

# CITY OF ANDERSON POLICE DEPARTMENT

## Anderson, South Carolina

<b>DIRECTIVE TYPE</b> General Order	<b>EFFECTIVE DATE</b> September 11, 2020	<b>NUMBER</b> 1524
<b>SUBJECT</b> Thermal Imaging Devices		
<b>REVISED</b>		
This policy is for internal use only and does not enlarge 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 agency for non-judicial administrative action in accordance with the laws governing employee discipline		
<b>REFERENCE</b>	<b>AMENDS/SUPERSEDES</b> All Others	
<b>DISTRIBUTION</b> All Personnel	<b>RE-EVALUATION DATE</b> Annual	<b>NO. PAGES</b> 3

**I. Purpose:** The purpose of this policy is to provide officers of this Department with guidelines for the proper use of thermal imaging devices during search and rescue operations, and while conducting investigations. Thermal imaging devices are designed to find people in outdoor environments. The ability to use this device to search large areas quickly using the attached technology equipment will improve the resolution of search and rescue operations. The device can also be used while conducting criminal investigations by locating infrared surveillance cameras throughout the community which may contain evidence of a crime.

**II. Policy:** It is the policy of this Department to protect and serve the community while safeguarding the constitutional rights of all citizens and balancing the needs of law enforcement in solving crime and locating lost or injured persons.

**III. Definitions:**

**A. Thermal imaging:** is a method of improving visibility of persons objects in a dark environment by detecting the person's objects' infrared radiation and creating an image based on that information.

- B. Probable Cause: (search):** Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of crime exists and that the evidence exists at the place to be searched.
- C. Exigent Circumstances Entry:** Making observations of a dwelling or business with a thermal imaging device without a warrant due to some existing emergency that would not allow an officer time to get a warrant.
- D. Consent:** The voluntary granting of permission for an officer to enter or scan with a thermal imaging device an area that is protected by the 4th Amendment, by a person who has a reasonable appearance of authority over that area.
- E. (IR) Infrared Security Cameras:** Security Cameras that have the capability to capture video in low light and no light areas.

#### **IV. Procedure:**

- A.** The department uses handheld thermal imaging devices for the purpose of supporting the primary mission of the department which is public safety. When department members are conducting a search and rescue operations thermal imaging devices can assist in finding lost or injured persons. This type of search generally does not require a warrant.
- B.** The department is aware that security cameras strategically placed throughout the community owned and operated by private citizens, corporations or government agencies have the capability to capture and record citizens movements and events. The recordings can greatly assist law enforcement officers in identifying individuals involved in criminal activity and clearing cases through arrest.
- C.** Courts have held that the use of a thermal imaging device in the hands of law enforcement from a public vantage point to monitor the radiation of heat from a person's home or business was a "search" within the meaning of the Fourth Amendment, and thus required a warrant.<sup>1</sup> A person has an expectation of privacy in his or her home and business and therefore, this department cannot conduct unreasonable searches, even with technology that does not enter the home.
- D.** When considering the use of a department owned thermal imaging device for either a search and rescue operation or to assist in a criminal investigation supervisory authorization must be sought.
- E.** Officers will not conduct unwarranted routine surveillance of residences or business with a thermal imaging device.
- F.** Officers will not direct any thermal imaging device at a private residence or business for the sole purpose of conducting a criminal investigation which targets occupants of that property without first obtaining a warrant, or articulating an exigent circumstance, or obtaining consent from the person who has standing and an expectation of privacy over the property.

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<sup>1</sup> *Kyllo v. United States*, 533 U.S. 27 (2001),

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G. All images captured by the thermal imaging device will be maintained in accordance with department policy and in accordance with South Carolina state law.

H. When a thermal imaging device is used in a criminal investigation the usage shall be documented in the police report or investigative files.

V. **Training:** Officers authorized to use the thermal imaging equipment of this department shall undergo annual training on this policy and the policy governing searches of residences.

By order of:



Jim Stewart, Chief of Police

9-11-20

Date