

CONSERVATION AND PROTECTION



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## Canada's Procedures on Photographic and Video Evidence Collection for Fisheries Investigations



*WCPFC HSBI Intersessional Process – March 4, 2025*



Fisheries and  
Oceans Canada

Pêches et Océans  
Canada



Government  
of Canada

Gouvernement  
du Canada

Canada



## Background

- Conservation and Protection (C&P) is Canada's federal fisheries law enforcement agency and one of our oldest enforcement organizations (est. 1868).
- Over 700 Fishery Officers deployed to ensure the protection of Canada's marine resources in the Pacific, Arctic, and Atlantic Oceans.
- C&P fishery officers participate in **HS boarding and inspection activities** in the **Northwest Atlantic Fisheries Organization (NAFO)**, **North Pacific Fisheries Commission (NPFC)** and the **WCPFC**.





## National Practices

- Canada has some of the world's most rigorous evidence admissibility standards, which guides our national practices and procedures.
- Canada's fisheries evidence collection protocols, including photography/video procedures, are based on national standards, and we recognize the importance of satisfying the unique judicial standards of each flag state in order to ensure successful investigations and evidence admissibility.







# Photographic and Video Evidence Collection Practices

- Collection Protocols

- Recording devices and storage medium

- Record in notebook (or inspection report) the make/model of device used.
    - Ensure a correct timestamp is programmed on the device (DFO is using UTC).
    - Record onto a memory card (ie. SD card) and not internal storage.
    - Where possible, use a formatted and new memory storage device.
    - Allow the recording of optional metadata, such as GPS coordinates.
    - Camera- Ensure that RAW lossless file format is created in addition to conventional image file type, ie. JPG + RAW setting.
    - Video- Use standard video file formats that minimize compression and retain metadata, such as MP4 and AVI, with maximum resolution and minimal compression. Do not use proprietary file formats that require format conversion or proprietary software.
      - “Metadata” – commonly in EXIF format, possesses additional information after the media and device such as make/model, camera settings (shutter speed, focal length, etc.), date/time, location information, and other details.
    - DO NOT DELETE PHOTOGRAPHS OR VIDEO FILES.
    - Photography role assigned to team member – limited to one to two persons.





# Photographic and Video Evidence Collection Practices

- Collection Protocols
  - Photographing and filming procedures
    - Wherever possible, photograph or video record evidence *in situ*, or in place, prior to removal.
    - If items not photographed in place, make notes in notebook describing circumstances.
    - Generally, in the context of a fisheries inspection, photograph the inspection or evidence discovered systematically. (ie. External views of vessels, decks, holds) area by area.
    - For photography, general sequencing includes:
      - Wide-angle or overview shots
      - Mid-range shots to show relationship to other objects
      - Close-up detail shots filling the frame with the subject evidence or zoomed in on specific areas of the items. Depending on the nature of item, photographer may use a ruler or reference object for size comparison or may place evidence or exhibit number. Identifying characteristics of species should be imaged, and in the case of objects, capture details of serial numbers, models, etc.





# Photographic and Video Evidence Collection Practices

- Collection Protocols
  - Note taking and record keeping procedures
    - Photographer must account for each photograph or video file captured. Depending on the size of the inspection or investigation, this could occur directly within inspector's notebook or be written in a field "Photograph or Media Log".
  - Notes and details include:
    - Photograph or file name generated by the device (may have prefixes consistent with manufacturer – ie. P00099), as displayed on the camera.
    - Date/time
    - Location description and/or geographic coordinates
    - Photographer name
    - Description of photograph subject and details of photograph. Ie. Yellowfin tuna found in starboard freezer hold (no. 5).
    - May include Master Photograph/Video Number assigned by investigators or inspectors.
  - Notes or records taken in field notebook or logs sheets should be reproduced within a final log spreadsheet, ie. Microsoft excel, Word and saved as PDF





# Photographic and Video Evidence Collection Practices



## DIGITAL PHOTOGRAPH LOG

Department of Fisheries & Oceans Canada- Conservation & Protection- Marine Patrol Program

FILE NAME: [REDACTED] FGR 22(7) - Fail to comply with conditions of licence

File No. [REDACTED]

Example DFO  
photograph log

No.	File Name P#####.JPG	Date	Time	Location	Taken by	Subject(s) of Photo	Narrative
01	8180037	2017-08-18	15:29hrs.	NE of Langara Island- FMA 101-6	[REDACTED]	Documents aboard the F/V	[REDACTED]
02	8180038	2017-08-18	15:29hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
03	8180039	2017-08-18	15:29hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
04	8180040	2017-08-18	15:30hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
05	8180041	2017-08-18	15:30hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
06	8180042	2017-08-18	15:30hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
07	8180043	2017-08-18	15:30hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
08	8180044	2017-08-18	15:31hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
09	8180045	2017-08-18	15:31hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
10	8180046	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
11	8180047	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
12	8180048	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
13	8180049	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
14	8180050	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
15	8180051	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
16	8180052	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
17	8180053	2017-08-18	15:34hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
18	8180054	2017-08-18	15:42hrs.	NE of Langara Island- FMA 101-6	[REDACTED]		
							BC Driver's Licence of [REDACTED]



# Photographic and Video Evidence Collection Practices

- Chain of Custody and Evidentiary Standards
  - Chain of custody and exhibit continuity requirements also apply to media (photograph/video) evidence where used for prosecutions.
  - Memory cards should be sealed in tamper-proof evidence bags, documented and tracked by exhibit custodians.
  - Chain of custody movement is recorded and provided to both prosecutors and defence council.
  - A “working copy” or duplicate of media exhibits are created for investigative purposes, normally for analysis, review or disclosure, while the original media is stored as evidence.
    - Creation of “working copies” are detailed in officer notes and filed electronically in a systematic format along with the case file.
  - “working copies” may be admitted in court.
  - Inspectors who take on photography and videography roles during inspections and investigations are expected to provide “Can Say” or “Will Say” statements.





# Photographic and Video Evidence Collection Practices

- National case package expectations for prosecutions
  - Report narrative sets out in detail all probative photographic and video evidence.
  - Media which most accurately depict violations are included in the prosecution report.
  - Probative aspects of photographs are highlighted in the narrative or log (ie. Identification of prohibited species in hold or recorded in catch log – do not simply provide a photograph without a description. Similarly, timestamps of video files should be identified.
  - Where needed, an explanation of the photograph/video from an expert is provided to explain significance (ie. Shark expert identifies fins depicted in photograph).



# Photographic and Video Evidence Collection Practices

- National case package expectations for prosecutions (continued)
  - Narrative is not simply a dump of all photographs/video. Select media with probative value. Those not included are disclosed to prosecutor and defence.
  - “Hyper linking” media within report is the best practice for electronic packages.
  - Identity of subjects in photographs/video are communicated, if relevant to violation. I.e. Vessel master.
  - Provide meaningful descriptions to media. I.e. “Photograph 1234” vs “Photograph 1234 – Tuna Logbook Pg. 7”
  - Photographing inspector usually tenders as evidence within Canadian judicial system.
  - Submission contains Media Log table, annotated photographs and raw media files.



# Distribution of Media Files to Foreign Flag States

- Email distribution is limited to a maximum of approximately 20-30MB of bandwidth per email for DFO servers.
- Specifically, aerial surveillance video footage often exceeds this, necessitating the use of cloud-based storage servers.
- Canada **recommends** endorsing cloud-based file transfers with either password-required security protocols or email-specific permissions or analyzing the potential of utilizing the CCFS for this purpose.



THANK YOU!!



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