

	<b>STANDARD OPERATING PROCEDURE</b> <small>State Form 39870 ( R/ S- 06 )</small>	Reference Number <b>LAB-007</b>
	Subject <b>Photography - Proper Release of Photographs/Digital Images</b>	
	Special Instructions <b>Replaces LAB-007 dated <b>October 29, 2021</b></b>	Effective Date <b>November 16, 2023</b>

**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 investigatory records and shall not be released to the public without legal subpoena. Photographs of vehicle crash scenes; may be released upon request and the Department may 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, 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 investigating officer to the prosecutor(s) having venue of the incident or investigation.

B. Public Information Photographs:

1. May be used in media/news releases at the discretion of the District Public Information Officer (PIO).
2. Shall be released to the public and/or media upon request to [publicrecords@isp.in.gov](mailto:publicrecords@isp.in.gov).

### C. Release of Vehicle Crash Photographs:

1. Vehicle crash photographs may be released to any person making a request in writing. A request for vehicle photographs may be denied as an investigatory record if needed for evidentiary purposes.

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](mailto:publicrecords@isp.in.gov) or, if made to a District, referred to the Legal Office through [publicrecords@isp.in.gov](mailto:publicrecords@isp.in.gov) for processing.

3. Requests for vehicle crash photographs received from the Indiana Department of Transportation or 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 INDOT, 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. District/Division personnel shall maintain a record of all funds collected and forward a copy to the Fiscal Division with the funds for deposit.

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 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.