

any personnel who have not carried a TASER as a part of their assignment for a period of six months or more shall be recertified by a department approved TASER instructor prior to again carrying or using the device. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. The Training Sergeant should ensure that all training includes the following:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy § 300.
- (c) Target area considerations, to include techniques or options to reduce the intentional application of probes near the head, neck, chest, and groin.
- (d) De-escalation techniques.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

- (a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.
- (b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

2. Disconnect the power cable from the back of the computer box (For laptops, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, and external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Evidence Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

- 1. Where the computer was located and whether or not it was in operation.
- 2. Who was using it at the time.

3. Who claimed ownership.
4. If it can be determined, how it was being used.

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(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORK COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an onsite inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence. Cases involving networks require specialized training which is available through the Northwest Regional Computer Forensic Lab, the Oregon State Police or another agency having certified examiners

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to the Computer Forensic Examiner:

- (a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
- (b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
- (c) A listing of the items to search for (e.g., photographs, financial records, email, documents).
- (d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, to include hard discs, floppy discs, CDs, DVDs, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

- (a) If the media has a write protection tab or switch, it should be activated.
- (b) Do not review access or open digital files prior to submission. If the information is needed for immediate investigation, request Property Control to copy the contents to an appropriate form of storage media.
- (c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
- (d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

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(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices such as cell phones, PDAs or other handheld devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images. When Officers wish to preserve the information off of a communication device they should do the following:

- (a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
- (b) Turn the device off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.
- (c) When seizing the devices, also seize the charging units and if possible keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost. If keeping them plugged in is not possible, turn them off and place them into evidence.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting evidence recorded by officers and stored digitally using digital cameras, audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Each Officer is assigned a digital camera. It is the responsibility of the officer to maintain and submit the images to evidence. When preparing to take digital photographs the officer will ensure the cameras image quality is set at the correct camera setting and the date and time is correct on the internal settings. Digital photo evidence should be placed on a memory card. Images, video and audio files will not be altered in any way. Copies of digital evidence obtained in the field may be utilized by officers for investigative purposes by sending a request to the Evidence Custodian. The evidence will be duplicated and marked as a copy. When the Officer has completed the investigation the Officer shall place the copies back into evidence.

814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

- (a) The recording media (smart card, compact flash card or any other media) shall be uploaded as soon as possible or at the end of the officer's shift, for submission into evidence.
- (b) When submitting digital media for evidence, officers will download the images, video or audio recordings onto a computer in the assigned evidence folder on a secure drive. There will be a folder designated for the downloading of evidence files. Once the files are downloaded, an Evidence Custodian will download the evidence into Laserfiche. Officers will be allowed to download and view their evidence, however the only person authorized to make copies is the evidence technicians.

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(c) After downloading the images, video or audio recordings the officer shall submit a property control record to the evidence technicians.

(d) Once the images, video or audio recording is uploaded into evidence the memory card

or internal memory shall be erased.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) When submitting digital media for evidence, officers will download the images, video or audio recordings onto a computer in the assigned evidence folder on a secure drive.

There will be a folder designated for the downloading of evidence files. Once the files are downloaded, an Evidence Custodian will download the evidence into Laserfiche. Officers will be allowed to download and view their evidence, however the only person authorized to make copies is the evidence technicians.

(b) Where possible, the device should be connected to the computer and the files accessed directly from the computer directory or downloaded to a folder for copying to the storage media.

(c) Officers who use one of the Police Department interview rooms, and need the recorded audio and video interview will be required to download it from the system using a computer. This audio/video will be downloaded in its entirety onto a compact disc, protected in a hard case and placed in an appropriate digital media envelope. The CD and property control record shall be submitted into evidence.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) (a) Only evidence technicians are authorized to copy digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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