



TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS

 Proudly Policing Since 1841	SUBJECT Digital Evidence Capturing Devices		 Nationally Accredited 1986
	CHIEF OF POLICE <i>Signature on File</i>		
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AUTHORITY/RELATED REFERENCES

General Order 16, Digital Audio and Video Recording System
 General Order 17, Records Management
 General Order 18, Criminal Investigations
 General Order 42, Impounding and Controlling of Property and Evidence

ACCREDITATION REFERENCES

CALEA Chapter 83

KEY WORD INDEX

Cellular Telephone Camera	Procedure II
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POLICY

When utilizing digital evidence capturing devices, members shall adhere to established guidelines in producing, capturing, transferring, storing, and disposing of evidentiary digital files.

DEFINITIONS

AVR: Digital Audio and Video Recording System.

Axon Capture: A software application on each Department-issued cellular telephone enabling members to capture digital photographs, video recordings and audio recordings.

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Axon Citizen: A software application which allows citizens to furnish digital images such as cellular telephone photographs/videos and closed circuit television images directly to the Evidence.com account of designated members.

Digital Evidence: Information and data of investigative value stored on, or transmitted by, an electrical device (e.g., photographs, video recordings, audio recordings, computer files).

Evidence.com: A cloud-based system which stores all videos, photographs and audio recordings captured by a body-worn AVR, Axon Capture and Axon Citizen.

LERMS: Law Enforcement Records Management System.

PROCEDURES

I. GENERAL PROCEDURES – DIGITAL EVIDENCE CAPTURING DEVICES

Devices –

- A. A digital evidence capturing device (DECD) is an electronic device which has the ability to capture digital evidence or other digital data (e.g., photographs, video recordings, audio recordings). DECDs include, but are not necessarily limited to, the following:
1. Digital cameras,
 2. Audio recorders,
 3. Camcorders,
 4. Telephone answering machines,
 5. Video recorders, and
 6. The camera within a cellular telephone.
- B. Members shall use only Department-issued DECDs and are authorized to utilize DECDs only for legitimate Department purposes.
- C. Members are responsible for utilizing DECDs in a lawful, professional and ethical manner.
- D. If utilization of a DECD requires specific training prior to use:
1. The Department is responsible for providing the proper training, and

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2. Members are required to successfully complete the training before using the DECD.
- E. When a DECD is the subject of a specific General Order, those policies shall supersede this general order (e.g., General Order 16 – Digital Audio and Video Recording System).

Media –

- F. Recording media includes, but is not necessarily limited to, the following:
 1. Flash memory: Computer memory which can be electrically erased and reprogrammed. This memory may be built into an electronic device or on a removable media (e.g., secure digital card, compact flash card, USB flash drive).
 2. Long-term storage media: A non-volatile digital media capable of long-term storage of digital data (e.g., optical discs, network storage devices, hard disc drives, digital tape libraries).
 3. Non-rewritable optical disc: An optical disc used to store digital data that cannot be rewritten upon (e.g., CD-R, DVD +/-R).
- G. Members shall use only Department-issued recording media and are authorized to utilize recording media only for legitimate Department purposes.
- H. Members are responsible for utilizing recording media in a lawful, professional and ethical manner.

II. DECD – CELLULAR TELEPHONE CAMERAS

- A. Members shall use the Department-issued cellular telephone to capture evidentiary photographs, video recordings and audio recordings when crime scene circumstances do not meet the requirements for a forensic specialist response as established in General Order 18 (Criminal Investigations) yet evidence is present in need of collection.
- B. Utilization of the body-worn AVR does not relieve an officer's responsibility of capturing evidentiary photographs or recordings as outlined in subsection A above.
- C. Members should use the Department-issued cellular telephone to capture other photographs and recordings as warranted or needed (e.g.,

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documentation of public relations events, sharing photographs with officers of missing or wanted persons).

- D. There are two (2) methods to capture photographs and recordings utilizing the cellular telephone and the reason for capturing the photograph or recording will dictate which method the member will utilize.
1. **Evidentiary** – Access the camera function via the Department-approved software application (i.e., Axon Capture), or
 2. **Non-evidentiary** – Access the camera function without utilizing the software application.
- E. Members are prohibited from utilizing the cellular telephone to record at a location whenever a citizen present at the location would have a reasonable expectation of privacy (e.g., inside a private residence, any location when meeting with their attorney) unless the member has received specific consent from a citizen on scene who has the authority to give such consent (e.g., resident).
- F. Members shall not secretly photograph or record another member.
- G. The Department recognizes technical malfunctions may occur with the Department-issued cellular telephone camera.
- H. Camera malfunction does not relieve a member of the responsibility to take appropriate police action (e.g., documentation and collection of evidence).
- I. Failure to capture photographs or recordings as denoted in this section will not be considered a policy violation as long as reasonable justification is articulated to the member's chain of command or other designated members (i.e., Internal Affairs investigators).
- J. Unless authorized by a commanding officer, members shall not utilize the cellular telephone to record:
1. Any person acting in the capacity of a confidential informant at the time of the recording, or
 2. Any member assigned to the Special Investigations Section when such recording would identify the member.
- K. Members shall upload all photographs and recordings created or obtained for evidentiary purposes, as prescribed in Department training, even those which:

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1. Were unintentionally captured,
 2. Are blurry or otherwise unrecognizable as an image, or
 3. Did not capture what was intended to be captured.
- L. Members shall document in an original or supplemental offense, incident or traffic crash report the capturing of photographs and recordings of an evidentiary nature.
- M. When a citizen has a photograph or recording of an evidentiary nature to share with an officer, the officer shall coordinate with a supervisor or investigator (whichever is more appropriate) in having an Axon Citizen hyperlink sent to the person in order to have the photograph/recording uploaded directly to Evidence.com.

III. DECD – ALL OTHER DEVICES

The protocols of this section are not applicable to digital evidence captured via the body-worn AVR, Axon Capture or Axon Citizen.

A. Transfer and Storage of Digital Evidence:

1. If a DECD utilizes a removable optical disc (such as compact disc or digital video disc) to record original evidence, members shall use only non-rewritable optical discs.
2. If a DECD utilizes a removable magnetic cassette tape (e.g., 8mm, VHS, VHS-C, DV, MiniDV) to record original evidence, members shall utilize any write-protect features present after recording (e.g., break away tabs, anti-record or lock sliders).
3. If a DECD utilizes flash memory or dedicated computer hard disc drives, the following measures shall apply in order to download digital evidence:
 - a. The DECD should be attached directly to a Department-issued computer or workstation via the appropriate cable or port (i.e., USB, IEEE 1394, serial cable), or
 - b. If the DECD utilizes removable flash memory, the removable media may be placed into the appropriate reader attached to, or a part of, the computer or workstation.
 - c. Directly transfer the digital evidence file(s) to LERMS.

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4. If the nature or size of a digital evidence file is not appropriate for transfer to LERMS, the file shall be transferred directly to a non-rewritable optical disc or other long-term storage media via the following procedures:
 - a. Optical disc: The original evidence file(s) shall be transferred directly to a non-rewritable disc(s) utilizing standard, commercially available optical disc authoring software (e.g., *Roxio Media Creator*, *Sonic Record Now*).
 - b. Long-term storage device: The original evidence file(s) shall be transferred directly to the long-term storage media utilizing the appropriate file transfer protocol.
 - 1) Once the digital evidence file is transferred from the flash memory or computer hard disc drive (HDD) and any working copies have been produced, the digital file shall be deleted from the flash memory card or HDD.
 - 2) The flash memory card or HDD should be re-formatted periodically.
5. If the DECD does not support the above procedure, members shall utilize the standard, published recommended procedures and/or software of the device manufacturer in the transfer of the digital evidence files.
6. If the digital evidence file is of a nature or size that the file is to remain on the original media (such as a computer hard drive or device), the original media or device is original evidence and shall be handled as an evidentiary item in accordance with General Order 42 (Impounding and Controlling of Property and Evidence).

B. Evidentiary Considerations:

1. Members shall not alter or in any way edit an original digital evidence file.
2. Copies of digital evidence files may be altered to enhance audibility, visual clarity, or any other aspect making the file more beneficial for investigatory or prosecutorial purposes.
3. Copies of digital evidence files shall be labeled to include the alterations made and software or hardware utilized.
4. Unless approved by a supervisor to do otherwise, members shall download digital evidence files or files of an investigatory value from the DECD prior to the end of their tour of duty in compliance with General Order 42 (Impounding and Controlling of Property and Evidence).

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5. When the DECD is being utilized for long-term continuous recording, the files shall be downloaded upon completion of the recording operation.
6. If a DECD features an authenticity aid (e.g., digital watermarking or automatic hashing algorithms), the aid shall be utilized and the utilization indicated on the Property and Evidence Receipt (PD 139) and/or incident report.
7. Digital evidence files shall be copied in their native file type and not converted or altered during the transfer (i.e., if a digital image is originally captured as a JPEG, it should not be transferred as a Bitmap).
8. The first transfer of a digital evidence file shall be to the permanent storage system or media (e.g., LERMS, non-rewritable disc, other long-term storage device).
9. Digital evidence files shall not be transferred to the computer/workstation hard drive or other intermediate storage media and then to the permanent storage system or media.
10. Once the original digital evidence file has been properly transferred, a member may produce additional working copies, but only for legitimate Department purposes.
11. Copies of digital evidence shall be released from the Department only:
 - a. In response to a subpoena or public records request, or
 - b. For investigative and prosecutorial purposes in fulfillment of the Department's mission.
12. Members shall adhere to the mandates of General Order 17 (Records Management) in the release of digital evidence in response to a public records request.

C. Disposal Protocols:

1. If a DECD records a digital file that is determined not to be of evidentiary value, the file shall be retained for a minimum of 30 days prior to disposal or sanitization, and the file:
 - a. Shall be labeled with the date, time and circumstances of the recording, and any other identifying information, and

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- b. Should be uploaded into LERMS or, if LERMS is not practical, placed on the appropriate storage media using the same methods as described above and in General Order 42 (Impounding and Controlling of Property and Evidence).
2. Members shall adhere to the mandates of General Order 17 (Records Management) in the disposal of *original* digital evidence.
3. Members are responsible for adhering to the following procedures in the disposal of *original* and *duplicate* digital evidence:
 - a. Ensure the digital evidence file is sanitized (i.e., overwritten at least three [3] times or degaussed) prior to:
 - 1) Disposal, or
 - 2) Release for reuse by another member.
 - b. Inoperable digital evidence files shall be destroyed (e.g., cut up, shredded).
 - c. The supervisor of the work unit disposing of the digital evidence file(s) is responsible for ensuring one member is assigned to complete the task and one member is assigned to witness the sanitization or disposal.

History: previous title (*directed patrol*) – issued 07/15/1985, retired 06/29/2000. new title – issued 08/03/2008, revised 06/25/2015.