



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATION REGULATIONS AND OPERATING PROCEDURES

Subject: Video/Audio Recording Devices

Number: 236-E

Effective Date: February 17, 2003

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Rescinds: 236 – In-Car Video/Audio Recording Devices	Dated: 12-12-2008
236-A – In-Car Video/Audio Recording Devices	02-17-2013
236-B – In-Car Video/Audio Recording Devices	05-17-2015
236-C – In-Car Video/Audio Recording Devices	08-25-2015
236-D – In-Car Video/Audio Recording Devices	09-16-2021

Approved By:

I. PURPOSE

To provide officers with guidelines for the use and operation of the In-Car Video System and the digital camera/recording device for documenting enforcement action.

II. DEFINITIONS

- A. Recording Equipment -- All devices used for recording or registering sound or pictures on a disk or other device for later reproduction.

III. OBJECTIVES

- A. The Myrtle Beach Police Department has adopted the use of recording equipment to accomplish several objectives, including:
1. Accurate documentation of events, actions, conditions and statements made during arrest and critical incidents.
 2. The enhancement of the supervisor's ability to review actions by officers and suspects.
 3. To support evidence for investigative purposes.
 4. To support and document evaluation and training of officers.

IV. DISCUSSION

It would be impossible to write a procedure for every situation that an officer might encounter on the street. When using recording equipment, each officer should keep in mind that the purpose is to use the recording(s) as evidence. Officers should be aware of a 1990 U.S. Supreme Court decision *Pennsylvania vs. Muniz*. In this case, the court held that routine booking questions and field sobriety questions are exempt from *Miranda*. These questions are not seen as incriminatory questions. Questions such as "how much have you had to drink" could require the *Miranda* Warning to preserve the evidence of court.

V. OPERATING PROCEDURES FOR IN-CAR VIDEO SYSTEMS

- A. Officers shall follow these procedures when using recording equipment:
1. Equipment assigned to an officer shall be the responsibility of the officer and will be maintained and operated in accordance with this procedure and/or the manufacturer's recommendations.
 2. Personnel, who are assigned vehicles equipped with In-Car Video Systems, must complete a department approved and provided training program, to ensure proper use, and operations, preservation, documentation, and downloading of recorded data. 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 this regulation and equipment.
 3. Before each shift, officers shall determine if their equipment is operating properly and shall bring any problems to the attention of their immediate supervisor as soon as possible. Officers will report to their supervisor whenever they discover a problem with any departmental recording equipment. Officers shall also ensure, when possible, that the equipment is operating on all traffic stops. In so doing, they will ensure that the recorder is positioned and adjusted to record events and the recorder is not deactivated until the enforcement action is completed.
 4. The equipment shall be activated during activities such as:
 - a. Vehicle Stops
 - b. Calls for service, Crimes in progress or on Crime Scenes
 - c. Interviewing any suspect, witness, or involved other
 - d. When conducting any sobriety checks
 - e. Any self-initiated activity to include Investigative Detention and/or Arrest situations
 - f. Anytime the officer feels the camera and/or recorder might capture an important event.
 - g. Immediate activation upon an officer involved vehicle collision.

5. Officers shall patrol under normal circumstances with the recorder deactivated.
6. Whenever equipment is deactivated, officers shall properly document the reasons for this action.
 - a. Officers should state on the recording/video why they are
 - i. deactivating the recorder.
7. Officers are required to inform their supervisor of any video sequences that may be of value for training purposes.
 - a. Officers should notify their supervisor and the Training Section.
 - b. Supervisors are responsible for randomly reviewing video from officers who are assigned to their command to ensure that these procedures are being followed.
8. Officers will note in the incident, arrest and related reports when recordings were made during the incident in question.
9. Any officer recording enforcement action shall advise the subject that they are being recorded as soon as can be reasonably done.
 - a. (Example: "Sir, I'm Officer Smith with the Myrtle Beach Police Department, and I need to advise you that this stop is being recorded for your safety and mine and for possible use in court.")
10. No officer shall record any conversation with or comments made by any other officer without first advising that officer that they are being recorded.
 - a. It is suggested that any time an officer enters an area where they might be recorded, the officer operating the recording equipment shall advise the officer that the action is being recorded.
11. Axon – In-car video equipment
 - a. Videos containing information that may be of value in any case or investigation shall be safeguarded in the same manner as other forms of evidence.
12. Supervisory Responsibility
 - a. Supervisory personnel who supervise officers equipped with recording equipment shall ensure that:
 - i. All officers follow established procedures for the use and maintenance of recording equipment, handling of recordings and the completion of documentation.
13. See that all reporting requirements are being completed as required to ensure adequate program evaluation.
14. Supervisors shall also randomly review video to help document
 - i. officers' evaluations.

VI. OPERATING PROCEDURES FOR DIGITAL CAMERA/ RECORDING DEVICE

A. Officers shall follow these procedures when using recording equipment:

1. Only department-issued recording equipment is authorized to make recordings while acting in an official capacity.
2. Equipment assigned to an officer shall be the responsibility of the officer and will be maintained and operated in accordance with this procedure and/or the manufacturer's recommendations.
3. Before each shift, officers shall determine if their equipment is operating properly and shall bring any problems to the attention of their immediate supervisor as soon as possible. Officers will report to their supervisor whenever they discover a problem with any departmental recording equipment.
4. This equipment can be used to document criminal violations:
 - a. When in progress
 - b. Interviewing drivers and witnesses at accident scenes
 - c. When dealing with suspects on interviews, sobriety checks,
 - d. Anytime the officer feels the camera or recorder might capture an important event
5. Since this unit is a handheld unit, it shall never be used in a situation where it could result in an officer safety situation where the officer's safety could be put in jeopardy.
6. All digital recordings or pictures shall be downloaded to the designated storage server using the Recordings Icon, which will be on all police department computers. The officer downloading the recordings/pictures will use the event number to download the items for future use, and evidentiary purposes.
7. In criminal cases tried in the Municipal Court of Myrtle Beach, the photos/recordings used as evidence may be deleted from the designated storage server once the case has been resolved and the time for any appeals has expired. As far as cases tried in the General Sessions Court, this evidence will remain on the server until the Solicitor in that particular case gives written notification that the evidence may be deleted.
8. No officer shall record any conversation with, or comments made by any other officer without first advising that officer that they are being recorded.
 - a. It is suggested that any time an officer enters an area where they might be recorded, the officer operating the recording equipment advise the officer that the action is being recorded.
 - b. When video recording any person in the situations listed in section 1C under the Operating Procedures for Digital Camera/Recording Device, the officer shall advise the subject they are being recorded as soon as is practical.

- c. (Example: "Sir, I'm Officer Smith with the Myrtle Beach Police Department and I need to advise you that this stop is being recorded for your safety and mine and for possible use in court.")
- 9. The issued equipment shall never be used for personal reasons and supervisory personnel will perform random inspections of the equipment. This is to ensure that the officer has the issued equipment and to check the content of items being recorded or photographed to ensure that the officers are staying within departmental guidelines.

VII. RETENTION AND RELEASE OF DATA RECORDED BY DEPARTMENT-OWNED RECORDING DEVICES

- A. The employee who makes a recording is responsible for securely downloading all files and storing them in Evidence.com by no later than the end of each shift. If the assigned employee is unable to download the files, then the supervisor will be responsible for doing so. Each file shall contain information related to the date and assigned officer.
- B. All images and sounds recorded by any employee acting in an official capacity are the exclusive property of this department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited, unless it is subject to a legal request.
- C. Accessing, copying, and releasing files pursuant to a legal request, (i.e....FOIA, Court Order, subpoena, etc...) or sharing of any video inside of law enforcement should be done so in accordance with guidance from the City Attorney, City Prosecutor, or Circuit Court Solicitor, who has jurisdiction over incident or case.
- D. The Chief, or designee, must specifically authorize all access to files containing recordings, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- E. Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. Recordings that are non-investigative, non-arrest, and are not part of any internal investigation will be retained not less than fourteen (14) days. After fourteen (14) days, authorization to dispose of these recordings must be approved by the Chief of Police or designee. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
- F. Recordings of any arrest 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.