

Rules and Procedures

Rule 331

March 31, 2005

Rule 331 - DIGITAL IMAGES COLLECTION, TRANSFER, and ARCHIVE PROCEDURES (D.I.C.T.A.)

Purpose: To standardize the procedures for the collection of digital images, and their transfer to an accessible, permanent storage system. Where applicable, its provisions are effective immediately, superseding all previously issued rules, regulations, procedures, orders, directives, and training bulletins on this subject.

This standardization establishes the procedures for the use of digital photography, its duplication onto compact discs, and its storage within the ID Unit. At present, the mandatory provisions of this rule apply only to digital photographs captured to record evidence determined to be relevant to a documented incident. They do not apply to images captured for intelligence, surveillance, or tactical survey purposes, or to digital video images.

Section 1. Digital Images General Considerations:

Advancements in modern technology have created the opportunity for law enforcement to collect evidence more easily, in a more uniform manner, and to use that information more effectively for investigative and courtroom presentation purposes. It has also allowed law enforcement to manage this information more efficiently to expedite its storage and retrieval. One area where these advancements can have an immediate impact is in the way the Department captures and stores photographic images. Digital imaging has built-in advantages over film-based photography in these aspects of evidence management as well as in several other areas including cost, access, and ease of duplication. Digital cameras also allow the investigator or photographer to instantly confirm that the image he/she seeks to preserve has been properly captured.

Technology has also made it possible to enhance, alter, or manipulate digital images to aid investigative efforts. Because of the possibility that digital images may be accidentally modified, or intentionally altered for unethical purposes, it is imperative to develop procedures that protect, to the greatest degree possible, the integrity of the evidence that is collected and stored, and to allow for the authentication of the original digital image, and establish a system to monitor and document the dissemination of digital image evidence.

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Section 2. Definitions:

For purposes of this rule only, the following definitions apply:

Digital Images Collection, Transfer, and Archive Procedures (D.I.C.T.A.): A permanent system within the Identification and Photography Unit (ID Unit) of the Bureau of Professional Standards and Development, which will allow for the transfer, storage, and retrieval of digital images collected for evidentiary purposes. This system shall operate under the direction of the Commander of the ID Unit.

Digital images: An electronic photograph taken with a digital camera, that must be available in standard image format for further storage.

Digital camera: A camera that records images in digital form for storage on a memory card.

Memory card: A removable module used for storing digital images in digital cameras.

Compact disc (CD): A magnetic storage medium on which digital images are stored.

CD burner: A memory card reader that enables digital images to be copied to a CD.

Gray scale placard: A placard that includes a ruler, color scale, and space for information relative to a documented incident.

Modification: Any enhancement, alteration, or manipulation of the elements of a digital image from its original form, beyond traditional and accepted techniques commonly employed to achieve an accurate recording of an event or object.

Primary investigator: That individual designated as having primary responsibility for the investigation of an incident with the authority to make decisions relative to the conduct of the investigation.

Section 3. Identification Unit Responsibilities:

D.I.C.T.A. Procedures Manual: The Commander of the ID Unit shall develop and establish specific, detailed procedures and protocols to implement this rule to ensure its smooth and effective functioning. Those procedures and protocols shall be incorporated into a D.I.C.T.A. Procedures Manual that shall be updated as needed and available for inspection and reference by police officers, prosecutors, defense attorneys, and judges.

D.I.C.T.A. Procedures Specialist: The Commander of the ID Unit shall designate an individual(s) as the D.I.C.T.A. Specialist(s) whose duties shall include the following:

- Become familiar with all aspects of the D.I.C.T.A. procedures including this rule and the D.I.C.T.A. Procedures Manual;
- Explain, as needed, the procedures and technical aspects, including testifying in court as a subject matter expert;

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- Recommend appropriate modifications or upgrades to the procedures as dictated by the needs of the Department, future changes in technology, and developments in the statutory and case law governing the admissibility of digital image evidence;
- Act as liaison with all investigative units to ensure the continuous operation and proper functioning of the D.I.C.T.A. procedures; to document and report problems or irregularities; to assess training needs; to evaluate equipment suitability and performance; and to monitor compliance with the provisions of this rule.

Equipment: The Commander of the ID Unit shall establish the technical specifications for all digital cameras and other digital equipment to be used by investigators or ID Unit staff, and shall approve the models to be used or issued by the Department. This information shall be included in the D.I.C.T.A. Procedures Manual. He/she shall also ensure that all equipment is serviced and/or calibrated properly.

Training: The Commander of the ID Unit shall develop appropriate standards for the training of investigators and ID Unit staff in digital photography and the D.I.C.T.A procedures, and shall assist the Bureau of Professional Development in establishing training curriculums and materials to implement the provisions of this rule. This information shall be included in the D.I.C.T.A. Procedures Manual.

Storage: All CD's forwarded to the ID Unit for archiving will be logged in according to established ID Unit procedures. Upon receipt of the CD, the digital information will be reviewed to ensure consistency. When digital information is confirmed, the ID Unit will electronically notify the investigator by e-mail that the CD was received, reviewed, and is in the ID Unit archives. Investigators and Investigator Supervisors will be immediately notified of any discrepancy regarding the digital information forwarded for archiving.

Section 4. Photographer/Investigator Responsibilities:

Equipment: In the collection of photographic images having evidentiary value, investigators and ID Unit staff shall only use digital cameras, and only those issued by the Department and approved by the Commander of the ID Unit. No other medium is permitted unless exigent circumstances dictate otherwise.

However, in incidents where the Homicide Unit or Firearm Discharge Investigation Team has taken jurisdiction, film photography may also be utilized concurrently with digital photography at the discretion of a supervisor.

Collection: In routine investigative efforts, individual investigators/units shall utilize Department issued digital cameras to capture images of locations or objects having evidentiary value. At the discretion of the investigator's supervisor, the ID Unit may be requested to photograph major incidents, or those that may require more sophisticated equipment, or greater expertise or skill by the photographer.

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All photographers shall utilize a BPD "gray scale placard" to designate the beginning and end of the digital images created in documenting evidence in an incident. No image(s) created between the designated beginning and end of the image sequence, including tests and accidental images, shall be removed or erased. All images are electronically assigned numbers automatically and must be accounted for to ensure the integrity of the collection process.

Transfer: After the collection is completed, the primary investigator/photographer is responsible for transferring the digital images by:

1. Removing the memory card from the digital camera;
2. Placing the memory card in a CD burner (located in each district, unit, and the ID Unit) to create two (2) optical storage discs (CD):
 - a. one (1) for the investigative case file;
 - b. one (1) to be delivered by an investigator or officer to the Latent Print evidence in-take window for permanent archiving;
 - i. Using felt tip pen only, fill in the information required on the face of the CD which will include the CC#, type of incident, photographer, date/time, and number of images.
 - ii. Enter the information into the evidence management system.
 - iii. Seal the disc in its carrying case with the EMS bar-coded sticker (placing sticker in such a way as to be readable by equipment).
3. Re-formatting the memory card for subsequent use.

All digital images captured as evidence in an incident must be immediately copied from the memory card to the CDs. No other transfer, copying, or printing of the original images, as captured on the digital camera memory card, is permitted prior to copying images onto the CDs.

Retrieval: Copies of digital images for a prosecutor to use in court or to comply with discovery obligations may be obtained by the primary investigator or his/her supervisor by submitting a request to the ID Unit/Photo Room. "Read only" CDs and/or prints will be created and either mailed to the requesting officer or made available to be picked up at the Photo Lab at One Schroeder Plaza.

Section 5. Investigator's Supervisor Responsibilities:

The supervisor of the primary investigator has the discretion to decide whether the ID Unit should assume responsibility for photographing an incident.

Only the supervisor of the primary investigator may approve requests for release of digital images, in any form, for other than court presentation or to comply with discovery obligations.

Only the supervisor of the primary investigator may request any modifications in any digital image(s).

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Section 6. Forensic Group Units:

Digital images created by units within the BIS Forensic Group, whether in the field, or in a controlled environment such as a laboratory or studio, may be stored in the ID Unit archives (under the appropriate CC#) with the approval of the respective unit commander.

Section 7. Modifications:

Photographers and investigators should be prepared to authenticate that the images they introduce as evidence in court are fair and accurate representations of scenes, events, or objects, as previously viewed by them. Thus, any modifications in any digital image is strictly prohibited without the documented permission of the primary investigator's supervisor.

All modifications to any digital image must be documented on a Department form created for that purpose, and maintained in the investigative case file.

Any CD or print reflecting any modifications to any digital image shall be clearly labeled as such on the CD or print.

If the modified image is to be delivered or transferred to a court or other tribunal, a prosecutor, or a defense attorney, then a copy of the form documenting the modifications must be attached to it, as well as a copy of the original image.

Kathleen M. O'Toole
Police Commissioner

Notes:

- Amended by SO 07-016, issued April 2, 2007, update the organization names to reflect the new BPD organizational structures. Section 3.