



# Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

**Policy #** 113A

**Policy Name** Digital Evidence Management

**Approved by** *Wendell Franklin, Chief of Police*

**Effective Date** 06/06/2023

**Approved Date** 06/05/2023

**Previous Date** NEW

## PURPOSE OF CHANGE:

New policy for Digital Evidence Management.

## POLICY:

Digital Evidence is collected and stored in the Tulsa Police Department (TPD) Digital Evidence Management System (DEMS). Digital evidence includes body-worn camera video files, in-car camera video files, interview room video files, crime scene photos and videos, and audio files. Digital Evidence, like physical evidence, must be secured and managed from the time of collection, through investigation, prosecution, and adjudication. Digital Evidence collected on department-issued mobile devices (e.g., smartphones) and all digital files received from citizens must be stored in the TPD Digital Evidence Management System. The recovery and chain of custody of digital evidence files must be properly reported and logged. Digital files are the property of the TPD and may only be viewed and distributed for official TPD business within the employee's area of responsibility and assigned duties. The Chief of Police designates a custodian of digital evidence files who is responsible for configuring and administering the DEMS. The current DEMS for the TPD is the Axon Enterprise, Inc. product Axon Evidence (AKA Evidence.com). This is the single repository for digital evidence. This policy excludes digital evidence collected and stored using applications utilized by the Tulsa Police Forensics Laboratory, Public Safety Communications, the Detective Division Sexual Predator/Digital Evidence Recovery (SPDR), and criminal intelligence collected by the Special Investigations Division.

**SUMMARY:** Procedures for collecting and storing digital evidence.

**APPLIES TO:** All police personnel.

## DEFINITIONS:

**AXON CAPTURE** – A mobile device application on a department-issued mobile device used by TPD personnel to capture digital evidence from the public or non-TPD sources.

**AXON COMMUNITY** – A portal/link that can be given to citizens to send digital evidence to be included in a case file. This is a function of Axon Capture.

**DEMS** – Digital Evidence Management System. The technology, supporting policies, training, business practices, and equipment used to recover, collect, store, collate, and manage digital evidence recovered or produced by TPD personnel.

**DIGITAL EVIDENCE** – Digital files captured by Tulsa Police Department-issued mobile devices or uploaded to TPD by a citizen as evidence. Digital Evidence includes body-worn camera video, in-car camera video, interview room video, crime scene video, digital photographs, and digital audio.

**EVIDENCE.COM** – A comprehensive Digital Evidence Management System (DEMS) that streamlines data management and electronic sharing within one secure platform. It is a cloud-based system that stores digital evidence.

**MOBILE DEVICE** – Any handheld smart phone, tablet, or computing device issued by the Department, with an operating system and can run various types of application software. Laptop computers are not considered mobile devices.

## **PROCEDURES:**

1. When necessary to collect still images or audio files for investigative purposes, Tulsa Police personnel will use their assigned department-issued mobile device. Crime Scene investigators may use department issued DSLR cameras. These files will be uploaded to Evidence.com prior to the end of their assigned shift.
2. All evidence must be categorized with an ID and title. The ID should be the incident report or CAD number, citation number, or IA case file number. The title should be the location of the incident. See TOG 2006 for additional guidelines.
3. Tulsa Police personnel may recover digital evidence from the public utilizing the Axon Community function of the Axon Capture application when applicable. Personnel will verify the incident report number is attached to the request for digital evidence and include in the incident report that a request to collect evidence was sent to a citizen. If the citizen is unable to use the function, obtain and turn in their evidence per policy 112A, *Recovered Evidence/Found Property* or utilize Axon Evidence Upload XT.
4. It is the responsibility of the investigator assigned to the case to collect digital evidence needed for prosecution which was not sent by a citizen.
5. Tulsa Police personnel who make an arrest on open charges or file an out of custody affidavit will create a case in Evidence.com to include all digital evidence contained in Evidence.com that is pertinent to the case. This can include AB3 and Fleet 3 cameras, photographs and audio files from Axon Capture, evidence submitted by citizens and any other collected digital evidence.

## **REGULATIONS:**

1. Tulsa Police personnel will follow the subsequent policy and procedures to produce or collect digital evidence.
2. Tulsa Police personnel and authorized civilian personnel will only view digital evidence related to criminal investigations or calls for service assigned to them as official Tulsa Police Business. Personnel are prohibited from viewing digital evidence regarding an incident they are not assigned to. Digital evidence approved for training or performance evaluations are exempt.
3. Tulsa Police supervisors, managers, and administrators will only view digital evidence related to criminal investigations or calls for service assigned to them as official Tulsa Police business or for the purposes of assigning work, supervising subordinates, conducting administrative investigations, and verifying compliance with evidence recovery procedures.
4. Only Tulsa Police supervisors, managers and administrators will have the ability to restrict digital evidence. They will have the ability to view restricted digital evidence. Only authorized personnel will have the ability to view confidential digital evidence.
5. Tulsa Police personnel must be trained in the operation of equipment, policies, and accepted business practices before producing or collecting digital evidence.
6. Tulsa Police personnel will only use department-issued equipment to produce, recover, and store digital evidence. Personnel shall not use personal devices to produce or recover digital evidence or to record in any manner TPD personnel in the performance of their duties.

7. Tulsa Police personnel making an arrest with open charges will create a case in Evidence.com including all digital evidence.
8. Tulsa Police personnel will not destroy or alter digital evidence prior to uploading to Evidence.com except as authorized by a supervisor.

**REFERENCES:**

113B, *Mobile Video Recording System*

113D, *Interview Room Cameras*

318C, *Use of Mobile Devices*

2006, *Capture and Submission of Digital Evidence*