

# Hilder: HPD needs to explain how tracking devices work

From cellphone tracking to police body cameras, transparency is necessary to protect privacy, citizens

By Philip H. Hilder | April 9, 2015 | Updated: April 9, 2015 5:44pm

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Photo By Nam Y. Huh/STF

A youth checks his smartphone in Glenview, Ill. Local police may be tracking your cellphone with new technology and should be thoughtful about how it's used.



**Houston Police Department** needs to be transparent and accountable to Houstonians regarding its policies, training and current protocol as it relates to the use of technologies that track phone calls and record actions of citizens. Houston taxpayers deserve answers and should demand them.

Our Police Department sought to equip 3,500 officers with \$8 million in body cams and already has technology that can capture cellphone location and information. HPD needs to explain training and policy for these potentially invasive devices.

***Explain the StingRay***

The StingRay technology - and City Council just last week approved another \$495,000 for this equipment - mimics a cellphone tower and tricks phones into connecting through it. It allows police to identify the mobile number of a caller or texter, where the call is coming from and who is being contacted. HPD has owned these devices for years but won't explain how the technology is being used.

Many citizens may be willing to give up some level of privacy if it would help catch major criminals or lead to the truth when a citizen is shot by police. However, invasive technology can be easily put to illegitimate and harmful use especially if kept a state secret. Public guidelines are essential to protect citizens from warrantless searches and seizures and from other invasions of privacy that violate the Fourth Amendment. Unless HPD develops and discloses clear rules and a system of oversight, abuses of the technology will go undetected and uncorrected.

### ***Answer these questions***

As a member of the **Independent Police Oversight Board**, I believe that this civilian board has the responsibility to make suggestions for non-mandated training and education. This cannot be accomplished unless HPD is transparent as to what policies and training the department has established relating to these new technologies. Here are some of the key questions HPD should answer regarding StingRay cell-site devices:

Does HPD have a policy on the use of its StingRay and if so, what is it?

What is HPD's guidance to officers regarding the legal process?

What protections safeguard the privacy of individuals who are not the targets of interception but whose information has been collected?

What is HPD's position on obtaining warrants before using this technology?

What is HPD's policy on the retention of information collected by StingRay and how is it enforced?

### ***Body-worn cameras***

Similarly, police body cameras require thoughtful guidance regarding their use. Citizens deserve to know if HPD has developed a body camera policy and if so, does it:

Require training before HPD personnel can be equipped with body-worn cameras?

Require officers to inform subjects when they are being recorded?

Require the body camera to continue recording until the conclusion of an incident?

Spell out the circumstances when an officer can turn off the recording?

Spell out situations in which police should obtain consent to record?

Allow officers discretion to keep their cameras off during conversations with witnesses and members of the community who wish to discuss criminal activity?

Spell out specific measures against tampering with video including banning using video for personal use and social media uploading?

Lay out clear and consistent protocols for releasing recorded data to the public and the news media?

HPD has everything to gain by being open and transparent with the citizens who pay the salaries of its officers and fund much of this equipment. Openness would do a lot to allay fears about the trampling of individual rights.

Hilder is a white-collar criminal defense attorney and former federal prosecutor. He is a mayoral appointee to the city of Houston's Independent Police Oversight Board.