

FORT MYERS POLICE DEPARTMENT

GENERAL ORDER 14.3

TITLE: Digital Evidence and Photography

INDEXING: Digital Photography, Digital Evidence, *Evidence.com*

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PURPOSE

To establish a more effective and efficient way to take, store, retrieve, and produce photographs.

SCOPE

These procedures shall apply to all Fort Myers Police Department personnel.

POLICY

Digital photography will be the primary photographic means of the Fort Myers Police Department. The following procedures describe the training, usage, **uploading**, and storage of digital photography and evidence. This order is intended for the use of the Fort Myers Police Department and will not conflict with any federal, state, or local laws, rules, or regulations. Due to the ever-changing technology related to electronics and computer programs, these procedures and the digital photography processes are subject to change. The use of personally owned cameras, cell phones or other recording devices shall not be used for any official department business. **(C.A.L.E.A. 83.2.2a-d) (CFA 35.05)**

SECTION I: TRAINING

- A. Training will be required of all sworn personnel and Community Service Aides of the Fort Myers Police Department to use digital cameras or camcorders. Qualified personnel who are familiar with the usage of digital cameras and the database being used to store the photography information will conduct this training in coordination with the Training Division. Training may include, but is not be limited to the following:
1. Basic Crime Scene photography.
 2. Understanding the digital camera.
 3. Proper care and handling of the digital camera and memory card.
 4. ***Uploading digital evidence (photos, video, audio statements) into Evidence.com using the employee's individual agency account using the employee's email/username.***

5. Printing and / or e-mailing procedures and limitations.
6. Producing photos for investigative and / or court-related processes and proceedings.

SECTION II: OFFICERS RESPONSIBILITY

- A. Every photograph taken by a member of the Fort Myers Police Department while on duty ***shall*** be considered an official document and could be used in court. Only department issued equipment shall be utilized for this purpose.
- B. All ***digital evidence shall*** be downloaded to the department's ***Evidence.com virtual warehouse*** prior to the end of shift ***or as soon as possible***.
- C. All ***digital evidence shall*** be downloaded to the department's ***Evidence.com virtual warehouse*** database using the related report number ***or incident number*** and the individual's departmental identification number.
- D. Any printed or e-mailed ***digital evidence*** shall only be used for investigative and / or court-related processes and proceedings.
- E. ***Digital evidence (such as photos and video surveillance)*** provided to officers or Community Service Aides during incidents shall be submitted to evidence as outlined in G.O. 14.1.

SECTION III: TAKING PHOTOGRAPHS & VIDEO

- A. When taking photographs for evidence purposes the "3 Rule" will be applied. The "3 Rule" is:
 1. Take an "overview" photograph of the area of interest.
 2. Take a "medium-range" photograph of the area of interest.
 3. Take a "close up" photograph (with ruler, if necessary) of the area of interest.

For example: If taking photographs of a victim's injured arm, Photograph #1 will be a photograph of the person, Photograph #2 will be a photograph of the arm and torso, and #3 will be a close up of the arm (with a ruler to establish size/perspective).
- B. When photographing tire or foot impressions, the "90 Degree" rule will be followed. The "90 Degree" rule is:
 1. Any tire or foot impression that will be reproduced to a 1:1 aspect ratio for comparison purposes shall be photographed at 90-degree angle, with a ruler placed next to the impression.
- C. When taking photographs for evidence it is recommended that a flash be used.
- D. Videotaping of Crime Scenes: Videographers will record the date, time, location, and case number when evidentiary and videotapes are taken. Videotapes will not be used as the sole method of photographic evidence, but as a supplement to still photographs. Videotapes will not include a sound recording unless authorized by the lead investigator. A case officer may request, however, to narrate or designate a narrator for the videotape. Completed videotapes will be packaged in an evidence bag, properly labeled, documented on a property receipt, and placed into property/evidence.

SECTION IV: MAINTENANCE & HANDLING OF DIGITAL CAMERAS

A. Maintenance and Handling of Digital Cameras:

1. Digital cameras will be issued to sworn personnel and Community Service Aides as available, with corresponding documentation of the camera's serial number and personnel identification number.
2. All individuals issued a digital camera are responsible for the care and property handling of the camera. Any lost, damaged, or broken cameras or memory cards shall be immediately reported in writing to the employee's supervisor.

SECTION V: STORAGE, SECURITY, & ACCESS (CALEA 83.2.2 a-c)

A. Storage:

1. All digital photographic evidence ***shall*** be uploaded directly to the department's approved ***Evidence.com online web-based digital media storage facility. Evidence.com is a virtual warehouse that stores digitally encrypted data in a highly secure environment.***

B. Security and Access:

1. A level of access to the department's server ***shall*** be limited to specific personnel. To ensure proper electronic chain of custody, all individuals must log into the database using their own log in identification and password before downloading photographs.
2. All personnel will refer to the ***Evidence.com*** Software Guidelines for entering digital evidence & photographs as established by the Detective Division Commander and Property & Evidence Supervisor.
3. It is forbidden to alter or enhance an original photograph. Any enhancement to a photograph will only occur to a duplicate photograph and every enhancement will be noted.
4. Steps to ensure security will be established to include the following:
 - a. The only place that digital evidence ***shall*** be downloaded and stored is the department's ***Evidence.com virtual warehouse.***
 - b. All users must sign into the program using their identification number and password.
 - c. All ***digital evidence shall*** be entered; nothing will be deleted.

C. Providing ***Digital Evidence*** to Outside Entities:

1. State Attorney's Office: ***PES Technicians shall gather and provide all information requested via the State Attorney's ECOM Request Reports using Evidence.com. Property & Evidence personnel shall be responsible for responding to all ECOM Request Reports. Items shall be placed in sub-folders labeled: Body worn/in-car cameras, Audio, Photos, and Documents***

shall be uploaded into the SAO portal. ECOM requests for serious felony cases shall be referred to the assigned Investigator. For serious felony crimes, the assigned Investigator shall label and place items in sub folders. Crime Scene Technicians shall label and place items in sub-folders. Additional Information Requests (AIR) for items shall be sent using the Document Exchange Portal and processed by the Property & Evidence Section and Records. AIR requests for detectives shall be processed by Detective Division personnel.

2. Defense Attorneys: **Records Division personnel will process** requests from defense attorneys, a discovery notice must be presented, or be requested through the State Attorney's Office. The requestor must provide the case number and any other information related to the request. Payment is expected at the time of the request and is accomplished through the Records Division.
3. Civil Attorney's & Private Citizens: **Records Division personnel shall process** civil attorneys and private citizens request. The Records Division will determine if the case is open or closed and whether or not the photos may be released, in accordance with Chapter 119, Florida State Statutes, Public Records Law. If the photos are releasable, all payments and receipts will be processed through the Records Division. Emailing or distribution of digital copies of photographs to civil attorneys and private citizens is not authorized; civil attorneys and citizens requesting photographs will be provided hard copies only at their expense.

APPROVED:

[Electronic Signature on File]

08/27/2024

**Jason Fields, Chief of Police
Fort Myers Police Department**

Date