



Dillon County Sheriff's Office Body Worn Cameras

I. PURPOSE

A Body Worn Camera (BWC) is an "on-the-body" video and audio recording system assigned to sworn personnel as an additional means of documenting specific incidents in the field. The purpose of this policy is to establish guidelines related to the use, management, storage, and retrieval of the audio and video recordings from the Sheriff's Office issued Body Worn Camera (BWC) equipment.

II. POLICY

It is the policy of the Rock Hill Police Sheriff's Office that sworn personnel will activate the Body Worn Camera (BWC) when such use is appropriate to the proper performance of his or her official duties and where the recordings are consistent with this policy and SC Code of Laws, 1976, as amended, §23.1.240. This policy does not govern the use of surreptitious recording devices used in undercover operations. <41.3.8 a.>

III. PROCEDURES

A. Administration <41.3.8 c.>

1. Body Worn Camera (BWC) equipment will be used to accurately document police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings also enhance the Sheriff's Office's ability to review probable cause for arrest, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and to provide additional information for officer evaluation and training.
3. Body Worn Camera (BWC) equipment may also be used for documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

B. Training <41.3.8 f.>

Sworn Sheriff's Office personnel who are assigned Body Worn Camera (BWC) equipment will complete training to ensure the proper use and operation prior to issuance. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.

C. Assignment of Body Worn Cameras

1. Body Worn Camera (BWC) equipment will be assigned to all uniformed sworn personnel and must be used in accordance with state law and this policy unless otherwise authorized by supervisory personnel.
2. Upon being assigned a Body Worn Camera (BWC), individual officers are responsible for its use and maintenance. Equipment malfunctions will be brought to the attention of the shift supervisor as soon as possible so that a replacement unit may be procured <41.3.8 e.>
3. It will be the responsibility of the officer to ensure the Body Worn Camera (BWC) remains in a position to allow the recording of an encounter or incident that most closely replicates the eyesight

perspective of the officer.

D. Use of Body Worn Cameras <41.3.8 b.>

1. Sworn Sheriff's Office personnel will use only Sheriff's Office issued Body Worn Camera (BWC) equipment.

2. Officer's will inspect and test the Body Worn Camera (BWC) prior to each shift in order to verify proper functioning and will notify their supervisor of any problems. <41.3.8 e.>

3. Officers will activate the Body Worn Camera (BWC) to record all calls for service and during any initiated law enforcement or investigative encounter between an officer and a member of the public, including, but not limited to:

- a. Offenses involving weapons or violence;
- b. Traffic stops;
- c. Motor vehicle accident investigations when the involved parties are present on scene
- d. Suspicious vehicles or persons;
- e. Public Disorderly Intoxication;
- f. Public Disorderly Conduct;
- g. Field Contacts;
- h. Arrests;
- i. Calls involving emotionally or mentally disturbed subjects;
- j. Use of Force;
- k. When responding to any "in progress" call for service;
- l. While operating a vehicle in a manner that requires activation of its blue lights and siren;
- m. During tactical activities, including the execution of search warrants;
- n. During warrantless searches of individuals, vehicles, buildings, and other places;
- o. During the initial inventorying of seized money or any high value property; and
- p. Entering any holding cell.

4. If not already activated, the Body Worn Camera (BWC) will be activated to record any encounter that becomes adversarial after initial contact or in any situation that the officer believes its use would be appropriate or valuable to document the incident or encounter.

5. In locations where individuals have a reasonable heightened expectation of privacy, such as a residence, individuals may decline to be recorded unless the recording is evidentiary in nature or being made pursuant to an arrest or search of the residence or th individuals. If the resident wishes not to be recorded, this request will be documented by recording the request before the Body Worn Camera (BWC) is turned off and documenting the reason on the incident report.

6. Officers do not have an obligation to obtain consent from victims/witnesses prior to using a Body Worn Camera (BWC) during an interview. If asked about its use, the officer will be forthcoming about its use and will use discretion in determining whether to continue recording or not.

7. If an officer feels it is necessary to stop recording (e.g., talking to a victim of a sexual assault, confidential informant, etc.), the officer will verbally indicate their intent to stop recording before

stopping the device and will state that the recording was restarted if reactivated. If an interruption or termination of a recording occurs, the officer will document the reason for the interruption or termination in the incident report.

8. Once the Body Worn Camera (BWC) is activated, officers will continue to record until the conclusion of their involvement in the incident. If working an incident that becomes investigative in nature, the officer may deactivate the Body Worn Camera (BWC) when the initial response has transitioned into that of a controlled and orderly investigation.

9. When utilized during the execution of a search warrant, an officer may deactivate the Body Worn Camera (BWC) after the initial sweep of the location when the incident transitions from tactical in nature to investigatory.

10. Additionally, an officer may deactivate the Body Worn Camera (BWC) at any point that they reasonably believe doing so will not result in the loss of critical documentary information, or when directed to do so by a supervisor.

11. If an officer is involved in a complaint, investigation, officer-involved shooting or other serious use of force, the Sheriff's Office reserves the right to limit or restrict an officer from viewing the video file.

12. Body Worn Camera (BWC) recordings are not a replacement for In-Car Video Camera recordings.

13. If an officer fails to activate the Body Worn Camera (BWC), the officer will document why a recording was not made in the incident report.

E. Restricted Uses of Body Worn Cameras <41.3.8 b.>

1. Body Worn Camera (BWC) equipment will be used only for legitimate law enforcement-related encounters and activities in accordance with S.C. Code of Law, 1976, as amended, §23-1-240 and Sheriff's Office policy.

2. Body Worn Camera (BWC) equipment will not be used to record other County employees except during an investigation of a suspected violation of criminal, traffic, or local law.

3. Unless present in an official capacity, the Body Worn Camera (BWC) will not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy.

4. The use of Body Worn Camera (BWC) equipment during strip searches is prohibited.

5. For the purpose of protecting their identity, the Body Worn Camera (BWC) will not be used while interacting with known confidential informants or undercover officers.

6. Officers will not use the Body Worn Camera (BWC) to record personal activity.

7. Officers will only use the Body Worn Camera (BWC) while in patient care areas of a health care facility when the recording is for official purposes and care should be used to record only the parties involved in the event being investigated.

8. The Body Worn Camera (BWC) will be deactivated prior to discussing a case on scene with other officers or during on scene tactical planning.

9. Citizens are not permitted to view Body Worn Camera (BWC) recordings unless permission has been obtained from the Sheriff or his designee.

10. The viewing of any recording for anything other than approved Sheriff's Office purposes is prohibited.

11. The downloading or converting of any recording captured by a Body Worn Camera (BWC) for any type of personal use is strictly prohibited.

F. Collection of Body Worn Camera Data <41.3.8 d.>

1. Officers will download all Body Worn Camera (BWC) recordings at the end of their tour of duty to be stored in a secure location as specified by vendor.
2. The Body Worn Camera (BWC) equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Rock Hill Police Sheriff's Office.
3. Recordings from Body Worn Camera (BWC) equipment are considered evidence and will be treated as such. <41.3.8 c.>
4. Officer's assigned Body Worn Camera (BWC) equipment will not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner Body Worn Camera (BWC) recordings.
5. Officers may use media captured via the Body Worn Camera (BWC) to assist with an investigation and to aide in the completion of reports. <41.3.8 c.>
6. All access to Body Worn Camera (BWC) data (images, sounds, and metadata) will be specifically authorized by the Sheriff or designee, and all access will be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

G. Supervisor Responsibilities

1. Supervisors are responsible for ensuring that on-duty officers are equipped with a functioning Body Worn Camera (BWC) at the beginning of each shift. <41.3.8 e.>
2. Upon receiving notification of any damage or malfunction of a Body Worn Camera (BWC), the supervisor will remove the equipment from service and notify the Equipment Supervisor of the need for repair. <41.3.8 e.>
3. Supervisors will ensure that officers equipped with Body Worn Camera (BWC) equipment utilize them in accordance with policy and procedures.
4. Supervisors will ensure that all recorded events are documented by the officer in the required incident reports, citations, Blue Team Reports, etc.
5. Supervisors will ensure that any recordings relating to an administrative investigation are properly downloaded and stored for inclusion in the investigative file prior to their scheduled purge date from the remote digital storage system. <41.3.8 c.>
6. Supervisors will conduct monthly reviews of selected recordings captured by officers assigned to them in order to assess officer performance, ensure that the Body Worn Camera (BWC) is being utilized properly and operating properly, and to identify videos that may be appropriate to enhance training programs or experiences. <41.3.8 c. & g.>

H. Retention <41.3.8 d.>

1. Recordings of any arrests or violations of offenses listed in the S.C. Preservation of Evidence Act, S.C. Code of Law, 1976, as amended, §17-28-320, the expungement statute of S.C. Code of Law, 1976, as amended, §17-1-40, or any other statute, regulation, or case law will follow the retention requirements therein.
2. Any portion of a recorded image that may be used to subject an employee to Sheriff's Office disciplinary action is a part of that employee's personnel file and is open to inspection only as outlined in General Order Chapter 52, Section #1.01 (Internal Affairs) unless otherwise required to be disclosed as evidence in a criminal proceeding.
3. Uploaded recordings that are non-investigative, non-arrest, and are not part of any internal investigation, prosecution or no longer useful for purposes of training will be retained no less than fourteen (14) days and will be removed based upon the state records retention schedule.
4. It will be the assigned case officer's responsibility to ensure that all recordings which constitute

evidence, or are required to be included in the case file, are downloaded and stored within the Sheriff's Office's designated video storage system prior to their scheduled purge date from the remote digital storage system.

5. Digital files associated with an investigation will be purged in conjunction with other evidence associated with that case.

6. In the event of an unintentional activation of the Body Worn Camera (BWC), an officer may request the recording be deleted. A memorandum detailing the circumstances of the unintentional recording will be forwarded to the officer's Division Commander. If approved, the deletion will be made by the system administrator.

I. Auditing <41.3.8 g.>

1. Sworn Sheriff's Office members assigned to utilize Body Worn Camera (BWC) equipment are expected to be in complete compliance with Sheriff's Office policy and training concerning the use, management, storage and retrieval of the audio and video recordings from issued Body Worn Camera (BWC) equipment.

2. Uniformed Patrol Shift Supervisor's will conduct random monthly audits of Body Worn Camera (BWC) usage to ensure compliance with Sheriff's Office policy and training. A minimum of 10% of the total number of assigned shift personnel for each shift will be audited, with a total of two recordings viewed per audited officer.

3. In addition to the random auditing process above, the Professional Standards Division will review audio and video recordings at least quarterly on a minimum of 5% of all sworn personnel that are assigned Body Worn Camera (BWC) equipment to ensure adherence to established federal and state laws and Sheriff's Office policy. <41.3.8 c.>

J. Release of Body Worn Camera (BWC) Recordings

1. Any request for the release of Body Worn Camera (BWC) recordings will be directed to the Public Information Officer or designee.

2. Data recorded by a Body Worn Camera (BWC) is not a public record subject to disclosure under the Freedom of Information Act:

a. The State Law Enforcement Division (SLED), the Attorney General, and a circuit solicitor may request and must receive data recorded by a Body Worn Camera (BWC) for any legitimate criminal justice purpose;

b. A law enforcement agency, the State Law Enforcement Division (SLED), the Attorney General, or a circuit solicitor may release data recorded by a Body Worn Camera (BWC) in its discretion;

c. A law enforcement agency may request and must receive data recorded by a Body Worn Camera (BWC) 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 (BWC) provided above, 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:

i. a person who is the subject of the recording;

ii. a criminal defendant if the recording is relevant to a pending criminal action;

iii. a civil litigant if the recording is relevant to a pending civil action;

iv. 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;

v. a parent or legal guardian of a minor or incapacitated person described in sub item (i) or (ii); and

vi. an attorney for a person described in sub items (i) through (v).

BY ORDER OF:

Douglas Pernell, Sheriff

II.

Resources: SC Code of Law, 1976, as amended, §23.1.240; General Order Chapter 52, Section #1.01 (Internal Affairs) and General Order Chapter 82, Section #1.01 (Records Management)

<CALEA Standard(s): 41.3.8>