



SPECIAL ORDER

DATE OF ISSUE
12/16/2022

EFFECTIVE DATE
12/16/2022

NUMBER
22-31

SUBJECT
SURVEILLANCE

REVISIONS
Revisions are italicized

RESCINDS
**Department Manual
Directive 203.6
SURVEILLANCE**

EXPIRATION DATE
12/16/2023

DISTRIBUTION
B

Policy

The freedom to speak, dissent, write and publish, and to associate privately and publicly for any lawful purpose, without governmental interference or impairment, is a constitutional guarantee that is to be scrupulously honored by all members of this Department. It is intended that surveillance shall be undertaken only in connection with the police department's law enforcement activities.

Definitions

HIDTA De-confliction

High Intensity Drug Trafficking Area (HIDTA) de-confliction is an invaluable tool that is used to avoid "blue on blue" incidents, and also to prevent a case worked by another DPD member or outside agency from being compromised. HIDTA de-confliction involves notification, by email or phone, to the HIDTA Intelligence center that members are conducting a fixed surveillance. HIDTA de-confliction forms are posted on the DPD Intranet.

Fixed Surveillance

Surveillance conducted on a specific location, residence, or business for an undetermined amount of time for the purpose of gathering intelligence on suspected criminal activity or individual(s) at the location. Fixed surveillances shall be de-conflicted with HIDTA, notification made to communications, and the commanding officer of the respective precinct or unit.

Mobile Surveillance

Surveillance conducted on a specific individual while traveling from one location to another, either on foot, or in a vehicle, where the surveillance operation travels with the target. Mobile surveillance should not be conducted by members who are not specifically trained and equipped to do so.

Spot Check

A brief check of a location to determine the presence of a surveillance target, or to gather intelligence. Spot checks do not require HIDTA de-confliction unless the determination is made to transition into a fixed surveillance.

Electronic Tracking Device

Any device capable of transmitting a signal remotely (GPS Tracker, Apple AirTag, etc.) so that its location can be monitored.

Prohibited Acts

1. The police department shall not engage in the collection, indexing, maintenance, or dissemination of information dealing with beliefs, opinions, associations, or expressions of any individual, group, or organization, except in connection with such law enforcement activities as it has under the charter and ordinances of the city of Detroit and the constitution and laws of the state of Michigan and the United States.
2. Surveillance or investigation, which has as its purpose, the collection, indexing, or dissemination of the beliefs, opinions, attitudes, statements, associations, and activities of persons, groups, or organizations who are violating no law and who are not reasonably suspected of violation of law or a conspiracy to violate any law of the United States or any subdivision thereof, is prohibited.
3. *Members can only utilize department-issued or authorized electronic tracking that has been authorized by a search warrant.*

Fixed Surveillance

1. *The responsibility for conducting fixed surveillance in most instances shall be with the commanding officer of the precinct or command establishing the surveillance operation. It is imperative that all members are trained in, and have a working understanding of, all the guidelines and procedures set forth in this section.*
2. Before a fixed surveillance may be established in a business place, or in any place accessible to the general public, prior approval must be obtained from the commanding officer of the precinct or command. If the appropriate commanding officer is not immediately available, the highest-ranking officer on duty may approve an emergency fixed surveillance. In all cases where a fixed surveillance has been established, the concerned deputy chief shall be apprised of such surveillance during normal working hours.
3. When an officer is assigned to a fixed surveillance, a supervisor shall notify Communications Operations of the surveillance location and the name of the command responsible for it. This notification shall be made prior to the establishment of a fixed surveillance or as soon as possible thereafter. Such notification shall also be made at the termination of the surveillance operation.
4. *Prior to establishing any fixed surveillance, a supervisor shall notify the office of HIDTA for de-confliction. Current HIDTA de-confliction forms are posted on the intranet, and shall include a cell phone number of the supervisor and members on surveillance. Once it is verified with HIDTA that there are no conflicts with other DPD units or outside agencies, the surveillance may be established.*
5. Absent exigent circumstances, officer(s) assigned to fixed surveillance are prohibited from taking police action. *Members conducting surveillance have the primary responsibility to observe and document activity.*
6. Supervisors shall consider the following criteria when selecting individual officers for surveillance operations.
 - a. **Mental Attributes:** Personnel selected should have perseverance and the capacity to wait for hours at a time while showing no signs of impatience or irritation. They should also be capable of performing effectively without close supervision.

- b. **Physical Attributes:** When possible, supervisors should select members whose physical appearance is commensurate with the surrounding environment of the surveillance area. Such things as age, race, sex, and dress, should be considered.
- c. **Past Experience:** Supervisors should utilize members who have exercised good sound judgment in the past and who have had previous experience in surveillance operations, whenever possible.
- d. **Training:** Surveillance supervisors shall ensure that personnel assigned to surveillance operations have been instructed in the proper use of Department approved surveillance equipment and weapons.

Mobile Surveillance

Proper mobile surveillance requires multiple surveillance vehicles, and a dedicated radio channel for communication. Mobile surveillance is unpredictable and rapidly evolving. Coordinating the activity of a sufficient number of members and vehicles to effectively conduct a mobile surveillance operation presents unique challenges and dangers. Members are not permitted to engage in mobile surveillance unless trained to do so. Members conducting a mobile surveillance are responsible for the safe operation of their vehicle, and must abide by all traffic regulations (stopping at signals, traveling posted speeds). In the event that the subject being surveilled is operating their vehicle in a manner deemed unsafe, members shall disengage surveillance.

Supervisory Actions and Responsibilities

1. A supervisor shall be designated as the officer-in-charge (OIC) of the surveillance operation. To ensure continuity of operations and information flow, an alternate supervisor should be available in appropriate circumstances. Upon receipt of information regarding a location where criminal activity is reported to be occurring, a wanted felon is being harbored, or criminal activity is expected, the supervisor shall carefully evaluate all information before establishing a fixed surveillance.
2. Before implementing procedures to establish a fixed surveillance, the supervisor shall survey the location. The supervisor shall determine personnel and equipment needs as well as their deployment.
3. A minimum of two (2) two-officer units should be assigned to an outside fixed surveillance area in a position where they can immediately respond if needed. No less than two (2) officers shall be assigned to fixed surveillance.
4. In emergency surveillance, and in those instances where time is an important factor, such as in kidnapping, or a money drop, a fixed surveillance may be established by dispatching personnel directly to the location. Officers dispatched directly to a scene or coming upon a scene where they initiate a fixed surveillance shall contact the supervisor immediately. The supervisor shall respond directly to the scene and make a determination of whether the surveillance should be continued. If the supervisor determines that the surveillance should be continued, the *Officer's Daily Report* shall be completed at the earliest possible time prior to the end of the supervisor's tour of duty.
5. In addition, surveillance supervisors are responsible for the following:
 - a. **Visiting Surveillance Locations:** Generally, a supervisor shall visit the surveillance location and ensure that the officers are properly deployed and equipped. The supervisor shall park a reasonable distance away and inconspicuously approach or enter the surveillance location. In cases where it

is advisable to keep the surveillance location free of activity, the supervisor may opt not to visit. When visiting or equipping surveillance locations, it is imperative that care be exercised to prevent disclosure to anyone in the area that a surveillance is in operation;

b. **Check of Fixed Surveillance:** The OIC of a precinct or command shall assure that a supervisor of each surveillance team at each location makes a minimum of one (1) check per shift. A supervisor may use any communication deemed applicable to check a surveillance team, but care and discretion must be used to prevent disclosure of the surveillance location. If procedures are used other than a physical visit, a pre-arranged code shall be used. The supervisor will ascertain the punctuality, alertness, preparedness, and physical comfort of the officers and will give instructions, counseling, and guidance to the surveillance team as the need arises. *A spot check includes, but is not limited to:*

- i. *Walking or driving past the location (taking no more than a few seconds)*
- ii. *Repeated passes by a location, using a different vehicle each time*
- iii. *Member should use caution not to draw attention to themselves by slowing down or turning toward a location*

Note: Members conducting a spot check in an undercover capacity should adhere to the same guidelines as outlined for fixed surveillance, as the spot check may require the member to remain in place, transitioning to a fixed surveillance. In the event that a spot check requires a member to transition to a fixed surveillance, notification must be made as soon as practical to the commanding officer of the unit involved, Communications, and HIDTA.

c. **Reviewing a Fixed Surveillance:** After each tour of duty, the surveillance supervisor shall report all pertinent information and observations to the OIC of the command supervising the surveillance operation. The OIC of such command shall review the supervisor's report to determine if the surveillance operation should be continued; and

d. **Fixed Surveillance Equipment:** When vehicles are to be used in fixed surveillance, a vehicle of popular model and color shall be used. If possible, a change of vehicles shall be made each day. *Members shall familiarize themselves with the surveillance vehicle prior to deployment (any mechanical issues, disabling daytime running lights, kill switch locations, etc.).*

6. In fixed surveillance situations where it is advantageous to use a backup (*takedown*) vehicle, two (2) officers shall occupy such vehicle. The backup vehicle shall make any necessary investigations away from the surveillance location. Also, if necessary, the backup vehicle shall be used to relieve other officers assigned to the surveillance operation.
7. The supervisor's survey will determine the type of weapons surveillance personnel will be armed with, in addition to their assigned or Department approved handguns. Members shall adhere to Department firearms procedures. In those instances where the officers are involved in a shooting incident, it shall be the responsibility of the officers involved to notify the dispatcher and protect the crime scene until a supervisor or investigator responds to the scene.

8. *Each member assigned to a surveillance detail shall be equipped with a PREP radio. All radio equipment shall be tested before and after personnel deployment to make certain the radio is functional. If a dedicated "talk channel" is utilized for surveillance, one member assigned to the detail shall keep a PREP radio on the appropriate radio channel for the precinct in which they are operating.*
9. *The surveillance team should have priority radio traffic, and relay information via radio to the takedown team and other members assigned to the detail. Non-essential radio traffic should be kept to a minimum.*
10. *All personnel assigned to fixed surveillance details shall wear body armor, preferably concealed. Members shall also keep with them a garment that is clearly marked "DETROIT POLICE" in bold letters across both the front and back (body armor, t-shirt, jacket, etc.)*
11. *All plainclothes members assigned to inside fixed surveillance details shall carry with them their badge and Department issued identification and be prepared to identify themselves as required. Every effort shall be made to maintain a low profile. Badges on neck chains, PREP radio remote mics or earpieces, external vest carriers, CEW's, flashlights, or other common police equipment should be removed or concealed. Members must not consider tinted windows on a surveillance vehicle an adequate measure to conceal their identity.*
12. *In certain situations, cameras should be available with the capability of taking distinct contrast photographs at both long and short range.*
13. *Binoculars should be used for long-range observations. This will allow the surveillance team to be farther away from the suspected location and still keep the location under close surveillance. Also, infrared scopes should be considered for night surveillance. When practical, closed circuit portable television shall be considered.*

Instructions

1. *Instructions shall be given to police personnel, prior to any commitment of personnel, to minimize unusual activity at the surveillance location, except in circumstances where personnel are dispatched directly to the scene or in self-initiated fixed surveillance.*
2. *All participating police personnel will be thoroughly instructed by the supervisor as to the pertinent details of the surveillance, including the reason the individual is wanted, the individual's physical description, location of support personnel, action to be taken should the individual appear or be observed inside the surveillance location, etc. There will be no shooting inside the building where civilians are present, except in extreme circumstances.*
3. *Supervisors shall instruct members assigned to fixed surveillance details that a complete *Officer's Daily Report* shall be prepared for their tour of duty in accordance with command procedures.*
4. *Should the length of the surveillance operation necessitate deployment of a relief team, each relieving team shall prepare an *Officer's Daily Report* in accordance with command procedures. The *Officer's Daily Report* shall be concise and shall include all unusual activities and pertinent observations throughout the surveillance operation.*
5. *The OIC of the command that is supervising the surveillance operation, shall review the *Officer's Daily Report* at the end of each tour of duty. The logs shall be retained *in accordance with policy 101.11 - Record Retention*.*

6. When police personnel are conducting surveillance in business places during business hours, the civilians affected shall be instructed as to the procedures to be followed in case a holdup or shooting occurs.

Advising the Patrol Force

After a decision is made to establish a fixed surveillance, *the OIC of the surveillance detail, if applicable, shall notify the precinct station desk OIC*, who shall ensure that the precinct's patrol force is notified at roll call and any necessary or special instructions shall be disseminated at that time. The communications supervisor shall be notified by telephone as to the pertinent surveillance information. When a fixed surveillance is established after roll call, the precinct patrol personnel shall be notified via radio to contact their precinct station. A supervisor shall apprise them of the location and code number of the surveillance operation. All personnel aware of but not assigned to the surveillance operation should avoid that location unless otherwise directed.

Radio Runs to Fixed Surveillance Locations

If a dispatcher receives information that necessitates a radio run to a surveillance location, the dispatcher shall designate a patrol unit to dial the dispatcher's number. The patrol unit shall be informed as to the nature of the run and that the run is to be handled in a normal manner, but to be alert to the probability that someone may be attempting to determine if a surveillance is in operation at that location. The dispatcher shall then advise the surveillance team that a patrol unit will be responding to investigate the complaint.

Operating Procedures

1. All fixed surveillance shall have a code number assigned by a Communications Operations supervisor. Assigned personnel shall refer to the surveillance by code number only. Police radio scanners are easily available to the public, and assigning a code number will minimize the chances of revealing the nature and location of a surveillance.
2. All members shall adhere to Department rules, regulations, and procedures regarding conduct. Officers, when assigned to a fixed surveillance of a business place, shall not:
 - a. Prevent or interfere in any way with normal business conducted or the routine duties of employees except in the course of their assigned duties;
 - b. Use the telephone or other business facilities, unless necessary to receive or transmit information pertaining to their assigned duties; or
 - c. Become involved in other matters not related to their assignment except in extreme circumstances as set forth below.
3. Officers shall not leave surveillance assignments except under the following conditions:
 - a. When directed by a supervisor either in person, by radio or other approved means of communication;
 - b. When an officer becomes ill. In such cases the officer shall notify the *OIC* before leaving the assignment; or
 - c. When the officer observes a serious crime or has reasonable cause to believe that a serious crime is being committed, such as rape, murder,

robbery, arson, or when the officer has been dispatched to an "officer in trouble" incident occurring in or near the assignment.

Electronic Tracking Devices

Electronic tracking devices can be a valuable surveillance tool. Placing or removing these devices on a vehicle can be an inherently dangerous activity. Members trained to conduct a surveillance operation that utilizes an electronic tracking device shall not engage in such activity unless permission is obtained from a supervisor. A court order must be obtained prior to affixing a tracking device to any motor vehicle.

Traffic Stops in Conjunction with Surveillance Operations

All traffic stops made in conjunction with or in response to any surveillance operation, (fixed surveillance, identifications, OTE operations, narcotics, warrants, PC arrests, etc.) also known as "Takedown Stops", shall be made by uniformed members in a marked police vehicle. If a marked unit is not readily available and/or a part of the operation, a marked unit shall be requested via the zone dispatcher.

Termination

1. If an arrest is made in pursuit of surveillance objectives, the surveillance will be maintained until a supervisor terminates it.
2. If the surveillance location is inside a building and there is no responsible adult to assume control of the location, a supervisor will ensure that the assigned personnel properly secure it before leaving.
3. After the conclusion of each surveillance situation, the OIC of the surveillance operation and the commanding officer shall determine the effectiveness of the surveillance deployment and operating procedures. The OIC and commanding officer shall conduct a debriefing and evaluation review.

Updates to the Department Manual are forthcoming.

JAMES E. WHITE
Chief of Police