



# St. Louis Metropolitan Police Department Surveillance Use Plan



## **SURVEILLANCE TECHNOLOGY:**

Cell-Site Simulator

## **DESCRIPTION:**

*Information describing the surveillance technology and how it works, including product descriptions from manufacturers*

The St. Louis Metropolitan Police Department's Intel Unit utilizes a cell-site simulator, which is a specialized type of equipment designed to identify and mobile devices by the device's industry-standard unique-identifying number, such as the International Mobile Equipment Identity (IMEI).

## **PURPOSE:**

*What specific purpose(s) the surveillance technology is intended to advance*

The use of this technology is intended to ascertain the location of crime victims in exigent circumstances, such as victims of abductions/kidnappings, when it has been determined that their life(s) may be in imminent danger, or to locate criminal suspects after obtaining a search warrant signed by a judge.

## **AUTHORIZED USE(S):**

*For what specific capabilities and uses of the surveillance technology is authorization being sought, including amounts, to be acquired and deployed, expected geographic areas and durations, organizational partnerships, and Memorandums of Understanding (MOUs) and:*

- 1) SLMPD is requesting the use of the cell-site simulator to ascertain the location of crime victims during exigent circumstances, such as abductions/kidnappings and other ongoing criminal investigations as authorized by a judicial search warrant.
- 2) SLMPD has one cell-site simulator and isn't seeking additional units.
- 3) Deployment is based on active criminal investigations pursuant to a court ordered search warrant, or exigent circumstances such as abductions/kidnappings.
- 4) SLMPD currently does not have any organization MOU's for this technology.

**a) *What legal and procedural rules will govern each authorized use, including where an application of Surveillance Technology requires a warrant?***

The investigating officer must obtain a search warrant prior to the utilization of the cell-site simulator. This document requires the establishment of a probable cause, which are the facts and circumstances that police officers know about, based on reasonably trustworthy information, are sufficient in themselves to warrant a belief by a man of reasonable caution that a crime is being committed. In the event of exigent circumstances, the officers must believe that the victim that has



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been abducted/kidnapped is in imminent danger and the use of the technology will prevent the serious physical harm or loss of life.

**b) *What potential uses of the surveillance technology will be expressly prohibited?***

Use of the Saint Louis Metropolitan Police Department's cell-site simulator strictly limited by identifying the mobile devices identification numbers. All other uses are strictly prohibited. The use of the technology must be in compliance with the court issued search warrant, additional uses are prohibited. Exigent circumstances are approved by the Commander of the Intelligence Division and must meet the threshold of imminent harm to a victim of the crime. If the location of the victim is not determined within 24 hours, a court ordered search warrant is applied for to continue usage. Usage of the technology must comply with general guidelines of a court order search warrant to ensure successful prosecution of the case in the future.

**c) *How and under what circumstances will surveillance data that was collected, captured, recorded, or intercepted by the surveillance technology be analyzed and reviewed?***

Unless exigent circumstances exist, the investigator will obtain a search warrant for the use of the cell-site simulator. The investigator applies for the search warrant by meeting in person with a judge and is sworn in by the affidavit presented. A judge is the only person that can approve a search warrant and approval is based on the probable cause presented by the investigator. Once a search warrant is obtained the investigator must use the cell-site simulator in accordance with the terms of the court approved search warrant.

There are times when the cell-site simulator will need to be used under exigent circumstances. In this situation, the investigator must have probable cause to believe that an emergency exists. This would mean that criminal conduct is occurring that puts an individual in imminent danger such that delays would result in serious bodily injury or death. It may also occur when there is a need to locate a suspect that poses a significant risk of injury or death to members of the public.

When an exigent circumstance exists, the investigator contacts the Commander of the Intelligence Division and relays all pertinent information relative to the situation. The Commander will determine if the facts and circumstances meet the threshold of exigent circumstances and if the cell-site simulator will be used. The Commander will approve or disapprove of the use. There is a log of when this technology is used, which is reviewed by the Commander of the Crime Control Strategies Division to ensure compliance. If the exigent circumstance persists longer than 24 hours, a search warrant for the continuous use of the cell-site simulator is applied for.

Only SLMPD authorized and trained users of the cell-site simulator are allowed to use the technology to execute their lawful duties related to official business. This training has been taught by an outside entity to ensure the authorized users are able to properly use the technology.



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Cell-site simulators only capture limited information from cellular devices. This technology is specifically for the immediate location of a device. The technology cannot collect the contents of any communication, or any data contained on a device. The technology cannot capture emails, texts, contact lists, images, or any other data from a device, nor does it provide subscriber account information.

Data obtained by the technology is deleted immediately after use.

## DEPLOYMENT:

*If the surveillance technology will not be uniformly deployed or targeted throughout the city, what factors will be used to determine the specific geographic targeting, and what measures will be taken to ensure such targeting is racially and economically neutral.*

Cell-site simulator is deployed based on active investigations with a court approved warrant or during an exigent circumstance. The deployment of the device is not based on any geographical location.

## COST:

*The fiscal impact of the surveillance technology, including costs of technology acquisition, operation, maintenance, personnel, and data storage, as well as all sources of funding and donations.*

Cell-site simulator technology was purchased in 2014 using the Urban Area Security Initiative Grant, which was for approximately \$1,000,000.00. There are not additional amounts expended after the initial purchase.

## DISCRIMINATORY IMPACT AVOIDANCE:

*What specific, affirmative measures will be implemented to safeguard the public from the potential discriminatory impacts of the technology, including without limitation what measures will be used to avoid biases in surveillance targeting and data collection?*

The measure taken to ensure that there is no discriminatory impact is by deploying the technology based on active investigations with a court approved warrant or during exigent circumstances where an individual's life is in imminent danger or there is an immediate risk to public safety.

Even with exigent circumstances, the department seeks a search warrant if the technology were required for more than 24 hours for a single incident.

The SLMPD is committed to upholding the civil rights and liberties of all citizens, SLMPD complies with SO 1-08, SO 1-04, and directive 2021-08-27.



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## DATA COLLECTION:

- a) *What types of surveillance data will be collected, captured, recorded, intercepted, or retained by the surveillance technology?*

Only mobile device identifiers, such as the IMEI, will be collected. No personal information or device content is captured or accessed.

- b) *What surveillance data may be inadvertently collected during the authorized uses of the surveillance technology, and what measures will be taken to minimize the inadvertent collection of data?*

All mobile device identifiers are collected in the vicinity of the cell-site simulator; however, this data is not stored.

- c) *How inadvertently collected surveillance data is be expeditiously identified and deleted?*

All mobile device identifiers are collected in the vicinity of the cell-site simulator; however, this data is not stored, as there is a specific identifier that the device is attempting to locate. All data collected by the device is not stored by the system.

- d) *How the City Entity will ensure that, when it retains surveillance data, such retention will comply with the Missouri Records Retention Schedule?*

Cell-site simulators obtain limited information. The system emulates a signal emitted from cellular telephone towers to contact cellular equipped devices. The system can then obtain directional information based on the device's location. The technology locates or identifies cellular equipped devices by the device's industry-standard unique-identifying number, such as the International Mobile Equipment Identity (IMEI).

Data obtained by the technology is deleted immediately after use.

## DATA PROTECTION:

*What safeguards will be used to protect surveillance data from unauthorized access, including encryption and access control mechanisms, and what protocols will be put in place to authorize access and monitor who has access.*

Data obtained during the utilization of the cell-site simulator is not retained and is deleted immediately after use of the technology. Only authorized trained personnel can have access to utilize this technology.

## DATA RETENTION:

*What rules and procedures will govern the retention and deletion of surveillance data, including how it will be ensured that the schedule for retaining and deleting aligns with the guidelines specified in RSMo 109.200-*



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*109.310 and how data collected by the City Entity as a result of the use of surveillance technology shall be stored in a manner such that it cannot be modified, destroyed, accessed or purged contrary to the Missouri Police Clerks Records Retention Schedule.*

Data obtained during the utilization of the cell-site simulator is not retained and is deleted immediately after use of the technology. The data is not retained by the agency or any other entity.

## **SURVEILLANCE DATA SHARING:**

*If a city entity is seeking authorization to share access to surveillance technology or surveillance data with any other persons, city entities, or governmental entities, it shall detail:*

- a) *Which persons, city entities, or other governmental entities will be approved for (i) surveillance technology sharing, and for (ii) surveillance data sharing;*

Only members of the Saint Louis Metropolitan Police Department are allowed to operate the cell-site simulator. The device's collected data is immediately deleted after use.

- b) **How much sharing is necessary for the stated purpose and use of the surveillance technology;**

No sharing is necessary for the use of this technology. SLMPD does assist other agencies with criminal investigations using this technology and in accordance with SLMPD guidelines, outlined in this Surveillance Use Plan.

- c) **How will it ensure any person, city entity, or governmental entity approved for access to the surveillance technology or surveillance data complies with the applicable Surveillance Use Plan and does not further disclose the surveillance data to unauthorized persons and entities.**

Only SLMPD authorized and trained users of the cell-site simulator are allowed to use the technology to execute their lawful duties related to official business.

SLMPD does assist other agencies with criminal investigations using this technology and in accordance with SLMPD guidelines, outlined in this Surveillance Use Plan.

All requests made from other law enforcement agencies are handled in accordance with all federal and state laws. Data collected using this technology is immediately deleted after its use.

## **DEMANDS FOR ACCESS TO SURVEILLANCE DATA:**

*What legal standard must be met by government entities or third parties seeking or demanding access to surveillance data.*

SLMPD does not retain any data generated with the use of this technology, therefore it would not be available after the use of cell-site simulator.



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## TRAINING:

*What training procedures will be implemented to ensure compliance with this ordinance, the Revised Code of the City of St. Louis, and applicable federal and state laws and regulations.*

Only SLMPD authorized and trained users of the cell-site simulator are permitted to use the technology to execute their lawful duties related to official business.

Training was previously completed by an external entity. There is no in-house training available for this technology. All training is completed by external entities and if there are any updates to regulations or requirements the department will send the previously trained personnel to get refresher training. It is the responsibility of the Commander of the Intelligence Division to ensure all personnel are in compliance with technology training.

## AUDITING AND OVERSIGHT:

*What mechanisms will be implemented to ensure the Surveillance Use Plan is followed, included what independent or non-independent persons or entities will be given oversight authority, and what legally enforceable sanctions will be put in place for violations of the Plan?*

To utilize this technology, a judge must approve a search warrant, or there must be exigent circumstances present at the time of the investigation. The Commander of the Intelligence Division, the Commander of the Crime Control Strategies Division and the Police Commissioner are given oversight of the cell-site simulator program.

## COMPLAINTS:

*What procedures will be put in place by which members of the public can register complaints or concerns, submit questions about the deployment or use of a specific surveillance technology, and how the city entity will ensure each question and complaint is responded to in a timely manner.*

Complaints about surveillance technology can be made to the Civilian Oversight Board using the Joint Citizen Complaint Form which can be located [here](#).

Residents are also able to make comments about surveillance technology by contacting the Citizens Service Bureau (314) 622-4800.