



March 6, 2013

Sheriff P. J. Tanner  
P.O. Box 1758  
Beaufort, SC 29901

(Also sent by email to Public Information Officer Robin McIntosh, [rmcintosh@bcgov.net](mailto:rmcintosh@bcgov.net))

Re: Public Records Request / SWAT Teams and Cutting-Edge Weapons and Technology

Dear Sheriff Tanner:

This letter is a request under the South Carolina Freedom of Information Act (S.C. Code Ann. §30-4-10 through 30-4-165) by the American Civil Liberties Union of South Carolina. This request seeks records regarding your Special Weapons and Tactics (SWAT) teams, as well as your acquisition and use of cutting-edge technology.

Records Requested

A. Special Weapons and Tactics (SWAT) Teams

Please provide copies of the following created, updated, or edited, records from January 1, 2011, to the present:

1. All incident reports or other records documenting each time a SWAT team was deployed. All reports showing breakdowns of SWAT team deployments by crime, requesting agency, or purpose for the raid (i.e. to serve a warrant, arrest someone, diffuse a hostage crisis, etc.) and all post-deployment documentation, including:
  - a. All documents relating to the number of no-knock warrants applied for, and the number of no-knock warrants granted, denied, or modified, in conjunction with a SWAT team deployment;
  - b. All documents relating to uses of force by all SWAT teams and all incident reports documenting all injuries incurred by anyone at the scene of a SWAT team operation.
2. All procedures, regulations, or guidelines relating to SWAT teams, including the protocols and legal standards that must be met before SWAT team deployment.
3. All documents relating to the structure or mission of SWAT teams, including chain of command and the selection of team personnel, as well as the ranks, salaries, and lengths of service of team personnel.

4. All documents or training materials used to instruct SWAT teams in any aspect of their operation, including information about any training, including but not limited to, with military units and other outside agencies and private contractors, when and where training sessions took place, and who conducted them.
5. All records relating to the procurement, maintenance or deployment of SWAT team weapons and other equipment, including guns, vehicles, personal protective equipment and uniforms, surveillance and reconnaissance equipment, less than lethal devices, apparatuses and systems for augmented detainee restraint (also known as shock-cuffs), forced entry tools, facial recognition technology, Cellebrite or other mobile forensics units, biometric technology, cell phone sniffers, and deep packet sniffers, including how it is stored, and who has access to it.
6. All written mutual aid agreements or memoranda of understanding with federal, state and local agencies, including any branch of the military and private entities concerning SWAT teams.
7. All records relating to funding sources and grants your SWAT team applied for, and whether or not the application was successful; and
8. All internal or external audits of SWAT team performance or records of cost effectiveness.

B. Cutting Edge Weapons and Technology

Please provide copies of the following created, updated, or edited, records from January 1, 2011, to the present:

1. The number of Mobile Forensic Data Extraction devices, GPS tracking devices, biometric technology, cell phone sniffers, deep packet sniffers, unmanned aerial vehicles (sometimes called “drones”), apparatuses and systems for augmented detainee restraint (also known as shock-cuffs), Cellebrite or other mobile forensics units, and devices capable of facial or behavioral recognition currently owned, leased, or borrowed or proposed for purchase or acquisition by your agency and the unit or division of your agency given primary use of each device.
2. All practices, procedures, and trainings governing use of all such devices.
3. All policies relating to the maintenance and retention of information obtained through such devices, including but not limited to, policies detailing how records of such information are kept, databases in which they are placed, limitations on who may access the records and for what purposes, circumstances under which they are deleted, and circumstances under which they may be shared with other government agencies or nongovernmental entities.



4. The legal standard or level of suspicion (e.g. probable cause, reasonable suspicion, relevance) the agency requires or proffers prior to using such devices.
5. All applications submitted by your Department for equipment through the Department of Defense's "1033" program<sup>1</sup> (either directly to the Department of Defense or to your state's administering agency), including whether the application was granted, denied, or granted in part (and if so, how).
6. All "1033" program inventories created and maintained pursuant to the May 22, 2012, moratorium (see <https://www.dispositionservices.dla.mil/rtd03/leso/index.shtml>).
7. All applications submitted by your Department for funding through the Department of Homeland Security's Homeland Security Grant Program or Urban Area Security Initiative program (including applications submitted to your state's administering agency), including whether the application was granted, denied, or granted in part (and if so, how).

Because this request is on a matter of public concern and because it is made on behalf of a non-profit organization, we request a fee waiver. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$150.00. Please send us documents in electronic form if at all possible.

According to South Carolina Freedom of Information Act (S.C. Code Ann. §30-4-10 through 30-4-165), a custodian of public records shall comply with a request within 15 days after receipt. Thank you for your prompt attention to this matter. Please contact me if you find that you will need additional time.

Please furnish all applicable records to P.O. Box 20998, Charleston, SC 29413 or to [sdunn@aclusouthcarolina.org](mailto:sdunn@aclusouthcarolina.org). If you have questions, please contact me at by email or by telephone at 843-720-1425.

Sincerely,



Susan Dunn  
Legal Director

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<sup>1</sup> Section 1033 of the National Defense Authorization Act for Fiscal Year 1997, codified at 10 U.S.C. § 2576a, permits the Secretary of Defense to transfer excess Department of Defense supplies and equipment to state and local law enforcement agencies SC has entered into an agreement with the Defense Logistics Agency, which governs the transfer of military property to SC for use in civilian policing.