



# SURFSIDE BEACH POLICE DEPARTMENT GENERAL ORDER



Rodney Keziah,  
Police Chief

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| <b>General Order #</b><br><b>311</b>    | <b>Title</b><br><b>Body-Worn Cameras</b>   | <b>Effective Date</b><br><b>April 18, 2016</b>           |
| <b>Review Schedule</b><br><b>Annual</b> | <b>South Carolina Law Enforcement Accreditation Reference</b><br><b>Chapters: NA</b> | <b>Statutory Reference</b><br><b>SC§23-1-240, SCLETC</b> |
| <b>Distribution</b><br><b>All</b>       | <b>Special Instructions</b><br><b><i>Revised April 18, 2016</i></b>                  | <b>Number of Pages</b><br><b>4</b>                       |

## I. PURPOSE

This order establishes guidelines for the use of department issued body-worn cameras and the management and use of their recordings. This order does not apply to undercover/covert recording activities that are part of an authorized investigation or vehicle mounted audio/video recording devices.

## II. POLICY

SBPD Officers shall utilize body-worn cameras in accordance with this order and departmental training programs.

SBPD Officers shall, whenever assigned and directed, utilize body-worn cameras while on-duty to enhance the mission of the department by accurately capturing contacts with the public.

## III. DEFINITIONS

**Body worn camera (BWC):** A department owned audio and video recording device issued to and worn by law enforcement officers while on-duty.

## IV. PROCEDURES & RESPONSIBILITIES

### A. Body Worn Cameras; Generally

1. The Police Chief shall designate a staff member to serve as the department's BWC program manager.
2. Uniformed Officers, whose primary function is to answer calls for service and interact with the public and/or all Officers who have a reasonable expectation that they will, shall use a body-worn camera to include:
  - a. Investigators
  - b. Transport Officers
3. Each sworn Officer shall be required to complete a training program in the operation of their BWC, to include reviewing this general orders.
4. Officers assigned to the Operations Division shall utilize a BWC on a daily basis unless a unit is unavailable.
5. Officers shall obtain a charged BWC at the start of their shift and test the unit to ensure it is functioning properly.
6. BWC's shall not be transferred from person to person during shift changes.
7. Officers are responsible for the care and use of their BWC and shall report any issues to their supervisor.
8. Officers shall mount and wear BWC's in approved locations using supplied mounting equipment and shall periodically check to ensure the device is in the best position to record incidents.

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9. Officers who are not required by this order to use a BWC may use one at their discretion but must do so in accordance with this order.
10. Recordings from a BWC may be used as evidence during approved internal investigations and disciplinary actions.

### **B. Body Worn Cameras; Use**

1. BWC's shall 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:
  - a. On the scene of all violent crimes
  - b. Traffic stops
  - c. Motor vehicle accident investigations
  - d. Suspicious persons or vehicles
  - e. Public drink/intoxication
  - f. Public disorderly conduct
  - g. Field contacts and interviews
  - h. Emotionally disturbed persons
  - i. Arrests
  - j. Instances where weapons are known, reported, or alleged to be present
  - k. Use of force
  - l. Adversarial or potentially adversarial contacts
  - m. Responses to "in progress" calls for service
  - n. Warrantless searches of persons, vehicles, structures, etc.
  - o. Initial inventorying of seized money or high value property
  - p. While operating a vehicle in a manner that requires activation of the blue lights and siren when required by law
  - q. Tactical activities including search warrant executions, dynamic entries, and other high risk activities
2. If the process of activating a BWC would place an Officer into a position of risk or tactical disadvantage, they may delay activation until a time when it is safe to do so and Officers must articulate their decision not to activate a BWC in their written report.
3. BWC's shall be activated any other time an Officer believes its use would be appropriate or valuable to document an incident, such as to protect the Officer from false allegations.
4. Once activated, Officers shall continue to record until the conclusion of their involvement in an event where deactivation is allowed by this order.
5. In the event of an unintentional activation the Officer shall immediately terminate the recording and notify the program manager via email so it may be reviewed for deletion or retention in accordance with this order.
6. If a citizen questions an Officer about the presence or use of a BWC, the Officer shall be forthcoming about its use and whether or not it is actively recording.
7. While there is no obligation to obtain consent from victims or witnesses prior to using a BWC during an interview, if asked about its use, Officers will be forthcoming about its use and Officers have the discretion on whether to keep the BWC recording or stop it.
8. If an Officer elects to stop a recording under the provision above, they must document the reason for in a written report and their incident report.
9. 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.

### **C. Body Worn Cameras; Restrictions & Prohibited Uses**

1. BWC's shall only be used for approved law enforcement activities and shall not be used to record Town employees except during an investigation of a suspected violation of criminal or traffic laws.
2. BWC 's shall not be intentionally activated in bathrooms, locker rooms, or other places where there is an expectation of privacy unless the Officer is present in their official capacity and taking law enforcement actions that necessitates the recording.

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3. BWC 's shall not be used to video record suspects and prisoners during strip searches, however, they may be used to record audio by facing the camera away from the person being searched.
4. Officers shall take care to avoid using BWC's while interacting with known confidential informants or undercover officers.
5. BWC's shall only be used to record necessary interactions while in health care facilities and care should be taken to protect the privacy or uninvolved parties.
6. Employees shall not allow citizens to view BWC recordings and shall refer all requests to the Administrative Division Commander.
7. Employees shall not attempt to erase, edit, or otherwise alter any data captured by a BWC.
8. Employees shall not download or release any recording from a BWC for personal use.

### **D. Body Worn Cameras; Collection of Recordings**

1. Prior to the end of their shift, Officers shall upload their BWC using designated software and computers.
2. Once uploaded, Officers shall update the recordings with the appropriate information (IE event type, case number, etc.).
3. Officers shall return their BWC to a charging station prior to leaving duty.
4. Officers are encouraged to review BWC recordings when completing written reports.

### **E. Body Worn Cameras; Retention & Release**

1. The BWC program manager shall ensure that all BWC recordings are retained and preserved in accordance with this general order and relevant criminal and civil statutes.
2. All recordings, including those that are non-investigative, non-arrest, and not part of any internal investigation shall retained at least fourteen (14) days.
3. All recordings involving offenses referenced in the South Carolina Preservation of Evidence Act (SC Code §17-28-320) shall be retained and preserved in accordance with that statute.
4. All recordings captured by the department's BWC's are the property of the Surfside Beach Police Department and are to be used for official purposes only.
5. Uploaded recordings shall be stored and retained on a server located within the Surfside Beach Police Department.
6. Recordings shall be managed by special software designed to provide for retention and storage based on the type of incident.
7. Each Officer is responsible for ensuring their recordings are uploaded and correctly tagged with the appropriate incident number and retention category.
8. Stored recordings may only be purged under the following circumstances:
  - a. Recording has reached its retention limits based on incident type/tag
  - b. Court ordered expungement
  - c. Related criminal case(s) are adjudicated
  - d. Relevant criminal and civil statute limits have expired
9. The BWC program manager may elect to retain any stored video, unless an expungement order has been issued, if they feel the recording has value to the department.
10. In the event of an unintentional activation, the recording may be deleted immediately after being reviewed by the program manager to ensure no evidentiary value is lost.
11. Officers are encouraged to inform their supervisor of any BWC recording that may be of value for training purposes.
12. Recordings captured by BWC's are not public records subject to disclosure under the Freedom of Information act and are exempt from that process.
13. The following entities are permitted to request and must receive a BWC recording:
  - a. Employees of the South Carolina State Law Enforcement Division
  - b. Employees of the South Carolina Attorney General's Office
  - c. A Circuit Solicitor
14. The Police Chief may, at their discretion, release BWC recordings.
15. A law enforcement agency may request and must receive a BWC recording if they are relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer.
16. The following persons may request and receive a BWC recording:

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- a. Any person who is the subject of a BWC recording
- b. A criminal defendant if the recording is relevant to a pending criminal action
- c. A civil litigant if it is relevant to a pending civil action
- d. 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
- e. A parent or legal guardian of a minor or incapacitated person who is the subject of or criminal defendant in a BWC recording
- f. An attorney representing a person who is the subject of or criminal defendant in a BWC recording

### **F. Body Worn Cameras; Supervisor Responsibilities**

1. Supervisors are responsible for ensuring that Officers are equipped with a functioning BWC at the start of each shift.
2. Supervisors shall report any malfunctions, damage, or loss of a BWC to the program manager by email.
3. Supervisors shall remove any BWC suspected of malfunction from service and issue another device after assigning it to the Officer in the system.
4. Supervisors shall monitor Officers to ensure the proper use, upload, and documentation of BWC use.
5. Platoon Sergeants shall conduct routine reviews of their Officers' BWC recordings in order to assess performance, compliance with BWC procedures, and to identify recordings that may aid in training.
6. Platoon Sergeants shall review a minimum of two BWC recordings for each assigned Officer each month and shall document each review, sending a short summary of their observations to the Police Lieutenant to aid in scheduled evaluations and training programs.

**BY ORDER OF:**

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**Rodney Keziah,  
Police Chief**