



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: Body-Worn Cameras

Number: 271-F

Effective Date: January 9, 2015

Revised Date: December 10, 2024

Rescinds: 271 Body Worn Cameras
271-A Body-Worn Cameras
271-B Body-Worn Cameras
271-C Body Worn Cameras
271-D Body Worn Cameras
271-E Body Worn Cameras

Dated: January 09, 2015
January 27, 2015
March 2, 2015
January 13, 2016
October 5, 2020
November 17, 2023

Approved By:

I. PURPOSE

This policy is intended to provide employees with instructions on when and how to use body-worn cameras so that employees may reliably record their contacts with the public.

II. DEFINITIONS

- A. Body-Worn Camera (BWC) - department issued audio and video recording device that is designed to be worn on an employee's person and does not include in-car audio and video recording devices, which are governed by Regulation 236.

III. PROCEDURE

A. ADMINISTRATION

1. This department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
 - a. BWC allows for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
 - b. Audio and video recordings also enhance this department's ability to review probable cause for arrest, officer and suspect interaction, evidence

for investigative and prosecutorial purposes, and provide additional information for officer evaluation and training.

- c. BWC may also be useful in documenting crime, accident scenes, and other events that include the confiscation and documentation of evidence or contraband.

B. WHO MUST WEAR THE BODY-WORN CAMERA (BWC)

1. All officers in uniform while working their normal duty assignment or secondary employment or when operating a vehicle equipped with emergency equipment.
2. Those officers assigned to a plain clothes assignment when that assignment progresses, and the officer dons a tactical vest in anticipation of law enforcement interactions.
3. Members of Special Teams while in the official performance of those duties.
4. Any employee who is issued a BWC and has a reasonable expectation that they will interact with a member of the public. These activities include but are not limited to answering calls for service, making arrests, processing arrestees, and during adversarial interaction with the public.

C. WHEN AND HOW TO USE THE BODY-WORN CAMERA (BWC)

1. The BWC shall also be activated when an officer arrives at a call for service or initiates any 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 adversarial contact or a potentially adversarial contact or when responding to any "in progress" call for service. Additionally, the BWC shall be activated during the following situations: While operating a vehicle in a manner that requires activation of its blue lights and siren under law, during tactical activities, including the execution of search warrants, during warrantless searches of individuals, vehicles, building and other places, during the initial inventory of seized money or any high value property.
2. If an officer is operating a vehicle equipped with an in-car video system, the officer shall utilize their BWC, as well as the in-car video system.
3. The BWC shall remain activated until the event is completed in order to ensure the integrity of the recording, unless the contact moves into an area restricted by this regulation.

4. If an employee fails to activate the BWC, fails to record the entire contact, or interrupts the recording, the employee shall document why.
5. Non-employees shall not be allowed to review the recordings at the scene.

D. PROCEDURE FOR BODY-WORN CAMERA (BWC) USE

1. BWC equipment is issued as authorized by this department. Police personnel who are assigned BWC equipment must use the equipment when required unless otherwise authorized by supervisory personnel.
2. Police personnel shall use only BWCs issued by this department. The BWC equipment, all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department, and may not be retained or distributed except as outlined in this regulation.
3. Police personnel who are issued a BWC must complete a department approved and provided training program to ensure proper use, 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.
4. BWC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Officers will ensure cameras are charged and in proper working order. Equipment malfunctions shall be brought to the attention of the Property Technician assigned to the Supply Room as soon as possible so that a replacement unit may be provided. If the Supply Room is closed, supervisors may issue spare cameras from the vault and notify the Quartermaster.
5. Police personnel shall inspect and test the BWC prior to each shift in order to verify proper functioning and shall notify their supervisor of any problems.
6. Police personnel shall not attempt to edit, alter, erase, duplicate, copy, share, or otherwise distribute any BWC recordings in any manner except as authorized in this regulation. Note: Software within the AXON system restricts and/or tracks these actions.
7. Police personnel are encouraged to inform their supervisor of any recordings that may be of value for training purposes or will likely result in communications up the chain of command.

8. If an employee is suspected of wrongdoing, or involved in an officer involved shooting, or other serious use of force, the department reserves the right to limit or restrict an officer from viewing the video file.
9. Requests for deletion of portions of the recordings (e.g., in the event of a personal recording) must be submitted in writing and approved by the Chief, or his or her designee, in accordance with state record retention laws.* All requests and final decisions shall be kept on file.
10. Police personnel shall note in incident, arrest, and related reports when recordings were made during the incident in question. BWC recordings are not a replacement for written reports.

E. RESTRICTIONS ON USING THE BODY-WORN CAMERA (BWC)

1. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record:
 - a. When on break or otherwise engaged in personal activities;
 - b. Communications with other police department personnel during routine, non-enforcement related activities, except as part of an administrative or criminal investigation authorized by the Chief of Police;
 - c. Encounters with undercover officers or confidential informants;
 - d. In any location where individuals have a heightened and reasonable expectation of privacy, such as a restroom or locker room;
 - e. Any court proceeding unless approved by a judge;
 - f. When dealing with a Solicitor or City Attorney.
2. The viewing of any recording for anything other than an approved departmental purpose is prohibited.
3. No employee shall attempt to erase, edit or otherwise alter any data captured by a BWC.
4. The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited.
5. Officers should use discretion where there is a victim of sexual assault.

6. To respect the dignity of others, unless articulable exigent circumstances exist, police personnel will try to avoid recording persons who are nude, or when sensitive human areas are exposed.

F. PROCESS TO OBTAIN CONSENT OF VICTIMS AND WITNESSES BEFORE USING BODY-WORN CAMERA (BWC)

There is no obligation to obtain consent from victims or witnesses prior to using a 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 the discretion on whether to keep the BWC on or turn it off. If the officer discontinues the recording, the officer must document the reason for the discontinuation either on the BWC or in a written report. Furthermore, the officer will notify their supervisor prior to (if possible) discontinuing the recording.

G. RETENTION AND RELEASE OF DATA RECORDED BY THE BODY-WORN CAMERAS (BWC)

1. All video evidence shall be securely uploaded to Evidence.com by placing the camera in the docking station by no later than the end of the employee's 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, BWC identifier, and assigned police personnel.
2. Stored digital media containing information of value for case prosecution or in any criminal or civil adversarial proceedings are subject to the same security restrictions and chain of custody safeguards utilized for any other form of evidence.
3. All images and sounds recorded by the BWC 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.
4. 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.
5. All access to BWC files must be specifically authorized by the Chief of Police, or their designee, through the issuance of login credentials for

Evidence.com. All access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

6. Files should be uploaded to Evidence.com and 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 their designee. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under control of a criminal justice agency.
7. 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 outlines therein.
8. BWC recordings associated with an investigation shall be purged along with other evidence associated with that case as permitted by law. If possible, retention categories will be set for video files in the BWC software used by the department. Utilizing the designated software application, officers will label each recording captured by the BWC with the appropriate retention category and case number. It may be necessary and is permitted to make a disc copy or other downloaded copy of a recording to be placed in Property and Evidence, and such copies will be held in accordance with State Law and retention guidelines. It may be necessary, depending on the software, to manually purge BWC files. However, files will only be purged by an administrator in accordance with the listed retention categories. The minimum retention period for any video is 14 days.
 - a. Uncategorized: Until manually deleted
 - b. Administrative Incident: Until manually deleted
 - c. Municipal Arrest, Citation, or Warrant: 3 Years
 - d. Municipal level investigation-no arrest or warrant: 3 Years
 - e. Murder or Sexual Assault-No arrest: Until manually deleted
 - f. Otherwise Classified-No Arrest: 3 Years
 - g. Pending Review: Until manually deleted
 - h. Search Warrants: 3 Years

- i. State Level Investigation-No Arrest: 10 Years
 - j. State-Level Arrest or Warrant: Until manually deleted
 - k. Test: 30 Days
 - l. Training Demo: Until manually deleted
9. Data recorded by a body-worn camera is not a public-record subject to disclosure under the freedom the Freedom of Information Act:
- 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. The following are also entitled to request and receive data recorded by a body-worn camera 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, 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);
 - (6) An attorney for a person described in sub items (1) through (5); and
 - (7) An attorney representing the City and/or a department employee in a pending civil action.

10. Reviewing BWC recordings:

- a. Authorized employees may access BWC recordings by logging into the secure Evidence.com website.
- b. Employees may review BWC recordings to assist with investigations, when completing reports, and for training purposes.
- c. Employees are permitted to review BWC footage of an on-duty incident in which they were involved prior to making a statement about the incident.
- d. Sharing recordings with prosecuting agencies is the responsibility of the primary officer or primary investigator.

H. SUPERVISORY RESPONSIBILITIES

1. Supervisory personnel shall ensure that police personnel equipped with BWC devices utilize them in accordance with policy and procedures defined herein.
2. Supervisors will ensure that all recorded events are documented by the officer in the associated reports and citations.
3. Supervisors will ensure that any recordings relating to an administrative investigation are downloaded and stored for inclusion in the investigative file.
4. Notification of the existence of recordings which may be beneficial for training purposes shall be forwarded via the chain of command to the Captain of Administration for determination of training values and use.
5. Supervisors will utilize the Axon Performance software to review at least two (2) BWC recordings every thirty days for each subordinate employee assigned to them who is below the rank of Lieutenant and is issued a BWC. The software will randomly select the videos and provide an audit trail. Supervisors must add comments in Performance for each video reviewed.
6. Supervisors may direct police personnel to stop recording under exigent circumstances, but the supervisors will include this in a report to their Division Commander.
7. Supervisors will be responsible for ensuring that all assigned BWC's are downloaded at the end of their subordinate's shift.

I. ISSUANCE OF BODY-WORN CAMERA (BWC), MAINTENANCE AND DEPARTMENT AUDIT.

1. The BWC will be issued to authorized personnel employed by the Myrtle Beach Police Department. The BWC will be issued and annotated within the Support Services Divisions Quartermaster Program.
2. If an employee experiences any problems with the BWC that results in the need for maintenance or repair work, the employee will submit the BWC along with a written explanation of the issue to the Property Technician assigned to the Supply Room. The Property Technician will complete an RMA through the Evidence.com website and ship the BWC to Axon. The Property Technician will document the status of the BWC in the Quartermaster System.
3. The BWC is subject to the same departmental OPS Audits as are other cameras, weapons and sensitive items.

J. Record Keeping References:

1. General Records Retention Schedules for Municipal Records:
 - a. <http://rm.sc.gov/generalschedules/Documents/genskedmun.pdf>
2. Statutory citation (30-1-90)
 - a. <http://www.scstatehouse.gov/code/t30c001.php>
3. Regulatory citations (12-601 through 12-611.7)
 - a. <http://www.scstatehouse.gov/coderegs/c012.php>