

# Photographic Evidence Collection

## EIAO Training



# Objectives

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- Initiate and maintain a Photographic Log
- Use the close-up mode
- Create master copy of original digital images and transfer to CD-R
- Protect original data



# Purpose of Photo Evidence

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- Provide a visual documentation of the facts, conditions, and the sequence of events
- Provide visual proof that there was a problem or violation of the law
- Visually bring the facility or location to the decision-maker or the courtroom

# Photographs as Evidence

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- Enable FSIS decision-makers, attorneys, judge, jury or witnesses to be visually transported to and through the facility as it was at the time of the observation



# Use of Digital Cameras

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- All OFO personnel who are authorized to take photos for evidence collection should:
  - Collect and safeguard photographic evidence in accordance with the SIEM training module of 2010



# Visual Evidence

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- Three accepted means of providing visual evidence in a courtroom
  - Still photos
  - Video
  - Sketches, maps, renderings



# Photographs as Evidence

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- Photographs are admissible as graphic portrayals of oral testimony
- Witness testifies that the photograph or video fairly and accurately represents facts observed by the witness

Mikus v. U.S., 433 F.2d 719 (2nd Cir 1970)

# Photographs as Evidence

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- A photograph may be enlarged and enhanced without affecting its admissibility

U.S. v. Beeler, 62 F. Supp. 2d 136 (1999)

U.S. v. Seifert, 351 F. Supp. 2d 926 (2005)

# Digital Photos as Evidence

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- At present, no nationally enforced standard
- Admissibility is determined on a court-by-court basis
- With proper authentication, enhancement does not bar admissibility

# Digital Photos as Evidence

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- Expect to have your digital photos challenged, so safeguard their integrity accordingly
- Defense lawyers may attempt to discredit the photos by calling into question any editing or ‘manipulation’

# Rules of Evidence

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- Rule 1001(1) - writings and recordings include magnetic, mechanical or electronic recordings
- Rule 1001(3) - if data are stored in a computer or similar device, any printout or other output readable by sight and shown to reflect the data accurately is an "original"

# Rules of Evidence

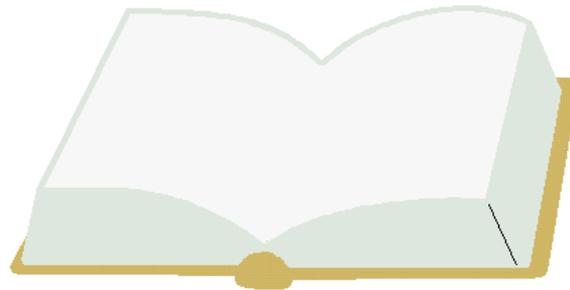
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- Rule 1001(4) - a duplicate is a counterpart produced by the same impression as the original (mechanical or electronic re-recording) or by other equivalent techniques which accurately reproduces the original

# Rules of Evidence

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- Rule 1003 - a duplicate is admissible to the same extent as an original, unless
  - A genuine question is raised as to the authenticity of the original



# Guide for Admissibility

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- The court authorized the use of digital imaging and the defendant was found guilty

***State of Washington vs. Eric Hayden, 1995***

# Guide for Admissibility

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- The court ruled that digital processing is a readily accepted practice in forensics

***State of California vs. Phillip Lee Jackson, 1995***

# Guide for Admissibility

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- Preserve original digital image
- Transfer files directly from the camera's storage media to a once-writable CD-R

# Directive

- FSIS Directive 8010.3 Rev 4, Procedures for Evidence Collection, Safeguarding and Disposal



# Photograph Examples

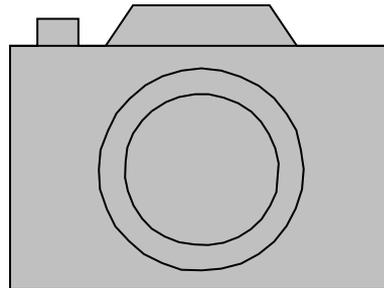
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- Plant Records with errors or deviations
- Evidence of rodents or insect infestation
- Faulty construction or maintenance
- Contaminations of raw or finished products
- Manufacturing or insanitary conditions
- Contamination of water systems
- Product labeling or invoices

# Photographs

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- Use camera assigned to EIAOs as necessary to photograph conditions in the plant or records
- Do not have to request permission in FSA
- Do not use cell phone cameras or personal cameras to take photographs



# Photographs

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- If plant refuses, explain records access and copy authority
- Do not surrender camera, film, digital images or photographs to establishment officials but advise them to obtain them under FOIA request



# Photographs

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- Complete Photographic Log Sheet
  - FSIS Form 8000-15
- Transfer images to CD-R
- Identify the CD-R
  - Initials, Date,  
Firm Name,  
Description of contents
- Complete FSIS 8000-17  
Evidence Receipt and Chain of Custody



# Photographs

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- Transfer CD-R to DCS along with
  - FSIS Form 8000-17 Evidence Receipt Chain of Custody
  - FSIS Form 8000-15 Photographic Log Sheet



# Photographs

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- Use a logical sequence to depict scenes
- Photograph the entire scene undisturbed
- Ensure clear identification of location
- If scale is important use a ruler or similar item

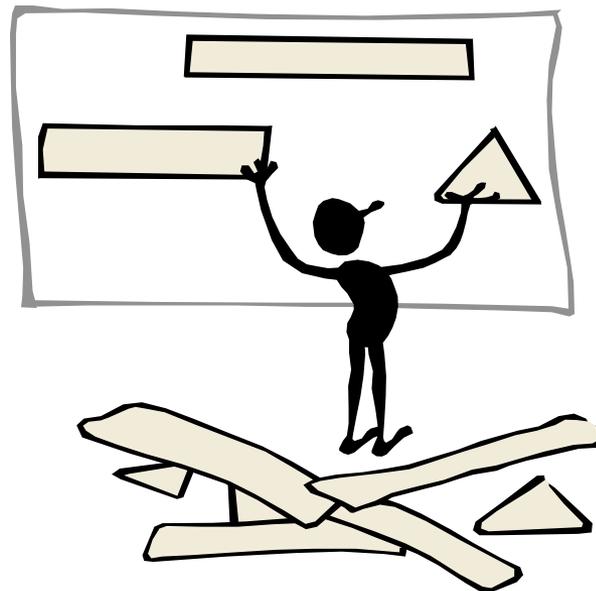
Ruler →



# Logical Sequence

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- A logical sequence of photographs helps to portray a story
- Aids in visualizing the scene



# Logical Sequence

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- **Wide Angle (Long Shot)**
  - Overview of the entire area taken from as far away as possible to establish where the item is located in its environment
  - Orients the viewer



# Logical Sequence

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- **Medium Angle**
  - Shows the item in its immediate surrounding showing its relative position and distance to other items
  - Use a normal 'eye' view setting or lens



# Logical Sequence

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- Close-up Angle
  - Get close and fill the frame (viewer) with the subject
  - Use a tripod or other firm support
  - Use a ruler for perspective
    - Pens and flashlights are not proper measuring devices



# Logical Sequence

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- **Extreme Close-up Angle**
  - Get as close as possible to the evidence as your camera will allow in order to clearly identify any labeling or other identifying marks



# Extreme Close-Up

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# Logical Sequence

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# Logical Sequence

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# Logical Sequence

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# Logical Sequence

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# Logical Sequence

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# Logical Sequence

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# Logical Sequence

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# Logical Sequence

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# Photography Tips

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# Photography Tips

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# Photography Tips

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# Photography Tips

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# Procedure for Scene

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- A consistent routine in photographing a scene is extremely important
- Maintain in Photographic Log, FSIS 8000-15, detailed records of your photos as to where, when, and how they were taken

# Original Evidence

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- Avoid deleting any images in the sequence
  - Create a master original copy of the digital photographs as soon as practical by transferring them to a once-writable CD (CD-R)

# Original Evidence



1<sup>st</sup>

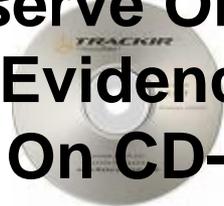
Camera

2<sup>nd</sup>

Transfer image files directly  
to a once-writeable CD-R  
**Secure this as the  
Original Evidence**

Working duplicates may  
then be transferred to  
**Computer Hard Disk  
Drive**

**Preserve Original  
Evidence  
On CD-R**



**Work File**

For Examination and  
any Enhancements



# Original Evidence

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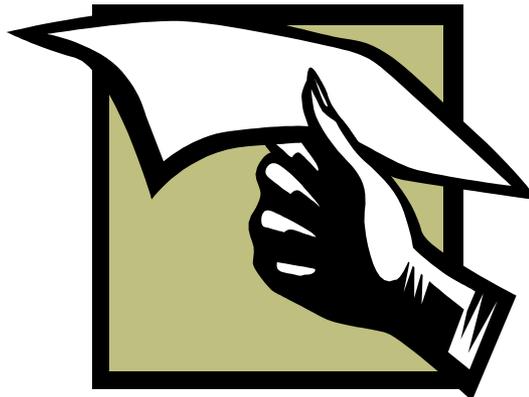
- Identify the master CD-R by using a compatible permanent marker
- Include the investigation file number, firm name, date, description of the subject matter and investigator's initials



# Photographic Report

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- Photographs that are used as evidence in an Administrative Enforcement Report, must be incorporated into the AER on FSIS Form 8000-7B, “Photographic Report”.



# Photographic Report

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- Open Microsoft Word
- Open the Photographic Report template
- Insert only one photograph per page



# Photographic Report

The screenshot shows the Microsoft Word 2010 interface. The title bar reads "FSIS 8000-78 Photographic Report Digital.dot [Read-Only] [Compatibility Mode]M". The ribbon is set to "Picture Tools" with the "Format" tab selected. The "Insert Picture from File" dialog box is open, displaying a warning: "Functionality is currently limited. This document has been opened in Compatibility Mode. To take full advantage of this feature, convert your document to a new file format by clicking the File tab and then clicking Convert. Press F1 for more help." The main document area contains a photograph of a red plastic basket filled with several cans of KANEA brand tuna. Below the photo, the text "Photographic Report (Digital)" is centered. The status bar at the bottom indicates "Page: 1 of 1" and "Words: 15".

# Photographic Report



The screenshot displays the Microsoft Word interface in Compatibility Mode. The title bar shows the document name: "FSIS 8000-7B Photographic Report Digital.dot [Read-Only] [Compatibility Mode]M". The ribbon is set to the "Picture Tools" > "Format" tab. The ribbon includes sections for "Adjust" (Brightness, Contrast, Recolor, Compress Pictures, Reset Picture), "Shadow Effects" (Shadow Effects), "Border" (Picture Border, Weight, Dashes), "Position" (Position, Wrap Text), "Arrange" (Bring Forward, Send Backward, Selection Pane, Rotate), and "Size" (Height: 3.99", Width: 5.99"). The main document area contains a photograph of a red plastic basket filled with several cans of KAHHA brand condensed milk. Below the photograph, the text "Photographic Report (Digital)" is centered. A horizontal line is positioned below the caption text.

# Photographic Log

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- If information is initially captured with field notes, ensure all pertinent information is transferred to the Log
- You may provide a sketch (FSIS 8000-15 has space for this)

# Photographic Log

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- EIAO completes FSIS Form 8000-15, “Photographic Log-Sheet” on the scene as photographs are being taken.
  - This form is designed to immediately keep track of all photos taken on the scene and may be handwritten.
- Document the serial number of the CD-R on the Photographic Log, if available

# Photographic Log

U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE  <b>PHOTOGRAPHIC LOG SHEET</b>	<b>SECTION II</b>	
	DATE:	FILE NUMBER:
	NAME AND ADDRESS OF FIRM:	
	INVESTIGATOR:	ASSISTED BY:

## SECTION II

SELECT APPROPRIATE ITEMS:

FILM     DIGITAL     VIDEO     OTHER     REVERSE SIDE DIAGRAM USED

DIGITAL PHOTOS COPIED TO WRITE ONCE CD-ROM / RECORD CD SERIAL NUMBER:

DIGITAL FILE NAME OR FILM FRAME NO.	LOCATION AND NOTES



# Photography Tips

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- Before shooting pictures, be sure the date and time are correctly set
- “Date Stamp” off
- Hold camera steady

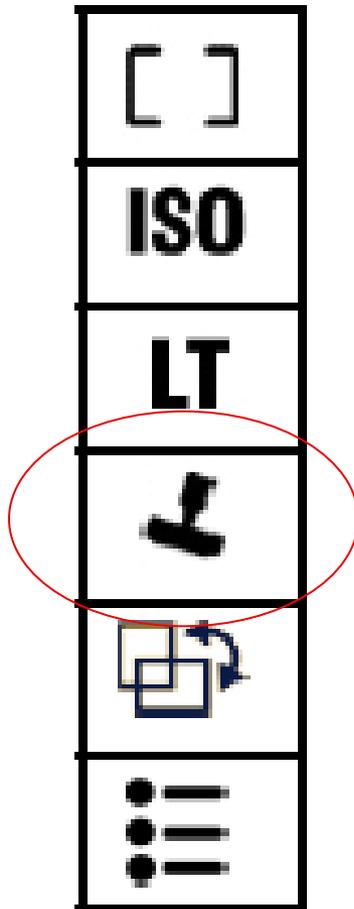
# Photography Tips

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# Photography Tips

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- Focus Zone
- ISO Speed
- Long Time Exposure
- Date Stamp
- Orientation Sensor
- Setup Menu

# Photography Tips

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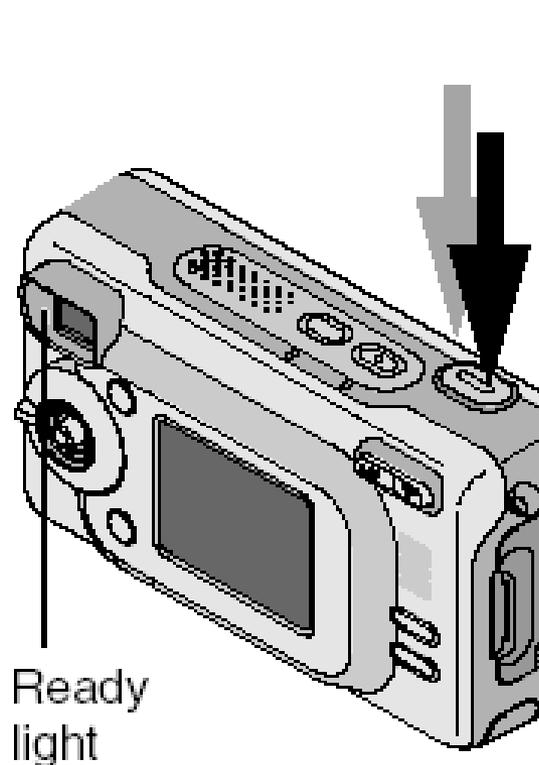
- Aim camera at object and adjust optical zoom to get closer or further away
- Press lightly on shutter release
  - Lock in focus
  - Gently press all the way down to take picture

# Photography Tips

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## Taking Pictures in Close-up Mode

Use this mode to capture subjects 6 to 27.5 in. (13 to 70 cm) from the lens.



- 1 Turn the Mode dial to  .  
*The LCD displays a mode description. To interrupt the description, press ▼.*
- 2 Press the Shutter button *half-way* to set the exposure and focus.
- 3 When the ready light glows green, continue pressing the Shutter button *completely down* to take the picture.  
*The ready light blinks green while the picture is saved.*

# Photography Tips

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## Documents

- Hold camera level, centered over document



# Photography Tips

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- Have fresh batteries and extras
- Have battery fully charged before use
- Do not abuse camera or batteries
- Have sufficient storage media

# Photography

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- Transfer CD-R to DCS along with:
  - FSIS Form 8000-17 Evidence Receipt and Chain of Custody
  - FSIS Form 8000-15 Photographic Log Sheet

# Questions?

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