




# COLUMBIA POLICE DEPARTMENT

*"Policing Excellence through Community Partnerships"*

<b>Directive Type:</b> General Order	<b>Effective Date:</b> 02-04-2016	<b>General Order Number:</b> 05.16
<b>Subject:</b> Body Worn Cameras		
<b>Amends/Supersedes:</b> none	<b>Chief of Police:</b> 	
<b>Distribution:</b> All Personnel	<b>Review Date:</b> July 1	<b># of Pages:</b> 5

## 1.0 PURPOSE

This directive is intended to provide sworn officers with instructions on when and how to use the department issued body-worn camera (BWC).

This directive does not govern the use of surreptitious recording devices used in undercover operations.

## 2.0 POLICY

Police personnel shall use only BWCs issued by the department. The wearing or use of personal video/audio recorders while on duty is prohibited.

BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Columbia Police Department.

Under no circumstances will any member of the Department make a personal copy of any recorded event without prior written permission of the Chief of Police.

## 3.0 BODY WORN CAMERA ISSUE

Body worn cameras will be issued to all sworn personnel whose primary function is, or there is a reasonable expectation they will be called upon, to answer calls for service and interact with the public. BWCs may also be issued to other police department personnel at the direction of the Chief or his designee. Upon issuance of the body worn camera, the issuing officer or employee will ensure the recipient is adequately trained in the functions, use and operation of the equipment.

Body worn cameras may only be used by the individual to whom they are assigned unless exigent circumstances exist.

## 4.0 USE OF BODY WORN CAMERAS

Body worn cameras shall only be used for law enforcement purposes. Body worn cameras will be used with reasonable care to ensure proper functioning. Intentional misuse or abuse of the devices can result in disciplinary action.

### 4.1 Equipment Responsibilities

BWC equipment is the responsibility of individual to whom the unit is issued. Personnel issued a BWC shall be responsible for ensuring the BWC is properly charged and in working condition.

Officers shall inspect the BWC prior to each shift in order to verify proper function. Equipment damage and/or malfunctions shall be brought to the attention of the officer's supervisor as soon as possible. Supervisors will initiate the appropriate action in order to bring officers back into compliance with this policy as soon as possible.

### 4.2 Wearing Body Worn Cameras

Police personnel are required to wear their issued BWC while on duty and while performing any uniformed law enforcement functions. BWCs will be worn on the front of the uniform shirt or the outermost layer of the uniform, near the center of the chest.

Non-patrol personnel issued a body worn camera shall use/wear BWCs as prescribed by their chain of command.

### 4.3 Recording Body Worn Camera Videos

Officers are not required to notify or seek permission to record while taking law enforcement action. However, if asked about its use, the officer will be forthcoming about its use.

Body worn cameras shall be used to record the following:

- Dispatched calls for service (crimes in progress, motor vehicle accidents, alarms, etc...)
- Officer initiated calls (including field interviews, traffic stops, warrant execution, etc...)
- Public contacts that require law enforcement response (public drunk, disorderly conduct, etc...)

**BWCs will be activated upon arriving at a dispatched location/ initiating law enforcement action and remain on until the call is cleared.** However, officers are granted the discretion to stop a recording prior to clearing a call under the following conditions:

- The use of the BWC is likely to hinder the investigation (sexual assault victims)
- When the officer is no longer in an area where evidence is likely to be found.

### 4.4 Restrictions On The Use Of Body Worn Cameras

**Accessing, copying, or releasing BWC video and/or audio files for non-law enforcement purposes is strictly prohibited.**

Body worn cameras shall not be used for personal, unofficial or frivolous activities.

Body worn cameras may not be used to record City employees outside of law enforcement encounters.

Body worn cameras shall not be used to record communications with other police personnel without the permission of the Chief of Police or designee.

Body worn cameras shall not be used to record communications with undercover officers or confidential informants.

Furthermore, officers should use discretion where there is a victim of 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 body parts are exposed.

#### 4.5 Uploading/Reviewing Video Files

Body worn camera video files should be uploaded no later than the end of each shift. Personnel will utilize the designated software application to categorize the recording and input any issued case number, ticket number and suspect information.

- Officers shall only have access to review their BWC video files.
- Supervisors will have access to the BWC video files of their subordinates.
- Internal Affairs, Command Staff and Video System Administrators are granted access to review all BWC video files.
- Supervisors will be trained on the Departmental policies, standards and requirements for purposes of enforcing same on all personnel to whom a body worn camera is issued. Supervisors are required to review random body worn camera footage of officers under their command to ensure that all of the Department's policies and procedures are being followed.
- When a supervisor reviews the body worn camera footage of an officer, the supervisor will document the review on a Department approved form submitted through the supervisor's chain of command to the Division Major.

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

#### 4.6 Video Retention

All body worn camera video/audio files will be maintained on a secure server for a period no less than 60 days.

**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. (see attachment #1)**

**Recording of evidence are to be saved to disc and submitted to the Evidence Unit to be preserved as prescribed by law.**

Body worn camera video/audio files will be expunged as required by S.C. Code 17-1-40.

#### 4.7 Release of Body Worn Camera Video

Body worn camera video and/or audio files are not subject to release via Freedom of Information Act (FOIA) requests.

Body worn camera video and/or audio files may be released at the discretion of the Chief of Police (or his designee) or via legal discovery as prescribed by SC Codes of Laws §23-1-240(G). (see attachment #2)

**SC CODE OF LAWS**

**SECTION 17-28-320 Offenses for which evidence preserved; conditions and duration of preservation.**

(A) A custodian of evidence must preserve all physical evidence and biological material related to the conviction or adjudication of a person for at least one of the following offenses:

- (1) murder (Section 16-3-10);
- (2) killing by poison (Section 16-3-30);
- (3) killing by stabbing or thrusting (Section 16-3-40);
- (4) voluntary manslaughter (Section 16-3-50);
- (5) homicide by child abuse (Section 16-3-85(A)(1));
- (6) aiding and abetting a homicide by child abuse (Section 16-3-85(A)(2));
- (7) lynching in the first degree (Section 16-3-210);
- (8) killing in a duel (Section 16-3-430);
- (9) spousal sexual battery (Section 16-3-615);
- (10) criminal sexual conduct in the first degree (Section 16-3-652);
- (11) criminal sexual conduct in the second degree (Section 16-3-653);
- (12) criminal sexual conduct in the third degree (Section 16-3-654);
- (13) criminal sexual conduct with a minor (Section 16-3-655);
- (14) arson in the first degree resulting in death (Section 16-11-110(A));
- (15) burglary in the first degree for which the person is sentenced to ten years or more (Section 16-11-311(B));
- (16) armed robbery for which the person is sentenced to ten years or more (Section 16-11-330(A));
- (17) damaging or destroying a building, vehicle, or property by means of an explosive incendiary resulting in death (Section 16-11-540);
- (18) abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F));
- (19) sexual misconduct with an inmate, patient, or offender (Section 44-23-1150);
- (20) unlawful removing or damaging of an airport facility or equipment resulting in death (Section 55-1-30 (3));
- (21) interference with traffic-control devices or railroad signs or signals resulting in death (Section 56-5-1030(B)(3));
- (22) driving a motor vehicle under the influence of alcohol or drugs resulting in death (Section 56-5-2945);
- (23) obstruction of railroad resulting in death (Section 58-17-4090); or
- (24) accessory before the fact (Section 16-1-40) to any offense enumerated in this subsection.

(B) The physical evidence and biological material must be preserved:

- (1) subject to a chain of custody as required by South Carolina law;
- (2) with sufficient documentation to locate the physical evidence and biological material; and
- (3) under conditions reasonably designed to preserve the forensic value of the physical evidence and biological material.

(C) The physical evidence and biological material must be preserved until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A). However, if the person is convicted or adjudicated on a guilty or nolo contendere plea for the offense enumerated in subsection (A), the physical evidence and biological material must be preserved for seven years from the date of sentencing, or until the person is released from incarceration, dies while incarcerated, or is executed for the offense enumerated in subsection (A), whichever comes first.

HISTORY: 2008 Act No. 413, Section 2, eff January 1, 2009.

Code Commissioner's Note

Sections 16-3-30, 16-3-40, and 16-3-430, referenced in subsections (A)(2), (A)(3), and (A)(8), were repealed by 2010 Act No. 273, Section 22.

**SC CODE OF LAWS**

**23-1-240 Body worn cameras; definition; guidelines; policies and procedures; fund; data release.**

(G) (1) Data recorded by a body-worn camera is not a public record subject to disclosure under the freedom of information act.

(2) 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.

(3) 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.

(4) 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.

(5) 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:

(a) a person who is the subject of the recording;

(b) a criminal defendant if the recording is relevant to a pending criminal action;

(c) a civil litigant if the recording 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 described in sub-item (a) or (b); and

(f) an attorney for a person described in sub-items (a) through (e)."

HISTORY: 2015 Act No. 71 (S.47), Section 1, eff June 10, 2015.