



## Takoma Park City Council Meeting – June 8, 2016 Agenda Item 3

### **Work Session**

Police Department Policy on Investigative Surveillance Equipment

### **Recommended Council Action**

Discuss draft policy and provide feedback to staff

### **Context With Key Issues**

The Police Department has recently purchased and deployed covert photographic surveillance equipment to use during criminal investigations. The Department's use of covert surveillance equipment is to assist in criminal investigations, to help in crime prevention, and to assist in identifying and apprehending subjects involved in criminal activity. The attached policy is designed to regulate their use.

### **Council Priority**

A Livable Community for All

### **Environmental Impact of Action**

N/A

### **Fiscal Impact of Action**

N/A

### **Attachments and Links**

Police Department Draft General Order 631B Investigative Surveillance Equipment

# TAKOMA PARK POLICE DEPARTMENT – GENERAL ORDERS



TITLE: INVESTIGATIVE SURVEILLANCE EQUIPMENT	NUMBER: 631B
EFFECTIVE DATE: May 18, 2016	REVIEW DATE:
X New   Amends   Rescinds	

<b>AUTHORITY</b> Chief Alan Goldberg, Chief of Police	<b>CALEA STANDARDS:</b>	<b>TOTAL PAGES:</b> 3
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**01 Purpose:** To establish policies and procedures for Department use of covert surveillance equipment to aid in investigations.

**02 Policy:** It is the policy of the Department to utilize technology, to include the use of covert surveillance equipment, to aid in the furtherance of investigations that are conducted for legitimate law enforcement purposes.

**03 Definitions:**

- A. Investigative surveillance equipment- Any electronic equipment used by the Department that is placed in a secreted location, hidden from normal view, and utilized in such a manner that is not intended to be readily apparent to the general public. The equipment shall include but is not limited to the Department’s wireless cameras.
  
- B. Legitimate law enforcement purposes- means the detection, investigation, deterrence, or prevention of crime, or the apprehension and prosecution of a suspected criminal.

**04 Procedures:**

**A. General Provisions**

1. This General Order establishes the basic guidelines for the use of covert surveillance equipment by members of the Department.
  
2. The Department’s use of covert surveillance equipment is to assist in criminal investigations, to help in crime prevention, and to assist in identifying and apprehending subjects involved in criminal activity.

## **B. Accountability**

1. The Criminal Investigations Commander will be responsible for the use, assignment, maintenance, and upkeep of the Department's covert equipment.
2. A log of the use of covert surveillance equipment will be maintained by the Support Services Commander that will document each use at a minimum:
  - a. Surveillance location
  - b. Purpose of surveillance
  - c. Investigator assigned and case number
  - d. Date equipment was installed and removed

## **C. Restrictions on Use**

1. Prior to the deployment of the Department's covert surveillance equipment consultation will be done with the Support Services Commander as to the circumstances surrounding its use.
2. The use of the Department's surveillance equipment is for legitimate law enforcement purposes only.
3. The use of the equipment is restricted to official use by employees of the Department trained in the use and operation of such equipment.
4. If specific legal questions arise as to the use of the surveillance equipment in an investigation, consultation with the State's Attorney's Office will be made.
5. The equipment can be used on public property, public right of way, and private property. Before use of the equipment on private property, express permission must be granted by private property owner(s). The equipment will not be utilized in areas where there is a reasonable expectation of privacy without first obtaining proper court authority.
6. The covert equipment will only be utilized to record video and not audio unless the recording is done in accordance with state and federal laws on eavesdropping or pursuant to authority from the courts.

**D. Non Discrimination**

1. The Department's surveillance equipment will not be utilized to monitor specific groups based solely upon their race, gender, ethnicity, religion, or sex.
2. Enforcement action and further investigation on video footage should be based only upon probable cause or reasonable suspicion that the person may be or may have been involved in criminal activity

**E. Storage/Retrieval of Images**

1. Video and photo images captured by the surveillance system will be maintained by the Criminal Investigations Section for a period of 1 year and then will be destroyed. Any video and photo evidence needed for court purposes will be retained as long as necessary address any appeals or other court proceedings.
2. Video, photo images, and/or any audio will only be used as an investigative tool to assist in investigations and will not be reproduced, distributed, provided to, or shown to other persons outside of this agency without the approval of the Chief of Police or designee.

**05 Policy Violations:**

- A.** Unauthorized use/misuse of the Department's surveillance equipment, unauthorized reproduction of images, video and/or audio, or unauthorized distribution of video, photo images, and/or audio will result in disciplinary action up to and including termination.