

CITY OF HOUSTON

Houston Police Department

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CONTROLLER: Ronald C. Green

February 21, 2012

Charles A. McClelland, Jr.
Chief of Police



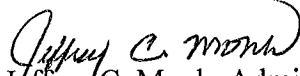
Michael Price
Brennan Center for Justice
161 Avenue of the Americas, 12th Floor
New York, New York 10013

Dear Michael Price:

On January 26, 2012, you submitted a Public Information request for any information relating to the Houston Police Department's policies and procedures governing the investigation of persons, groups, or organizations engaged in First Amendment activities; the collection, retention, and dissemination of intelligence information related to persons, groups or organizations engaged in First Amendment activities; counterterrorism investigations and intelligence operations; community outreach activities, etc. Enclosed are the responsive General Orders: **400-12-** Surveillance Equipment, **600-41-** Weapons of Mass Destruction, **800-04-** Reception and Dissemination of Criminal Intelligence Information, and **800-07-** Criteria For Submitting Incident Reports.

If you have any questions or need additional assistance, please contact Public Affairs, Open Records Unit, at (713) 308-3200.

Sincerely,


Jeffrey C. Monk, Administration Manager
Public Affairs

JCM/clw
OR #12-0517

Enclosure



General Order

Houston Police Department



ISSUE DATE:

April 24, 2008

NO.

400-12

REFERENCE: Supersedes all prior conflicting Circulars, Directives, and General Order 400-12, dated December 7, 1994

SUBJECT: SURVEILLANCE EQUIPMENT

POLICY

Regardless of when or how *surveillance equipment* is acquired, all employees using this type of equipment will be properly trained in its operations and legal restrictions. Division commanders will ensure their personnel are properly trained by the appropriate entity (e.g. the District Attorney's Office for legal issues and the equipment vendor or qualified department personnel for proper operational use). Employees who are not properly trained will not use *surveillance equipment*.

Unauthorized divisions and personnel are prohibited from purchasing or receiving, by any means, any *surveillance equipment*. Whenever the use of *surveillance equipment* is required in an investigation, all unauthorized divisions and personnel will utilize the services of the Technical Surveillance Detail (TSD) of the Criminal Intelligence Division (CID).

The use of any audio or video equipment purchased by an employee for use in the department will be governed by all applicable laws and department policy. Such use must also be approved by the officer's immediate supervisor.

Equipment for personal use or equipment not specifically designed for covert use (e.g., video equipment used in marked patrol vehicles, manned cameras, personal recording devices, home surveillance equipment, or exposed monitoring, building security, audio, and video interview systems) are not governed by this General Order. If there is a question con-

cerning a piece of equipment, employees will contact CID.

This General Order applies to all employees.

DEFINITIONS

Authorized Divisions. Divisions or personnel authorized by the Chief of Police to acquire *surveillance equipment*.

Surveillance Equipment. Any equipment (e.g., audio, video, infrared, thermal imaging, or tracking device) designed specifically for covert surveillance.

Unauthorized Divisions. All divisions or personnel other than those that are authorized.

1 AUTHORIZATION

The following divisions and offices are authorized by the Chief of Police to acquire *surveillance equipment* in compliance with normal equipment procurement policies:

- Auto Theft
- Criminal Intelligence
- Gang
- Internal Affairs/Central Intake Office
- Major Offenders
- Narcotics
- Office of Inspector General
- Tactical Operations
- Vice

All other divisions or personnel must seek written authorization from the Chief of

Police on a case-by-case basis to acquire *surveillance equipment*.

2 TECHNICAL SURVEILLANCE DETAIL'S RESPONSIBILITIES

TSD is responsible for:

- Making recommendations for new, alternative, or replacement *surveillance equipment* acquired by *authorized divisions*.
- Maintaining and updating a complete written inventory of all department *surveillance equipment* except equipment assigned to Internal Affairs/Central Intake Office (IAD).
- Monitoring and controlling *surveillance equipment* used by *unauthorized divisions*.

3 DIVISION RESPONSIBILITIES

All divisions except IAD will:

- Coordinate the acquisition of *surveillance equipment* with the assistant chief of Special Investigations Command.
- Notify the division commander of CID in writing of any *surveillance equipment* acquisitions.
- Maintain a current, detailed, and accurate inventory of that division's *surveillance equipment*.
- Forward a copy of that division's *surveillance equipment* inventory to the division commander of CID by January 15 of each year.
- Utilize the Narcotics Operations Control Center (NOCC) to ensure there are no conflicts during an investigation.

The Helicopter Division is responsible for maintaining an inventory of infrared and thermal imaging devices assigned to that division.

4 COVERT VIDEO RECORDING

TSD is responsible for conducting all covert video recording assignments for all *unauthorized divisions* that require the installation and management of disguised video devices. *Authorized divisions* not having the required equipment to complete the assignment will utilize TSD.

This policy does not restrict classified personnel from using manned video equipment not specifically designed for covert use, such as camcorders.

5 COVERT AUDIO RECORDING

Audio surveillance equipment (e.g., body microphones and disguised audio transmitters) are specifically intended for officer safety as well as the collection of critical evidence. Except as provided below, only the assistant chief of Special Investigations Command and the CID division commander may authorize the placement of disguised audio transmitters on civilians and citizens. IAD is not required by this General Order to obtain an assistant chief's authorization when using audio surveillance equipment discussed in this paragraph.

All other divisions not approved to have audio surveillance equipment on a permanent basis will utilize the services of TSD whenever a covert audio surveillance recording device is required during an investigation.

This policy does not restrict classified personnel from using personal recording devices

not specifically designed for covert use (e.g., nondisguised digital voice recorders).

6 ELECTRONIC COUNTERMEASURES

TSD is the only department entity authorized to acquire or use electronic countermeasure equipment. Electronic countermeasure sweeps will be used only to conduct cases involving department and local government personnel and facilities, or as directed by the Chief of Police.

Requests for electronic countermeasure sweep operations involving the department must be made by officers holding the rank of captain or above and approved by the division commander of CID. Operations involving local government facilities or personnel can be approved only by the division commander of CID. Any requests for electronic countermeasure sweeps not falling within these parameters must be approved by the Chief of Police before the operation commences.

7 SURVEILLANCE EVIDENCE

Each division is responsible for maintaining the proper chain of custody of evidence gathered as a result of that division's surveillance activity. If the evidence is to be retained by the investigating division, a secured storage area must be provided and evidence control procedures will be established and documented in that division's Standard Operating Procedures manual.

8 MICROWAVE RECEIVERS

All *authorized divisions* utilizing *surveillance equipment* requiring the use of radio frequencies will use only frequencies authorized by TSD with coordination through the Communications Management

Division. Only Communications Management, Helicopter, and Narcotics divisions, CID, and IAD are authorized to maintain permanent microwave site receivers. All other divisions will contact TSD for assistance.

9 VEHICLE TRACKING

Only Auto Theft, Gang, Major Offenders, and Narcotics divisions, CID, and IAD are authorized to maintain vehicle tracking systems on a permanent basis. If an *authorized division's* equipment is not available or an *unauthorized division* requires the use of a vehicle tracking system, TSD will be utilized. This section does not apply to GPS equipment being installed in department vehicles.

10 EQUIPMENT

Authorized divisions are responsible for installing, monitoring, and controlling their own or borrowed equipment unless otherwise stated in this General Order. The Helicopter Division is responsible for installing, monitoring, and controlling all airborne surveillance devices.

Authorized divisions borrowing equipment from other *authorized divisions* are responsible for the cost of repairs or replacement should borrowed equipment become damaged or unusable.

11 RELATED GENERAL ORDER

600-24, **Coordination of Specialized Investigations and Surveillance**

Harold L. Hurtt
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

February 20, 2001

NO.

600-41

REFERENCE: Supersedes all prior department directives on this subject

SUBJECT: WEAPONS OF MASS DESTRUCTION

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C.O. Bradford
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

January 1, 1987

NO.

800-4

REFERENCE:

Supersedes all prior departmental directives on this subject

SUBJECT: RECEPTION AND DISSEMINATION OF CRIMINAL-INTELLIGENCE INFORMATION

PURPOSE

Police officers are often exposed to information that may be relevant to the development of a police investigation. In some cases, criminal information may provide insight into a situation that might affect officer safety. The department recognizes the importance of criminal information to its investigative operations, as well as to the overall safety of its officers. In addition, the department recognizes its responsibility to protect the rights of all citizens, including those who are the subject of criminal investigations. It is the purpose of this General Order to provide procedural guidelines for ensuring that the collection and dissemination of criminal-intelligence information is done in a uniform manner and in accordance with legal guidelines.

PROCEDURES

Collection

When intelligence information is received, the person receiving the information shall complete form CID 0009 in as much detail as possible. [REDACTED]

[REDACTED] Data received from another agency or individual should be indicated as such.

The completed form should be submitted to the Criminal Intelligence Division as follows:

- a. Officers should notify their immediate supervisor as soon as possible about the action they have taken.
- b. In matters requiring immediate action, the form should be hand carried to CID during normal operating hours. If an officer needs to submit intelligence information at any other time, he should leave his name and phone number with the watch commander in the Dispatchers Division. A CID supervisor will then contact the officer to discuss the information.
- c. Information not requiring immediate action may be forwarded to CID.

Analysis

The Criminal Intelligence Division is responsible for the in-depth analysis of all intelligence information.

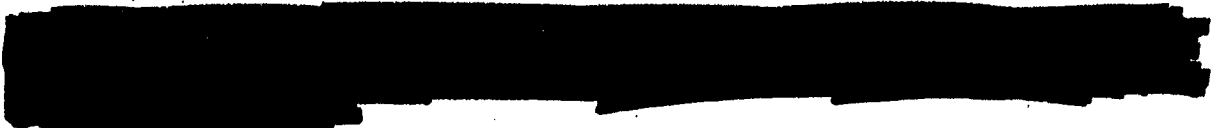
Dissemination

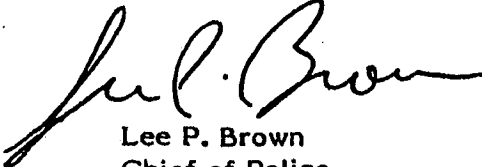
The Criminal Intelligence Division is responsible for the dissemination of all intelligence information after an in-depth analysis has verified the accuracy of the information.

Information requiring immediate action will be disseminated as follows:

- a. Written documentation will be hand carried to the affected division.
- b. If time is critical, information will be disseminated by telephone and followed up with written documentation
- c. If department-wide dissemination is needed, a general broadcast will be used.
- d. Routine dissemination of intelligence information will be made by interoffice correspondence and/or publication of an intelligence bulletin.

2. RECORDS




Lee P. Brown
Chief of Police

General Order

Houston Police Department



ISSUE DATE:

June 12, 2007

NO.

800-07

REFERENCE: Supersedes all prior conflicting Circulars, Directives, and General Order 800-07, dated March 27, 2006

SUBJECT: CRITERIA FOR SUBMITTING INCIDENT REPORTS

POLICY

Incident reports will be completed when an officer on-views or becomes aware of any activity that may indicate the occurrence of a crime or becomes aware of a suspicious incident with a potential terrorism connection.

Incident reports will be completed and submitted for review prior to the end of each shift.

This General Order applies to all classified employees and police dispatchers.

1 EXCEPTIONS

Exceptions to this policy include certain misdemeanor thefts or criminal mischief incidents. Officers who receive a call to a misdemeanor theft or criminal mischief case having no solvability factors (e.g., suspect, witness, or physical evidence), may request that the police dispatcher redirect the call either to the Teleserve Unit or to the "Online Police Report" via the department's Web site. The police dispatcher will examine the queue for the Teleserve Unit and if possible, redirect the call. The dispatcher will be the final authority regarding these matters.

Under most circumstances, officers are not required to generate an offense report regarding civil matters. A first-line supervisor will be contacted in all cases in which there is disagreement between a citizen and an officer regarding the generation of a report.

With the exception of City property, firearms, explosives, or circumstances addressed in section 5, *Suspicious Activity*, of this General Order, generating Lost or Stolen Property reports for items believed to be lost rather than stolen, will be left to the discretion of the officer.

When a loss involves credit cards, banking checkbooks, Automated Teller Machine (ATM) cards, pagers, wireless telephones, keys, or other items that can be devalued by closing accounts, discontinuing service, or changing locks, complainants will be directed to notify the respective company or financial institution.

Nothing prohibits completing a Lost or Stolen Property report if the officer feels the circumstances surrounding the loss support generating an incident report (e.g., diplomatic passports, sensitive documents, expensive items, driver licenses, and social security cards).

2 ONLINE POLICE REPORTS

Web-based online police reports do not replace the need for officers to file an accurate and timely offense report when they are dispatched to a scene. Officers are required to respond if a citizen calls the police non-emergency line and insists on making a report in person and the dispatcher has not redirected the call.

Online police reporting is intended as a convenience for citizens who wish to use the Internet to report certain crimes. Officers will not direct citizens to the online

police reporting application as a substitute for taking a report call or as a substitute for a walk-in transaction at a police facility.

3 SITUATIONS THAT ALWAYS REQUIRE AN INCIDENT REPORT

The following situations will always require the creation and submission of an incident report:

- a. Felony or Class A or B misdemeanor.
- b. Hate crime.
- c. Home invasion.
- d. Class C misdemeanors of assault, trespassing, or loitering on school property.
- e. Juvenile involvement of any type. Reports concerning a juvenile in custody or public service transportation will be completed and entered before leaving the Juvenile Division.
- f. Threat of or actual bodily injury sustained by a citizen, suspect, or a police officer.
- g. Tagged property.
- h. Death of a person.
- i. Stolen vehicle.
- j. Use of force by an employee, (see General Order 600-17, Use of Force).
- k. Display of any weapon necessitating a police response.
- l. Rejection of a prisoner by the Jail Division for medical reasons.


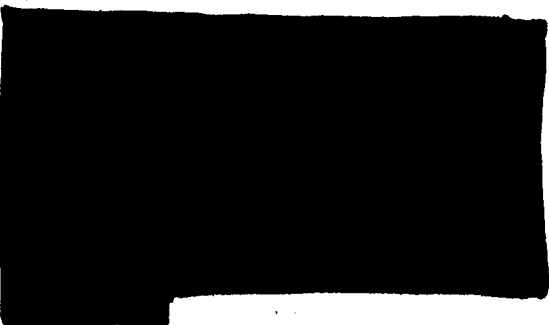
- m. Suspicious activity, as listed in section 5 of this General Order.
- n. Contact with a diplomatic representative of a foreign government.
- o. All incidents involving persons suspected of mental illness. If a mentally ill citizen has been handled more than once in any given calendar year for emergency detention, officers may supplement the original report if one exists.
- p. Lost firearms or explosives.
- q. Lost, stolen, or damaged City property (see General Order 400-18, Responsibility for City Property).

4 TABC ESTABLISHMENTS

Incidents involving a shooting, stabbing, or other public disturbance on the premises of an establishment holding a Texas Alcoholic Beverage Commission (TABC) license or permit, will require officers to submit a copy of the incident report to the Vice Division for transmittal to the TABC.

5 SUSPICIOUS ACTIVITY

In order to ensure appropriate review and analysis of suspicious incidents with a potential terrorism connection, all officers will complete an "Investigation CID" report concerning any of the below listed suspicious activities. When a suspect is in custody or suspicious circumstances require additional investigative assistance, all officers will contact the on-call Criminal Intelligence Division, Community Defense Unit (CDU) officer or the Command Center.

- a. **Surveillance:** Suspicious persons, vehicles, or activities involved in videotaping, photographing, sketching or drawing, obtaining global positioning satellite (GPS) information, or asking detailed questions regarding buildings, chemical or petroleum facilities, the ship channel, water treatment facilities, mass transit, public events, or government or medical facilities.
- b. **Weapons of Mass Destruction:** Any person or suspicious event associated with the theft or detection of poisons, toxins, nerve gas, anthrax, or radiological or nuclear materials that could produce mass casualties.
- c. **Aviation:** Any suspicious event or person associated with aviation. This includes passengers, pilots, aircraft, airports, aviation schools, aviation equipment, or aviation licensing. Also, any person or suspicious event associated with the passenger "no-fly" lists, unusual flight training requests, or uncommon modifications to radio controlled aircraft.
- d. **Terrorism Contributor:** Any person or event associated with suspicious possession of almanacs, GPS devices, surveillance equipment, short-wave transmitter radios, unauthorized uniforms, or suspicious posters, fliers, or other publications.
- e. **Documents, Passports, and Credit Cards:** Any suspicious theft or event associated with altered, counterfeit, or stolen documents, passports, or passport history.
- f. **Official Identification/Uniforms:** Any loss or theft involving law enforcement, government, military, or other official document, facility access card, specialized equipment, or uniform depicting an official government or private industry badge or logo that would permit specific privileges or access.
- g. **Theft of Government Vehicles:** Any missing or stolen vehicle or license plate that could be used to gain access to a secured facility.
- h. **Theft of Cargo/Tanker/Delivery Vehicles:** Any missing or stolen vehicle large enough to be used as a terrorist weapon (e.g., truck bombs, gasoline, or diesel).
- i. **Protests/Demonstrations and Consulate Activity:** Any protest or demonstration associated with terrorism, acts of war, attacks, unusual or suspicious activity, or threats relative to area consulates and foreign diplomatic venues.
- j. **Hate Crimes:** Any hate crime, harassment, threat, vandalism, or graffiti directed at persons or ethnic groups as a result of issues related to terrorism.
- k. 
- l. 

m. **Miscellaneous:** Any suspicious person or event not listed in the above categories but determined as suspicious or worthy of reporting by an officer or supervisor.

400-22, **Keys and Passwords**

500-12, **Persons Suspected of Mental Illness**

500-15, **Contact with Representatives of Foreign Governments**

600-17, **Use of Force**

800-08, **Auto Theft Reports**

6 RELATED GENERAL ORDERS

400-18, **Responsibility for City Property**

400-19, **Microcomputer Regulations**

400-21, **Mobile Digital Terminals**


Harold L. Hurtt
Chief of Police