



Surveillance Use Policy

836 Technologies Tactical Throw Phone
San Diego Police Department

PURPOSE

The 836 Technologies Tactical Throw Phone is utilized by the San Diego Police Department Emergency Negotiations Team during critical / crisis incidents 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. This is a physical device that works as a landline, tethered, telephone. Unlike cellular phones, the Tactical Throw Phone does not rely on battery power and a cellular signal. Additionally, it contains technology to call into a location or communicate via a speakerphone.

USE

The 836 Technologies Tactical Throw Phone allows tactical law enforcement personnel to deploy a hardwired phone into a barricade / hostage scenario, thus aiding negotiators in working to bring the event to a peaceful resolution. The Tactical Throw Phone allows for communication between negotiators and individuals via a hardline, tethered, closed-network communication system.

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

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.

Department procedures associated with the Tactical Throw Phone are:

- 8.14 - Incidents Involving Hostages / Emergency Negotiations

DATA COLLECTION

The 836 Tactical Throw Phone digitally records video and audio of a conversation to be broadcast on a closed network allowing additional negotiators and incident commanders real-time negotiation information and assessment.

If applicable, the audio could be restricted 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



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San Diego Police Department

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.

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 and procedures governing the use of Department computer systems.

DATA ACCESS

The use of the 836 Technologies Tactical Throw Phone 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 836 Technologies Tactical Throw Phone is directed by the ENT Sergeant and / or ENT C.O. / X.O (Lieutenant). Once deployed, members of the negotiating team have access to the 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 836 Technologies Tactical Throw Phone 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.



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The Emergency Negotiations Team is comprised of sworn SDPD personnel, SDPD Chaplains, sworn Specials 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 Tactical Throw Phone is a 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.

PUBLIC ACCESS

The public has no access to the data obtained during crisis negotiations. Public access to the data obtained via the 836 Technologies Tactical Throw Phone 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 associated with a critical incident defined under California Senate Bill 1421

Public access to the data obtained, via the 836 Technologies Tactical Throw Phone, 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



Surveillance Use Policy

836 Technologies Tactical Throw Phone San Diego Police Department

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- (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 836 Technologies Throw phone may be used by outside law enforcement personnel collaborating with the SDPD ENT Team during a critical / crisis event. Recorded data from the Tactical Throw phone may be released to other authorized and verified law enforcement officials and agencies for legitimate law enforcement purposes, which includes enhancing criminal investigation, prosecution and negotiation techniques as allowed by law.

TRAINING

Each member of the team is provided with formal training on the proper use of the 836 Technologies Tactical Throw Phone. The training will include the review of the use policy specific to the 836 Technologies Tactical Throw Phone. 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 836 Technologies Tactical Throw Phone is subject to Department policies and procedures governing the use of Department computer systems. When used, data from the 836 Technologies Tactical Throw Phone 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 836 Technologies Throw phone operates on a closed network system, which is not connected to the internet. The day-to-day maintenance of the 836 Technologies Tactical Throw Phone is the responsibility of the Emergency Negotiations Team Staff Sergeant. Repair maintenance to the system is provided by the manufacturer, 836 Technologies.