



Surveillance Use Policy

836 Technologies CINT Commander II
San Diego Police Department

PURPOSE

The 836 Technologies CINT Commander II is utilized by the San Diego Police Department Emergency Negotiations Team during critical / crisis events involving life-threatening behavior. The equipment aids crisis negotiators in communicating with involved parties, suspects and hostages, to assist in efforts to bring these potential life-threatening incidents to a peaceful resolution. The system has Bluetooth capabilities, which can pair with a cellular phone, and allows audio negotiations to be live streamed to authorized users. The system software can record all calls.

USE

The CINT Commander II is a negotiation recording and control system that includes hardware and software that facilitates communication between landlines and / or cellular telephones. The system is employed during crisis / life-threatening events involving negotiations between crisis negotiators and suspects and / or hostages. The CINT Commander II allows negotiators to call and communicate with involved parties and includes software that allows the negotiations team to monitor ongoing communications to aid in bringing the event to a peaceful resolution.

The 836 Technologies CINT Commander II may be used by law enforcement personnel collaborating with the SDPD Emergency Negotiations Team during a critical / crisis event, during training and demonstrations.

Department procedures associated with the CINT Commander II are:

- 8.14 - Incidents Involving Hostage / Emergency Negotiations

DATA COLLECTION

The CINT Commander II digitally records audio of conversation to be broadcast on a closed network allowing additional negotiators and incident commanders real-time negotiation information and assessment. This information is preserved for a minimum of 5 years or until it no longer holds value. The information is recorded on a hard drive and then transferred to the respective event file on the San Diego Police Department's Emergency Negotiations Team network computer drive. The records are maintained on the Emergency Negotiations Team network computer drive and are restricted to Emergency Negotiations Team supervisors. Misuse of the equipment is subject to Department policies governing the use of computer systems.

In events requiring a search warrant under California Penal Code 633.8, data recorded by the Tactical Throw Phone would be entered into evidence and documented accordingly. The documentation would then be submitted to the authorizing court.



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DATA ACCESS

The use of the 836 Technologies CINT Commander II is guided, indirectly, by the incident commander having given the Emergency Negotiations Team a mission, i.e., negotiate to surrender. Once given the mission by the Incident Commander, the use of the CINT Commander is directed by the ENT Sergeant and / or the ENT C.O. / X.O. (Lieutenant). Once deployed, members of the negotiating team have access to live telecommunication negotiations. Access will be restricted to those having a legitimate law enforcement purpose, which includes, but is not limited to, enhancing criminal investigations, prosecutions, critical and/or crisis events, of a terrorist or non-terrorist origin, and law enforcement training and police outreach demonstrations.

The information is recorded on a hard drive and then transferred to the respective event file on the Emergency Negotiations Team network computer drive. The records are maintained on the Emergency Negotiations Team network computer drive and all access is restricted to Emergency Negotiations Team supervisors.

DATA PROTECTION

The CINT Commander II is secured within the Emergency Negotiations Mobile Command Vehicle. Only members of the negotiating team and SWAT team have access to the equipment during the crisis event.

The Emergency Negotiations Team is comprised of sworn SDPD personnel, SDPD Chaplains, sworn Special Agents from the Federal Bureau of Investigation, Naval Criminal Investigative Service members and sworn officers from the California Highway Patrol.

Data recorded during the crisis event is maintained on the Emergency Negotiations Team network computer drive and is restricted to SDPD Emergency Negotiations Team supervisors. Misuse of the equipment is subject to Department policies and procedures governing the use of Department computer systems.

The 836 Technologies CINT Commander II is a password protected, closed system and is physically isolated from the internet.

DATA RETENTION

Data collected from an event involving the Emergency Negotiations Team is subject to the City of San Diego Record Disposition Schedule, Series 221. Records will be kept for a minimum of 5 years or until they no longer hold value. Records are stored on the SDPD Emergency Negotiations Team network computer drive. Access to the SDPD Emergency Negotiations Team network computer drive is restricted to SDPD Emergency Negotiations Team supervisors.



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PUBLIC ACCESS

The public has no access to the data obtained during crisis negotiations. Public access to the data obtained via the CINT Commander II is subject to disclosure pursuant to a criminal or civil legal proceeding.

Data may be released to the public via a public records request if directly associated with a critical incident defined under California Senate Bill 1421.

Public access to the data obtained, via the 836 Technologies CINT Commander II, is subject to legal discovery, pursuant to a criminal or civil legal procedure.

THIRD PARTY DATA SHARING

Use of this technology is governed by California Penal Code 633.8., which states in part:

- (a) It is the intent of the Legislature in enacting this section to provide law enforcement with the ability to use electronic amplifying or recording devices to eavesdrop on and record the otherwise confidential oral communications of individuals within a location when responding to an emergency situation that involves the taking of a hostage or the barricading of a location. It is the intent of the Legislature that eavesdropping on oral communications pursuant to this section comply with paragraph (7) of Section 2518 of Title 18 of the United States Code.
- (b) Notwithstanding the provisions of this chapter, and in accordance with federal law, a designated peace officer described in subdivision (c) may use, or authorize the use of, an electronic amplifying or recording device to eavesdrop on or record, or both, any oral communication within a particular location in response to an emergency situation involving the taking of a hostage or hostages or the barricading of a location if all of the following conditions are satisfied:
 - (1) The officer reasonably determines that an emergency situation exists involving the immediate danger of death or serious physical injury to any person, within the meaning of Section 2518(7)(a)(i) of Title 18 of the United States Code.
 - (2) The officer reasonably determines that the emergency situation requires that the eavesdropping on oral communication occur immediately.
 - (3) There are grounds upon which an order could be obtained pursuant to Section 2516(2) of Title 18 of the United States Code in regard to the offenses enumerated therein.

The CINT Commander II may be used by outside law enforcement personnel collaborating with the SDPD ENT Team during a critical / crisis event and training. Recorded data from the CINT Commander II may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes, which includes enhancing criminal investigations, prosecution, and negotiating techniques and training as allowed by law.



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TRAINING

Each member of the team is provided formal training on the proper use of the 836 Technologies CINT Commander II. The training will include the review of the use policy specific to the 836 Technologies CINT Commander II. The equipment is utilized at the direction of the Incident Commander, the ENT C.O. / X.O. (Lieutenants), or the ENT Sergeants.

AUDITING AND OVERSIGHT

Misuse of the CINT Commander II is subject to Department policies and procedures governing the use of Department computer systems. Data obtained by the CINT Commander II is saved to the Emergency Negotiations Team network computer drive. Each event is logged and access to the data is restricted to Emergency Negotiations Team supervisors.

It will be the responsibility of the Emergency Negotiations Team Staff Sergeant, or their designee, to memorialize system access and conduct required audits.

Misuse of the system, data or recordings is subject to the Department policies and procedures governing the use of Department computer systems.

MAINTENANCE

The CINT Commander II is a closed network system, which is not connected to the internet. The day-to-day maintenance of the equipment is the responsibility of the Emergency Negotiations Team Staff Sergeant. Repair maintenance to the system is provided by the manufacturer, 836 Technologies.