



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 a mobile device by the device's industry-standard unique-identifying number, such as the International Mobile Equipment Identity (IMEI).

A cell site simulator functions like a traditional networked cell tower. In response to signals emitted by a cell site simulator, cellular devices in proximity of the simulator identify it as the most attractive cell tower in the area. When the simulator is within a cellular device's signal range, it measures the device's signal strength and determines the location of the phone.

Cell site simulators receive signals and use an industry standard unique identifying number assigned by a device manufacturer or cellular network provider to distinguish between the incoming signals until the targeted device is located. Cell site simulators provide only the relative signal strength and general direction of a cellular device; they do not function as global positioning locators.

Cell site simulators do not capture nor receive any content such as text messages, voicemails, applications, multimedia messages, etc. It does not have the capability of listening to phone calls. Cell site simulators also do not capture emails, contact lists, or any other data from the device, nor do they provide subscriber account information, such as the account holder's name, address or telephone number.

Cell site simulators are used in conjunction with the vendor provided software. The associated software displays the signal information in a format usable by SLMPD trained personnel. Cell site simulators used by the SLMPD do not retain or record any of the data of information received by the cell site simulator or associated software. **The St. Louis Metropolitan Police Department intends to utilize the technology in accordance with the uses outlined in this surveillance use plan and in accordance with approved court ordered search warrants.**

Cell site simulators are used to gather unique identifying information specific to a cellular device that can lead to the identity or whereabouts of missing persons, at-risk individuals, victims to mass casualty incidents, suspects and fugitives. Authorized trained investigators can use the cell site simulator to help locate cellular devices with unique identifiers already known to law enforcement, or to determine the unique identifiers of an unknown device by collecting limited signaling information from the devices in the vicinity of the simulator. Once law enforcement discovers the unique identifiers of an unknown device,



St. Louis Metropolitan Police Department Surveillance Use Plan



investigators are required to obtain a subsequent search warrant to allow them to gather additional information relevant to that unique identifier.

When used in a mass casualty event, the cell site simulator will obtain signaling information from all devices in the simulator's target vicinity for the limited purpose of locating persons in need of assistance or to further recovery efforts. Any information received from the cellular devices during this time will only be used for these limited purposes and all such information received will be purged at the conclusion of the incident. A mass casualty incident is a natural disaster such as an earthquake or fire, a terrorist attack, or any event resulting in imminent loss of life or injury.

The cell site simulator shall not be utilized to target First Amendment activities, such as protests and gatherings at places of worship. The cell site simulator also shall not be used for immigration enforcement purposes, including the sharing of information derived from the equipment with federal immigration authorities including Immigrations and Customs Enforcement (ICE).

The SLMPD strives to maintain the highest standards of honor and integrity. SLMPD is committed to building trust with all members of the community, by respecting and protecting the constitutional rights and dignity of all individuals during law enforcement contacts and/or enforcement actions. *See SLMPD Special Order 1-04 (Prohibition of Bias-Based Policing and Racial Profiling), SLMPD Special Order 1-08 (Interaction with Transgender Individuals), and SLMPD Directive 2021-08-27 (Consent Judgement Respecting Right to Assemble and Engage in Non-Violent Protest and Criticize, Complain About, and Video Record Police).*

PURPOSE:

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

Cell site simulators are used to gather unique identifying information specific to a cellular device that can lead to the identity or whereabouts of:

- Missing persons (endangered juveniles and elderly, Amber alerts, abducted individuals, etc.)
- At-risk individuals (suicidal, mentally distressed, etc.)
- Victims of mass casualty incidents (active shooter victims, natural disaster victims, search and rescue victims, etc.)
- Assist in felony investigations and apprehension of suspects and/or fugitives.

The cell site simulator is utilized by the St. Louis Metropolitan Police Department with a court ordered search warrant issued based on probable cause or it is used during an exigent circumstance.

The Saint Louis Metropolitan Police Department does not utilize the cell site simulator to target First Amendment activities, such as protests and gatherings at places of worship. The cell site simulator is not used by SLMPD for immigration enforcement purposes, including the sharing of information derived from the equipment with federal immigration authorities including Immigrations and Customs Enforcement (ICE).



St. Louis Metropolitan Police Department Surveillance Use Plan



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 continued use of the cell-site simulator to gather unique identifying information specific to a cellular device that can lead to the identity or whereabouts of:
 - o Missing persons (endangered juveniles and elderly, Amber alerts, abducted individuals, etc.)
 - o At-risk individuals (suicidal, mentally distressed, etc.)
 - o Victims of mass casualty incidents (active shooter victims, natural disaster victims, search and rescue victims, etc.)
 - o Assist in felony investigations and apprehension of suspects and/or fugitives.

The above list is not an exhaustive list of incidents when the cell site simulator is used, but the cell site simulator is only utilized by the St. Louis Metropolitan Police Department with a court ordered search warrant issued based on probable cause or when exigent circumstances exist that could end fatally for a victim if the department does not utilize the technology.

The Saint Louis Metropolitan Police Department does not utilize the cell site simulator to target First Amendment activities, such as protests and gatherings at places of worship. The cell site simulator is not used by SLMPD for immigration enforcement purposes, including the sharing of information derived from the equipment with federal immigration authorities including Immigrations and Customs Enforcement (ICE).

- 2) SLMPD has one cell-site simulator and is not seeking to acquire any additional units.
- 3) Deployment is based on active criminal investigations pursuant to a court ordered search warrant, or exigent circumstances, such as those listed in the above *Purpose* section of this use plan.
- 4) SLMPD currently does not have any organizational 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?*

As stated in the *Department of Justice Policy Guidance: Use of Cell-Site Simulator Technology*, under the section *Legal Process and Court Orders*, cell site simulator technology use "is permitted only as authorized by law and policy." The St. Louis Metropolitan Police Department adheres to the Department of Justice's guidance for use of the cell site simulator. The SLMPD only uses the cell site simulator after the issuance of a court ordered search warrant or when exigent circumstances exist.

Investigators using the cell site simulator during an active criminal investigation must obtain a court ordered search warrant that accurately describes the purpose and activities for which the search warrant is being sought. This document requires the establishment of a probable cause, which are



St. Louis Metropolitan Police Department Surveillance Use Plan



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. Search warrants for use of the cell site simulator include specific information to ensure the courts know that this technology is being used. The search warrant can only be issued by a judge while the investigator is under oath and there must be enough probable cause for the warrant to be issued by the judge.

In the event of exigent circumstances, the officers must believe that the victim is in imminent danger and the use of the technology will prevent the serious physical harm or loss of life. If the victim in an exigent circumstance has not been located within 24 hours, the investigator must apply for a court ordered search warrant for the continued use of the cell site simulator.

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

Use of the Saint Louis Metropolitan Police Department's cell-site simulator is strictly limited to 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, the investigator must apply for a court ordered search warrant for the continued use of the cell site simulator. 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?*

Data captured using the cell site simulator is only analyzed and reviewed during the technology's activation. Once the cellular device is located, either through an approved court issued search warrant or during exigent circumstances, the information captured by the cell site simulator is deleted.

Per the Department of Justice Policy Guidance: Use of Cell-Site Simulator Technology, which is followed by the SLMPD,

"The Department is committed to ensuring that law enforcement practices concerning the collection or retention of data are lawful, and appropriately respect the important privacy interests of individuals. As part of this commitment, the Department's law enforcement agencies operate in accordance with rules, policies, and laws that control the collection, retention, dissemination, and



St. Louis Metropolitan Police Department Surveillance Use Plan



disposition of records that contain personal identifying information. As with data collected in the course of any investigation, these authorities apply to information collected through the use of a cell-site simulator. Consistent with applicable existing laws and requirements, including any duty to preserve exculpatory evidence, the Department's use of cell-site simulators shall include the following practices:

- 1. When the equipment is used to locate a known cellular device, all data must be deleted as soon as that device is located, and no less than once daily.*
- 2. When the equipment is used to identify an unknown cellular device, all data must be deleted as soon as the target cellular device is identified, and in any event no less than once every 30 days.*
- 3. Prior to deploying equipment for another mission, the operator must verify that the equipment has been cleared of any previous operational data.*

Agencies shall implement an auditing program to ensure that the data is deleted in the manner described above."

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.

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.

As stated previously, the SLMPD follows the DOJ's policy and deletes all captured data immediately after the use of the cell site simulator.

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.



St. Louis Metropolitan Police Department Surveillance Use Plan



Cell-site simulator technology was purchased in 2014 using the Urban Area Security Initiative Grant. The total amount of the grant was used to purchase the cell site simulator, which was approximately \$1,000,000.00. There are no additional amounts expended after the initial purchase and there are no maintenance, personnel, or data storage costs associated with this technology.

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 ordered search warrant or during exigent circumstances where an individual's life is in imminent danger or there is an immediate risk to public safety. The court ordered search warrant ensures that there is enough probable cause to believe a person has committed, is committing, or is about to commit a crime.

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 ensures that surveillance technology is not deployed in a manner that adversely affects a person based solely on actual or perceived race, color, religion or creed, age, national origin, alienage, citizenship status, gender (including gender identity), sexual orientation, disability, marital status, partnership status, military status, or political affiliation or beliefs.

The SLMPD strives to maintain the highest standards of honor and integrity. SLMPD is committed to building trust with all members of the community, by respecting and protecting the constitutional rights and dignity of all individuals during law enforcement contacts and/or enforcement actions. *See SLMPD Special Order 1-04 (Prohibition of Bias-Based Policing and Racial Profiling), SLMPD Special Order 1-08 (Interaction with Transgender Individuals), and SLMPD Directive 2021-08-27 (Consent Judgement Respecting Right to Assemble and Engage in Non-Violent Protest and Criticize, Complain About, and Video Record Police).* The department also follows the State of Missouri state statute RsMo 590.650 regarding racial profiling.

The St. Louis Metropolitan Police Department is an accredited law enforcement agency through the Commission on Accreditation for Law Enforcement Agencies (CALEA) and meets the national standards related to Unlawful or Improper Bias in Public Safety.

DATA COLLECTION:

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



St. Louis Metropolitan Police Department Surveillance Use Plan



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 deleted immediately after the use of the cell site simulator and in accordance with the Department of Justice Policy Guidance: Use of Cell-Site Simulator Technology.

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 109.200-109.310 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. The purpose of the



St. Louis Metropolitan Police Department Surveillance Use Plan



technology is to locate a cellular device in real time and the information collected does not serve any purpose once the device has been located, thus the information is not retained and is deleted immediately after the device has located.

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 law enforcement agencies with criminal investigations using this technology and in accordance with the information outlined in this surveillance use plan. This means that SLMPD assists other law enforcement agencies, in the region, after they have obtained a court ordered search warrant or in exigent circumstances and because the technology is the property of SLMPD, the agency follows the policies and procedures of the SLMPD while utilizing the cell site simulator technology, as outlined in this 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 law enforcement agencies, within the region, 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.



St. Louis Metropolitan Police Department Surveillance Use Plan



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 on the cell site simulator is conducted by the vendor or an expert on the technology. There is no in-house training available for this technology. All training is completed by the vendor or an expert on the technology. 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 training for the cell site simulator technology.

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.

The misuse of the cell site simulator technology or associated software will subject employees to administrative and potentially criminal penalties. Allegations of misuse are internally investigated by the Civilian Oversight Board and the Bureau of Professional Standards, Internal Affairs Division.

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.