department. Officers are prohibited from making copies for anything other than official use.
2. Non-departmental BWC equipment will not be used by an officer without written approval from the Chief of Police.
3. All videos, audio recordings, and data produced by Department BWC equipment will be maintained on a secure server, which is maintained through Evidence.com. Retention periods in this or any other policy apply to retention of recordings for managerial purposes only. Recordings identified as evidence must be downloaded to DVD and submitted as evidence accordingly by the originating officer in a timely manner. In cases requiring the submission of a case file, the case officer will include a copy of the recording in DVD format in the case file.
4. Access to videos, audio recordings, and data produced by Department BWC equipment may be restricted to the original officer, Training Division, Internal Affairs, Technology Unit, and Detectives and supervisors with an official need to know.
5. Video and data will be stored according to the guidelines set forth by the South Carolina Preservation of Evidence Act and the Horry County Police Department Information Technology Unit.
6. Recordings will not be released to other criminal justice agencies without prior approval from the Deputy Division Commander or a designee. Requests from other than criminal justice agencies will be directed to the Department Public Information Officer.
7. BWC's Freedom of Information Act (FOIA) requests will not be accepted as they are exempt from FOIA pursuant to South Carolina State Statute 23-1-240. This statute states:
  - a. 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;
  - b. 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;
  - c. 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;
  - d. 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 an attorney for a person described in sub items (1) through (5).
- 8. The Department Public Information Officer (PIO) is designated the Department point of contact for FOIA requests.

**By Order Of:**

Sandra Rhodes, Chief of Police

09/1/15  
**Date**

**(Copy on Power DMS is Signed Electronically)**