

1976 S.C. Op. Atty. Gen. 393 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4530, 1976 WL 23147

Office of the Attorney General

State of South Carolina

Opinion No. 4530

November 26, 1976

*1 A regional corrections center has the authority to fingerprint and photograph all individuals arrested and committed to the custody of the center.

TO: George A. Canady
Director
Orangeburg—Calhoun Regional Corrections Center

QUESTION PRESENTED

Does the Regional Corrections Center have the authority to fingerprint and photograph all individuals arrested and committed to the custody of the Center?

STATUTES, CASES, ETC., PRESENTED

[83 A.L.R. 127](#)

[Gilbert v. United States, 366 F.2d 923](#)

6A C.J.S. Arrest Section 62

DISCUSSION OF ISSUE

It has apparently been the policy at the Orangeburg-Calhoun Regional Corrections Center to fingerprint and photograph all individuals arrested and committed to the custody of that institution. I assume the purpose is to maintain complete and informative records and these records are not distributed to the press or the public before the accused is convicted. Although there is some authority to the contrary, it is generally considered proper for the police to take fingerprints, photographs, and measurements of an arrested person prior to trial. The taking of photographs and fingerprints must be considered the same as any other administrative police procedure to which an individual must, at times, be subjected for the common good. It has been stated that photographs of an accused, used only as a means of identification, are not more within the privilege against self-incrimination than the accused's physical appearance and are in that respect indistinguishable from his fingerprints. [Gilbert v. United States, 366 F.2d 923](#). Such procedures are clearly reasonable and may very well be necessary for the proper management of the institution. These measures may appropriately be adopted by the authorities, if, in their discretion, they appear to be necessary for the identification and recapture of persons in custody should they escape. 6A C.J.S. Arrest Section 62 We are not here dealing with any right, whether statutorily conferred or not, of an individual, who is arrested and subsequently determined to be not guilty, to have such records purged.

CONCLUSION

Your duty and responsibility for the proper care, management, and treatment of the institution and the individuals confined therein would give you the authority to take such measures and promulgate such procedures as are necessary for the management of the institution. One aspect of your duty is to securely maintain prisoners after their commitment. The requirement that all individuals committed to the Center be fingerprinted and photographed would, in the opinion of this Office, violate no constitutional right of the individual and would in no way be an unwarranted invasion of any right of privacy which those individuals might have.

Emmet H. Clair

Assistant Attorney General

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