## 1400 Digital Photographs, Video, and Scanned Information

### 1420 Using Photographs, Video, and Scanned Information as a Regulatory Tool

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Policy

Licensing staff must always notify the operation before taking photographs, video, or scanning copies of records, except when a supervisor has determined that taking photographs or video as part of surveillance is necessary.

Procedure

The primary use of photographs, video, and scanned information is to document conditions that exist at the time an inspection or investigation is conducted. Over time, photographs, video, and scanned information also can assist Licensing in documenting patterns in an operation’s compliance history.

Digital photos may be useful in various circumstances, including, but not limited to:

a.   when a written description alone cannot provide a clear picture of what was observed;

b.   documenting evidence of a deficiency discovered during an application inspection, monitoring inspection, or follow-up inspection;

c.   documenting repeated deficiencies;

d.   documenting activities at an illegal operation;

e.   supporting or refuting an allegation of a deficiency during an investigation;

f.   supporting or refuting an allegation of abuse or neglect during an investigation;

g.   photographing the scene of a child fatality;

h.   documenting a good practice at an operation;

i.    documenting evidence to support an action that will be taken against an operation;

j.   when a photo would be helpful during due process; or

k.   when a consultation with a supervisor or the Legal division is needed before making a determination about a deficiency.

Video may be useful in various circumstances, including, but not limited to:

 • capturing a 360-degree view; or

 • walking the path the child took and show hazards, such as traffic conditions (for neglectful supervision investigations).

Staff may use the ScanToPDF mobile application on the state-issued iPhone to scan documents such as the operation's records. Scanning records may be useful in various circumstances, including but not limited to:

 • capturing a pattern of violations;

 • capturing evidence of part of an investigation (relevant incident reports, training records, service plans, and so on); or

 • capturing evidence of falsification of records.

#### 1421 Using Audio as a Regulatory Tool

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Policy

At the beginning of the inspection, Licensing staff must inform the person that the inspection is being recorded. The recording of the inspection must be accurate, unaltered, and without interruption.

Procedure

The primary use of audio taping is to record an accurate account of what was discussed during the inspection.

Audio taping an inspection may be useful in various circumstances, including, but not limited to:

 • recording interviews of individuals to determine whether or not a violation occurred; or

 • documenting to uphold a finding.

#### 1422 Photographs and Video of Children

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Policy

Photos and videos that include children should be taken only when there is a necessary business purpose. Photographs and videos that include children are confidential.

Instances when taking photos of children may be useful include, but are not limited to, the following:

a.   Documenting the particular physical condition of the child

b.   Documenting a child’s reach

c.   Documenting scale of an object or area in relation to a child

d.   Occasions when it is necessary to photograph the child to document a deficiency

e.   Occasions when moving the child or group of children to not be in the photo would disturb their activities

f.    Occasions when delaying taking the photo until a time when children are not present would delay Licensing’s ability to accurately document conditions or items being photographed

g.   Documenting an injury or the lack of injury when an injury is alleged

Instances when taking video of children may be useful include, but are not limited to, the following:

a.   Obtaining a more accurate picture of marks or bruises when a photo alone is not clear

b.   Recording when children are out of control and the caregiver’s response to them

c.   Recording children outside without supervision

See [8230](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_8000.asp#LPPH_8230) Confidential Information Not for Release to the Public.

Procedure

When photographing a child to document an injury or the particular physical condition of the child, Licensing staff do as follows:

a.   Take all photographs against a neutral, uncluttered background.

b.   Attend to the lighting, focus, and the distance from the child to obtain clear photographs. A camera flash that is used too close to an injury may bleach the injury out of the photograph.

c.   Start by taking an identifying photograph of the child.

d.   Continue by taking photographs that identify the child and pinpoint the location of the child’s injury or particular physical condition.

e.   Follow with close-up shots of the particular injury.

#### 1424 Inappropriate Use of Photographs or Video

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Policy

It is not appropriate to use photos or video to document an operation’s:

a.   violation of the child-caregiver ratio;

b.   violation of the group size; or

c.   deficiencies in record keeping.

Such violations are best documented with:

 • clear, concise descriptions; and

 • copies of relevant records, when appropriate.

### 1430 Documenting and Storing Digital Photographs, Video, Scanned Information, and Audio From Inspections or Non-Abuse or Neglect Investigations

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Policy

Digital photographs, video, audio, and scanned information do not replace written documentation in the case record in the CLASS or IMPACT systems; they only supplement the narrative description in those systems.

Photographs and video for inspections and non-abuse or neglect investigations are usually taken by DFPS staff; however, DFPS sometimes receives photographs and video from persons outside of DFPS as part of the inspection or non-abuse or neglect investigation.

All photographs and video from such inspections or investigations, regardless of who takes the photograph and video, must be:

 • documented in the CLASS system; and

 • stored on a compact disc (CD). The CD may be used to store more than one inspection and investigation for the same operation.

See also:

[6423](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6423) Recording Interviews

[6423.4](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6423_4) Documenting Whether an Interview Was Recorded

[6423.5](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6423_5) Storing Audio Files on a Compact Disc

For information on handling texts, instant, and voice messaging, see [Documentation of Instant, Text, and Voice Mail Message Records](http://intranet.dfps.txnet.state.tx.us/CPIPC/Policy_Administration/Handbooks_and_Operating_Policies/Operations_Division/OP-4106.asp) in the Records Management Policy.

#### 1431 Documenting Photographs, Video, and Scanned Information from Inspections or Non-Abuse or Neglect Investigations

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Procedure

Photographs, video, and scanned information from an inspection or from a non-abuse or neglect investigation, taken by DFPS staff or received from sources outside of DFPS should be documented as follows:

a. Document photographs, video, and scanned information from a non-abuse or neglect investigation in the *Contact* field of the CLASS *Investigation Conclusion* page.

b. Include a statement that photographs, video, or scanned documentation was taken during the inspection in the text box in Form 2936 (operation inspections) or Form 2979 (foster home random-sampling inspections).

c. If the individual taking the photograph, video, or scanned information is someone other than the inspector or investigator assigned to complete the task in CLASS, the statement should also include the name of the individual who took the photograph, video, or scanned the information.

#### 1432 CD Storage of Digital Photographs, Video, and Scanned Information For Inspections or Non-Abuse or Neglect Investigations

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Procedure

As soon as possible, but no later than the next business day from the date that photographs, video, or scanned information is taken by DFPS staff, or given to DFPS from an outside source, the inspector or investigator does as follows:

a. Copy the photographs, video, or scanned information to CD using state-issued equipment, if taken by DFPS staff. For helpful tips downloading information from the iPhone to a computer, see [Transferring Pictures From iPhone to Computer](http://intranet.dfps.txnet.state.tx.us/Toolbox/Hardware/Cell_Phones/documents/iPhone/Transferring-pictures-from-iPhone-to-Computer.pdf) on the DFPS intranet.

b. Rename the photographs, video, and scanned information by clicking on each file name and using the following naming convention:

i. For inspections enter the CLASS Inspection number followed by an underscore for example, “88888888\_”

ii. For non-abuse or neglect investigations, enter the CLASS investigation number followed by an underscore: for example, “88888888\_”

 iii. The system will automatically suggest adding numbers ((2), (3), and so on) after the underscore to differentiate each photo or video. For example, “88888888\_(2).jpg” for an inspection photo and “99999999\_(2).mov” for an investigation video.

If there is only one picture, scanned document, or video, there is no need to enter an underscore after the inspection or investigation number.

Staff do not rename photographs that are given to DFPS from an outside source.

c.  Label the CD with:

i. the name of the operation;

ii. the operation number; and

iii. the CLASS inspection or CLASS investigation numbers, or both

d.   Store the CD in a labeled paper sleeve or folder

e.   Place the CD in the operation’s hard copy record, in either the *Regulation* or *Investigation* section, as appropriate

When adding photographs and video from additional inspections or from non-abuse or neglect investigations to a rewritable CD, Licensing staff must ensure that photographs, video, and scanned documents already stored to the CD are not deleted.

When the disk is full, Licensing staff lock the CD so that saved content cannot be deleted. Licensing staff may not add any photographs or video to a CD of photographs and video received from an outside source, but should label the CD as outlined in 1432(c).

#### 1433 Documenting and Storing Printed Photographs Received From an Outside Source

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Procedure

If Licensing receives a printed photograph for an inspection or non-abuse or neglect investigation from an outside source, the investigator files the printed image in the hard copy file.

For information on handling printed photographs that were taken by DFPS, see [1450](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1450) Printing and Destroying Digital Photographs.

### 1440 Documenting and Storage of Digital Photographs, Video, and Scanned Information for Abuse or Neglect Investigations

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Policy

Digital photographs, video, and scanned information taken for an abuse or neglect investigation must be stored separately from photographs and video taken for inspections and non-abuse or neglect investigations.

Photographs, video, and scanned information for abuse or neglect investigations may be:

 • taken by DFPS staff; or

 • given to DFPS from an outside source.

All photographs and scanned information must be documented in the CLASS system and stored on a compact disc (CD).

If the individual taking the photograph, video, or scanned information is someone other than the inspector or investigator assigned to complete the task in CLASS, the statement should also include the name of the individual who took the photograph, video, or scanned the information.

The most significant photographs are stored in the permanent digital storage area of the IMPACT case management system.

See:

[1441](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1441) CD Storage of Digital Photographs and Video for Abuse and Neglect Investigations

[1442](http://www.dfps.state.tx.us/LPPH_pg_1400.asp#LPPH_1442) Documenting Photographs and Video from Abuse or Neglect Investigations

[1443](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1443) IMPACT Storage of Digital Photographs and Video for Abuse or Neglect Investigations

[1444](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp#LPPH_1444) Documenting and Storing Printed Photographs That Do Not Belong to DFPS

[Documentation of Instant, Text, and Voice Mail Message Records](http://intranet.dfps.txnet.state.tx.us/CPIPC/Policy_Administration/Handbooks_and_Operating_Policies/Operations_Division/OP-4106.asp)

#### 1441 Storage of Digital Photographs, Video, and Scanned Information for Abuse or Neglect Investigations

LPPH ~~March 2014~~ DRAFT 7872-CCL (title change)

Procedure

As soon as possible, but no later than one day following the date that photographs, video, or scanned information are taken by DFPS or given to DFPS from an outside source for an abuse or neglect investigation, the Licensing investigator does as follows:

a.   Rename the digital photographs, video, and scanned information that were taken by DFPS

b.   Copy all of the digital photographs, video, and scanned information to a CD

      **Exception:** If Licensing staff receive a CD of photos and video from an outside source, the investigator does not save the photos and video to another CD

c.   Verify that the downloaded photographs, video, and scanned information are saved to the CD before deleting the originals on the iPhone or from the image-recording equipment with which the photographs or video were taken

d.   Label the CD

e.   Store the CD in the confidential hard copy record

f. Enter the CD as an item in the IMPACT *External Documentation* page

Step 1: Renaming Digital Photographs Video, and Scanned Information Taken by DFPS Staff

Before saving photographs and video to a CD, the investigator renames each photograph, video, and scanned information taken by DFPS by clicking on each file name and using the following naming convention:

 • For abuse and neglect investigations, enter the IMPACT investigation number followed by an underscore: for example, “99999999\_”

The system will automatically suggest adding numbers ((2), (3), and so on) after the underscore to differentiate each photo or video. For example, “88888888\_(2).jpg” for an inspection photo and “99999999\_(2).mov” for an abuse or neglect investigation video.

If there is only one picture, video or scanned document there is no need to enter an underscore after the inspection or investigation number.

Staff do not rename photographs that are given to DFPS from an outside source.

Step 2: Saving the Digital Photographs Video, and Scanned Information to CD

The investigator copies all of the digital photographs, video, and scanned information to a CD. Photographs, video, and scanned information may be saved on a CD that also contains audio files.

If Licensing staff receive digital photographs and video from an outside source in a format other than on a CD, the investigator saves the photos and video to a CD without renaming each photo or video. The photos and video may be saved to the same CD as photos and video taken by DFPS staff.

If Licensing staff receive a CD containing photos and video from an outside source, the investigator does not save the photos and video to a new CD, nor does the investigator add any photographs or video to the CD given to DFPS.

Step 3: Deleting Digital Photographs, Video, and Scanned Information Taken by DFPS

After verifying that the photographs, video, and scanned information are saved to the CD, the staff must delete the photographs, video, and scanned information from the state-issued equipment.

Step 4: Labeling the CD

The investigator labels the CD with the following information:

a.   The name of the operation

b.   The operation number

c.   The IMPACT and CLASS investigation numbers

d.   A number to identify the specific CD, if more than one CD is needed to store all of the photographs (for example, *1 of 3*, *2 of 3*, and *3 of 3*)

Step 5: Storing the CD

To store the CD, the investigator:

a.   places the CD in a paper sleeve;

b.   files the CD in the confidential hard copy record for abuse or neglect investigations; and

c.   enters the CD as an item in the *External Documentation* page in IMPACT.

#### 1442 Documenting Photographs, Video, and Scanned Information From Abuse or Neglect Investigations

LPPH ~~March 2014~~ DRAFT 7872-CCL (title change)

Procedure

To document photographs, video, and scanned information from an abuse or neglect investigation, the investigator takes the following steps:

 • Document that photographs, video, and scanned information were taken by DFPS or given to DFPS in the *Contact* field on the *Investigation Conclusion* page in CLASS, including the name of the person who took the photograph, video, or scanned the information, if the person is someone other than the investigator assigned to the case in CLASS.

 • File the completed version of Form 2222 in the confidential hard copy record for abuse or neglect investigations.

#### 1443 IMPACT Storage of Digital Photographs From Abuse or Neglect Investigations

LPPH ~~March 2014~~ DRAFT 7872-CCL

Procedure

The Licensing investigator is not required to store every digital photograph taken by DFPS staff during an abuse or neglect investigation in the IMPACT case management system. The investigator selects the photographs that present the best quality and most clearly depict the evidence to support the disposition or citations.

To store digital photographs taken by DFPS staff in IMPACT, the Licensing investigator:

 • uploads the photograph to the *External Documentation* page; and

 • selects the document type *Photographs-Electronic.*

Photographs Received From an Outside Source

If staff receives a photograph from an outside source and the photograph needs to be stored in IMPACT, the investigator:

 • obtains approval from the district director or manager before storing the digital photograph in IMPACT; and

 • stores the photograph in the permanent digital storage area of IMPACT by uploading the photographs to the *External Documentation* page and selecting the document type *Photographs-Electronic.*