

## Photography and Electronic Imaging

### 709.1 PURPOSE AND SCOPE

The purpose of this policy is to authorize department members to utilize photography and electronic imaging to document non-incidents and incidents while also protecting the privacy of citizens and ensuring department compliance with the mandates of the Health Insurance Portability and Accountability Act (HIPAA). Records management and HIPAA restrictions are covered in detail under separate sections in this Policy Manual.

This policy establishes legal ownership of all photographs and electronic images collected by department members or automated vehicle equipment; establishes the parameters for the types of incidents, subjects and activities that may be photographed or electronically imaged; and establishes restrictions on the use of such photographs and electronic images.

### 709.2 POLICY

It is the policy of the Kalamazoo Department of Public Safety to authorize members to utilize photography and electronic imaging to document incidents and department activities that are subject to compliance with specific regulations, conditions, restrictions and guidelines.

The use of photography or electronic imaging of medical patients, injured victims or other people who are medically evaluated or treated by department members must also comply with the requirements of HIPAA.

The Kalamazoo Department of Public Safety shall respect the privacy rights established in the state and federal constitutions.

### 709.3 OWNERSHIP AND COMMERCIAL USE OF PHOTOGRAPHS AND ELECTRONIC IMAGES

All photographs and electronic images taken by department members or automated vehicle equipment while on-duty or acting in an official capacity are the sole property of the Department and may not be sold, transferred for commercial use, bartered or otherwise distributed for profit by any member of the Department without the express prior approval of the Chief of Public Safety (17 USC § 201).

### 709.4 AUTHORIZED USE OF PHOTOGRAPHY AND ELECTRONIC IMAGING

#### 709.4.1 NON-INCIDENT EVENTS

Photography and electronic imaging, including automated vehicle equipment, may be utilized by department members for non-incident events, including:

- (a) Documentation of department training events, exercises, lectures, classes or activities, and all fire academy-related activities.

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- (b) Documentation of internal department events and activities, such as promotional ceremonies, member recognition or award presentations, meetings, seminars, workshops and other activities involving department members.
- (c) Documentation of public events, such as safety seminars, fire station open house events, Fire Marshal Unit education events and activities, school safety presentations and club or service organization events.
- (d) Documentation of all department vehicles, apparatus, tools and equipment, facilities and other department-owned property.
- (e) Creation and maintenance of a photo/image bank depicting all department members.
- (f) Documentation of all buildings, structures, facilities, infrastructure components, landmarks and recreational areas within the department's jurisdiction for later use in disaster mitigation, recovery and cost-recovery efforts.
- (g) Documentation of any condition, activity or event related to the department's code enforcement responsibilities.
- (h) Documentation of inspections, code compliance activities or any other activity of Fire Marshal Unit.
- (i) Unless prohibited elsewhere in this policy, documentation of any department activity for future use in training.
- (j) For any other purpose authorized by the Chief of Public Safety, Shift Commander or any Division Commander.

#### 709.4.2 INCIDENT-RELATED EVENTS

Photography and electronic imaging, including automated vehicle equipment, may be utilized by department members at incident scenes, including:

- (a) Documentation of the conditions on arrival and during suppression activities at any fire incident.
- (b) Documentation of fire, smoke, water, structural collapse or any other damage or conditions resulting from any fire or fire-related event.
- (c) Documentation of people at the scene of a fire or a fire-related incident for the purpose of future investigation.
- (d) Documentation of anything of evidentiary value found at a fire or incident scene where any type of investigation may be initiated.
- (e) Documentation of the location, position, trauma, injuries or any other factor of investigative interest related to deceased victims at a fire or fire-related incident or other incidents.
- (f) Documentation of the condition of vehicles, apparatus, bicycles or other items involved in collisions, accidents, entrapments or other rescue or medical events.
- (g) Documentation of the extrication of trapped individuals in any rescue situation.

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- (h) Documentation of the cause, location, extent, severity and nature of traumatic injuries of patients at the scene. These images may be transferred to the receiving physician, nurse or other authorized representative who assumes medical care for the patient.
- (i) Documentation of all aspects of any incident involving hazardous materials.
- (j) Documentation of severe weather events, including any damage, injuries or fatalities caused by such events.
- (k) Documentation of any other event, situation or activity as deemed appropriate and necessary by the Incident Commander of any event.

### **709.5 PROHIBITED USE OF PHOTOGRAPHY OR ELECTRONIC IMAGING**

Department members are prohibited from using photography or electronic imaging except as permitted in this policy.

Prohibited use of photography or electronic imaging shall include, but is not limited to:

- (a) Photographs and/or electronic images may not be taken, transmitted or used in violation of any HIPAA regulation.
- (b) Photographs and/or electronic images may not be taken, transmitted or used for personal purposes.
- (c) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photographs or electronic images should be taken inside a private residence during a non-traumatic medical aid incident.
- (d) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the treatment of the patient, no photographs or electronic images should be taken of a patient under 18 years of age during a medical aid response.
- (e) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photographs or electronic images depicting patient genitalia or the exposed breasts of female patients should be taken by department members.
- (f) Unless requested by the receiving hospital or controlling medical authority or deemed necessary for the future treatment of the patient, no photograph or electronic image should be taken of a patient being treated by department members if the person expresses or indicates that he/she does not wish to be photographed. In the event that the need arises to take a photograph or electronic image of a medical patient against the patient's wishes, the medical need for taking the image will be explained to the patient with a witness present. Details regarding the need for the photograph or electronic image, the explanation provided to the patient and the identity of the witness present shall be included in a patient care report and/or incident report for the response.