

SAMPLE

Surveillance Policy

Only those officers who have supervisory approval in each instance, with the exception of impromptu surveillance (see below), will be allowed to take part in surveillance operations.

Introduction

Officers may utilize surveillance techniques when supervising probationers and parolees to corroborate information and detect noncompliance. **Surveillance is a valuable risk control tool and should only be utilized in instances where other means of verification and/or corroboration would prove to be less effective.** Officers should work in pairs while conducting surveillance due to safety concerns.

When surveillance involves the observation of the public activities of an individual and the collection and maintenance of publically available information about the individual, no rights of that individual are violated. Individuals do not have any justified expectation of privacy with respect to their movements in public and such movements are not subject to Fourth Amendment protection. This is just as true with movements via a vehicle since there can be no expectation of privacy in a vehicle's movement on public roadways. In general, surveillance of public movements and relationships does not violate the constitutional protections of the offender.

Officers, generally, **should not** perform surveillance in which officers make surveillance aggressively known to the offender. At some point, this kind of activity can be overly oppressive, constitute harassment, and be equivalent of an arrest. In addition, all traffic codes shall be obeyed while conducting mobile surveillance even if it means losing sight of the offender.

Types of Surveillance

Depending upon the needs of the case officer and the activities of the offender, the following types of surveillance may be utilized by officers during the performance of their duties:

I. **Field Surveillance** - Impromptu surveillance conducted by **at least two** probation officers in no more than one vehicle. Information obtained from this type of surveillance may provide the basis for a request to perform other types of surveillance. Field Surveillance in which more than one vehicle is involved requires prior supervisory approval. Under exigent circumstances, supervisory approval may be obtained from the case officer's supervisor via telephone if the case officer would like to request the immediate assistance of other probation officers at the offender site. A Surveillance Log (attachments) must be completed by the case officer and submitted to their supervisor after each surveillance.

II. **Video Surveillance** - Video surveillance at a set location conducted by trained surveillance team (ST).

Upon receiving a supervisor approved surveillance referral, surveillance trained officers, in concert with the case officer, may determine video surveillance to be the most effective and safe surveillance technique. The surveillance team will subsequently utilize a video camera to monitor an offender's activities at a static location (i.e. is the offender working or living where reported). Typically the video footage will be shot from a government vehicle parked at a safe location and distance from the offender area. Only public movements or relationships will be videotaped.

III. **Team Surveillance** - Organized surveillance conducted by Surveillance Team Members which requires two or more vehicles. Usually involves mobile surveillance with the use of two-way radios or other means of communication. This form of surveillance requires a high level of organization and planning.

Team Surveillance Procedures

If a case officer deems it necessary to conduct Team Surveillance, a Request for Surveillance (attached) form must be completed and detailing the justification. This form will be submitted to the case officer's supervisor for review and approval. If the request is approved, the case officer will present the Request for Surveillance form and an Offender Surveillance Briefing Sheet (attached) to a surveillance team officer. The case officer will brief the ST regarding all details of the case, in particular potential risks posed to the ST. The Offender Surveillance Briefing Sheet should detail all information that is pertinent to the surveillance, (i.e. vehicles driven by the offender, residence, employment, known associates, etc.).

Surveillance Team

The Surveillance Team officers will review all materials provided by the case officer and will work with the ST members to conduct the surveillance. The case officer may participate, but should understand that the officer could be recognized during the surveillance and any participation should be discreet. The ST will assist the case officer in making decisions regarding termination of the surveillance and any other issues that arise regarding the surveillance.

Briefing

The Surveillance Team will meet at least 24 hours prior to the surveillance to discuss all relevant issues regarding the case. Issues such as any risks anticipated, duration of the surveillance, and equipment needs will be addressed at this meeting. The ST will provide all team members with a listing of each team member's cellular phone number and pager number, if applicable.

Deconfliction

The ST will be responsible for notifying the appropriate law enforcement agency(ies) of a surveillance operation to avoid disruption of law enforcement investigations and to improve officer safety.

Staging

The team will meet for a second time at a site designated by the ST immediately preceding the surveillance. The ST will conduct an equipment check and any last minute information will be shared with the team at this time.

Log of Activity

The ST officers will designate one team member to prepare a log of all significant activities of the offender during the surveillance. All team members should keep their own log, or detailed notes, during the surveillance to ensure an accurate final log.

Methods of Surveillance

When possible, two-way radios and/or Nextel telephones will be utilized. Radio traffic should be limited to only the team member who has the offender in view.

Debriefing

The ST officers will conduct a debriefing as soon as practicable after completion of the surveillance to discuss the outcome and any problems or concerns that may improve future surveillance activities. A subsequent debriefing consisting of all officers involved in the surveillance exercise, the supervisor, and the Chief Probation/Parole Officer may also be required.

Surveillance Log

The case officer, or designee (should the case officer elect not to participate in the surveillance), will compile a Surveillance Log (attached) for distribution to the team members and the supervisor of the case officer. This report will detail the observations and information obtained during the surveillance. All reports will be maintained by the ST officers for future reference.

Selection Criteria for Surveillance Referral

The following examples are designed to assist an officer and/or a supervisor in screening a case for the surveillance program. This list was created as a guide and is not exhaustive in nature.

Surveillance Categories

☐ Verify Residence -

For example, an officer attempts to contact an offender at home on several different occasions without success. The officer suspects the offender is living at a particular residence and is reporting a different address.

☐ Verify Employment (i.e., self-employed, bogus paystub)

For example, an officer attempts to verify the employment or self-employment of an offender. The officer is receiving earnings statements that appear to be legitimate; however, no wage and earnings are being reported to the State taxation office.

☐ Inconsistencies (i.e., lifestyle and income)

For example, an offender reports earning \$19,000 per year as a self-employed cleaning franchise owner; however, credit reports reveal a multitude of credit debts (being paid on a timely basis), a large car lease, expensive motorcycle purchase and an excessive monthly cellular phone bill. The offenders lifestyle exceeds his/her income.

☐ Unauthorized Travel

For example, an officer is notified that an offender is leaving the district, without permission of his probation officer, every weekend in order to purchase counterfeit merchandise.

☐ Suspected Criminal Associations

For example, an officer notices that two co-defendants are working at two different companies that have the same business address and same supervisor's name.

☐ 3rd Party Information

For example, an officer is notified by a 3rd party that an offender is operating his own business as a mortgage broker. Inquires reveal no known brokerage.

☐ Other