General Order

Houston Police Department

ISSUE DATE:	NO.
April 30, 2021	400-12

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 400-12, dated December 12, 2019

SUBJECT: SURVEILLANCE EQUIPMENT

POLICY

The Houston Police Department shall uphold the values enshrined in the U.S. Constitution and follow all federal, state, and local laws governing the use of surveillance equipment. HPD employees utilizing surveillance equipment shall remain cognizant and mindful of the implications of the Fourth Amendment in their use of such equipment.

This General Order applies to all employees.

DEFINITIONS

Authorized Divisions. Divisions or personnel authorized by the Chief of Police to acquire or utilize *surveillance equipment. Authorized divisions* may consult with Technical Surveillance Detail (TSD) as necessary before acquiring or utilizing surveillance equipment.

Surveillance Equipment. Any equipment (e.g., audio, video, infrared, thermal imaging, or tracking device) designed specifically for covert surveillance.

1 GENERAL PROVISIONS

All employees using any type of surveillance equipment shall be properly trained in its operations and legal restrictions. Division commanders shall ensure their personnel are properly trained by the appropriate entity before officers are allowed to seek or operate surveillance equipment (e.g., the District Attorney's Office for legal issues and the equipment vendor or qualified department personnel for proper operational use).

Employees who are not properly trained shall not use surveillance equipment.

Only authorized divisions and personnel are permitted to purchase or receive surveillance equipment. Whenever the use of surveillance equipment is required in an investigation, divisions and personnel not authorized by this policy shall utilize the services of the Technical Surveillance Detail (TSD) of the department's Criminal Intelligence Division (CID).

The use of any audio or video equipment by an employee for department purposes shall be governed by all applicable laws and department policy. Such use must also be approved by the employee's immediate supervisor.

Covert surveillance equipment shall only be used as part of a criminal investigation.

Equipment for personal use or equipment not specifically designed for covert use (e.g., video equipment used in marked patrol vehicles, manned cameras, personal recording devices, home surveillance equipment, or exposed monitoring, building security, audio, and

video interview systems) are not governed by this General Order. If there is a question concerning a piece of equipment, employees shall contact CID.

2 AUTHORIZATION

The following divisions are authorized by the Chief of Police to acquire *surveillance equipment* in compliance with normal equipment procurement policies:

a. Air Support

b. Auto Theft

c. Criminal Intelligence

d. Gang

e. Internal Affairs Division (IAD)

f. Major Offenders

g. Narcotics

h. Tactical Operations

i. Vice

All other divisions or personnel shall seek written authorization from the Chief of Police on a case-by-case basis to acquire or utilize *surveillance equipment*. Once approved, the division shall coordinate the acquisition of the surveillance equipment with the assistant chief of Homeland Security Command and CID's Technical Surveillance Detail (TSD).

3 TECHNICAL SURVEILLANCE DETAIL RESPONSIBILITIES

CID's TSD shall be considered the department's Subject Matter Expert (SME) regarding *surveillance equipment*. As the SME, TSD is responsible for all of the following:

a. Keeping abreast of emerging technology in the surveillance equipment industry.

b. Ensuring the department has sufficient surveillance equipment.

c. Maintaining a master database of all department surveillance equipment except equipment assigned to IAD.

d. Monitoring and controlling surveillance equipment used by divisions that are not authorized to acquire or maintain surveillance equipment.

4 DIVISION RESPONSIBILITIES

All divisions except IAD shall:

a. Notify TSD of any *surveillance equipment* acquisitions.

b. Maintain a current, detailed, and accurate inventory of that division's surveillance equipment.

c. Forward a copy of that division's surveillance equipment inventory to TSD by January 15 of each year.

d. Utilize the Narcotics Operations Control Center (NOCC) to ensure there are no conflicts during an investigation.

5 COVERT VIDEO RECORDING

TSD is responsible for conducting all covert video recording assignments for all divisions not authorized to maintain covert video recording equipment. *Authorized divisions* not having the required equipment to complete the assignment shall utilize TSD.

This policy shall not restrict classified personnel from using manned video equipment not specifically designed for covert use.

6 COVERT AUDIO RECORDING

Audio *surveillance equipment* (e.g., body microphones and disguised audio transmitters) are specifically intended for officer safety as well as the collection of critical evidence. Except as provided below, only the assistant chief of Homeland Security Command may authorize the placement of disguised audio transmitters and/or covert audio equipment on civilians or citizens. In the absence of the assistant chief of Homeland Security Command, the commander of CID may give authorization.

Proactive Internal Affairs investigators shall seek approval from the IAD commander prior to the use of audio surveillance equipment. IAD is not required by this General Order to obtain an assistant chief's authorization when using audio surveillance equipment. If the requirements of the investigation are so time sensitive that waiting for approval would hamper the investigation, notification to the IAD commander shall be made as soon as practicable after its use.

All other divisions not approved to have audio *surveillance equipment* on a permanent basis shall utilize the services of TSD whenever a covert audio surveillance recording device is required during an investigation.

This policy does not restrict classified personnel from using personal recording devices not specifically designed for covert use (e.g., non-disguised digital voice recorders).

7 ELECTRONIC COUNTERMEASURES

TSD is the only department entity authorized to acquire or use electronic countermeasure equipment. Electronic countermeasure sweeps shall be used only for department and local government personnel and facilities, or as directed by the Chief of Police.

Requests for electronic countermeasure sweep operations involving the department must be made by officers holding the rank of commander or above and approved by the division commander of CID. Operations involving local government facilities or personnel shall be approved by the Chief of Police or his designee. Any requests for electronic countermeasure sweeps not falling within these parameters must be approved by the Chief of Police before the operation commences.

8 SURVEILLANCE EVIDENCE

Each division is responsible for maintaining the proper chain of custody of evidence created as a result of that division's surveillance activity. Any surveillance evidence created shall be retained by the investigative division and evidence control procedures shall be established and documented in that division's standard operating procedures. To ensure compliance, the entire created video evidence shall be preserved in accordance with General Order 700-01, **Property and Evidence Control Regulations**.

9 RADIO FREQUENCIES AND MICROWAVE SITE RECEIVERS

All *authorized divisions* utilizing *surveillance equipment* requiring the use of radio frequencies shall use only frequencies authorized by TSD. Only CID, Air Support, IAD, Narcotics, and Special Operations divisions are authorized to maintain permanent microwave site receivers for surveillance purposes. All other divisions must contact TSD for assistance.

10 VEHICLE TRACKING

Only Auto Theft, Gang, Major Offenders, Narcotics, Vice, CID, and IAD are permitted to maintain vehicle tracking systems on a permanent basis. If a division not permitted to maintain vehicle tracking devices requires the use of a vehicle tracking system, TSD shall be utilized. This section does not apply to global positioning system (GPS) equipment installed in department vehicles.

Divisional Crime Suppression Teams (CSTs) are authorized to check out and use vehicle tracking devices from the Criminal Intelligence Division's TSD for use in their criminal investigations if they have been trained in the proper use of the devices. Vehicle tracking devices may be checked out as needed. CSTs may utilize vehicle tracking equipment provided by outside agencies if they are working in partnership with that agency during a criminal investigation, but shall still follow all vehicle tracking rules outlined in this General Order.

Classified personnel shall consult with the Harris County District Attorney's Office if they have an investigative need for a tracking device. All requests for tracking devices, whether for vehicles or for property, shall be based on **probable cause**. Placement of a vehicle tracker utilizing GPS technology constitutes a search and as such, requires a signed court order ("sealed" under Texas law) based on probable cause **prior** to the placement of any tracking device on a vehicle.

Divisions shall maintain copies of all court orders they received authorizing deployment of any vehicle tracking device. CSTs shall also provide copies of all tracking orders for devices they deploy to CID on a monthly basis or at the time the tracker is checked out.

11 EQUIPMENT

Divisions that obtain equipment from TSD are responsible for the cost of repairs or replacement should the equipment become lost, damaged or unusable.

Troy Finner
Chief of Police