Digital Imagery Policy

Bullet Points 1/8/14

Begin with a policy statement:

- Policy statement of purpose to:
  - protect confidentiality of members, patients and the public
  - the careers of members
  - the reputation of department and
  - operations of the department

- Declare all photos taken by on duty personnel to be the property of FD
  - Taken within the scope of employment pursuant to copyright laws
  - Note: members who sell imagery taken on-duty creates the potential for violation of ethics laws
  - Consider: extending policy to cover off-duty photo taking permitted because of member’s status as a member such when a member is granted special access to an incident scene not allowed to member of the public
  - Volunteer and paid-on call organizations need to define “on-duty”.

- Prohibit on-duty photo taking except as permitted by the policy

- Limit photo taking to FD issued cameras by approved members (recommended)
  - Alternative 1: Limit photo taking to FD approved members using FD approved personal cameras
  - Alternative 2: Allow all members to take photos provided they comply with policy
    - NOTE: Approved member means members who have been approved by the department after they have been trained in and comply with the policy
• Place restrictions on photo taking activities: business purposes only
  – Cannot interfere with or delay operations
  – Address state law privacy & confidentiality issues
  – Locations where photos prohibited
  – Prohibit secret/hidden photos
  – Prohibit use of stations, apparatus, personnel, uniforms, or equipment for posing w/o permission

• Establish a procedure to download, inventory, & archive all photos (chain of custody) that treats every photo taken as a public record
  – CDRom, SD cards, secure location on server

• Prohibit deleting any photo taken, including
  – Blurry, dark, overexposed, photos taken accidentally

• Procedure to identify all modifications to original image
  – Crop, lighten, darken, contrast
  – Ensure an original, unedited image is preserved

• Prohibit any use of photos until reviewed for violation of privacy & confidentiality laws
  – Appoint officer(s) to review all images for release (gatekeeper function)
  – Establish guidelines for approval

• Develop system to obtain permission to use images for training, documentation, investigation, publication, etc.

• Limitations on use of images
  – Normal FD and law enforcement investigations and documentation
  – Training and public relations
  – Not for profit; not to endorse products or commercial use
Some departments may want to add an exception for taking of photos that are purely personal (e.g., family visits at station), as well as posing for personal photos. Must be carefully drafted to meet state public records law requirements.

Note: Retention of all images should be governed by the department’s records retention policy, and may be subject to the jurisdiction’s open records/freedom of information act.