



**DEPARTMENT OF CORRECTIONS**



**Office of the Inspector General**

<b>Title:</b>	<b>Use of Electronic Surveillance Devices</b>	<b>DOC Policy: 70.1.5</b>
<b>Effective:</b>	<b>9/1/23</b>	<b>Supersedes: 2/15/07</b>
<b>Applicability:</b>	<b>All functional units, DOC and OCE employees, volunteers, and contractors</b>	
<b>Directives Cross-Reference:</b>	<b>Investigations Policy 70.1.4</b>	
<b>Attachments:</b>	<b>Electronic Surveillance Request and Approval Form (CD1941)</b>	

**I. PURPOSE**

The purpose of this policy is to set forth criteria for the appropriate use of hidden electronic surveillance devices for investigative purposes.

**II. DEFINITIONS**

- A. Adult in Custody (AIC):** Any person under the supervision of the Department of Corrections (DOC) who is not on parole, probation, or post-prison supervision status.
- B. Department of Corrections Contractor:** Any person under contractual arrangement to provide services to the department; any person employed by private or public sector agencies who is serving under department sanctioned assignment to provide services or support to department programs.
- C. Department of Corrections Employee:** Any person employed full-time, part-time, or under temporary appointment of DOC.
- D. Electronic Surveillance Devices:** Video or audio recording devices used in an investigation to monitor the activities of DOC adults in custody, those associated with AICs, or DOC or Oregon Corrections Enterprises (OCE) employees, contractors, or volunteers that are not part of the security system of a DOC or OCE institution or facility.
- E. Functional Unit Manager:** Any person within DOC who reports to the Director, Deputy Director, an Assistant Director, or an administrator and has responsibility for delivery of program services or the coordination of program operations.
- F. Inspector General:** The Inspector General of the Oregon Department of Corrections.
- G. Investigation:** A fact finding activity for the specific purpose of addressing complaints or allegations. Investigations may include, but are not limited to, interviews; surveillance; and review of electronic and paper records, correspondence, and information storage devices of a DOC or OCE employee, volunteer, contractor, AIC, or associate of an AIC.

- H. Oregon Corrections Enterprises Contractor: Any person under contractual agreement to provide services to OCE; or any person employed by private or public sector agencies who is serving under OCE-sanctioned assignment to provide services or support to OCE programs.
- I. Oregon Corrections Enterprises Employee: Any person employed fulltime or part-time, or under temporary appointment of OCE.
- J. Special Investigations Unit (SIU): All Inspectors and managers assigned to the Oregon Department of Corrections, Special Investigations Unit.
- K. Volunteer: An approved person who donates time, knowledge, skills, or effort to enhance the mission, activities, and programs of the department. Volunteers serve at the pleasure of the department and are not considered employees.

### III. POLICY

#### A. Request and Approval Criteria

Electronic surveillance devices may be authorized in advance for use inside or outside of a DOC institution or facility to provide evidence of misconduct, criminal or administrative, or a breach of security.

Requests for deployment of electronic surveillance devices shall be made by the Lead Investigator utilizing an Electronic Surveillance Request and Approval form (CD1941) and must be approved by the proper authorities as indicated below. The Lead Investigator must have training and experience in the proper execution of electronic surveillance devices and will be responsible for the deployment, maintenance, and documentation of the entire process.

If at any time a crime is believed to have occurred, immediate notification to the Special Investigations Unit shall be made.

In addition to the approval criteria outlined in this policy, any deployment of electronic surveillance devices will be authorized only in areas where no reasonable expectation of privacy exists in accordance with applicable state and federal law, must be conducted within the scope of an approved investigation, and without the use of audio recording.

##### 1. Use of Electronic Surveillance Devices on DOC Grounds or Property

Investigations involving the use of electronic surveillance devices on DOC grounds or property must be requested by a Superintendent, functional unit manager, Institutions Administrator, or SIU. Such requests shall be approved in advance as indicated on an Electronic Surveillance Request and Approval form (CD1941) by **all** the following approving authorities or designee(s):

- a. Superintendent or functional unit manager; and
- b. Inspector General or designee; and
- c. Institutions Administrator or Assistant Director, or designee of either.

## **2. Use of Electronic Surveillance Devices Inside DOC Facilities or Buildings**

Investigations involving the use of electronic surveillance devices inside DOC facilities or buildings shall be requested by a Superintendent, functional unit manager, Institutions Administrator, or SIU. Such requests shall be approved in advance as indicated on an Electronic Surveillance Request and Approval form (CD1941) by **all** the following approving authorities or designee(s):

- a. Superintendent or functional unit manager; and
- b. Inspector General or designee; and
- c. Institutions Administrator or Assistant Director, or designee of either; and
- d. Deputy Director or Director.

## **3. Use of Electronic Surveillance Devices off DOC Grounds or Property**

Investigations involving the use of electronic surveillance devices off DOC grounds or property may require advance coordination with the appropriate federal, state, county, or city landowner, or the local law enforcement agency.

Investigations involving the use of electronic surveillance devices off DOC grounds or property shall be requested by a Superintendent, functional unit manager, Institutions Administrator, or SIU. Such requests shall be approved in advance as indicated on an Electronic Surveillance Request and Approval form (CD1941) by **all** the following approving authorities or designee(s):

- a. Superintendent or functional unit manager; and
- b. Institutions Administrator or Assistant Director, or designee of either.

When appropriate or necessary, the approving authorities above may request additional approval and involvement from the Inspector General or designee for the use of electronic surveillance devices off DOC grounds or property.

## **B. Deployment**

1. Electronic surveillance devices are an investigative tool, not part of an institution or facility security system, and are typically deployed in a location hidden from view.
2. Setup, retrieval, and maintenance of these devices, once authorized, will be documented to include dates, times and location of deployment, staff conducting deployment, records of maintenance, and findings.

3. The length of time that an electronic surveillance device may be deployed shall not exceed 14 days. Additional deployment time may be authorized by the approving authorities upon request, in advance, when deemed necessary to the investigation.

#### **IV. IMPLEMENTATION**

This policy will be adopted immediately without further modification.

Certified: \_\_\_\_\_ signature on file \_\_\_\_\_

Julie Vaughn, Rules Coordinator

Approved: \_\_\_\_\_ signature on file \_\_\_\_\_

Heidi Steward, Acting Director