

City of Detroit

Surveillance Technology Specification Report (STSR)

Detroit Police Department – Mobile Cellular Investigation

This Surveillance Technology Specification Report (STSR) is submitted in accordance with Article V, Division 12 of the Detroit Municipal Code §§ 17-5-451 through 17-5-459, also known as the Community Input Over Government Surveillance (CIOGS) Ordinance.

The following report outlines the proposed surveillance technology, its use, purpose, and necessary safeguards, and is submitted for City Council review and approval.

1. Description of the Surveillance Technology

The proposed technology is a mobile system for locating cellular devices commonly known as a cell-site simulator. The proposed technology functions by transmitting as a cell tower.

Once the cell-site mobile system identifies the specific cellular device for which it is looking, it will obtain the signaling information relating only to that particular phone.

By transmitting as a cell tower, this device acquires the identifying information from cellular devices. The device provides only the relative signal strength and general direction of a subject cellular telephone. They do not function as a GPS locator, as they do not obtain or download any location information from the device or its applications. The device used by the Detroit Police Department does not collect the contents of any communication nor any data contained on the phone itself. The device does not remotely capture emails, texts, contact lists, images or any other data from the phone. In addition, the Detroit Police Department cell-site simulator does not provide subscriber account information (IE, an account holder's name, address, or telephone number).

2. Purpose of This Surveillance Technology

The proposed technology will be used to investigate criminal leads by identifying cell frequencies and conduct radio signal mapping, thereby improving public safety. The proposed technology will also be used to obtain evidence needed to successfully prosecute offenders of violent crimes.

3. Criteria for Deployment

The technology may only be deployed to investigate violent crimes, missing person cases, or highly complex investigations that involve conspiracies or organized crime.

4. Fiscal Impact

The system is funded primarily by City funds through a competitive bid process. The cost includes equipment, installation, and warranty.

5. Civil Rights and Liberties Impact

Law enforcement agencies must obtain a search warrant supported by probable cause, unless exigent circumstances exist. Exigent circumstances under the Fourth Amendment do not require a search warrant, but this device still requires court approval in order to be lawfully deployed. An exigency that excuses the

need to obtain a warrant may arise when the needs of law enforcement are so compelling that they render a warrantless search objectively reasonable. However, exigent circumstances may justify the use of a cell-site simulator without a warrant. These include the need to protect human life or avert serious injury; the prevention of the imminent destruction of evidence; the hot pursuit of a fleeing felon; or the prevention of escape by a suspected felon or convicted fugitive.

6. Authorized Uses

Permitted:

- Requires warrant
- Investigation use only
- Adheres to DPD policy
- Security compliance audits

Prohibited:

- Random or retaliatory monitoring
- Surveillance for non-law-enforcement related issues
- Use by non-sworn employees
- Tampering or alteration to the software

7. Data Collection

DPD is committed to ensuring that law enforcement practices concerning the collection or retention of data are lawful, and appropriately respect the privacy interests of individuals. As part of this commitment, cell-site simulator operators shall conform with this standard operating procedure, and laws that control the collection, retention, dissemination, and disposition of records that contain personal identifying information. As with data collected in the course of any investigation, these authorities apply to information collected through the use of a cell-site simulator. Consistent with applicable existing laws and requirements, including any duty to preserve exculpatory evidence, DPD's use of cell-site simulators shall include the following practices:

1. When the equipment is used to locate a known cellular device, all data must be deleted as soon as that device is located.
2. When the equipment is used to identify an unknown cellular device, all data must be deleted as soon as the target cellular device is identified, and in any event no less than once every 30 days.
3. Prior to deploying equipment for another case, the operator must verify that the equipment has been cleared of any previous operational data relating to a separate case.

8. Data Protection

Equipment is physically locked as well as protected by password and encryption.

9. Data Retention

See response #7.

10. Data Sharing

Members of DPD often work closely with other Local, State and Federal law enforcement partners. Data may only be shared with law enforcement agencies for lawful purpose and pursuant to a valid data-sharing agreement. At no time shall any member of any other agency utilize the DPD cell-site simulator.

11. Demands for Access

See response to #10.

12. Auditing and Oversight

The Detroit Police Department maintains use and record for activity of the unit. Under adherence to city charter, Detroit Police Department has an internal investigation unit to follow complaints and adherence to policy and conduct. In addition to the civilian oversight, Board of Police Commissioners for any complaints of misuse or misconduct by the public.

13. Training

Training includes hardware operation, legal use compliance, and data handling. Provided by vendors for all equipment provided.

14. Complaints and Public Feedback

Complaints can be submitted via the Detroit Office of the Chief Investigator:

- Via telephone: 313-596-2499
- In person: 900 Merrill Plaisance, Detroit, MI 48203
- Via Fax: 313-596-2482
- Online at: www.detroitmi.gov/bopc