

CITY OF MULLINS

151 E. Front Street
P. O. Drawer 408
Mullins, South Carolina 29574



PHONE: (843) 464-9583
FAX: (843) 464-5202

Raymond Pridgen Auditorium Tuesday, April 11, 2017 6:00 P.M.

A G E N D A

- 1. Call Meeting to Order & Welcome:** Mayor McMillan
Pledge of Allegiance:
Invocation:
- 2. Disclosure that local media has been informed of meeting pursuant to South Carolina Freedom of Information Act:**
- 3. Approval of Agenda:**
- 4. Consent Agenda:**
 - (a) Approval of Minutes – March 14, 2017 – City Council Meeting
 - (b) Approval of March 2017 Monthly Bills
- 5. Public Presentation**
 - (a) Presentation Recognizing the Mullins Recreation Basketball Teams
- 6. Old Business:**
 - (a) Consideration of a request for funding from the Pee Dee Regional Transportation Authority (PDRTA)

Page Two
City Council Meeting Agenda
Tuesday, April, 11, 2017

7. New Business:

(a) Consideration of a resolution to delegate certain authority of Council and Council Committees regarding department control and personnel actions to Department Heads and City Administrator.

(b) First Reading of Ordinance #17-001, "AN ORDINANCE TO AMEND THE POLICE DEPARTMENT STANDARD OPERATING PROCEDURES MANUAL TO CHANGE CERTAIN LANGUAGE REGARDING THE USE OF BODY CAMERAS."

(c) Consideration of a resolution to designate the City Hall parking area as the site of a public festival or special event at which alcoholic beverages may be consumed.

8. Executive Session: Discussion related to potential sell/lease of City owned property

9. Return to Open Session

10. Committee Reports:

Police – Council Member Terry Davis
Fire – Mayor Pro Tem Pat Phillips
Recreation – Council Member Jo Sanders
Street/Sanitation - Mayor Pro Tem Pat Phillips
Finance – Council Member Carolyn Wilson

11. Comments:

12. Adjournment:

**City Council Meeting
April 11, 2017
Old Business Item (a)**

Consideration of a request for funding from the Pee Dee Regional Transportation Authority (PDRTA)

The City has funded PDRTA each of the last four years and approved funding last month for the current fiscal year. Funding amounts have varied from the first year amount of \$5700 to as low as \$2500. PDRTA requested \$4908 this fiscal year and council allocated \$2500. The shortfall from their original request has resulted in a fare increase at the Mullins stop from \$5 per ride to \$7 per ride.


PDRTA is requesting \$5842 for FY18. Council typically considers budget requests in May or June along with all other requests, but it is important to consider the amounts now because it could impact current and future service. PDRTA indicates that without full funding next year, the Mullins service will end.

I think in response to the current fare increase and the prospect of the service ending without full funding, council needs to evaluate the Mullins commitment to the service. We need to determine if we are willing to provide additional funding in the current year, in next fiscal year, and if we are willing to absorb similar potential increases in future years.



"The Bus Can Get You There"

MEMORANDUM

TO: Service Stakeholder Distribution List
FROM: Chuck MacNeil 
SUBJ: Status of Bus Service in Mullins
DATE: March 23, 2017

This serves to inform all interested parties that the PDRTA Board of Directors at their March 16 2017 meeting voted to increase the one-way bus fare in Mullins ONLY from \$5.00 to \$7.00. The fare increase is taking effect on April 1 2017.

This was done to save bus operations in Mullins for the short term. Since the City of Mullins has yet to provide any funding this fiscal year, consideration was given to terminate Mullins bus service. With the news of the City Council agreeing this month to provide \$2,500 or half of the annual amount requested for the year, the service to Mullins remains at risk. The decision to raise the bus fare in Mullins was a last recourse to save the service in Mullins for the short term.

The current annual cost for daily service between Mullins, Marion and Myrtle Beach is approximately \$261,500. PDRTA had requested less than \$5,000 each from Marion County, the City of Marion, and the City of Mullins. A Marion County Healthcare Foundation grant provided \$14,259. All local funds have been received EXCEPT from the City of Mullins. The balance of funds needed come from fare revenue (approx. \$104,000), state (\$29,000) and federal (\$99,000). Mullins riders will now pay \$70 each week to commute predominantly to service sector jobs in the Grand Strand.

The City of Mullins has asked for PDRTA to submit our funding request for FY 2017-2018. We will do so, as well as submit funding requests to the City of Marion and Marion County. The SCDOT has announced funding reductions to PDRTA for FY 2017-2018. The reductions will impact the amounts requested to local sources in the hope to sustain this vital public service.

CC: Mullins City Council
Mayor Bobby Davis, City of Marion
Tim Harper, Marion County
Kent Williams, SC Senate
Mary Dunbar, Marion County Healthcare Foundation
Bishop Michael Blue, Impact Marion
Ogleretta White, Impact Marion
Dr. Julie Norman, Marion County Economic Development
Carolyn Gause, PDRTA Board of Directors



PEE DEE REGIONAL TRANSIT AUTHORITY
313 S. Stadium Road | Florence, South Carolina 29506
P: 843.665.2227 | F: 843.665.7552 | www.PDRTA.org

"The Bus Can Get You There"

March 23, 2017

Mr. Bo McMillan, Mayor
Mullins City Council
P.O. Drawer 408
Mullins, SC 29574

Dear Mayor McMillan:

At your request, I respectfully submit our funding request to the City of Mullins to support daily bus operations providing many residents with transportation to work. The attached table outlines the overall cost of this service, supplementing sources of funds, and the basis of our request to the City of Mullins.

I will be available to appear before City Council to answer any questions regarding this request.

Please be advised of the following:

- Due to the shortage of funding from the City of Mullins this year, fares to Mullins riders are being increased by 40% for time needed to save the service.
- The amount of this request will allow the Mullins fares to return to that being paid by other Marion riders.
- A failure to commit to paying this request will necessitate PDRTA service in the City of Mullins to end.

I respectfully request **\$5,842** from the City of Mullins for their share in the service cost. This subsidy share can be from any source or combination of sources; municipal, business (including advertising revenue), and private.

Sincerely,

Charles M. MacNeil
Executive Director

Attachment

CC: City Council Members Patricia Phillips, Carolyn Wilson, Jo Sanders, Terry Davis,
Malcolm E. Kitchen, Robert Woodbury
City Administrator David Hudspeth
PDRTA Board Members Vivian Rogers and Carolyn Gause
Mary Dunbar, Marion County Healthcare Foundation

Updated 2017-2018 Mullins-Marion-Beach Bus Services

“The summary includes the Mullins-Marion-Myrtle Beach Route that operates 364 Days a Year”

***The Funding Analysis below was developed with a Current Net Cost Analysis annualized for 2017-2018.

	Model Inputs		Model Variable		Model Outputs	
	Operating Stats		Unit Cost		Total Cost	
Hours	3102		\$38.1617		\$118,377.59	
Miles	65456		\$0.8854		\$57,954.74	
Overhead			42.81%		\$176,332.33	Variable Cost
					\$75,487.87	Fixed Cost
					\$251,820.20	Total Cost

Total Local Funds	Total State Mass Transit	Total Federal Share	Farebox	Total Funding
\$32,995.36	\$22,496.84	\$94,486.73	\$101,841.27	\$251,820.20

Local Breakdown for 2017-2018	
City of Marion	\$5,842.12
City of Mullins	\$5,842.12
Marion County	\$5,842.12
Health Care Foundation	\$15,469.00
TOTAL	\$32,995.36

PDRTA received a \$68,000 or a 16% reduction for 2017-2018 in State Matching Funds. This resulted in an increase of roughly 10% in Total Local Funds needed to provide service. Ridership continues to be strong from both Marion and Mullins. We anticipate a very strong 2017-2018 based on the ridership that has started to increase in March.

City Council Meeting
April 11, 2017
New Business Item (a)

Consideration of a Resolution to Delegate Certain Authority of Council and Council Committees Regarding Department Control and Personnel Actions to Department Heads and City Administrator

The Code of Ordinances of the City of Mullins contains the following language regarding authority and control over departments and personnel.

...committee shall have direct control and management of the department and the members thereof and the employment, discharge, promotion, demotion and all matters of discipline pertaining to the department and the members thereof shall be the exclusive right and duty of council.

The Street, Fire and Police Committees have all met and determined that some of this authority should be delegated to the department head over each department and the city administrator.

The attached resolution is consistent with the actions taken by each committee but needs to be acted on by the full council. The policies outlined within the resolution will be binding unless and until council chooses to make additional changes.

**Resolution to Delegate Certain Authority of Council and Council Committees
Regarding Department Control and Personnel Actions to Departments Heads and
City Administrator**

Whereas; the City Code currently establishes that either the full council or certain council committees shall have direct control and management of the department and the members thereof, and

Whereas; the City Code currently establishes that the employment, discharge, promotion, demotion and all matters of discipline pertaining to the department and the members thereof shall be the exclusive right and duty of council, and

Whereas; each council committee and the council as a whole have determined that it is appropriate for council and/or their committees to delegate certain authority to the Department Heads and City Administrator,

Therefore, be it resolved, that the following guidelines are approved for implementation, and that nothing contained within shall diminish or negate the ability of City Council to exercise their authority provided within the ordinance.

- 1) Power over terminations and any creation of positions shall remain under the exclusive power of council. Staff may recommend to council, but council shall be required to approve such actions within their respective committees.
- 2) Hiring of all positions and any discipline resulting in (a) any demotion of position or (b) suspension with or without pay may be enacted by the department head or supervisor with the approval of the City Administrator. Any such action shall be reported to the committee chair immediately. The action shall also be reported either to City Council at the next meeting or to the responsible council committee at the next called meeting.
- 3) Discipline including verbal or written reprimands and any resulting penalties such as loss of leave time, loss of vehicle privileges, changes to work schedule, reassignments, or other penalties, up to demotion or suspension, may be enacted by the department heads or supervisors with the approval of the City Administrator.

**City Council Meeting
April 11, 2017
New Business Item (b)**

First reading of an ordinance to amend the Police Department Standard Operating Procedures manual to change certain language regarding the use of body cameras.

The Standard Operating Procedures manual is a document that was adopted by council and provides numerous guidelines for actions of police department personnel. It is necessary to periodically review and make changes to the manual to reflect changes in technology, liability issues and generally accepted police protocols. These changes need to be made by ordinance because the original document was adopted by ordinance.

The requested change provides revised procedures for use of officer body cameras. The changes are minor, but need to be made now that all our officers are equipped with these cameras. The changes are noted on the following pages taken from our current manual.

**AN ORDINANCE TO AMEND POLICY NO. 4.05
USE OF BODY CAMERAS
ORDINANCE NUMBER 1-001**

The City has in place Policy No. 4.05- Use of Body Cameras

WHEREAS, the City of Mullins has updated said policy; and

WHEREAS, the City of Mullins wishes to repeal the former Policy No. 4.05 and substitute the new updated Policy No. 4.05.

THEREFORE, the City of Mullins hereby repeals the former Policy No. 4.05 and substitutes the new Policy No. 4.05.

THEREFORE, IT IS SO ORDERED.

ATTEST:

Mayor

Clerk

APPROVED AS TO FORM

City Attorney Robert Corley

FIRST READING: _____

Members of City Council

FINAL READING AND ADOPTION:

New

Policy # 4.05 Body Worn Camera	Related Policies: Stops, Search & Arrest; Motor Vehicle Contacts;
<i>This policy is for internal use only and does not increase an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: S.C. Code 23-1-240	
CALEA Standard:	
Date Implemented:	Review Date:

- I. **Purpose:** The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of Body Worn Camera (BWC) as well as directing how video will be utilized as a quality control mechanism and evidence.
- II. **Policy:** The policy of this Department is to provide officers with body worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for officer evaluation and training, and to provide accurate documentation of law enforcement and citizen interaction. The use of a BWC system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWC and the integrity of evidence and related video documentation.
- III. **Procedure:** It is the intent of this policy that all officers who will be using BWC equipment shall be trained on the manner in which the BWC shall be tested, maintained, used and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.
 - A. It shall be the responsibility of each individual officer to test the BWC equipment at the beginning of each tour of duty. Officers equipped with the BWC will ensure that the batteries are fully charged prior to the beginning of their shift or special event.

In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair.

- IV. Uniformed officers whose primary function is to answer calls for service and interact with the public, or officers who have a reasonable expectation that they will must

- w. Issuance of written violations
- x. Field Sobriety Tests
- y. When arriving at law enforcement events and/or citizen contacts initiated by other officers
- z. Other incidents the officer reasonably believes should be recorded for law enforcement purposes
- aa. Officers should use discretion where there is a victim of rape or sexual assault.

Added
from
old

bb. While operating a vehicle in a manner that requires activation of its emergency lights and siren. (Exceptions: Preceding through an intersection and or escorts.)

- F. Officers are not required to keep a body worn camera activated for the entire period of the officer's shift
- G. Officers will make every reasonable effort to ensure that the BWC recording equipment is accurately capturing events. A reasonable effort includes:
 - a. Activating the video/audio recording as soon as the officer makes citizen contact or the law enforcement event begins
 - b. Activating the video/audio when the officer arrives at a street encounter, or citizen contact initiated by another officer
 - c. Positioning and adjusting the BWC to record the event to the extent this can be accomplished without compromising officer safety.
 - d. Officers shall not erase, alter, modify or tamper with BWC recordings
- H. The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or until the officer, who is recording the event through a BWC discontinues his or her participation in the law enforcement event.
- I. If an officer deems it necessary to stop recording during the event, he will make a verbal statement citing his intentions to stop the recording and his reason.
- J. An officer who does not activate a body worn camera in response to a call for assistance shall document in the incident report or otherwise note in the case file or record the reason for not activating the camera.
- K. When a BWC recording is being entered into the property and evidence storage and management area of the agency the chain of custody log shall include, but need not be limited to:
 - a. Case tracking number
 - b. Date recorded
 - c. Date submitted
 - d. Officer submitting the media

- J. In the event of an accidental recording the recording will be maintained in accordance with non-evidentiary recordings and maintained for a minimum of ninety (90) days. Officers are prohibited from erasing any audio or video recordings. If the agency believes accidental recording may constitute an unwarranted invasion of personal privacy, the agency shall request an Open Records Decision from the legal authority in the jurisdiction.

VI. Recording of Juveniles and Release of Materials.

- a. Access to a person's juvenile crime records is much more restricted than access to adult crime records. Most juvenile crime records are confidential and access will be denied to the public and media. Access to juvenile records is usually only granted to certain persons and organizations such as: Local, state and federal law enforcement, Prosecutors, Court officials, Parents, The juvenile's attorney. Recordings that capture criminal activity involving juvenile offenders will not be released to media or the general public.
- b. No recordings of Juveniles captured through the use of the Department's BWC/MVR will be released to the public or the media; this includes but is not limited to images and voice recordings of Juvenile Victims and Juvenile Witnesses.
- c. School Resource Officers (SRO): Students are protected from release of records by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. SRO's that capture video and audio recordings of students during educational and extra-curricular school activities are subject to FERPA.

VII. The retention and release of data recorded by BWCs.

- A. Tapes or other storage media shall be held in accordance with the state's record retention act for law enforcement records.
- B. In accordance with S.C. Code 23-1-240, Recordings that are non-investigative, non-arrest, and are not part of any internal investigation must be retained for a minimum of 14 days after their creation. However it is the policy of this department that such recordings will be maintained for a period of **ninety (90)** days after their creation.
- C. 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.
- D. Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act:

- E. All recording media, recorded images and audio recordings are the property of this Department. Dissemination outside the Department is strictly prohibited without specific authorization of the Chief of Police.
- F. Malicious destruction or deletion of video and audio files is prohibited.
- G. Electronic media will be stored in such a way as to maintain the security and integrity of the audio/video recordings.
- H. No member of this agency shall alter, redact, delete, or destroy any original or back up copy of an audio/video recording without approval of the Chief of Police or their designee.
- I. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.
- J. Electronic Media is subject to review by the Chief of Police or their designees.
- K. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Chief of Police or their designee.
- L. First line supervisors should review at least one BWC recording every 90 days for each officer supervised for policy, training and legal compliance. After review, the supervisor will document the review and any supervisory actions taken. Supervisors should meet with individual officers to provide guidance, training and correction when required. Supervisors will initiate formal counseling or internal affairs procedures as the need arises. When corrective action is taken, a special review may be implemented for that particular officer for a set duration in order to ensure compliance with the corrective action.

IX. BWC Evidentiary/Administrative Procedures:

- A. When an officer becomes aware that a BWC recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via agency report and/or other procedures established by this department.
- B. When a BWC related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server and disseminate per department procedures.
- C. Where there is any indication that the BWC may contain "*Brady*" material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the "Duty to Disclose" policy of this department.
- D. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or proper public records request.

X. Training:

OLD

Policy # 4.05 Use of Body Cameras	Related Policies:
<i>This policy is for internal use only and does not increase an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes:	
CALEA Standard:	
Date Implemented:	Review Date:

- I. **PURPOSE:** A Body Worn Camera, referred from this point on as "BWC", is an "on-the-body" video and audio recording system assigned to an officer as an additional means of documenting specific incidents in the field. The purpose of this policy is to establish guidelines related to the use, management, storage, and retrieval of the audio and video recordings from the departmentally issued BWC.
- II. **POLICY:** BWCs will be utilized by uniformed officers whose primary function is to answer calls for service and interact with the public, or officers who have a reasonable expectation that they will. Those officers who have been issued one upon proper instruction on its use and reading of this policy.
- III. **TRAINING:** The BWC will be carried only by personnel who have been trained in its use. The BWC issued by the Mullins Police Department will be the only BWC authorized for use.
- IV. **DEPLOYMENT OF BODY WORN CAMERAS:**
 - A. All BWC's assigned shall be utilized while on duty. Each assigned unit will be entered into LawTrac Property Management Table under the officer's name and each BWC is synced to the officer in VuVault by serial number.
 - B. Immediate supervisors are responsible for ensuring on-duty officers are equipped with a functioning BWC at the beginning of each shift. The supervisor will ensure the assigned camera is synced to the officer.
 - C. Upon being assigned the BWC, individual officers are responsible for its use and maintenance during their shift. Any apparent problems with the BWC will be immediately brought to the attention of a supervisor.
 - Officers will wear the BWC utilizing only the mounting equipment provided by the manufacturer of the BWC. It shall be the responsibility of the officers to

ensure the BWC remains in a position to allow the recording of an encounter or incident that most closely replicates the eyesight perspective of the officers.

- The BWC will be worn on the upper torso of the body, positioning determined by the officer, to provide the best video coverage of the event.
- There are three wearing mounts provided by the manufacturer contained in the BWC kit. The mount that best fits your person will be used.

V. USE OF THE BODY WORN CAMERA

A. The BWC shall be activated to record during all field contacts involving actual or potential violations of law to include:

- Traffic stops
- Motor vehicle accident investigation when the parties to the motor vehicle accident are present
- Public drunk
- Suspicious vehicles or persons
- Use of force
- Arrests

B. The BWC shall also be activated when responding to the following calls for service:

- Disturbances or disorders
- Adversarial contact or a potentially adversarial contact
- Calls involving emotionally or mentally disturbed subjects
- Offenses involving weapons or violence
- When responding to any "in progress" call for service
- On the scene of all violent crimes

C. 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
- During tactical activities, including the execution of search warrants
- During warrantless searches of individuals, vehicles, buildings, and other places
- During the initial inventorying of seized money or any high value property

D. If not already activated, the BWC shall be activated to record any encounter that becomes adversarial after initial contact or in any situation that the officer believes its use would be appropriate or valuable to document the incident or encounter.

*Added
to new*

- E. Once the BWC is activated, officers will continue to record until the conclusion of their involvement in an event. When utilized during the execution of a search warrant, an officer may deactivate the BWC after the initial sweep of the location when the incident transitions from tactical in nature to investigatory when it is clear that their participation is complete and presence is no longer needed.

VI. RESTRICTED USES AND DEACTIVATION OF BODY WORN CAMERAS

- A. BWC shall be used only for legitimate law enforcement purposes in accordance with applicable law and this Police Department's policy.
- B. **The BWC will not be used to record fellow employees except during an investigation of a suspected violation of criminal, traffic, or local law.**
- C. **The BWC shall not be utilized to record any court proceeding.**
- D. Unless present in an official capacity, the BWC should not be used in bathrooms or locker rooms.
- E. For the purpose of protecting their identity, the BWC will not be used while interacting with known confidential informants or undercover officers. In situations where the recording of an interaction with an informant is of important evidentiary value, an officer may choose to capture audio recordings of the interaction by positioning the camera away from the informant if possible.
- F. **Officers will not use the BWC to record personal activity.**
- G. Officers shall only use the BWC while in patient care areas of a health care facility when the recording is for official purposes and care should be used to record only the parties involved in the event being investigated when possible. When a patient, be it a victim or suspect, is undergoing a medical procedure the BWC recording shall stop.
- H. 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.

VII. COLLECTION OF BODY WORN CAMERA DATA

- A. Prior to the end of the officer's duty day, officers, utilizing the designated software application, will categorize the recording captured by the BWC and ensure it is properly labeled with case number, (if report is done), ticket number, be it a UTT or Warning Citation number. In instances where an officer has multiple recordings of the same incident, they will differentiate the files when labeling them to include a number 1 of..... Each subsequent recording from that event will be labeled in the same manner, with the numerals continuing sequentially 1 of 2, 2 of 2, etc....

(See Appendix A for retention categories and times. Retention dates are subject to change based on need of the Mullins Police Department)

- B. ID: This will be either case # (15*****) as indicate on the report or ticket number, (UTT), this includes warning ticket number when issued. If none of these items are present, then it is left blank.
- C. CATEGORY: This will be best applicable category for the incident. Example; if it is a traffic stop and it is determined that driver/suspect just committed a burglary, it will be categorized as a burglary. Remember, highest offense.
- D. TITLE: This will be the address (if residence). If it is a business, it will be the address and the name of the business.
- E. Remember also, you do have the ability to make notes in the "post a note" block, of the down loaded video if you feel it necessary, especially if you are sharing the video with someone that has a need for the share.
- F. Officers shall note in any incident reports and/or citations that there is a BWC recording of any portion of the incident. Officers may use media captured via the BWC to assist with an investigation and to aide in the completion of reports. If the BWC was not activated according to policy, it shall be briefly indicated as to why in the incident report.
- G. The creation of any DVD recordings from a BWC will be made only when requested by the officer and documented in the incident report or supplemental giving the reason for the DVD, then turned into evidence.
- H. DVD copies, when requested or subpoenaed, shall be provided as Discovery to Solicitors Office or attorney in accordance with current Mullins Police Department policy.

VIII. PROCESS TO OBTAIN CONSENT OF VICTIMS / WITNESSES

- A. 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, a LEO will be forthcoming about its use. At that time the LEO will have discretion on whether to keep the BWC on or turn it off. If the LEO discontinues the recording, the LEO must document the reason for discontinuation either on the BWC or in a written report.

IX. RETENTION AND RELEASE OF DATA RECORDED

- A. The BWC and all video files are the property of the Mullins Police Department and are to be used for official purposes only.
- B. Data recorded by body-worn camera is not a public record subject to disclosure under 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. In addition to the persons who may request and must receive data recorded by a body-worn camera provided in item (b), 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:
 - 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 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); and
 - 6. An attorney for a person described in sub items (1) through (5).
- C. Citizens are not allowed to view BWC recordings unless permission has been obtained from the Chief of Police or his designee.
- D. The viewing of any recording for anything other than approved Mullins Police Department purposes is prohibited.
- E. No officer shall attempt to erase, edit or otherwise alter any data captured by a BWC unless granted administrative rights to do so by the Chief of Police or his designee and have justification for the edit or deletion.
- F. The downloading or converting of any recording captured by a BWC for any type of personal use is strictly prohibited.
- G. Any portion of a recorded image that records an event surrounding a violation of the law, which includes an infraction or a crime or offense prosecutable in the criminal courts in this State or the United States, is considered a record of a criminal investigation, and not a public record.
- H. Any portion of a recorded image that may be used to subject an employee to Mullins Police Department disciplinary action is a part of that employee's personnel file as defined in and is open to inspection only as provided by law or Mullins Police Department policy, unless otherwise required to be disclosed as evidence in a criminal proceeding.
- I. Recording of any arrests or violation 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.

- J. Uploaded recordings will be retained on the Mullins Police Department Server based upon the retention schedule established for each category of recording. The retention times are established by this agency based on crime type and consideration for the Post Conviction Relief (PCR). See appendix A. Any video that has no case number, Uniform Traffic Ticket to include warning citation, or current complaint pending will be placed into the applicable category.
- K. Access to the Server is a secure and easily accessed interface for management, sharing, and viewing of mission critical data.
- L. It is only accessible by deputies that are entered and granted access by a designated systems administrator.
- M. This is a password required system.
- N. It shall be the assigned case officer's responsibility to ensure that all recordings which constitute evidence, or are required to be included in the case file, are properly labeled and categorized for storage prior to their scheduled purge date from the remote digital storage system. Each officer is responsible for ensuring that their video, if to be used for criminal/traffic prosecution, the video evidence stays current and available in the police department server until the case is resolved. Once the video is no longer needed after the case is adjudicated, then it will remain on the server until purged from the system.
- O. If a video from the server is to be used in a criminal prosecution and will be entered into evidence during that prosecution, then a hard copy DVD must be made to introduce it as evidence. If the officer is prosecuting the case in Municipal Court, it is that officer's responsibility to get it completed. All applicable Police Department policy pertaining to evidence will apply. Video evidence made under a Discovery Motion can be shared. It will be the officer's responsibility to notify his supervisor to share the applicable video under Discovery to the requesting attorney.

X. SUPERVISOR RESPONSIBILITIES

- A. Supervisors will ensure that only trained officers are equipped with available BWC prior to the beginning of their shift. When issuing cameras, the BWC should not be removed from the docking station before the transfer of data is complete unless an emergency event occurs that would give reason for the removal. Removal prior to the complete download will not cause loss of remainder of video.
- B. When possible, supervisors should assign an officer with a BWC to events where they believe the capture of video will be beneficial to the officers involved or this Office.
- C. Upon receiving notification of any damage or malfunction of a BWC, the supervisor will remove the BWC from service and notify the system administrator of the need for repair. Until the repair is made, a new BWC will be issued as available.

- D. Supervisors will ensure that all recorded events are documented by the officers in the associated reports and citations. If an officer resigns or is terminated from their employments with this office that supervisor of that officer is then transferred that officer's video evidence.
- E. Supervisors will ensure that any recordings relating to an administrative investigation are downloaded and stored for inclusion in the investigative file prior to their scheduled purge date from the digital storage system.
- F. Notification of the existence of recordings which may be beneficial for training purposes shall be forwarded via the chain of command to the Captain or his designee over the Training Unit for determination of training value and use.
- G. Supervisors shall monitor officers to ensure that assigned BWC are being properly charged, files uploaded, and properly labeled at the end of a officer's tour of duty.

XI. Employees found to be in violation of any provision contained within this general order may be subjected to disciplinary action.

By Order of:

Mullins Police Chief

Appendix A

- 1. Uncategorized 45
- 2. Arson 3 years
- 3. Assault/Battery 3 years
- 4. Burglary 3 years
- 5. Complaint 3 years
- 6. Death Investigation 99 years
- 7. Disorderly Conduct 1 year
- 8. Domestic 3 years
- 9. Field Interrogation 3 years
- 10. Harassment 3 years
- 11. Juvenile 3 years
- 12. Medical 3 years
- 13. Narcotics 99 years
- 14. Non-Event 45 days
- 15. Officer Injury Until manually deleted
- 16. Pending Review Until manually deleted
- 17. Property 3 years
- 18. Robbery 3 years

Took out

- 19. Sex Offenses 3 years
- 20. Theft 3 years
- 21. Traffic Accident 3 years
- 22. Training Demo Until manually deleted
- 23. Training FTO 50 YEARS
- 24. Use of Force Until manually deleted

Took
out

**City Council Meeting
April 11, 2017
New Business Item (c)**

Consideration of a resolution to designate the City Hall parking area as the site of a public festival or special event at which alcoholic beverages may be consumed.

The City Hall parking area and the adjacent parking lot owned by Anderson Brothers Bank has been the site of the Barbecue Cook-off for the last two years. This event is held in conjunction with the Golden Leaf Festival. During the event, attendees may purchase a ticket to sample the BBQ cooked by the contestants. Attendees have also been able to purchase beer and wine in the gazebo owned by Anderson Brothers Bank and consume the alcohol on the bank's private property. Because alcohol is prohibited on city property, our police have required festival attendees to stay within the confines of the privately owned parking area. However, many people prefer to wander throughout the festival with their beverage, which requires our police officers to intervene and request they return to the private area.

The city's ordinance provides an exception to our code to allow consumption within areas specifically deemed a festival site. The only requirement is that city council vote to allow such consumption for the festival and only for the specific location. This would allow free movement of attendees on the site of the BBQ cook-off and not the site of the Golden Leaf Festival.

The Police Chief reports to me that there has been little to no problems created by consumption on the bank property. The only issue has been the drain on police resources to keep the attendees from leaving the privately owned lot and entering the city hall parking area with alcohol.

Sec. 9.08.060. - Possession or consumption of alcoholic beverages on public property.

(a)

Prohibited. Except as expressly provided in this section, it shall be unlawful for any person to consume, or to possess in an open container, any alcoholic beverage in or on any public street, road, alley, sidewalk, tree zone, parking garage, or park within the city.

(b)

Exceptions. This section shall not apply to the following areas:

(1)

Any portion of a public sidewalk covered by an encroachment ordinance permitting use of the sidewalk by a restaurant or other public accommodation licensed to sell beer, wine, or other alcoholic beverages for on-premises consumption; and

(2)

Any public park, street, sidewalk, or tree zone, or any portion thereof, designated in a resolution of the city council as the site of a public festival or other special event at which alcoholic beverages may be consumed.

(c)

Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic beverage means any beverage containing more than one percent ethyl alcohol by volume.

Open container means a cup, glass, mug, or other similar container, and also any bottle, can, flask, or other similar container to which a top or cork is not securely affixed.

Parking garage means any parking garage owned and operated by the city.

Street and road mean the paved portions of a public right-of-way that are suitable for vehicular traffic or parking.

Tree zone means a street of land between a public street or road and an adjacent sidewalk parallel thereto.

(d)

Penalty. A person convicted of violating this section shall be fined not more than \$100.00 and 30 days in jail.

(Ord. No. 07-257, 12-13-2007)

MULLINS POLICE DEPARTMENT
151 E. FRONT ST
P.O. DRAWER 408
MULLINS, SC 29574



CHIEF OF POLICE MICHAEL J. BETHEA
PHONE: (843) 464-0707
FAX: (843) 464-0722

April 4, 2017

Mullins City Council
151 E. Front St.
Mullins, SC 29574

To City of Council Members:

I have included our monthly report what will show a break down and comparison of reported crimes in the City of Mullins for the month of February. If you have any questions in regards to this report, I would be more than happy to sit down and go over each one in detail. Since our last meeting we have had:

- "Body Cameras" 100% implemented into the field.
- Vehicle donation (Anderson Brother's Bank)
- New vehicle put into service (Capt. Graham's)
- Hired one new for employee (Alex Wilkinson).
- Named new "Watch Commander" (Justin Turner)
- Named new "Detective" (Shonda Griggs)
- Promotions / J. Turner (LT), D. Fling (Sgt), J. Pope (Cpl)
- Solved several major cases / Bank Robbery & Meadow Park Apt. Shooting
- Actively working on and solving old and new cases

Thank you very much for your continued support of myself and the department.

Sincerely,

A handwritten signature in blue ink that reads "Michael J. Bethea".

Chief Michael J. Bethea

SLED	Inhouse Code / Description	Last Year	This Year
ALCOHOL CRIMES			
90D	90D DRIVING UNDER THE INFLUENCE	1	
90E	90E DRUNKENNESS	1	1
90G	90G LIQUOR LAW VIOLATIONS	1	3
Total for Category:		3	4
ARSON/SUSPICIOUS FIRE			
200	200 ARSON		
978	978 SUSPICIOUS FIRE		
Total for Category:		0	0
ASSAULTS			
100	100 KIDNAPING / ABDUCTION		
11A	11A RAPE - FORCIBLE		
11B	11B SODOMY - FORCIBLE		
11C	11C SEXUAL ASSAULT WITH AN OBJECT		
11D	11D FONDLING - FORCIBLE		
13A	13A ASSAULT - AGGRAVATED	3	4
13A	CDA CDV - AGGRAVATED	1	
13B	13B ASSAULT - SIMPLE	11	13
13B	CDS CDV - SIMPLE	2	2
13C	13C ASSAULT - INTIMIDATION		4
13C	CDI CDV - INTIMIDATION		
36A	36A INCEST		
36B	36B RAPE - STATUTORY		
36C	36C INDECENT EXPOSURE (SEXUAL NATURE)		1
753	753 TELEPHONE CALLS - OBSCENE, HARASSING	4	
Total for Category:		21	24
DRUG CRIMES			
35A	35A DRUG / NARCOTIC VIOLATIONS	6	5
35B	35B DRUG EQUIPMENT VIOLATIONS	1	6
Total for Category:		7	11
HOMICIDE CRIMES			
09A	09A MANSLAUGHTER		
09B	09B NEGLIGENT MANSLAUGHTER		
09C	09C JUSTIFIABLE HOMICIDE		
Total for Category:		0	0
INFORMATION ONLY REPORTS - NRP			
NRP	90T TRAFFIC OFFENSES	25	27
NRP	NRP INCIDENT NOT REPORTED	133	110
Total for Category:		158	137
LARCENY CRIMES			
120	120 ROBBERY		1
210	210 EXTORTION / BLACKMAIL		
220	220 BURGLARY / BREAKING & ENTERING	4	3
23A	23A POCKET-PICKING		
23B	23B PURSE-SNATCHING		
23C	23C SHOPLIFTING		
23D	23D THEFT FROM BUILDING		1
23E	23E THEFT FROM COIN OPERATED MACHINE	1	

SLED	Inhouse Code / Description	Last Year	This Year
LARCENY CRIMES			
23F	23F THEFT FROM MOTOR VEHICLE	1	4
23G	23G THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES		1
23H	23H LARCENY - ALL OTHER	7	7
240	240 MOTOR VEHICLE THEFT	2	3
250	250 COUNTERFEITING / FORGERY		2
26A	26A FRAUD / CONFIDENCE GAME / BREACH OF TRUST	3	5
26B	26B TELLER MACHINE FRAUD		1
26C	26C IMPERSONATION		
26D	26D WELFARE FRAUD		
26E	26E WIRE FRAUD		1
270	270 EMBEZZLEMENT		
280	280 STOLEN PROPERTY OFFENSES	1	2
756	756 USING MOTOR VEHICLE WITHOUT CONSENT		2
90A	90A BAD CHECKS		
Total for Category:		19	33

OTHER CRIMES			
26F	26F IDENTITY THEFT		
26G	26G HACKING COMPUTER INVASION		1
370	370 PORNOGRAPHY / OBSCENE MATERIAL		
520	520 WEAPON LAW VIOLATIONS	2	2
64A	64A HUMAN TRAFFICKING / COMMERCIAL SEX ACTS		
64B	64B HUMAN TRAFFICKING / INVOLUNTARY SERVITUDE		
720	720 ANIMAL CRUELTY		
90B	90B CURFEW / LOITERING / VAGRANCY VIOLATIONS	1	
90C	90C DISORDERLY CONDUCT	3	9
90F	90F FAMILY OFFENSES, NONVIOLENT		2
90H	90H PEEPING TOM		
90I	90I RUNAWAY	2	
90J	90J TRESPASS OF REAL PROPERTY	4	7
90K	90K INCORRIGIBLE		
90L	90L TRUANCY		
90N	90N RESISTING ARREST	1	1
90P	90P CONTRIBUTING TO DELINQUENCY OF A MINOR		
90Z	90Z ALL OTHER OFFENSES	31	28
979	979 MISSING PERSONS	1	1
980	980 SUICIDES	1	
992	992 PROWLER	1	1
Total for Category:		47	52

OTHER MONEY CRIMES			
39A	39A BETTING / WAGERING		
39B	39B ASSISTING GAMBLING		
39C	39C GAMBLING EQUIPMENT VIOLATIONS		
39D	39D SPORTS TAMPERING		
510	510 BRIBERY		
Total for Category:		0	0

PROSTITUTION			
40A	40A PROSTITUTION		
40B	40B ASSISTING OR PROMOTING PROSTITUTION		
40C	40C PURCHASING PROSTITUTION		

SLED	Inhouse Code / Description	Last Year	This Year
Total for Category:		0	0
VANDALISM/DAMAGE			
290	290 VANDALISM OF PROPERTY	13	6
Total for Category:		13	6
Total for Reporting Period:		268	267

To: Mayor + members of Council

From: Reggie McDaniel

Date: April 4, 2017

Re: Museum Monthly Report - March 2017

Eighty-four visitors toured the museum during March, broken down as follows: Pelee Area - 6; In-state - 19; Out-of-state - 46; Int'l - 13 (2 from Germany).

We hosted 5 groups - Denare Canadian Tour, 2 Habitat groups and for the first time, a Mennonite group, all helping in nichols. The Mennonites particularly enjoyed the tools and implements while the Habitat groups always seem to enjoy the dioramas and exhibits.

Shows are scheduled for April.