

HR LF	HR HF	Fire Department Town of Belmont NH 03220	GENERAL ORDER Title: Photography and Digital Imagery	GO NO: GO 12-016
LR LF	LR HF			EFFECTIVE DATE 06/01/2012
				REVISION NO: 00

I) PURPOSE/SCOPE/APPLICATION

- A) The purpose of this order is to manage photographs and electronic images taken by fire department personnel in accordance with state law, in such a way that the privacy rights of department personnel, patients, fire victims, and the public are preserved; that the evidentiary concerns related to such images are protected; and the professional reputation of the department is maintained.
- B) This guideline will address the taking and storage of still and video imagery.
- C) This guideline shall be applied while responding to, operating at and returning from incident scenes.

II) REFERENCE DOCUMENTS

- A) NH RSA's 644:9, 91:A
- B) NFPA Standards 1500, 1561

III) DEFINITIONS

- A) Images-** Photographs, digital photographs, digital images, video recordings, or electronic files containing a graphic image or series of images, as well as any digital reproductions or copies of such photographs, digital photographs, digital images, video recordings, or electronic files
- B) Digital imaging device-** Any device capable of producing a digital image, including but not limited to a digital camera or camcorder.
- C) On Duty-** On-Duty refers to being involved in operations at the scene of an emergency, whether it is a fire, emergency medical, motor vehicle or non-fire incident; responding to or returning from an incident; performing other officially assigned duties such as training, maintenance, public education, inspection, investigations, court testimony, and fundraising; and being on-call, under orders, or on standby duty (except at the individual's home or place of business)

IV) SPECIALIZED ROLES AND RESPONSIBILITIES

- A) N/A

V) SAFETY

- A) N/A

VI) ENFORCEMENT

- A) Failure to understand this General Order may result in disciplinary action.
- B) Any deviation from this General Order shall require a written report to the Officer in Charge and the Deputy Chief.

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C) This order is for internal use only and does not enlarge an employee’s civil liability in any way. The order should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this order, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

VII) GENERAL ORDER

A) On-Duty photography

- 1) Fire department personnel are prohibited from using a non-department owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-department owner cellular phone, PDA, or any other digital imaging device while on-duty. The fire chief may grant an exception to this rule on an individual basis. Any permission granted by the fire chief shall be in writing and shall indicate any conditions or limitations upon the employee. A basic condition of any employee using a non-departmental owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-department owner cellular phone, PDA, or any other digital imaging device while on-duty is that the fire chief or designee may inspect the device at any time.
- 2) Except as provided in Paragraph 1 above all images taken by department personnel while on-duty shall be taken using department owned equipment.
- 3) On-duty personnel shall only take images that are of business related matters and events for purposes of incident documentation, evidence collection/documentation, training, investigation, and/or public relations.
- 4) All images shall be preserved and shall not be deleted without the written permission of the fire chief or designee. This includes images that are blurry, overexposed, underexposed, or that are taken accidentally.
- 5) All images taken by on-duty personnel are the sole property of the department, and are under the control of the fire chief or designee. This specifically includes any images taken inadvertently by an on-duty member with a non-department owned camera, video recorder, audio recorder, or the camera/video/audio function of a non-department owner cellular phone, PDA, or any other digital imaging device. Any member who inadvertently takes such an image shall report the fact immediately through the chain of command. Members shall not be disciplined for inadvertent violations that are duly and immediately reported.

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- 6) Personnel are expressly prohibited from taking any images of another person in any location where a person may reasonably expect to be safe from surveillance including public restrooms, locker rooms, the interior of one's dwelling place, or any place where a person's private body parts including genitalia, buttocks, or female breast may be exposed.

B) Responding to, operating at, and returning from, Incident scenes

- 1) Fire department personnel are prohibited from using a non-departmental owned camera video recorder, audio recorder, or the camera/video/audio function of a non-department owner cellular phone, PDA, or any other digital imaging device while responding to, operating at, or returning from, any incident. Any member who inadvertently takes such an image at an incident scene shall report the fact immediately through the chain of command to the incident commander at the earliest possible opportunity. Members shall not be disciplined for inadvertent violations that are duly and immediately reported.
- 2) On-scene photography/video taken by on-duty personnel shall be for incident documentation, evidence collection/documentation, training, investigation, and/or public relations, and taken by or with the approval of the incident commander, using approved department equipment, or as approved by the fire chief.
- 3) The taking of imagery shall not interfere with or delay operational activities, except to the extent that imagery of a fire's cause and origin may require overhaul to be momentarily delayed.
- 4) All photographs and video containing individually identifiable patient information shall be presumed to be covered by HIPAA and state privacy laws and shall be protected in the same manner as patient care reports and medical documentation.

C) Handling and Preservation of Images

- 1) No department owned images may be used, printed, copied, scanned, e-mailed, texted, forwarded, posted, uploaded, shared, reproduced or distributed in any manner, except as provided herein. This prohibition specifically includes the posting of any images on personal Web sites such as, but not limited to: FaceBook, MySpace, or YouTube: posting to public safety Websites; or e-mailing to friends, relatives, colleagues, or other third parties.

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- 2) All fire department owned digital images as described in this guideline shall be downloaded from the digital device as soon as possible after they are taken, and will be cataloged and stored on the departments secure database with controlled access. After being downloaded and verifying that the downloading is successful, the images on the digital imaging device's memory card or internal memory shall be erased.
- 3) File locations for images shall be
 - (a) BFD Fire investigation and BFD Fire inspection image files shall be located in the Firehouse Drive on the department server
 - (b) BFD Events and BFD Training image files shall be located on the Common Drive on the department server
- 4) File identification number (FIN) shall consist of not more than 21 characters.
 - (a) YYMMDD_III_DDDD
 - (b) YYMMDD is the year/month/day the imager was captured i.e 120502 is May 2, 2012
 - (c) III is the Incident Number i.e. 0312
 - (d) If more than one device is used to capture images each device will be assigned a separate file. This will be noted in DDDD section by using D1, D2, etc.
 - (e) In the event the image is not related to an incident the III will be used to identify the type of event.
 - (1) TRAI for training, INSP for inspections, EVEN for Events
 - (f) DDDD shall be a brief description, for incidents and inspections the OccID shall be used, for train or events a brief description not exceeding 10 characters shall be used.
- 5) Image Identification Number (IIN) shall consist of not more than 16 characters as defined below
 - (a) YYMMDD_III_NNNA
 - (b) YYMMDD is the year/month/day the imager was captured i.e 120502 is May 2, 2012
 - (c) III is the Incident Number i.e. 0312
 - (d) In the event the image is not related to an incident the III will be used to identify the type of event.

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- (1) TRAI for training, INSP for inspections, EVEN for Events
 - (e) NNN is the image number i.e 001
 - (f) A is to identify the original image versus a copy i.e. no letter indicates an original 001A indicates the first copy, etc.
 - (g) A completed IIN for an incident image would look like 120502_0312_001, for a training image 120502_TRAI_001, etc.
- 6) Digital imagery that has evidentiary value, including vehicular accidents involving department vehicles, fire scenes showing evidence of cause and origin, incident scenes showing the locations of victims, fire code violations, etc., require that a chain of custody form be initiated by the photographer and forwarded with the imagery.
- 7) Digital imagery in the secured database shall not be accessed by any party, or altered via any software product or utility such as Photoshop, unless express permission is granted in writing by the fire chief or designee. If permission to alter a photo is granted, the original photo shall not be altered in any way, and any copies that are altered shall be appropriately identified and documented as to being an altered copy. The details of the alteration including; what changes were made (cropped, lightened, darkened, etc), the names and rank of the member performing the alteration, and the time and date of the alteration, shall be noted and preserved.
- 8) The use of fire department images shall be subject to the approval of the fire chief or designee. Prior to release of any image, the image shall be evaluated by the fire chief or designee to ensure that the release will not result in a breach of patient confidentiality or breach of privacy, and that the release will, in all other respects, be lawful.
 - (a) Request for release of images should be done via e-mail to the Chief or designee. You must include the FIN, INN, and the reason for the request.
 - (b) If do to extenuating circumstances an e-mail cannot be sent prior to the requested release date the request may be made in person or by phone but a follow-up e-mail by the requestor must be sent as soon as possible.
- 9) The use of unauthorized helmet cams and dash cams is strictly prohibited, and shall be considered a serious disciplinary breach for the employee involved and any officer who permits such use.
- 10) Use of department cameras to take images for personal purposes is strictly prohibited.

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VIII) RECORDS, REPORTS, CHARTS, FORMS

- A) Photography Log
- B) Photography Alteration Log

AUTHENTICATION

GO NO:12-016

Number of Pages: 6

Approved By: *dlp*

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