

MAJOR CRIMES DIVISION

DIVISIONAL ORDER NO. 6
15.1

Date: April 12, 2006

TO: Concerned Personnel

FROM: Commanding Officer, Major Crimes Division

SUBJECT: SURVEILLANCE AND FIELD OBSERVATIONS FOR
ANTI TERRORISM INTELLIGENCE SECTION FUNCTIONS

This directive will provide guidance in distinguishing between surveillance and field observations.

- Surveillance defined
- Field observations (Monitoring) defined
- Surveillance approval

Surveillance Defined

The *Standards and Procedures for Anti-Terrorist Division, approved March 18, 2003*, (now MCD/ATIS), defines surveillance as the continuous or prolonged observation of a targeted individual or group by clandestine means for the purpose of collecting information material to an approved Preliminary Intelligence Investigation or Open Intelligence Investigation.

Field Observations (Monitoring) Defined

For the purpose of this order, monitoring is defined as: the short term or preliminary act of observing or watching (spot checks), the activities of an individual by Anti Terrorist Intelligence Section (ATIS) investigators for the purposes of gathering information relevant to an Initial Lead Investigation, Preliminary Investigation or Open Intelligence Investigation. This short term monitoring activity shall not rise to the level of "Surveillance" as defined in *Standards and Procedures for Anti-Terrorist Division, approved March 18, 2003*.

Spot checks are conducted on individuals during Initial Lead Investigations to verify residence or business locations or the whereabouts of individuals and not to conduct a clandestine surveillance.

Note: An Initial Lead investigation may evolve to the level of reasonable suspicion for a Preliminary Investigation (PI).

In these cases, an investigator may consider obtaining approval from the Commanding Officer for a PI, and then utilize surveillance as an investigative technique.

Surveillance Approval

Surveillance is an approved investigative technique for Preliminary and Open Intelligence investigations. The distinction between surveillance and monitoring is based primarily on the purpose and duration of the investigative activity.

Note: field observations or "location checks" are an investigative tool less intrusive than surveillance and does not require prior approval.

Employee responsibility. Employees requesting surveillance from either dedicated surveillance assets or another entity, shall obtain approval from their immediate supervisor and the Officer in Charge, Anti Terrorism Intelligence Section. All surveillance requires the approval of the Commanding Officer.

Supervisor responsibility. The concerned supervisor shall ensure the specific case merits surveillance and that all appropriate information, especially officer safety issues, are communicated to the assigned surveillance entity.

Note: when receiving a request from the JTTF to use MCD surveillance assets, the concerned MCD- JTTF supervisor shall complete a Surveillance Request Form (see attachment) for the purposes of obtaining approval of the Commanding Officer. When approved, the form shall be returned to the JTTF.

All surveillance logs for JTTF cases shall be stored at the JTTF facility unless being utilized for Analysis purposes.