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| Anchorage Police Department Regulations and Procedures Manual | Operational Procedures 3.10.025 | |
| Policy and Procedure Title Digital Evidence Collection | Effective Date April 6, 2021 | Page 1 of 5 |
| Replaces Prior Policy: Digital Imaging February 25, 2021 Digital Audio Recording May 17, 2010 | Approved by: Chief Justin Doll | |

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 department for non-judicial administrative action in accordance with the laws governing employee discipline.

3.10.025 Digital Evidence Collection

PURPOSE

To establish departmental policies and procedures for the capture, storage and processing of digital images, videos and audio recordings.

POLICY

It shall be the policy of the Anchorage Police Department to capture, store, and process all digital images, videos and audio recordings in a professional manner in accordance with established procedures and training in order to maintain a high standard of preservation for this type of evidence.

DEFINITIONS

Axon Capture: A mobile phone application used for the collection of digital evidence.

Capture: The process of recording an image, video or audio.

Capture Device: Equipment used in the recording of an image, video or audio.

Digital Evidence Management Software (DEMS): Location where the files are stored and viewed

Digital Image File: A record that includes image data and related data objects.

File Format: The structure by which data is organized.

Image: An imitation or representation of a person or thing, drawn, painted, photographed, etc.

Image Analysis: The extraction of information from an image beyond that which is readily apparent through visual examination.

Image Enhancement: Any process intended to improve the visual appearance of an image.

Image Output: The means by which an image is presented for examination or observation.

Image Processing: Any activity that transforms an input image into an output image.

Native File Format: The file format of the primary image (original image).

Original Image: An accurate and complete replica of the primary image, irrespective of media.

Preserving Original: Storing and maintaining the original image in an unaltered state. This includes maintaining original digital images in their native file format.

Primary Image: The image captured at a scene – of the item being documented. This image is also called an Original and it is archived without change in content or format as an exact duplicate of the primary image.

Storage: The act of preserving a digital file.

Working File: Any file subjected to processing.

PROCEDURE

I. GUIDELINES FOR DIGITAL EVIDENCE COLLECTION

A. Equipment: Capture devices should be capable of capturing the audio, photo, or video evidence.

1. Department issues cell phone with the Axon Capture App.
2. Department issued digital camera.
3. Department issued digital recorders

It is the responsibility of the user to determine what capture device is capable of capturing an adequate representation given the particular circumstances at the time. All personnel utilizing digital evidence collection technologies shall be trained and approved by the chain of command to operate the capture device. All capture devices will be issued or approved for use by the department. Use of personal devices to photograph crime scenes or capture any law enforcement material is strictly prohibited.

B. Digital Evidence Collation Training: Digital Evidence Collection training is required and will be coordinated through the Anchorage Police Department Information Technology Unit or other authorized personnel.

C. Preserving Original: Each original capture taken during an investigation, at a crime scene or contact with the public shall be preserved; regardless as to whether an error in procedures may have caused the capture to be taken

inadvertently or in a manner that causes it to be valueless or have no evidentiary value. Any capture that an officer determines to not be part of a criminal investigation must be submitted to Digital Evidence Management Software (DEMS).

- D. Condition of Digital Capture:** The original capture will be stored and maintained in an unaltered state. This includes maintaining originals in their native file formats. Duplicates or copies will be used for working files when applicable and as authorized by the chain of command. All edits must be documented with stated purpose. The original will be available as needed.
- E. Timely Submission:** Digital evidence, like all evidence, will be submitted prior to the completion of the officer's shift, including overtime and extra detail shifts. In the case of off duty evidence capture, the off-duty officer must submit the capture once the contact is completed. Once the capture is properly submitted to the DEMS, and verified to be available, the capture device can be cleared (Cleared automatically on the AXON Capture App, manually cleared on audio recorders or media cards).
- F. Citizen Submissions:** Officers should have a witness or victim submit any digital evidence they have through the "citizen" feature of the Axon app whenever feasible. If not, the digital evidence should be stored on a storage device, I E. Disc or thumb drive, and submitted to the Evidence Unit.
- G. Storage and Retrieval:** Digital evidence will be saved to the appropriate DEMS system.
 - 1. Officers will verify all information before submitting the capture to the DEMS.
 - 2. Submitted captures can be reviewed, downloaded to external media or shared with outside agencies via the evidence.com cloud share process. Digital evidence being stored to the DEMS should not also be stored on the department file shares unless authorized by the chain of command.
 - 3. The viewing, accessing, and downloading of items in DEMS is for official business only.
- H. Digital Processing for Lab Employees:** Techniques common to traditional darkrooms and digital imaging stations, such as cropping, generalized color balancing, and contrast adjustment that are used to achieve an accurate recording of an event or object, are standard processing steps. When the results of these steps are visually verifiable, documentation of such steps is not considered mandatory except when the image is subjected to image analysis.

Techniques such as unsharp masking, multi-image averaging or integration, and Fourier analysis that are used to increase the visibility of specific details in an image at the expense of other image details are standard processing steps. However, the use of such steps should be documented in the case notes in sufficient detail that comparably trained personnel can repeat the

steps and produce the same output when the image is subjected to image analysis. Additionally, enhancements made to an image, or a series of images, will be done on the entire image rather than select portions.

Any image enhancement process will always be performed on a copy of the image. Both the original file and the processed file must be retained as evidence. The processed image should be stored with the original in the DEMS, with a file name that indicates the original image and indicating that it has been processed.

No employee should process any image file if they are not sure that the processing and documentation of enhancements are within their competency. The employee should be aware that their competency should extend to testifying about the sequence of alterations on the duplicate image. The processing should be documented in an "Image Processing Log" which is a text file, recorded action, or handwritten report of the sequence of changes to the copy of the file. It should be sufficiently detailed that another person of similar training and experience can take a copy of the original file, make the changes that are noted in the Image Processing Log, and have a resulting image that is essentially the same as the final version of the processed image file. The Image Processing Log should become a part of the records associated with the case and should be filed with the records department, except in the case of the Crime Laboratory, which may maintain its separate records.

- I. **Retention:** The Information Technology Unit will be responsible for maintaining the infrastructure that preserves the evidentiary files to the DEMS. Files will be stored on the DEMS for the same length of time as physical evidence is maintained following retention and disposal procedures adopted by APD.
- J. **Documentation:** The capture of digital evidence will be clearly noted in the associated police report.
 - A. Crime Scene Digital Camera: For captures taken with crime scene cameras, the chain of custody should document the identity of the individuals who had custody and control of the digital image file from the point of capture to submission to the DEMS. Form 99-042 printed on an envelope should be used with each digital media card to record log sheet and chain of custody information. When media card is full or no additional images need to be recorded, the media card is removed from the camera and placed into the log sheet/custody envelope, one case number per media card and one media card per envelope. The envelope containing the media card should be sealed and initialed then placed in a designated drop area at the end of shift.
 - B. When a capture device is used for evidentiary documentation, no options will be used to alter the capture in such a way that the evidence does not accurately represent the subject of the capture or some aspect of the subject. If digital options are needed and utilized for a specific

purpose, which cause the capture to be distorted in some fashion, that specific purpose and the effect of utilizing the digital option must be documented.

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