

**SOUTH CAROLINA LAW ENFORCEMENT DIVISION**

4400 BROAD RIVER ROAD  
COLUMBIA, SOUTH CAROLINA 29210

**8.13.1 BREATH SITE VIDEOTAPING**

<b>POLICY #:</b> 8.13.1	<b>DATE:</b> 03/06/00	<b>REVISION DATE:</b>
<b>TITLE:</b> BREATH SITE VIDEOTAPING		<b>PAGE</b> 1 OF 2
<b>RESPONSIBLE AUTHORITY:</b> SPECIAL AGENT IN CHARGE OF THE FORENSIC SERVICES LABORATORY		
<b>RELATED STANDARDS/STATUTES/REFERENCES:</b> <u>S.C. Code of Laws, Section 56-5-2930</u> <u>S.C. Code of Laws, Section 56-5-2945</u> <u>S.C. Code of Laws, Section 56-5-2950</u> <u>S.C. Code of Laws, Section 56-5-2953</u> <u>S.C. Code of Laws, Chapter 73 Regulations</u>		

**GENERAL PURPOSE:** To set forth policies for breath site videotaping.

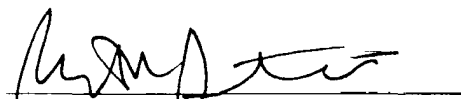
**POLICY:** The Division will approve and certify videotaping systems for breath sites. Videotaping of breath tests is required for DUI (Section 56-5-2930) and Felony DUI (Section 56-5-2945) violations. SLED does not prohibit using these systems for the videotaping of breath tests for other violations.

**SPECIFIC PROCEDURES:**

- A. SLED will approve such methods for performing videotaping that are demonstrated to the satisfaction of SLED to produce quality reproductions in a reasonable, convenient, and efficient manner.
- B. SLED will consider for approval only videotaping systems that have been approved for their quality and reliability by SLED. Currently, the only approved videotaping system is The W.H. Platts Company's VDS-2.
- C. Pursuant to Section 56-5-2953, SLED will equip all SLED certified breath-testing sites with videotaping systems. SLED shall certify each videotaping system for recording breath tests. A new certification will be issued for each new site location except when the system is moved to SLED or The W. H. Platts Company for inspection, repair, maintenance, and/or storage and later moved back to its original location. A new certification is not required if a system component is replaced, but is required only if the entire system is replaced. This certification does not expire unless revoked by SLED. Videotaping systems, not certified by SLED, may be used only until SLED certified videotaping systems are installed. To obtain certification, a videotaping system must provide quality playback of a recording. Whenever a videotaping system is certified, this certification will also constitute an inspection of the videotaping system. For a videotaping system whose testing station is a mobile van, once the videotaping system is certified for use in the van, it remains certified regardless of the physical location of the van.

- D. Only videotaping specialists and/or representatives of the The W.H. Platts Company may inspect, repair and/or maintain videotaping systems.
- E. SLED shall inspect every certified videotaping system on-site at least once every twelve months. However, the inspection may begin before twelve months has elapsed and not be completed until after the twelve-month period. In this situation, the time lapse between inspections may exceed one year. This occurrence is acceptable as long as no subject recordings are performed until the inspection is completed. Therefore, at least one SLED inspection must be performed in the twelve months before a subject recording. Failure to have an inspection within the required time does not cause revocation of certification for that videotaping system but signifies that proper procedures for that time were not followed. Inspections, repairs, and/or maintenance of videotaping systems by The W.H. Platts Company do not necessitate a SLED inspection.
- F. Only SLED employees will be certified as videotaping specialists. A videotaping specialist is certified by SLED to certify, inspect, repair, and maintain videotaping systems. Only videotaping specialists may certify these systems.
- G. Certification and inspection records shall be maintained by SLED for a minimum of five years. However, the accidental/unavoidable loss of these records does not invalidate any videotape recordings or breath test results.
- H. Only SLED approved videotapes will be used. The law enforcement agencies involved in the arrest/test will be responsible for the custody of the tapes. The SLED videotaping system will provide two original videotapes. An extra tape is created so that a prosecutor/law enforcement officer may supply, upon a valid legal request (i.e. discovery motion, court order), an original tape to a defense attorney/defendant. SLED provides, at no cost, these original tapes for use by law enforcement agencies and/or defense attorneys/defendants. If a tape is damaged/lost, SLED is not responsible for producing a copy.
- I. Any law enforcement officer may operate the SLED certified videotaping systems. No operator certification for videotaping is required. In addition, any law enforcement officer may advise the subject that he/she is being videotaped. An Advisement of Implied Consent Rights Form may be used for this purpose or the videotaping advisement may be done by other means. No forms are required for operation of the videotaping systems.

BY ORDER OF:

  
CHIEF OF SLED