

McCormick Police Department

Body Worn Camera

Policy and Procedure

In accordance with S.C. Code 23-1-240, the McCormick Police Department adopts the following policy and procedures as a standard guideline for Body Worn Cameras.

I. Officer required wearing Body Camera.

- a) 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.
- b) Uniformed officers who are responding to calls to assist primary officers or temporarily assign to duties that would normally cause the officer to interact with the public in an official capacity, which may lead to arrest or other actions.
- c) Non-uniformed officers are exempt from wearing body worn camera.

II. Activation of Body Worn Camera

- a. Officers should activate Body Worn Cameras when the 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 a potentially adversarial contact.
- b. Officers assisting other officers in the actions as describe in II a.

III. Restrictions on the use of Body Worn Camera.

- a. BODY WORN CAMERAs shall be used only in conjunction with official law enforcement duties. The BODY WORN CAMERA 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. Furthermore, 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.

- b. Body Worn Cameras should not be used in areas where there is a greater expectation of privacy, such as: restrooms, locker rooms and other like areas

IV. Victims and witnesses rights and protection from recording.

- a. Officers are not required to obtain consent from victims or witnesses prior to using a BODY WORN CAMERA during an interview. However, if asked about its use, the officer will be forthcoming about its use.
- b. Officers will have discretion on whether to keep the BODY WORN CAMERA on or turn it off, if requested, by the victim or witness, unless the interview is taking place within a crime scene.
- c. If the LEO discontinues the recording, the LEO must document the reason for discontinuation on the BODY WORN CAMERA and in the officer's incident report.

V. The retention and release of data recorded by BODY WORN CAMERAs.

- a) Recordings that are non-investigative, non-arrest, and are not part of any internal investigation shall be retained not less than fourteen (14) days.
- b) 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.
- c) Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act:
- d) 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;
- e) 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;
- f) 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;
- g) 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).
6. All data, recorded on departmental or personal recording devices, is considered the property of the McCormick Police Department

VI. Downloading of recordings.

- a. Prior to the Body Worn Camera data storage being at full status the officer should contact the evidence custodian to have all data downloaded and stored according to policy.
- b. Officers should have device downloaded as soon as possible that contains any recording to an event that includes actions that led to death or serious injury to the officer or any person or an event that could have led to death or serious injury of a person.
- c. The recording of any use of force should be downloaded during the next regular business day.

VII Damage of Body Worn Camera

- a. Any damage to a Body Worn Camera should be reported to a supervisor as soon as possible, a statement of how the unit was damaged shall be forwarded to The Chief of Police prior to the officer ending tour of duty.
- b. Damage to a unit during an incident or malfunction should be noted on the incident report and the officer should notify telecommunications center to have the malfunction or damage noted.
- c. Officers may be held responsible for damage to due to abuse or neglect of the device.

VII. Review of recordings

- a. Officers may view the recordings on their system and denote any times necessary to their reports
- b. Supervisors should periodically review officers recordings to insure proper training and polices or being followed
- c. Training officer can review data or use data for training purposes.

VIII. Issuance and Training

- a. Uniform officer shall be issued and use the standard authorized Body Worn Camera system
- b. Officers shall be trained in the use and polices concerning the use of body worn camera
- c. Officer not issued the standard unit may utilize a personal recording device, but all recordings, metadata and data both audio or visual remains property of McCormick Police Department and shall adhere to all requirement held within this policy.

IX. Enforcement of Policy

All aspects of this policy shall take effect upon signature of the Chief of Police. Any violation of this policy can be cause for disciplinary action up to and including termination.

J.R. Jones, Chief of Police

Effective Date