Law Enforcement and Body-Worn Cameras
A. 71, S. 47
Effective Date: June 10, 2015

This act provides that law enforcement agencies, under the direction of the Law Enforcement Training Council (LETC), shall implement the use of body-worn cameras pursuant to guidelines established by the LETC. Within 180 days of the effective date, the LETC shall study jurisdictions currently using body-worn cameras, and shall develop guidelines for the use of such cameras by law enforcement agencies. The guidelines must include, but are not limited to, specifying which officers must wear cameras, when cameras must be worn and activated, restrictions on the use of cameras, the process to obtain consent of victims and witnesses before using cameras, the retention and release of data recorded by cameras, and access to the data. The LETC shall provide the guidelines to law enforcement agencies. The General Assembly may terminate all or part of the guidelines by resolution.

Law enforcement agencies shall develop policies and procedures for the use of body-worn cameras pursuant to the guidelines. Within 270 days of the effective date, agencies shall submit the policies and procedures to the LETC. The LETC shall review and approve or disapprove of the policies and procedures. If the LETC disapproves, the agency shall modify and resubmit the policies and procedures.

Within 360 days of the effective date, the LETC shall submit a report to the General Assembly including recommendations for statutory provisions to ensure this section is appropriately and efficiently managed and carried out and the fiscal impact associated with the use of body-worn cameras.

A “Body-Worn Cameras Fund” is established within DPS for the purpose of assisting law enforcement agencies, the AG’s office, solicitors’ offices, and public defenders’ offices in implementing this section, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to the maintenance and storage of data recorded by cameras. The Public Safety Coordinating Council (PSCC) shall oversee the fund, and shall, within 180 days of the effective date, establish a process for the application for and disbursement of monies. The PSCC shall disburse the funds in a fair and equitable manner, taking into consideration priorities in funding. Upon approval of a law enforcement agency’s policies and procedures, the agency may apply for funding. A law enforcement agency is not required to implement the use of body-worn cameras until the agency has received full funding.

Nothing prohibits a law enforcement agency’s use of body-worn cameras pursuant to the agency’s existing policies and procedures and funding while the agency is awaiting the guidelines, approval of policies and procedures, and funding from the PSCC. Such an agency is eligible to apply for reimbursement.

Data recorded by a body-worn camera is not a public record subject to disclosure under FOIA. SLED, the AG, and solicitors may request and must receive data for a legitimate criminal justice purpose. A law enforcement agency, SLED, the AG, or a solicitor may release data in its discretion. A law enforcement agency may request and must receive data if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of an officer. The following are also entitled to request and receive data pursuant to the SC Rules of Criminal Procedure, the SC 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 is involved with a crime to which the recording is related;
5. a parent or legal guardian of a minor or incapacitated person described in subitem (1) or (2); and
6. an attorney for a person described in subitems (1) through (5).