

CAN YOUR PHOTOGRAPHS WITHSTAND A COURT CHALLENGE?

By: D. Eric Johnson, CEP

Every digital image taken by your officers has embedded information that provides details about the image. This information can only be viewed using special software – software readily available to anyone with internet access. This information includes:

- (1) The date and time the image was taken
- (2) The focal length of the lens used
- (3) An indicator if the file has been modified
- (4) A myriad of other information that could be significant

Why is this important to you?

- (1) The majority of cameras in the field have an incorrect date and time – check yours!
- (2) Compact point-and-shoot cameras default to a wide angle setting, which will misrepresent the accuracy of the image – and your officers don't even realize it.
- (3) Digital single lens reflex cameras (DSLR) come with zoom lenses. There is only one setting on that lens that will accurately represent the image - and your officers don't know it.
- (4) When images are downloaded to a computer, the simple act of rotating an image in order to view it will mark it as "modified."

Any one of the above issues can be challenged in court by a knowledgeable attorney. Any one of these points can result in your images being disallowed. Without proper knowledge and training **every image your officers are currently taking will fail to meet one of the above criteria.**

The above points do not even address workflow and digital image integrity. *Who has access to your images? How are your memory cards handled, transferred, and stored? What standard operating procedures do you have in place that can guarantee your images have not been modified?* Most digital images can be changed – modified – altered – without detection. **Are your images secure?** *Or have you provided all your personnel with "keys to the property room" by allowing the images to be accessible?*

These and many other issues not addressed in this article are like links in a chain. Even if you are now doing most things well, just one broken link will cause the chain to fail when under pressure.

We do not live in a film world anymore. None of these points were an issue with film. We now live in a digital age that changes everything we once believed about how photographs are treated in law enforcement. A "true and accurate representation" is no longer the only qualifier – and is a court challenge waiting to happen. The only question is when – and where.