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- I. Purpose

This Directive establishes procedures for the control, distribution and use of electronic and video surveillance equipment owned by the Division.

- II. Equipment and Control

- A. Investigative Services (IS) maintains an inventory of surveillance equipment available for use.
- B. All Division surveillance equipment will be stored in the IS storage room.
- C. Officers may request the deployment of electronic audio or video surveillance equipment by submitting a Tactical Request form from the Investigative Services Commander. IS personnel will set up and conduct the surveillance.

- III. Procedures

- A. Officers who determine a need to conduct an electronic or video surveillance will submit a Tactical Request form to their immediate supervisor detailing the person(s) or situation(s) to be surveilled. This request will include substantial information to support the need for the surveillance.
- B. Once the Tactical Request form has been reviewed by the requesting officer's immediate supervisor, it will be forwarded to the Investigative Services Commander for review and approval. The request may be returned for additional information/support by any reviewing supervisor and may be approved/disapproved by the Investigative Services Commander.
- C. Once the request has been approved by the Investigative Services Commander, it will be forwarded to the IS Supervisor for preparation of a comprehensive planning sheet. The planning sheet will provide a detailed operational plan for the surveillance, including equipment, personnel and methods to be used, and beginning and ending times.
- D. Once the planning sheet has been completed it will be returned to the Investigative Services Commander for final review and approval. If the intended surveillance targets the action(s) of any Park and Planning Commission employee, the final authority for the surveillance will be given by Assistant Chief, *Support Operations*. In granting final approval for the surveillance, the Investigative Services Commander will ensure that all legal questions have been resolved.
- E. No piece of surveillance equipment will be used by any Division employee without the consent and approval of the Assistant Chief, *Support Operations*.

IV. Legal Considerations

- A. With respect to video and audio surveillance, officers must comply with the Fourth Amendment search and seizure standards, as well as federal and state laws controlling the interception of conversations or capturing/viewing video from various sources, by either obtaining a search warrant or meeting one of the specifically delineated exceptions to the warrant requirement when the planned surveillance intrudes into a person's reasonable expectation of privacy. However, if the planned surveillance does not infringe on any protected privacy interests, the activity does not constitute a search that requires adherence to these Fourth Amendment requirements.

- B. Use of a closed-circuit television camera to observe or record activities that are viewable by the public, either because members of the public can lawfully access the area where the activity occurs or can see the activity from a lawful vantage point, does not generally constitute an intrusion into a constitutionally protected privacy interest. An officer is normally not conducting a search when he/she views activities that are otherwise publicly viewable. Therefore, officers do not generally need to obtain prior judicial approval in the form of a search warrant to conduct that type of video surveillance.
 - 1. Video surveillance in public areas where one would reasonably expect his/her actions to be private (i.e., closed stalls in public restrooms) must comply with Fourth Amendment standards.

 - 2. A continuous video surveillance into a residence from a location not commonly used by the general public is more intrusive and may constitute an invasion into one's legitimate expectation of privacy.

**Approved Park Police Document
Signed Original on File**

End of Directive