



<b>Policy Title:</b>	<b>Fingerprints, Photographs, Audio Recordings, and Use of One-Way Glass</b>
<b>Policy #:</b>	<b>05-003-0010</b>
<b>Effective Date:</b>	11/26/2024
<b>Approved by:</b>	Telly Delor, Chief Operating Officer
<b>Functional Area:</b>	Office of Recipient Rights
<b>Responsible Leader:</b>	Sandy O'Neill, Recipient Rights Director
<b>Policy Owner:</b>	Sandy O'Neill, Recipient Rights Director
<b>Applies to:</b>	SCCCMH Staff, All Directly Operated Programs, All Contracted Network Providers, Interns, Volunteers

**Purpose:** To implement Michigan Mental Health Code, Section 330.1724 (1) which provides that a *recipient* of mental health services shall not be fingerprinted, *photographed*, audio recorded, or viewed through a one-way glass except as permissible by law.

### I. Policy Statement

It is the policy of St. Clair County Community Mental Health (SCCCMH) to ensure that recipients of mental health services are not fingerprinted, photographed, audio recorded, or viewed through one-way glass except as permissible by law.

### II. Standards

- A.** A recipient of mental health services shall not be fingerprinted, photographed, audio recorded, or viewed through one-way glass except in the circumstances and under the conditions set forth in this administrative procedure.
- B.** Fingerprints, photographs, or audio recordings may be taken and used, and one-way glass may be used in order to provide services, including research, to a recipient or in order to determine the name of the recipient only when prior written consent is obtained from one of the following:
  - 1. The recipient, if 18 years of age or older and competent to consent.
  - 2. The guardian of the recipient if the guardian is legally empowered to execute such a consent.

3. The parent with legal and physical custody of the recipient if the recipient is less than 18 years of age.
- C.** Fingerprints, photographs, or audio recordings taken in order to provide services to a recipient, and any copies of them, shall be kept as part of the record of the recipient.
  - D.** Fingerprints, photographs, or audio recordings taken in order to determine the name of a recipient shall be kept as part of the record of the recipient, except that, when necessary, the fingerprints, photographs, or audio recordings may be delivered to others for assistance in determining the name of the recipient. The assisting party must be informed of the requirement that they must return the fingerprints, photographs, or audio recordings along with any copies that were made. Upon return, all fingerprints, photographs, or audio recordings, together with copies, shall be kept as part of the record of the recipient.
  - E.** A review of the current need for fingerprints, photographs, or audio recordings will be done periodically. Fingerprints, photographs, or audio recordings in the record of the recipient, and any copies of them, shall be given to the recipient or destroyed when they are no longer essential in order to achieve the objectives set forth in Standards B, C, or D, or upon discharge of the recipient, whichever comes first.
  - F.** Photographs of a recipient may be taken for purely personal or social purposes and shall be maintained as the recipient's personal property. A photograph of a recipient shall not be taken or used if the recipient has indicated their objection. Photographs taken by employees/volunteers must be captured on agency-owned devices after written consent has been obtained from the recipient/guardian empowered to execute such a consent.
  - G.** Fingerprints, photographs, and audio recordings may be taken, and a recipient may be viewed through one-way glass after written consent is obtained from one of the following:
    1. The recipient, if 18 years of age or older and competent to consent.
    2. The guardian of the recipient if the guardian is legally empowered to execute such a consent.
    3. The parent with legal and physical custody of the recipient if the recipient is less than 18 years of age.
  - H.** Family or Couple Audio Recording or One-Way Mirror Observation: One adult parent may give authorization for the family to be photographed or audio recorded, if all others present are in agreement. In couple or marital counseling, both adults must sign to indicate agreement. Indication that the family or couple can be photographed, or audio recorded shall appear on the consent form. All adult individuals 18 years of age or older must sign a separate consent form. A copy of the consent form must be maintained in the recipient's record.

- I. Group Counseling: Each member of a group or their court-appointed guardian must complete a separate Consent Form prior to being photographed, audio recorded, or observed through one-way glass. A copy of the consent form must be maintained in the recipient’s record.
- J. Exchange of Photographs or Audio Recordings Outside Agency: The exchange of a recipient’s fingerprints, photographs, or audio recordings obtained in order to determine the name of a recipient may be shared outside the agency/provider after the agency/provider obtains the approval of the SCCCMH Chief Executive Officer.
- K. Public Materials: Newsletters, Annual Reports, and other publications may include a recipient’s photograph with a description of the recipient as long as the recipient, or, if a guardian has been appointed by the Court, their guardian has completed the form [#0382 Authorization/Consent Form for Newsletters, Annual Reports, Public Relations, and Related Uses](#). A copy of the consent form must be maintained in the recipient’s record.
- L. A recipient is free to withdraw consent and discontinue participation in an activity at any time without prejudice to the recipient.
- M. In all instances, an agency/provider owned device must be used by employees/volunteers when capturing photographs of and/or audio recording recipients of services.
- N. Photographs and audio recordings shall not be captured on employees’/volunteers’ personal devices.
- O. Video surveillance, capturing and/or recording images of recipients, is prohibited outside of a hospital/unit per MCL 330.1724.

### III. Procedures, Definitions, and Other Resources

#### A. Procedures

##### Responsibilities

Position	Responsibilities
Employee/Volunteer	Obtain appropriate supervisor approval and recipient consent to appropriately fingerprint, photograph, audio record, or observe a recipient through one-way glass, in compliance with the requirements set forth in this Policy.

##### Actions

Action Number	Responsible Stakeholder	Details
1.0	Employee/Volunteer	1. Obtain the approval of their supervisor to fingerprint,

Action Number	Responsible Stakeholder	Details
		<p>photograph, audio record, or observe a recipient through one-way glass.</p> <ol style="list-style-type: none"> <li>2. Inform each recipient, or, if a guardian has been appointed, the recipient’s guardian of the need to fingerprint the recipient, photograph the recipient, audio record the recipient, or use one-way glass to observe the recipient.</li> <li>3. Obtain the written consent of the recipient, or, if a guardian has been appointed by the Court, the guardian, prior to fingerprinting, photographing, audio recording, or using one-way glass for observation. For photographs used in public materials, an “Authorization/Consent for Newsletters, Annual Reports, Public Relations, and Related Uses” form must be explained to and signed by the recipient, or, if a guardian has been appointed, the recipient’s guardian. A copy of the consent form must be maintained in the recipient’s record.</li> <li>4. Distribute “Introduction to the Use of Sound Recording, Videotaping, and Observation for Psychotherapy” form (Exhibit A) to all recipients and guardians, as applicable.</li> <li>5. Ensure every effort is made to maintain the recipient’s anonymity by not referring to the recipient’s last name or other identifying descriptors during an audio recorded interview or within a written description of the recipient.</li> <li>6. Store fingerprints, photographs, and audio recordings in a secure manner to ensure confidentiality.</li> <li>7. Destroy fingerprints, photographs, and audio recordings after their stated purposes have been accomplished or by the expiration date on the consent form.</li> <li>8. Photographs taken for purely personal or social purposes must be captured on an agency/provider owned device and must be given to the recipient, but only after consent has been obtained from the recipient/guardian. Photographs taken for these purposes become the property of the recipient</li> </ol>

**B. Related Policies**

N/A

**C. Definitions**

1. *Photograph*: For the purposes of this administrative procedure, photographs include still pictures, motion pictures, and recordings.
2. *Recipient*: Means an individual who receives mental health services from the Michigan Department of Health and Human Services (MDHHS), a community mental health services program, or a facility or from a provider that is under contract with the MDHHS or a community mental health services program.

**D. Forms**

[#0016 Consent – Audio/Video](#)

[#0382 Authorization/Consent Form for Newsletters, Annual Reports, Public Relations, and Related Uses.](#)

**E. Other Resources** (i.e., training, secondary contact information, exhibits, etc.)

[Exhibit A: Introduction to the Use of Sound Recording, Videotaping, and Observation for Psychotherapy](#)

**F. References**

1. Michigan Mental Health Code, Section 330.1724
2. Michigan Department of Health and Human Services Administrative Manual on "Photographing, Audio Recording, or Transmitting Images/Voices of Recipients of Public News Media"

**IV. History**

- Initial Approval Date: 06/1982
- Last Revision Date: 11/2023 BY: Telly Delor
- Last Reviewed Date: 10/2024 BY: Sandy O'Neill
- Non-Substantive Revisions: N/A
- Key Words: image, recording, surveillance, consent