

DALTON POLICE DEPARTMENT

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Subject Covert Electronic Recording and Monitoring			
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I. Policy

It is the policy of the Dalton Police Department to restrict covert electronic recording and monitoring activities to investigations where a reasonable suspicion of criminal activity exists.

II. Definitions

- A. *Covert* – An electronic device is *covert* when it is hidden from normal view or otherwise secreted away, and at least one of the individuals to be recorded has a reasonable expectation of privacy. Examples of covert recording devices are body recorders or transmitters ~~miniature closed circuit television [CCTV]~~, or parabolic microphones.
- B. *Consensual Monitoring and / or Recording* – Monitoring and / or recording of private conversations of an individual, or group of individuals, and the consenting party is present during the monitoring and / or recording of such conversations. This may be achieved by telephone recorders, body recorders, or transmitters that are recorded on ~~magnetic tape~~, digital media or other electronic recording equipment. To be consensual, at least one of the parties to the conversation must be aware that the conversation is being electronically monitored or recorded and agree to the monitoring or recording.
- C. *Non-Consensual Monitoring and / or Recording* – The monitoring and / or recording of private conversations of individuals or groups of individuals ~~and~~ where no party involved in the conversation consents to the recording or such monitoring of the conversation.
- D. *Overt* ~~surveillance — is the use of electronic or photographic equipment that~~ **An electronic device is overt when it** is not hidden from general view, regardless of whether or not the ~~suspect~~ **person being recorded** actually sees the monitoring device or knows of its existence. Examples of overt surveillance devices include:
1. Audio / video recording equipment mounted in interview rooms, hallways, parking lots, waiting rooms, etc.

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2. Recording devices used openly and in a non-concealed manner
3. Audio / video recording equipment mounted in a patrol car
4. ~~Use of~~ Handheld video cameras

For department guidelines on overt surveillance see policy GO03-7.9, Overt Electronic Recording and Monitoring.

- E. *No or low expectation of privacy* – In some instances, persons have no or a low expectation of privacy to include, but not limited to:
1. Officers recording telephone conversations where they are a party to the conversation
 2. Officers recording face-to-face conversations where they are a party to the conversation
 3. Recording information at a crime scene
 4. Monitoring and recording public hallways, elevators, and rooms (~~less except~~ restrooms) of a public building, including ~~department facilities~~ the Police Services Center
 5. Monitoring and recording sobriety tests
 6. Recording of voluntary statements made by victims, witnesses, or suspects
 7. Recording of routine traffic stops with portable or fixed recording equipment

III. **Limitations**

- A. Officers may utilize a covert electronic recording device in conjunction with a consenting party, such as a cooperating witness, informant, or undercover Officer.
- B. The consenting party must maintain the covert device on his / her person or in such immediate area that any conversation recorded would be in the presence of the consenting party.
- C. Any conversation recorded or monitored with the use of a covert electronic recording device ~~and that~~ is not made in the presence of a consenting party ~~must~~ ~~shall~~ be made within the guidelines of O.C.G.A. 16-11-64 and subsequent sections.

IV. **Procedures**

- A. Before using any covert recording / monitoring device in a consensual setting, the Officer must inform the individual that a device will be used and obtain the consenting party's permission.
- B. Recordings made on digital devices ~~will~~ ~~shall~~ be downloaded and saved in a case file, saved in the Records Management System, or placed on a digital storage

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device and submitted to the Property and Evidence Section. ~~to a Departmental computer with a CD writer. The recording will then be saved on the CD and the CD will be treated as the original recording for evidence. In addition, recordings may be stored on a secure portion of the Department's computer system.~~

- C. The Officer ~~will~~ shall complete a thorough investigative report after each operation in which a covert recording / monitoring device is used.
- D. Information gathered by covert electronic recording / monitoring devices ~~will~~ shall only be disseminated on a strict need-to-know basis.

V. **Approval and Device Inventory Control**

- A. Approval for the use of any Departmental covert monitoring / recording device in a criminal investigation ~~will~~ shall be ~~given by~~ requested of the unit Supervisor of the investigating Officer.
- B. The approving Supervisor ~~will~~ shall ensure that the requesting Officer uses the device in accordance with Departmental policy and the manufacturer's recommended procedures.
- C. The Criminal Investigations Division Commander or his / her designee ~~will~~ shall maintain a log and inventory of all Departmental covert electronic recording / monitoring equipment maintained in the Criminal Investigations Division. The Patrol Division Commander or his / her designee ~~will~~ shall maintain a log and inventory of all Departmental covert recording / monitoring equipment maintained in the Patrol Division.

VI. **Non-Consensual Covert Surveillance**

- A. Prior to using any covert recording device in a non-consensual surveillance, the Officer, through the prosecuting attorney having jurisdiction or the Attorney General, ~~will~~ shall obtain a court order in compliance with O.C.G.A. 16-11-64.
- B. Under no circumstances ~~will~~ shall an Officer of this Department conduct or be associated with any non-consensual covert recording or monitoring activity that is not authorized by a court order.

This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

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