



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 43.3

TITLE: USE OF SURVEILLANCE AND UNDERCOVER EQUIPMENT

EFFECTIVE: 12/10/2017

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PURPOSE

This Chapter shall serve as a system of controls for the use of Department-owned surveillance equipment. It is the intent of this Chapter to prevent damage to or loss of surveillance equipment and to regulate use to prevent unauthorized use.

POLICY STATEMENT

1. All electronic or mechanical surveillance equipment which may be used by commissioned members of the Department shall either be owned/leased by the City of New Orleans or on loan to the Department from another law enforcement agency.
2. If specialized training is required for the proper use of any surveillance equipment, the member requesting its use must provide documentation of required training or shall be trained prior to using the equipment.
3. Prior to the use of surveillance equipment, the member shall be thoroughly briefed on all state and federal guidelines governing the equipment's use by a supervisor of the unit responsible for storing and maintaining the equipment or the training officer responsible for member training on the proper use of the equipment.
4. Video surveillance of areas open to public view needs no special authorization. No video equipment shall be installed to view any areas which would otherwise have required and officer to obtain a warrant to enter.

DEFINITIONS

Surveillance technology - any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any identifiable individual or group. "Surveillance technology" includes but is not limited to face surveillance systems, cell-site simulators, and characteristic tracking systems.

Cellular communications interception technology / cell site simulator - any device that intercepts mobile telephony calling information or content, including an international

mobile subscriber identity catcher or other virtual base transceiver station that masquerades as a cellular station and logs mobile telephony calling information.

Surveillance - the act of observing or analyzing the movements, behavior, or actions of identifiable individuals.

Crime of violence – a felony involving the infliction or threatened infliction of serious bodily injury or death.

GPS tracking device - A device that uses the Global Positioning System to determine the precise location of a vehicle to which it is attached and to record the position. The recorded location data can be stored within the tracking unit, or it may be transmitted to a central database or internet-connected computer using various transmission options. This allows the location to be displayed on a map either in real time or from an historical movement perspective.

GENERAL

5. When requesting use of surveillance equipment from another section of the department, a member shall:
 - (a) Write an interoffice correspondence (Form 105) through the chain of command specifically stating the equipment needed, the time frame, and the investigation.
 - (b) The member's Commander shall check with the Deputy Chiefs of FOB, ISB and PIB to ensure the surveillance will not interfere with a current ongoing investigation.
6. If approved, surveillance equipment shall only be issued by supervisory personnel to the supervisor responsible for the member assigned to the unit requesting the use of the equipment.
7. The supervisor receiving the equipment shall complete all forms required by the issuing unit to track the equipment's use.
8. All surveillance equipment will be returned to the issuing unit upon completion of the investigation.
9. The equipment will be returned by supervisory personnel, and a receipt will be obtained.
10. A copy of the receipt shall be maintained by both the commanding officer of the unit who requested its use and the commanding officer of the issuing unit.
11. Whenever surveillance equipment is used, tapes, photographs, printouts, and audio or video recordings will be recorded in a format capable of being processed as evidence.
12. Any audio and video recording to be logged as evidence will be copied. The original will be placed into evidence, and the copy will remain in the case file held by the investigator.
13. Any officer aware of or discovering the unauthorized use of surveillance equipment shall report it to the unit issuing the equipment and PIB. A disciplinary investigation shall be conducted. PIB may conduct the investigation or refer it to the supervisor monitoring the investigation to determine the extent of misuse.
14. Any lost, stolen, or damaged surveillance equipment will be documented in an incident report (EPR) and a copy shall be delivered to the equipment's issuing unit. Damage caused by negligence may subject the member to disciplinary action.

15. A supervisor from the unit requesting the equipment shall closely monitor the surveillance and investigation.

USE OF CELL SITE SIMULATOR TECHNOLOGY

16. The use of **cellular communications interception technology / cell site simulators** is only authorized in the following situations:
 - a. for locating a known suspect of a crime of violence for which an arrest warrant has been issued, and only when the use of such technology is pursuant to a search warrant signed by a neutral and detached judge or magistrate commissioner, or;
 - b. To assist in locating a missing individual when there is a reasonable belief that the missing individual is in imminent danger of death or serious bodily injury (as defined in Louisiana Revised Statute 14:2(C)).
17. The authorization to utilize this equipment must be granted by a State or Federal Judge. The simulator will only provide and/or retain information on the target cell number or associated IMEI number. All other surrounding cell numbers and device information remains anonymous to the simulator.
18. The use of cell-site simulator technology must be requested by form 360 from SOD. A copy of the request shall be sent to ISD – intelligence as well as the Professional Standards Section.
19. When requesting use of cell site simulator equipment for investigative purposes, a member shall:
 - a. Write an interoffice correspondence (Form 105), approved by their supervisor, detailing the probable cause for the use of the equipment and that the use of the equipment meets the requirements of this policy and New Orleans Municipal Code Chapter 147.
 - b. Forward that request to the NOPD Special Operations Division and the Professional Standards Section
20. Only authorized members of the NOPD Special Operations Division will be allowed to utilize cell site simulator technology to assist with an investigation and only after the request is approved by a Special Operations Division Supervisor.
21. Within 30 days of the request, investigators requesting the use of the equipment must provide information in writing to the supervisor responsible for providing the equipment and the Professional Standards Section a brief description of how the equipment was used and whether the use of the equipment successfully assisted with their investigation.

USE OF GPS TRACKING DEVICES

22. All GPS tracking devices owned by NOPD will be secured by the Special Operations Division or the Investigative Services Division and only deployed in accordance with this policy.
23. The Special Operations Division shall maintain a log that contains the current status of all devices owned by NOPD is updated, maintained, and accessible to those employees

- authorized to view it.
24. The use of GPS tracking devices shall be authorized only for felony crimes of violence or felony narcotic investigations (i.e., Distribution, manufacturing, drug trafficking).
 25. The authorization to utilize GPS tracking devices for criminal investigative purposes must be granted by a State or Federal Judge.
 26. Officer shall be aware the placement of any tracking device on a vehicle or other mobile vehicle for the purposes of obtaining information constitutes a search and may only be conducted in accordance with all applicable laws and the regulations of this department (**See Chapter 1.2.4.2 – Search Warrants**).
 27. When requesting use of a GPS tracking device from another section of the department, a member shall:
 - a. Write an interoffice correspondence (Form 105) through the chain of command detailing the probable cause for the use of the equipment, the length of time monitoring is needed, and why traditional surveillance is not preferable or has failed.
 - b. The member's Commander shall check with the Deputy Chiefs of FOB, ISB and PIB to ensure the surveillance will not interfere with a current ongoing investigation.
 - c. Forward that request to the NOPD Special Operations Division and the Professional Standards Section
 - d. Attach the written request to their investigative report to be maintained with the case file.
 28. The length of the time monitoring is needed shall not exceed 30 days. Additional time may be sought be reapplying for authorization from a State or Federal Judge.
 29. All Supervisors overseeing an investigation which utilizes a GPS tracking device shall ensure that:
 - a. Devices are only deployed in accordance with the procedures established in this chapter
 - b. Devices are removed prior to the expiration date of all issued court orders
 30. Investigators utilizing a GPS tracking device shall document the reasons for the request, the dates of the use of the device, and all information obtained from the use of the device in an investigative report.
 31. Within 30 days of the request, investigators requesting the use of the equipment must provide information in writing to the supervisor responsible for providing the equipment and the Professional Standards Section a brief description of how the equipment was used and whether the use of the equipment successfully assisted with their investigation.