

GENERAL ORDER



Title
**The Use of Photographs in
Criminal Investigations**

Topic/Number
GO-SPT-304.13

Effective Date
April 30, 2004

Distribution
A

Recinds
**GO-SPT-304.13 (Photographs/Video
Recordings in Criminal Investigations) Dated
May 6, 2003**

DISTRICT OF COLUMBIA

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I. BACKGROUND

The use of photographs is a valuable tool in identifying individuals during criminal investigations.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to take photographs of individuals without violating that person's civil rights. For the Department's policy as it pertains to the use of closed circuit television cameras, see GO-OPS-603.07 (Closed Circuit Television Cameras).

III. REGULATIONS

- A. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code Section 2-1401 *et. seq.* (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the act. Therefore, members of the MPD shall not take any surveillance photographs or solicit random photographing of individuals based solely upon the aforementioned criteria. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- B. Members shall not:
1. Require individuals to be photographed or provide personal information, unless:
 - a. There is "reasonable suspicion" that the individual is, or has been, engaged in criminal activity;

- b. The individual has been placed under arrest; or
- c. The individual consents to such process.
 - (1) Individuals shall not be threatened, pressured, or coerced into giving consent, i.e., members shall not withhold a person's driver's license or other identification until consent is given.
 - (2) Members shall not threaten to detain an individual until consent is given.

Note: Juveniles who have been placed under arrest shall be handled in accordance with GO-SPT-305.01 (Handling Juveniles).

- 2. Disseminate any photographs, utilized or taken by members of the Department to persons outside law enforcement.
- C. Members may photograph any individual on public space, without his/her consent, except as otherwise noted in this section.

IV. PROCEDURAL GUIDELINES (CALEA 43.1.5)

- A. Any photographs, taken as evidence, shall be used in accordance with the provisions outlined in GO-SPT-601.01 (Recording, Handling, and Disposition of Property Coming into the Custody of the Department) and GO-SPT-601.02 (Preservation of Potentially Discoverable Material).
- B. Anytime an individual is photographed for a criminal investigation and it relates to activities that present a threat to the community, the member making the photograph, shall ensure the following information is entered in the Washington Area Criminal Intelligence Information Systems (WACIIS): (CALEA 51.1.1a)
 - 1. Date, time and location the photograph was taken;
 - 2. Name of the member who took the photograph;
 - 3. Reason for the photograph; and
 - 4. Name and any pertinent information of the person photographed, if known.
- C. All photographs shall be purged once they become outdated or if the individual is found not to be involved in any criminal activity, whichever is sooner. (CALEA 51.1.1c)

1. Photographs shall be returned to individuals upon written request to the district commander or other unit commander when he/she has been cleared during an investigation and there is no valid reason to keep the photograph for investigative purposes in the case.
2. All photographs that have been purged and not claimed by the individual shall be placed in a secure location made for this purpose and shall be retained or disposed of as prescribed in GO-OMA-205.03 (Records, Retention and Disposition)

V. CROSS REFERENCES

1. GO-OPS-603.07 (Closed Circuit Television Cameras)
2. D.C. Official Code § 2-1401 (D.C. Human Rights Act of 1977)
3. GO-SPT-305.01 (Handling Juveniles)
4. GO-SPT-601.01 (Recording, Handling, and Disposition of Property Coming into Custody of the Department)
5. GO-SPT-601.02 (Preservation of Potentially Discoverable Material)
6. GO-OMA-205.03 (Records, Retention and Disposition)

// SIGNED //
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