

Procedure

3.23

**EFFECTIVE
DATE
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**Eugene
Police Department**



Field Photographs and Digital Images

3.23.1 PURPOSE AND SCOPE

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- B. Procedures
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PART II - Responsibilities and Procedures for Special Unit Personnel

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3.23.2 RESPONSIBILITIES AND PROCEDURES FOR ALL PERSONNEL

A. Generally

1. For purposes of this policy, "photograph" means a photograph or any medium on which a photographic image is recorded (e.g., film, digital medium.)
2. Categories of photographs which may be taken include:
 - evidence (e.g., shoe print patterns, general crime scene)
 - involved persons (include clothing)
 - persons with gang affiliation or bias crime involvement
 - photos for official investigative or informational purposes

3. Photographs taken as evidence are not considered a public record under Oregon law.
4. Pursuant to *ORS 181.575*, photographs shall not be taken solely for the purpose of collecting information about the political, religious, or social views, associations, or activities of any individual, group, association, organization, corporation, business, or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.
5. Photographs are stored by case number. Any film or digital photos submitted without a case number will be returned to the submitting officer.
6. Any photographs taken as part of a case investigation should be sent to FEU in a timely manner so that they can be properly processed and archived.
7. Any investigative photographs taken by EPD personnel should be submitted to FEU using a film submission envelope. All other photographs seized as property or evidence which come into police custody should be submitted to PCU using a Property/Evidence Report.

B. Procedures

1. Use a 35mm camera or digital camera.
2. If the camera has the capability, use the date/time stamp feature to document when the photo was taken.
3. When you take photos for evidence:
 - a. Indicate a case number and treat photos as you would any other evidence.
 - b. Take a photo of the case number at the beginning and end of a sequence of photos taken at the crime scene. Multiple cases can be placed on one digital storage medium.
 - c. Submit exposed film or digital medium to FEU in a sealed film submission envelope.
4. Complete a supplemental report detailing the photography and other investigatory steps taken.

5. Process photographs taken of gang members or gang activity with the Gang Activity Report.

C. Consensual photographing of adults

1. You should photograph adults if you can obtain consent when you have reasonable suspicion to believe that:
 - they are providing false information about their identity; or
 - they are affiliates of a criminal gang or there is a reasonable suspicion that they are involved in hate crimes or in a conspiracy to commit hate crimes (based on their statements, behavior, or other evidence.)
2. You may take photographs of adults in public places for police purposes without their consent.

D. Identification photographs

1. Include the head and shoulders only, to match the format of regular mug shots. Additional photos may be taken, when appropriate, which show full-body photos, specific gang attire, and other identifying marks or features (e.g., tattoos.)
2. 35mm film/digital images
 - a. Mark the film or digital medium as identification and submit to FEU.
 - b. Include the identifying information and date for each picture.
3. Do not use Polaroid photos.
4. Photographs maintained for identification purposes may not be used in photo line-ups unless there is reasonable cause to believe that the individual depicted may be the suspect in a criminal case.

E. Photographs taken at events

1. Photographs taken at events which are submitted as evidence (because they contain evidence of a crime or conspiracy to commit a crime) will be retained until released in accordance with normal evidence handling procedures.
2. Photographs which are not evidence will be submitted to FEU and handled as follows:
 - a. Photographs taken or obtained at situations or events where no police action was taken will be retained for 30 days, during which time we will

review information (e.g., officer reports, reports of criminal conduct, citizen complaints) for issues for which the photographs could constitute evidence.

- (1) Persons submitting such photographs to FEU should submit them as “property.” Include the case number and indicate “destroy after 30 days” on the film submission envelope.
 - (2) At the end of this time, photographs and related reports not included in an investigative case file will be destroyed, unless there are reasonable grounds to believe that the photographs or reports relate directly to an ongoing criminal investigation or an investigation of alleged police misconduct. In such cases, the relevant photograph(s) and reports will be retained as long as they are needed for that investigation.
- b. Photographs and related reports not included in an investigative case file which contain information relevant to a charge of police misconduct or a potential lawsuit for police misconduct, or which were taken at events where police action was taken (including the presence of uniformed officers), shall be retained for thirty months from the date of the event depicted on such photos. In an individual case where a longer statute of limitations applies, the photos may be retained for a period of six months after the applicable statute of limitations expires. If there is no investigation or civil suit ongoing at the end of that time period, such photographs and reports not included in an investigative case file shall be destroyed.
 - c. Photographs taken at an event where criminal activity does occur will be retained for as long as the investigative case file is retained.
3. Except for photographs relevant to or taken as part of a criminal investigation, photographs will be filed by case number, rather than by the name(s) of individual(s) or group(s) involved.
 4. Photographs described in paragraph I.E.2.a above may be retained by the unit taking them, or submitted to FEU as Property. All other photographs taken at events will be submitted to FEU as Property with the retention period noted on the film submission envelope. The person submitting the photos is responsible to notify FEU if the retention period changes.

F. **Enhancement of digital photographs**

1. This section applies to any photograph in a digital medium, whether taken with a digital camera, scanned into a digital format, or placed in a digital format by other means.
2. Only FEU personnel may enhance a digital photograph being held for evidence, and then only in a manner consistent with the following, provided that the alteration does not have the effect of misrepresenting the facts or circumstances of an event or the subject of the photograph:
 - Photographic techniques common to traditional darkrooms and digital imaging enhancement (e.g., color balancing, contrast adjustments, chromatic and pattern background removal);
 - cropping, editing, or enlargement to selectively isolate, link, or display a portion of a photographic or digital image;
 - digital conversion and compression of photographic and video imagery.
3. Any enhanced photograph retained as evidence must have appropriate documentation describing the enhancement techniques utilized.
4. Obvious masking of portions of a photographic image in support of criminal investigation or security requirements is permitted.
5. The supervisor of the unit in possession of other digital photographs which are *not* to be used as evidence may authorize alteration of the photographs for legitimate department business purposes.

G. Storage of digital photographs

Due to security and space concerns, digital photographs are not to be stored on a computer server without division manager authorization. No archival storage should be done on department servers.

3.23.3 RESPONSIBILITIES AND PROCEDURES FOR SPECIAL UNIT PERSONNEL

A. FEU personnel

1. 35mm photos
 - a. Develop the film (or have it developed), but do not print it unless there is an immediate need for the photographic enlargements.

- b. Retain and store the negatives.
2. Digital photos
- a. Transfer the pictures to the Imaging Computer in accordance with the FEU Digital Imaging Policy.
 - b. Erase the images from the flash card or floppy disk, and make it available for re-use.
 - c. Transfer the pictures from the Imaging Computer hard drive to a gold write-once Compact Disk Recordable (CDR) for storage, which will become the original.
 - d. Archive digital photos in accordance with the FEU Digital Imaging Policy.

B. Technical Services personnel

- 1. Route photos and accompanying FI cards to the Investigations Division Administrative Aide for routing to the appropriate Investigations unit.
- 2. After copying the information, original FIs and photographs will be routed to the Special Investigations Unit, and then to Operations Analysis for data entry.
- 3. We will store all identification photos in the FI files in the Records Section. They will be retained for three years, in accordance with AIRS purge criteria.
- 4. Submit any FI cards containing fingerprints which require a search through the AFIS system to FEU.