

	STANDARD OPERATING PROCEDURE State Form 39870 (R/ S- 06)	Reference Number LAB-007
	Subject Photography - Proper Release of Photographs/Digital Images	
	Special Instructions Replaces LAB-007 dated November 30, 2017	Effective Date October 29, 2021

I. PURPOSE

Establish guidelines for the proper release and collection of fees for Department photographs/digital images, hereafter referred to in this procedure as “photographs.”

II. POLICY

Photographs having evidentiary value are considered confidential and shall not be released to the public without legal subpoena. Photographs of vehicle crash scenes; however, may be released upon request, and the Department shall furnish copies and collect fees for these photographs.

III. DEFINITIONS

A. Evidentiary Photographs – Photographs taken depicting evidence of a crime or documenting a crime scene. This shall include photographs taken of evidentiary value at a vehicle crash scene.

B. Public Information Photographs – Photographs that have no evidentiary value, taken depicting general scenes of incidents, vehicles crashes, or photographs of personnel or Department activities, which are of general public interest.

C. Vehicle Crash Photographs – Photographs depicting an accident scene, involved vehicles, or other items related to accident investigation. This does not include photographs taken depicting evidence of a crime at a crash scene.

IV. PROCEDURE

A. Release of Evidentiary Photographs:

1. Evidentiary photographs shall not be released to the public without a valid subpoena or court order. Civil case subpoenas or court orders for evidentiary photographs shall be forwarded to the Legal Office for review and response.

2. Evidentiary photographs may be released by the assigned investigating officer to prosecutors having venue of the incident or investigation.

B. Public Information Photographs shall be released to the public and/or media in accordance with SOP PIO-002.

C. Release of Vehicle Crash Photographs:

1. Vehicle crash photographs shall be released to any person making a request in writing.

2. All requests from the public for vehicle crash photographs shall be made to the Indiana State

Police Legal Office via publicrecords@isp.in.gov or, if made to a District, referred to the Legal Office through publicrecords@isp.in.gov for processing.

3. Requests for vehicle crash photographs received from other law enforcement agencies, including prosecutor's offices, may be released by the assigned investigating officer.

4. Fees for vehicle crash photographs shall be set at \$15.00 per CD or \$15.00 for complete digital file of all releasable photographs. Fees shall not be collected from a prosecutor's office or other law enforcement agency.

5. The fiscal responsibilities associated with collecting and processing fees for photographs shall adhere to policies and procedures set forth by the Fiscal Division in conjunction with IC 5-13-6-1(b) that states in part: *"all public funds collected by state officers...shall be deposited with the treasurer of the state, or an approved depository selected by the treasurer of the state, no later than the business day following the receipt of the funds"*.

a. A three (3) part, pre-numbered receipt book, or digital equivalent, shall be utilized at each State Police District or Division. Receipts shall be issued and recorded at the time of the transactions. District/Division personnel shall give the original copy to the person requesting the photographs, forward the second copy to the Fiscal Division, and retain the third copy in their files.

b. All checks received shall be restrictively endorsed with an endorsement stamp immediately upon receipt. If a stamp is not immediately available, *"For Deposit Only"* shall be written on the back of the check.

c. All checks received in payment for vehicle crash photographs shall be made payable to the Indiana State Police Department.

d. On a daily basis, all checks/funds received and applicable receipts shall be forwarded to the Fiscal Division for deposit with the State Treasurer.

e. Documentation to support monies received must be maintained and made available for audit to provide supporting information for the validity and accountability of monies received. Documents must be filed in such a manner as to be readily accessible, or otherwise reasonably attainable, upon request during an audit per IC 5-13-5-1, that states in part: *"Every public officer who receives or distributes public funds shall: (1) keep a cashbook into which the public officer shall enter daily, by item, all receipts of public funds; and (2) balance the cashbook daily to show funds on hand at the close of each day...the cashbook is a public record and is open to public inspection in accordance with IC 5-14-3."*

D. This procedure is to be used in conjunction with all relevant Departments regulations, rules, policies, and procedures.