

Rockville City Police Department

GENERAL ORDER



Subject INVESTIGATIVE PHOTOGRAPHS		Procedure G.O. # 4 - 19
Authorizing Signature 	Effective: 12-01-04 Revised: 10-08-26	Total Pages 2

I. POLICY

- A. Officers of the Rockville City Police Department may photograph individuals, vehicles, property, locations, and other items encountered during the performance of their official duties when such photographs serve a legitimate law enforcement purpose. Investigative photography is an important tool used to document criminal activity, establish or verify identity, preserve evidence, develop investigative leads, assist with criminal intelligence, and support the successful investigation and prosecution of criminal offenses.
- B. It is the policy of the Rockville City Police Department to authorize investigative photography when conducted in accordance with applicable federal and Maryland law, established constitutional protections, and departmental directives. Photographs may be obtained during criminal investigations, lawful field contacts, traffic enforcement activities, surveillance operations, and other authorized law enforcement functions.
- C. Officers may photograph individuals who are lawfully visible in public places or other locations where the officer has a legal right to be, provided the photography does not intrude upon a constitutionally protected reasonable expectation of privacy or otherwise violate applicable law. The mere act of photographing an individual in a public location does not ordinarily constitute a search under the Fourth Amendment.
- D. Officers are not required to establish probable cause or reasonable articulable suspicion of criminal activity solely to photograph an individual who is lawfully observable in a public location, provided the officer does not unlawfully detain, restrict, or otherwise interfere with the individual's freedom of movement to obtain the photograph.
- E. Officers shall not photograph individuals solely on the basis of race, color, ethnicity, national origin, religion, gender, sexual orientation, disability, or other protected characteristics. All investigative photography shall be conducted for a legitimate law enforcement purpose and shall not constitute discriminatory enforcement, harassment, or retaliation for the lawful exercise of constitutional rights.
- F. All investigative photographs shall be taken exclusively with department-issued cameras or department-issued cellular phones authorized for official law enforcement use. The use of personally owned cellular phones, cameras, tablets, recording devices, or other personal electronic

devices to capture investigative photographs is strictly prohibited.

- G. Photographs obtained during official duties shall be considered departmental records and shall be handled, transferred, retained, and disclosed in accordance with departmental policies, applicable records retention requirements, evidentiary procedures, and governing law.

II. WHO MAY BE PHOTOGRAPHED

Officers may photograph individuals under the following circumstances when the photography serves a legitimate law enforcement purpose and is otherwise lawful:

- A. Any individual who has been lawfully arrested or taken into custody.
- B. Any individual who has been issued a criminal or civil citation, traffic citation, or other enforcement notice, when the photograph is reasonably related to identification, documentation, enforcement, or subsequent court proceedings.
- C. Any individual lawfully detained based upon reasonable articulable suspicion of criminal activity, when the photograph is reasonably related to the purpose of the detention or an associated investigation and does not unlawfully prolong the detention.
- D. Any individual observed during a lawful surveillance operation, including individuals whose actions, associations, or presence are relevant to an ongoing criminal investigation.
- E. Any individual encountered during a consensual field contact, including circumstances where an officer wishes to document the individual's appearance or identity for a legitimate investigative purpose. Photography shall not convert an otherwise consensual encounter into an unlawful detention.
- F. Any individual who voluntarily consents to being photographed.
- G. Any individual lawfully observed in a public place, including public streets, sidewalks, parks, parking facilities, commercial areas, and other locations open to public observation, when the photograph serves a legitimate law enforcement purpose.
- H. Any individual reasonably believed to be a suspect, witness, victim, associate, or other person possessing information relevant to a criminal investigation, provided the photograph is obtained through lawful means.
- I. Individuals present during the lawful execution of search warrants, arrest warrants, or other authorized law enforcement operations, when photographing them is reasonably related to the investigation, documentation of the scene, officer safety, or identification, and the method of photography is lawful.
- J. Individuals involved in or associated with criminal activity, suspicious incidents, or documented crime trends, when photographs are obtained lawfully and are reasonably related to an identifiable

investigative or intelligence purpose.

- K. Individuals photographed in connection with a Field Interview or Field Interrogation Report, when the photograph serves a legitimate investigative purpose and is obtained in accordance with this General Order.
- L. Individuals whose photographs are necessary to document physical appearance, clothing, distinguishing characteristics, injuries, or other observable conditions relevant to an investigation, subject to applicable consent, privacy, search, and seizure requirements.

II. WHEN CONSENT IS NOT REQUIRED

Consent is not required to photograph an individual under the following circumstances, provided the officer is otherwise acting within lawful authority:

- A. When an individual is lawfully visible in a public place and the photograph is obtained from a location where the officer has a legal right to be, without an unlawful search, detention, or other interference with the individual.
- B. During lawful surveillance operations conducted in public places or other locations where the individual has no reasonable expectation of privacy against the particular observation or photographic technique employed.
- C. When an individual has been lawfully arrested and photography is conducted as part of authorized identification, booking, evidence collection, or other lawful procedures incident to custody.
- D. During a lawful investigative detention based upon reasonable articulable suspicion, when photography is reasonably related to the circumstances justifying the detention, is conducted within its lawful scope and duration, and does not require an additional unlawful search or seizure.
- E. When an officer photographs individuals who are lawfully observable during the execution of a search warrant, provided the photography is reasonably related to the authorized operation and does not exceed applicable constitutional or statutory limitations.
- F. When an officer photographs an individual from a lawful public vantage point for purposes of documenting an incident, preserving evidence, or assisting an ongoing criminal investigation.
- G. When photographing an individual's outward appearance, clothing, or other characteristics readily visible to the public, provided no additional search, compelled exposure, or unlawful detention is necessary to obtain the photograph.
- H. When photographs are captured incidentally during lawful documentation of a crime scene, collision, public event, or other official law enforcement activity.
- I. When an individual is photographed as part of a lawful intelligence-gathering or crime-analysis operation, provided the activity serves a legitimate law enforcement purpose and complies with

applicable legal restrictions and departmental intelligence procedures.

III. WHEN CONSENT OR ADDITIONAL LEGAL AUTHORITY IS REQUIRED

- A. Officers shall obtain voluntary consent or possess other applicable legal authority before requiring an individual who is not otherwise subject to lawful compulsory procedures to pose, reposition, remove clothing, expose concealed physical characteristics, or participate in a staged identification photograph.
- B. During consensual encounters, officers may request permission to photograph an individual. When consent is relied upon as the legal basis for the photography, it must be freely and voluntarily given without threats, intimidation, coercion, or improper inducement.
- C. Officers shall not detain an individual solely because the individual refuses to consent to being photographed. Refusal to consent, standing alone, does not establish reasonable articulable suspicion or probable cause.
- D. Officers shall not withhold identification documents, personal property, or other items as a means of compelling consent to photography. Officers shall not threaten arrest, detention, or other enforcement action solely to obtain consent.
- E. Photography involving areas or circumstances where individuals possess a reasonable expectation of privacy shall require a valid warrant, consent, or another recognized legal exception applicable to the circumstances.
- F. Officers shall recognize the distinction between photographing an individual who is lawfully observable and compelling that individual to participate in a photographic identification procedure. The legal authority to observe or photograph a person does not automatically establish the authority to detain or physically compel participation.

IV. USE OF FORCE

- A. Officers shall not use physical force solely to compel an individual to submit to an investigative photograph during a consensual encounter or routine field contact.
- B. Officers shall not use physical force to obtain a photograph of an individual during an investigative detention unless the force is independently authorized by law and departmental policy. The existence of reasonable articulable suspicion alone does not automatically authorize the use of force to compel photographic identification.
- C. When an individual is lawfully arrested or otherwise subject to an authorized custodial identification procedure, officers may use only objectively reasonable and necessary force, consistent with departmental use-of-force policies, to accomplish a lawful photographic procedure.
- D. Officers shall consider the nature of the offense, the individual's conduct, available alternatives, the necessity of obtaining the photograph, and applicable constitutional limitations before

employing any physical control measures.

V. STORAGE OF PHOTOGRAPHS

- A. All investigative photographs shall be captured using department-issued cameras or department-issued cellular phones. Personally owned devices shall not be used under any circumstances to capture, receive, transfer, store, or maintain investigative photographs for official departmental purposes.
- B. Investigative photographs shall be transferred to the Department's authorized Axon digital evidence management system as soon as reasonably practical.
- C. Officers shall associate investigative photographs with the appropriate incident number, case report, field interview report, intelligence record, or other departmental documentation, as applicable.
- D. When photographs are obtained for investigative purposes, officers shall document the circumstances under which they were taken, including the investigative purpose and any consent or other legal authority relied upon when relevant.
- E. Photographs shall not be stored in personal cloud accounts, personal email accounts, personal messaging applications, privately owned computers, personal removable storage devices, or other unauthorized locations. Department-issued or department-authorized removable storage devices may be utilized for legitimate investigative purposes, including the retention of photographs within case files, provided their use complies with departmental policies and established evidence handling procedures. All investigative photographs shall also be submitted to and maintained within the Department's authorized Axon digital evidence management system.
- F. Officers shall not transmit investigative photographs through personal text messaging applications, personal email accounts, social media platforms, or other unauthorized communications systems.
- G. All investigative photographs obtained during the course of official law enforcement duties shall be submitted to and stored within the Department's authorized Axon digital evidence management system. Photographs shall be properly categorized and associated with the applicable case number, incident report, or other relevant investigative documentation. All photographs shall be preserved and retained within Axon in accordance with departmental evidence handling procedures, chain-of-custody requirements, applicable discovery obligations, and established records retention schedules.
- H. Photographs that are no longer required as direct evidence but have a legitimate and documented investigative or criminal intelligence value may be retained within Axon in accordance with applicable law and established retention requirements. The Criminal Investigations Unit and Crime Analyst may maintain authorized investigative photograph files within the Department's approved systems.

- I. Investigative photographs may be considered for use as fillers in photographic identification arrays only when consistent with applicable identification procedures, legal requirements, and departmental directives.

VI. RETURN, DELETION, AND DISPOSITION OF PHOTOGRAPHS

- A. Individuals may submit a written request to the Chief of Police seeking the return, deletion, or other authorized disposition of an investigative photograph maintained by the Department.
- B. Such requests may be considered under the following circumstances:
 - 1. An individual has been cleared as a suspect, and the photograph is no longer required for an investigation, prosecution, or other legitimate law enforcement purpose.
 - 2. An individual was photographed during a consensual encounter and requests that the photograph no longer be maintained.
 - 3. An investigation has concluded, and the photograph no longer serves an authorized investigative, evidentiary, or criminal intelligence purpose.
 - 4. The photograph was obtained or retained contrary to departmental policy or applicable law.
- C. The Chief of Police or designee shall review requests in consultation with the Criminal Investigations Unit, records personnel, legal counsel, or other appropriate personnel, as necessary.
- D. Photographs shall not be deleted, destroyed, or otherwise disposed of when subject to an applicable records retention schedule, preservation obligation, litigation hold, discovery requirement, pending criminal proceeding, or other legal restriction.
- E. When a request for disposition is approved, photographs shall be deleted, destroyed, or otherwise handled through authorized departmental procedures within Axon and any other approved storage location, with appropriate documentation of the action taken.
- F. The Department may deny or defer a request when continued retention is required or authorized by law, including circumstances involving pending litigation, criminal proceedings, applicable statutes of limitations, or other legal obligations.
- G. A determination to retain or dispose of a photograph shall be based upon applicable law, departmental records management requirements, and the existence of a legitimate continued purpose for maintaining the photograph.