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CPPINV3033

# Conduct Covert Surveillance Operations

## Application

This unit specifies the skills and knowledge required to conduct covert surveillance operations using mobile or static surveillance techniques on foot and while operating a vehicle. It includes selecting surveillance methods, equipment, sites and routes, and applying contingency options where surveillance integrity is compromised. The unit requires evidence collection and compliance with evidence management principles.

## Elements & Performance Criteria

### 1.0 Prepare for covert surveillance operation.

- 1.1 Review work instructions, procedures and workplace policies to ensure required authorisations and compliance with legal rights and responsibilities when conducting covert surveillance.
- 1.2 Check validity of client intentions and information obtained as part of investigative brief to ensure compliance with ethical obligations.
- 1.3 Conduct research to profile the subject and their possible whereabouts in consultation with relevant persons.
- 1.4 Select surveillance methods and identify likely surveillance sites and routes.
- 1.5 Inspect surveillance sites and routes to identify factors that may impact surveillance operation and possible contingency options.
- 1.6 Organise surveillance equipment and check to confirm correct operation.
- 1.7 Collate and document gathered information to support surveillance operation.

### 2.0 Undertake covert surveillance and gather evidence.

- 2.1 Notify relevant persons of intention to conduct surveillance operation.
- 2.2 Position and operate surveillance equipment following manufacturers' specifications and work health and safety requirements.
- 2.3 Undertake covert surveillance procedures to meet work instructions and comply with legal requirements.
- 2.4 Implement contingency options where surveillance integrity is compromised and report status to relevant persons.
- 2.5 Gather and record surveillance evidence and check to confirm its relevance, validity and admissibility in court.

**3.0 Finalise covert surveillance operation.**

- 3.1 Present facts and observations in a documented surveillance report that complies with workplace standards for style, format and accuracy.
- 3.2 Present report to relevant persons within agreed timeframes.
- 3.3 Check, clean and store surveillance equipment following manufacturers' instructions.
- 3.4 Securely store surveillance records and evidence in accordance with evidence management principles.

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## Introduction

In private investigations, the art of surveillance stands as a cornerstone technique, often dictating the trajectory of an entire case. While literature on this subject is abundant, with numerous authors detailing their methods and sharing case studies, a consistent theme emerges: the age-old stereotype of an investigator lurking in the shadows, donned in a trench coat, is a relic of the past. Today's adept investigator is the unassuming individual beside you at the supermarket checkout or the fellow golfer on the course. The true hallmark of expertise in this field is the ability to seamlessly blend into any environment, becoming virtually invisible.

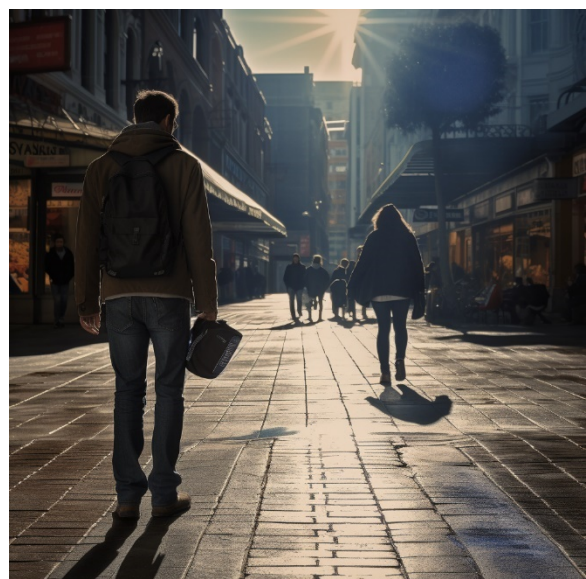
Surveillance, as many seasoned professionals will attest, is arguably the most potent tool in an investigator's arsenal. The insights gleaned from a mere hour of expertly conducted surveillance can drastically alter the course of an investigation, potentially saving weeks of work. Through meticulous observation and tracking, an investigator can piece together a subject's activities, movements, and behaviours. Such detailed records can unveil whether a subject is involved in activities of concern, be it of a grave criminal nature or matters more personal.

As we delve deeper into the nuances of covert surveillance, we'll explore everything from legal and ethical considerations to the hands-on aspects of planning, execution, and evidence management. Whether you're an aspiring investigator or a seasoned professional, this module promises a thorough understanding of contemporary surveillance techniques, ensuring you're well-equipped to navigate the complexities of the field.

## 1.0 Introduction to Covert Surveillance Operations

### 1.1 Overview of Covert Surveillance

Covert surveillance is a specialised discipline within the investigative realm, centred on the discreet observation of individuals, places, or activities without the subject's knowledge. This method is employed to gather critical information, evidence, or intelligence in various investigative contexts, from insurance fraud to criminal activities. Over the years, the techniques and tools used in covert surveillance have seen significant advancements, adapting to the changing landscapes of technology and society.



## Historical Context

Historically, the concept of surveillance often conjured images of an investigator dressed in a trench coat, discreetly following a subject from a distance, or hiding behind a newspaper on a park bench. While these images, often popularised by Hollywood and detective novels, have their roots in reality, modern-day surveillance has evolved far beyond these clichés. Today's surveillance professional is versatile, adaptive, and technologically savvy. They could be anyone – the person beside you at the supermarket checkout, the individual attending the same fitness class, or even a fellow diner at a local café. The most adept operatives have honed the art of blending in so effectively that they become virtually invisible, seamlessly merging with their surroundings.

## Significance of Covert Surveillance

Covert surveillance holds a position of paramount importance. It offers a real-time window into the activities, interactions, and behaviours of subjects, providing insights that are often unattainable through other investigative methods. Whether tracking the movements of a suspected insurance fraudster, monitoring potential criminal activities, or gathering intelligence on business competitors, surveillance offers a direct line of sight into the heart of the matter.

The primary objective of covert surveillance is to observe without altering the natural behaviour of the subject. This unobtrusive observation requires a delicate balance of skills, techniques, and equipment. The information and evidence gathered during such operations can be instrumental in shaping the outcome of an investigation, influencing legal proceedings, or guiding strategic and tactical decisions.

## Blending In: The Modern Surveillance Operative

The success of a modern surveillance operative hinges not just on their observational skills but also on their ability to assimilate into various environments. This involves not only adopting the right attire and equipment but also understanding and mimicking the behaviours, routines, and cultural nuances of the environment they are operating in. It's about being in plain sight, yet remaining unnoticed. This ability to 'disappear' into the background, to become a part of the crowd, is a testament to the operative's training, experience, and adaptability.

Furthermore, with the advent of technology, surveillance has also embraced digital tools and platforms. From high-definition cameras to GPS trackers and from social media monitoring to advanced data analytics, the modern surveillance toolkit is diverse and powerful.

In the world of investigations, surveillance stands out as a tool of immense value. However, it's essential to approach it with a keen understanding of its intricacies, ethical considerations, and the legal landscape in Australia. As we delve deeper into this module, we'll explore the various facets of covert surveillance, ensuring that you're equipped with the comprehensive knowledge and skills to conduct effective and ethical surveillance operations in the Australian context.

## 1.2 Legal and Ethical Considerations

Navigating the field of covert surveillance in Australia requires a thorough understanding of the legal and ethical landscape, particularly as it pertains to private investigations. While surveillance is a powerful tool in the investigative arsenal, it is also one that is heavily regulated to protect the rights and privacy of individuals.

### Legal Framework

- **Licensing and Regulation:** In Australia, private investigators, including those conducting surveillance, must be licensed. The licensing requirements vary slightly between states and territories but generally involve a combination of training, experience, and background checks. For instance, in Victoria, the licensing is overseen by the Victoria Police, while in New South Wales, it's the Security Licensing & Enforcement Directorate (SLED) that manages the process.
- **Privacy Act 1988 (Cth):** This federal legislation governs the collection, use, and disclosure of personal information. While it primarily targets businesses and government agencies, certain provisions can impact surveillance activities, especially if the information collected is intended for commercial use.
- **Surveillance Devices Act:** Each state and territory in Australia has its own version of this legislation, which regulates the use of listening devices, optical surveillance devices, tracking devices, and data surveillance devices. For private investigators, it's crucial to be familiar with the specific act in the jurisdiction where they operate. For instance, in Victoria, it's illegal to use a listening device to overhear, record, monitor, or listen to a private conversation without the consent of all parties involved, if you are not a party to that conversation. This is discussed in detail in CPPINV3062 - Work Effectively In Investigative Services.
- **Trespass Laws:** While not specific to surveillance, trespass laws can impact surveillance activities. Investigators must ensure they do not unlawfully enter private property or spaces where they do not have permission to be.

### Ethical Considerations

- **Respect for Privacy:** While the aim of surveillance is to gather information, it's essential to balance this with respect for an individual's right to privacy. This means avoiding intrusive methods and ensuring that surveillance is conducted for a legitimate purpose.
- **Integrity and Honesty:** As professionals, private investigators must uphold the highest standards of integrity and honesty. This includes accurately reporting findings, avoiding embellishment, and ensuring that all activities are above board.
- **Confidentiality:** Information gathered during surveillance is often sensitive. Investigators have an ethical duty to protect this information, ensuring it's only shared with authorised individuals and used for its intended purpose.
- **Avoiding Harassment:** While surveillance involves monitoring individuals, it's crucial to ensure that this monitoring does not cross the line into harassment. This means avoiding overly aggressive tactics or prolonged surveillance that could be deemed intrusive.



- **Transparency with Clients:** While the nature of surveillance requires a degree of secrecy, investigators should still be transparent with their clients about the methods they intend to use, the potential risks involved, and the legal boundaries they must adhere to.

While covert surveillance is a valuable tool in private investigations, it's paramount to approach it with a keen awareness of the legal and ethical considerations. By adhering to the established laws and upholding the highest ethical standards, private investigators can ensure that their surveillance activities are both effective and above reproach.

## 2.0 Preparation and Planning for Surveillance

Effective surveillance is a meticulous process that requires careful planning and preparation. The success of a surveillance operation often hinges on the groundwork laid before the actual surveillance begins. This chapter delves into the importance of preparation and planning, the necessity of having a cover story, and understanding when to adjust strategies during the operation.

### 2.1 Preparation & Planning

Preparation and planning are paramount in surveillance operations. Once an operation has commenced, opportunities to re-organise or adjust are extremely limited, making the initial planning phase crucial. As the saying goes, "Failing to prepare is preparing to fail."

A proficient surveillance operator will meticulously plan every mission in a logical and disciplined manner well before the surveillance commences. As an investigator, your experience and knowledge will grow extensively over time, and you'll find yourself devoting significant time to conducting covert surveillance.

During operations, there may be instances where you might be confronted by the Person(s) Under Surveillance or Subject (P.U.S or Subject). A well-thought-out cover story, prepared in advance for every surveillance job, coupled with thorough planning, will assist in maintaining the integrity of the surveillance. Recognising when to 'back off' during surveillance can be a significant advantage to the entire operation and the investigator.

Backing off is an essential skill that needs to be honed just as much as the general technique used by the investigator in the mechanical side of the overall surveillance itself. Investigators, being competitive by nature, might feel that letting the subject go temporarily equates to failure. However, this perspective can be misleading. Knowing when to back off can preserve the operation. Persistently following a subject until they become suspicious might lead them to alter their activities, presenting a different picture for you to report to your clients. In simpler terms, the operation could be compromised.

Clients certainly do not appreciate receiving calls from irate subjects demanding explanations for being watched. When such situations arise, it not only compromises the client but also

tarnishes the investigator's reputation. Such incidents could very well be the last case an investigator receives from that client. By deliberately letting the person go and discontinuing the surveillance, the operation may remain uncompromised, bearing in mind that there's usually "another day" to complete the task.

Most novice investigators, when learning how to conduct surveillance, are understandably eager to impress. This enthusiasm is a natural part of the learning stage. It's common to feel that every time you follow someone, they might be suspicious of you. Such feelings can be daunting. However, the key is always to remain calm and become invisible, blending seamlessly into the surroundings.

## 2.2 The Necessity of Planning Before Commencing a Surveillance Operation

The success of a surveillance operation is often determined long before the surveillance begins. Proper planning ensures that the investigator is prepared for various scenarios, understands the environment, and has the necessary tools and strategies in place. This planning phase is where investigators assess risks, gather intelligence, and set clear objectives for the surveillance.

### Planning

Planning is a pivotal aspect of surveillance. While the execution of surveillance is vital, the groundwork laid during the planning phase can significantly influence the outcome. The saying, "Failing to prepare is preparing to fail," holds true in the realm of surveillance. It's crucial that investigators dedicate time to planning the operation meticulously. While the cost of planning might not be a direct itemised expense when invoicing clients, it's an integral part of the overall process and can be considered part of the reconnaissance.

Several factors must be taken into account during the planning phase:

- **The Location:** Whether it's a shopping centre, a nightclub, or a quiet suburban court, understanding the location is essential.
- **The Environment:** Recognising the dominant culture of the area can provide insights into how to blend in seamlessly.
- **The Timing:** Factors like daylight hours, nighttime, weekdays, and weekends can influence the surveillance strategy.
- **The Attire:** Dressing appropriately to blend into the environment is crucial.

One effective method for planning is the "S.M.E.A.C" principle:

- **Situation:** Briefing the situation to understand the context.
- **Mission:** Clearly defining what needs to be achieved.
- **Execution:** Outlining how the objectives will be met.

- **Administration:** Identifying who's involved, their roles, and responsibilities.
- **Communication:** Establishing call signs, using silent communicators, and setting signals.

The SMEAC principle is widely adopted by the police and is mandatory for all operations to prevent confusion. It ensures that everyone involved in the operation is on the same page, understanding their roles and responsibilities. Proper communication and briefing are essential to ensure everyone knows what's expected of them.

Before attempting surveillance, gather all pertinent information about the subject's habits and frequented locations. Asking the right questions to the right people can provide invaluable insights that can lead to a successful conclusion. Always have an alternative plan in place in case things don't go as planned. The more research and preparation done beforehand, the better.

Choosing the right spot for surveillance is crucial. It should offer concealment from the subject while providing a clear line of vision. Patience is key. Without proper preparation, you might find yourself in an awkward situation, like being questioned by a local resident or attracting unnecessary attention. For instance, imagine being approached by an elderly lady wondering why you're parked outside her house. Such situations can compromise the entire operation, especially if she decides to inform local authorities.

To avoid such scenarios, it's a good practice to inform the local police that you'll be working in the area. While you don't need to divulge all the details of your operation, giving them a heads-up can prevent unwanted attention. A simple technique, like sitting on the passenger's side of a vehicle, can make it appear as if you're waiting for someone, reducing suspicion.

Planning is not just a preliminary step but the foundation upon which successful surveillance operations are built. Proper preparation, understanding the environment, and anticipating potential challenges can make the difference between a successful operation and one that's compromised.

## **The Importance of a Cover Story and Being Prepared for Different Scenarios**

In the realm of covert surveillance, the unexpected is a constant companion. Whether it's an unforeseen turn of events, a sudden change in the subject's behaviour, or an unplanned confrontation, being prepared is crucial. One of the primary tools in an investigator's arsenal for such situations is a well-crafted cover story.

### **The Cover Story**

A cover story is not just a fabricated tale; it's a strategic narrative designed to deflect suspicion and maintain the integrity of the surveillance operation. It needs to be believable, plausible, and tailored to the specific circumstances of the surveillance. For instance, if you're conducting surveillance in a residential area, your cover story might involve looking for a lost pet or seeking directions.

Prepare a cover story in case you're spotted, identified, and questioned. The cover story you hastily provide to a suspicious neighbour or to your subject, if they confront you unexpectedly, needs to be convincing. Stammering or appearing uncertain can raise red flags and jeopardise the operation. This aspect of surveillance is closely aligned with the module Organise and Operate a Surveillance Vehicle. As you progress through the course, the importance of a solid cover story will be reinforced through practical assignments.

For rookie investigators, the fear of "losing" or "tossing" the P.U.S. (person under surveillance) can be daunting. However, it's essential to understand that the general public is often oblivious to their surroundings. Consider this: can you recall the vehicle that was behind you during your last drive? Unless you're overtly conspicuous, the subject will likely remain unaware of your presence.

However, even seasoned investigators can find themselves in compromising situations. Imagine tailing a vehicle in an unfamiliar residential area, only to have the subject make an unexpected turn into a cul-de-sac or dead-end street. Such scenarios can lead to confrontations, with the subject demanding an explanation. In such situations, having a plausible reason for being in the area is crucial. The old "I'm lost" excuse might not suffice, especially if there's surveillance equipment in plain sight.

So, what would you do if the subject deliberately lured you into a trap? How would you handle a confrontation, especially with evidence of surveillance, like a video camera, visible? These are scenarios that every investigator must consider and prepare for. It's not enough to merely follow the subject; thinking ahead and anticipating potential challenges is vital.

Using the space provided below, consider what actions you would take to ensure the integrity of the mission if confronted by the P.U.S. under these circumstances. Some investigators fall into the trap of mindlessly tailing the subject without strategising, which can lead to compromised operations.

### **Thinking Ahead**

Investigators need to think ahead when following a subject. It's crucial to know and understand the area where you are. Pay attention to road signs and other indicators. For instance, as you're driving on the freeway, anticipate the exits and try to determine where the P.U.S. might be heading. Form a mental picture of the area, considering traffic flow and other factors.

Even if you feel you've been "burned", chances are the P.U.S. hasn't noticed. Look for signs from the P.U.S. that might indicate their awareness, such as frequent checks in the rear-view mirror or sudden, uncharacteristic changes in driving behaviour. If the P.U.S. slows down, changes lanes without indicating, or pulls over with the engine running and brake lights on, it might be time to reconsider your approach.

Inside most vehicles, activities can be observed from a distance. Pay attention to what the driver is doing. Are they distracted by other activities, like putting on makeup, drinking coffee,

or singing along to the radio? Such distractions can work in your favour, making it less likely they'll notice you.

Always act naturally when tailing a subject. If you find yourself stuck in traffic behind them, avoid direct eye contact. Pretend to be interested in something else, like drinking coffee or adjusting a contact lens. And as obvious as it may sound, never talk on a radio or even a mobile phone when the P.U.S. can see you.

If you feel exposed or "naked", it's okay to back off. While it might not look good in a report to admit you felt compromised, it's better than blowing the operation. Choose your words carefully when reporting to your client. Instead of admitting you felt compromised, you might say you lost the vehicle in heavy traffic.

### **Objectives of a Surveillance Operation**

The primary objectives of a surveillance operation include:

- Obtaining evidence of an offence.
- Locating a person, their residence, or place of employment.
- Gathering information about a person's activity.
- Obtaining information about the activities of a Business or Organisation.
- Gathering vital information for use later by another source, such as a Court, employer, insurance companies, a spouse, a parent, or another interested party.
- Identifying a person's associates.
- Confirming subjected activities.
- Safeguarding the interests or assets of the client.

Surveillance can be conducted in various ways, including on foot, by vehicle, through static observation, electronically, or a combination of these methods. However, there are governing rules and regulations to consider, such as The Private Security Act - Regulations, The Privacy Act, Surveillance Devices Act, The Evidence Act, and others.

Most surveillance is conducted covertly, where the investigator operates undercover, maintaining secrecy and discretion. The goal is to observe without being detected, which can be challenging. On rare occasions, overt surveillance is conducted, where the subject is made aware they are being watched. This tactic is rarely used by private investigators and is more common among police and other law enforcement agencies.

In conclusion, a cover story is not just a tool for deflection; it's a testament to an investigator's preparedness and adaptability. Crafting a believable narrative, anticipating challenges, and being ready for the unexpected are all part and parcel of successful surveillance operations.



- **Binoculars and Telescopes:** For long-distance surveillance, these tools can be invaluable, especially when paired with cameras.
- **Drones:** In recent years, drones equipped with cameras have become a valuable tool for surveillance, offering a bird's-eye view of a location.



### Preliminary Checks

Before commencing any surveillance operation, it's imperative to conduct preliminary checks on all equipment:

1. **Battery Life:** Ensure all devices are fully charged and carry spare batteries if possible.
2. **Functionality:** Test all equipment to ensure they're working correctly. This includes checking the clarity of cameras, the range of audio devices, and the accuracy of GPS trackers.
3. **Storage:** Check the storage capacity of recording devices. If using SD cards, ensure they have ample space and carry backups.
4. **Discreetness:** If using body-worn cameras or audio devices, ensure they're concealed and won't draw attention.
5. **Compatibility:** Ensure all devices work well together, especially if they're from different manufacturers.

### Additional Considerations

- **Cover and Concealment:** From time to time, you may need to obtain video footage in circumstances where it's necessary to keep the camera hidden. Consider preparing a bag or another accessory that allows the camera to remain concealed but easily operated. This accessory should blend in with your attire and be nondescript to avoid detection.
- **Know Your Equipment:** At the outset, keep your equipment basic but functional. Familiarise yourself with its capabilities and always have it ready at the commencement of any surveillance operation.
- **Practical Application:** Throughout this module, you'll have the opportunity to undertake surveillance assignments, allowing you to apply the theory and techniques discussed in practical field scenarios.

The right equipment, when chosen wisely and checked thoroughly, can significantly enhance the success rate of a surveillance operation. Proper preparation and equipment checks can mean the difference between a successful operation and a compromised one.

## 2.3 Site Inspection and Route Identification

Conducting a successful covert surveillance operation requires more than just the right equipment and a well-thought-out plan. It's crucial to have a deep understanding of the surveillance site and the potential routes the subject might take. This knowledge can provide a strategic advantage, ensuring the surveillance remains covert and effective.

### Site Inspection

Before commencing any surveillance operation, a thorough site inspection is paramount. Here's what you need to consider:

1. **Layout of the Area:** Familiarise yourself with the physical layout of the surveillance site. This includes understanding entry and exit points, potential hiding spots, and areas of high foot or vehicle traffic.
2. **Vantage Points:** Identify locations that offer a clear line of sight to the subject without compromising your position. This could be a parked car, a bench, or even a coffee shop.
3. **Potential Risks:** Be aware of any potential risks or hazards in the area. This could range from security personnel, CCTV cameras, or even a nosy neighbour.
4. **Cultural and Social Dynamics:** Understand the local culture and social dynamics of the area. This will help you blend in and avoid drawing unnecessary attention.
5. **Environmental Factors:** Consider the environmental conditions of the site. This includes understanding the weather patterns (which might affect visibility or require specific equipment) and the time of day (daylight vs. nighttime operations).

### Route Identification

Knowing the potential routes your subject might take can significantly increase the chances of a successful surveillance operation:

1. **Subject's Routine:** If possible, gather information about the subject's daily routine. This can provide clues about their potential destinations and the routes they might take.
2. **Traffic Patterns:** Understand the traffic patterns of the area. This includes knowing peak traffic hours, which can affect your ability to tail a subject without losing them.
3. **Public Transport:** If the subject uses public transport, familiarise yourself with the local routes, schedules, and stops. This can provide insights into their potential movements.
4. **Alternate Routes:** Always have a backup plan. Identify alternate routes the subject might take and be prepared to adapt on the fly.
5. **Escape Routes:** In the event that your cover is blown or the situation becomes risky, know your escape routes. This ensures your safety and the integrity of the operation.



## In Practice

When conducting a site inspection and route identification, it's beneficial to:

- **Visit the Site in Advance:** If possible, visit the surveillance site a day or two before the operation. This allows you to get a feel for the area without the pressure of the actual surveillance.
- **Use Technology:** Utilise mapping apps or GPS devices to get a bird's-eye view of the area and to plot potential routes.
- **Stay Discreet:** Even during the site inspection, it's essential to remain discreet. Avoid drawing attention to yourself or looking suspicious.
- **Document Everything:** Take notes, photos, or even videos during the site inspection. This can serve as a valuable reference during the actual surveillance operation.

A thorough site inspection and route identification are foundational to a successful surveillance operation. By understanding the environment and anticipating the subject's movements, you can position yourself strategically, ensuring the operation remains covert and effective.

## 3.0 Executing Covert Surveillance

### 3.1 Notifying Relevant Persons and Ensuring Compliance

Executing covert surveillance is a delicate operation that requires meticulous attention to detail, adherence to legal and ethical standards, and effective communication with relevant stakeholders. One of the primary steps before initiating the surveillance is notifying the relevant persons and ensuring that all actions taken are in compliance with the law and established protocols.

#### Notifying Relevant Persons

1. **Local Authorities:** Depending on the jurisdiction and the nature of the surveillance, it might be necessary to inform local law enforcement agencies about the operation. This can prevent misunderstandings or conflicts during the surveillance process. Nothing can ruin your surveillance quicker than the Police turning up to question you.
2. **Client Communication:** Keep the client informed about the progress and any significant developments. This ensures transparency and builds trust.
3. **Surveillance Team Coordination:** If the surveillance involves multiple operatives, ensure that all team members are on the same page. Regular briefings and updates can help in coordinating efforts and avoiding potential pitfalls.
4. **Neighbours and Local Community (if necessary):** In some cases, especially in tight-knit communities, it might be beneficial to inform key community members about the operation to avoid unnecessary suspicions or disruptions.

## Ensuring Compliance

1. **Adherence to Legislation:** Surveillance operations in Australia must comply with various laws, including the Private Security Act, Privacy Act, Surveillance Devices Act, and Evidence Act. Familiarise yourself with these laws to ensure that all actions taken are legal.
2. **Ethical Considerations:** Beyond the legal requirements, it's crucial to operate within ethical boundaries. Respect the privacy and rights of all individuals, and avoid actions that could be deemed as harassment or invasion of privacy.
3. **Client's Instructions:** Always operate within the parameters set by the client. Any deviations from the client's instructions should be communicated and justified.
4. **Health and Safety Protocols:** Ensure that all surveillance activities are conducted in a manner that prioritises the safety of the operatives, the subject, and the general public. This includes adhering to traffic rules, avoiding confrontations, and using equipment safely.
5. **Data Protection:** Any information or evidence gathered during the surveillance should be handled with utmost care. Ensure that data is stored securely, and access is restricted to authorised personnel only.
6. **Continuous Training:** Regularly update your knowledge and skills. Attend training sessions, workshops, and seminars to stay abreast of the latest techniques, technologies, and legal changes related to surveillance.

## In Practice

- **Documentation:** Maintain detailed records of all communications, notifications, and actions taken during the surveillance operation. This can serve as evidence of compliance and can be useful in case of disputes or legal challenges.
- **Open Channels of Communication:** Establish clear lines of communication with all relevant parties. This ensures that any concerns, changes, or updates can be addressed promptly.
- **Stay Updated:** Laws and regulations can change. Regularly review and update your knowledge to ensure that your surveillance practices remain compliant.

Notifying the relevant persons and ensuring compliance are critical steps in the covert surveillance process. By adhering to legal and ethical standards and maintaining open communication with stakeholders, you can execute a successful and unproblematic surveillance operation.

## 3.2 Undertaking Surveillance Procedures

### Techniques Used in Surveillance

#### Vehicle Surveillance:

The majority of the principles as outlined apply equally to both foot and vehicle surveillance. The importance of selecting an appropriate vehicle has already been discussed as has the changing of the appearance of the vehicle itself and the surveillance operator. By having a child restraining capsule sitting on the rear seat gives the appearance of the surveillance vehicle as being a family car, grocery bags also present the same scenario to the inquisitive, especially if surveillance is to be undertaken in a shopping centre or public car park facility.

When undertaking vehicle surveillance it is very important to quickly assess the driving attitude of the subject with particular emphasis to traffic law and the condition of the subject vehicle. Factors such as how fast the subject drives, how slow the subject drives, does the subject drive erratically and use indicators when turning, do the indicators on the subject vehicle work, do both brake lights work, and what makes the vehicle stand out all contribute in some way to your decision-making process.



Use common sense, obey the local traffic rules, and try to keep as much distance between you and your subject as possible, while still maintaining a close tail. Try to keep at least one vehicle between you and your subject. If you lose your subject you will just have to start over the next day.

Single vehicle surveillance is always difficult, the restraints on the operator are obvious, flexibility is somewhat diminished and the ability to remain within touch of the subject without being compromised becomes more and more difficult over longer distances travelled especially in light traffic conditions.

The ideal situation of course is the use of more than one surveillance vehicle and a second even a third operator. This technique provides the flexibility denied to the single vehicle operator. You can both follow your subject and change places as you see fit, the Follow Car ( A ) could remain behind the subject while the Lead Car ( B ) could be closely in front of him, car A could simply change position with car B as traffic conditions alter, or if it is thought either car has been compromised at any stage, one simply disappears for a short distance keeping in touch with the other and re-joins the pursuit a little later.

Of course, the more vehicles and investigators you have the more efficient you will be, but you will need to consider the cost involved and make sure your client understands the reasoning behind using more than one vehicle. Perhaps you could suggest that as you may only get one shot at it you need the assurances of a strong back-up team so to maximise the chances of success. After all, the purpose of the surveillance is to have the subject lead you to a destination, not for you to lose him at the next turn off.

Try this: On the way home tonight pick a subject, anyone, put in say 15 minutes or maybe 15 kms with them, observe them, tail them, lead them, read the traffic, pay attention to the environment, their vehicle, then pick up another and do the same thing. You will be surprised how quickly you will be able to note small but significant differences between drivers. Their general road behaviour will usually reflect their driving skills and they will become more apparent to you as you observe them. It does not take too long before you read each driver and anticipate their reaction as you both approach the set of traffic lights ahead. (I still practice doing this when I'm heading out to nowhere in particular, my wife also gets involved, but she usually screams out such things as "Look at that idiot" and I find that not quite as constructive).

There are four basic vehicle surveillance techniques which, when practiced should bring you the desired results. Practice them at every opportunity. In particular, I have given more emphasis to the single vehicle use; however, it applies to all vehicle surveillance whilst in pursuit of the subject.

1. **Caravanning** – This is the basic form of surveillance utilised in the majority of instances. It simply involves you following the subject from the rear and responding to his / her moves as he / she makes them. It does not mean however that you stick that close it is obvious to the subject.
2. **Leap frogging** - This type of surveillance is usually conducted when the destination of the subject is known to you from given or gathered information. Your client may provide you with an address, or you may have gained knowledge of a location he / she is heading to and as such you are able to pre-empt his / her movements somewhat. By leap-frogging you simply spend some time in front of the subject and some behind. It is important to remember when doing this type of surveillance not to overdo it. Each time you pass the subject increases the risk of you being noticed. Again, practice this activity at every possible opportunity.
3. **Front running** - This type of surveillance can be thrust upon you by circumstances such as heavy traffic. You may become stranded and may be forced to pass your subject, and then have to conduct your surveillance from the front utilising your rear vision mirrors. If this happens remain vigilant to any moves that the subject makes so to maintain a visual contact. If you are with a partner avoid the temptation to turn and look over a shoulder trying to get a clearer view, rely on the rear vision mirrors, and resume the caravanning technique at the earliest opportunity. This technique however, is very effective in those instances where you have established and identified a particular route or pattern used by the subject on a frequent basis. It allows you to lead the subject to his home or place of work and means that you are not constantly in his rear vision mirrors.

4. **Paralleling** - this is also a very useful technique and could be effectively utilised in areas that you know well or in instances where you have been able to study the subjects movements and his / her own area. It simply entails you using parallel running streets to those that are used by the subject which will break up the scenery in the subject's rear vision mirrors and keep you on the same course that the subject is travelling on. You will ultimately end up at the same place and you have not constantly been in his / her rear vision mirrors. The subject will, hopefully, not take any notice of your presence as you just happened to be there.

There are other techniques that experienced surveillance operators use, and I have no doubt you will develop your own as you gain experience. You need only to take advantage of the everyday situation and utilize the opportunity to practice this discipline to become proficient and develop your skill set. Remember that all basic principles and techniques remain the same in the way surveillance is conducted.

### **Foot Surveillance:**

One-up Foot Surveillance is relatively ineffective and the chance of success is limited. However, as private investigators, this type of surveillance is generally the situation you will find yourself in. You need to be prepared for any unexpected or sudden changes to a situation and adjust accordingly.

It is most frustrating to have your subject disappear into some gymnasium, health club or some such place you cannot enter because there is a difference in the gender between you and your subject, or there are restrictions imposed because it is a members-only venue. This is the time you wish you had that partner with you that may at least gain access.



Only by you gaining experience and by developing those attributes as already detailed and explained to you by your trainer throughout the course will the chances of success improve. Create the opportunity to improve your skills. Again, use that trip to the local supermarket to practice your surveillance skills. Simply pick up a subject, spend some time following them around, 15 minutes or so should be enough, then move on and pick up another. It won't take long before your confidence soars as your skills and your technique develops. You will soon learn how to become invisible. You can also profile the subject simply by observing them. Do they choose known brand names or a generic brand that is on special that week?

Ideally, foot surveillance should be run in a team situation but the client may restrict you from engaging another operator due to a limited budget. Insurance companies more often than not only allow for one operator in the field. However, every effort should be made by you to the client to cover a second operator. Explain to the client the risks involved by a limiting

budget, point out the advantages of having that extra “Back-Up”. Sell the idea, but look at the area in which you will operate before you make the approach to them.

Again, use common sense. If you have to follow someone during a lunch hour, dress as your subject would dress. He / she might go into a nice restaurant for lunch; you will need to get into the restaurant as well to sit at a table where you can see and observe your subject. This may be the one time to use that change of clothing you have in the car. Nothing elaborate is needed, a change of a shirt, pants, shoes, pair of glasses and yes a fake moustache or a wig if you are inclined that way. But don't go overboard, just think of how many people you encounter on a daily basis. Can you remember what they all look like? I don't think so, he / she is there looking for something / someone else, the subject is not looking for you.

If pedestrian and vehicular traffic is light, it is advisable to walk on the opposite footpath and to the rear of the subject. You must stay alert to changes of direction or where the subject enters a building. If you are aware of where the subject is walking to, you may be able to walk ahead of them, being mindful of course that they may do the unexpected requiring you to react accordingly.

### **The Two-Up Foot Surveillance:**

The risk of detection or loss of the subject, especially in a crowd, is greatly reduced in a two-man operation. Where the streets are crowded, both Investigators should be on the same side of the street with the first operator closely behind the P.U.S. whilst the second, is some distance back where he / she can readily see his / her teammate but not necessarily the subject and always ready to take over as the “lead” when called on to do so.

In less crowded areas, one can walk on the opposite side of the street about abreast or slightly behind the subject, whilst the other Investigator would be on the same side as the subject but further back maintaining visual contact with his / her teammate.

Always use the props that are there for you, glass reflects images, use doorways, and take advantage of any other prop or fixture that is there if need be. Those red postal mailboxes are everywhere, I'm sure there is one opposite the shop the subject entered.

The two Investigators should change position periodically using perhaps a change of direction by the subject for this purpose. Of course, we can go on and discuss a three-man team, and even a four-man team, the principles will not change; the advantage of greater coverage must be weighed against the cost involved. Sure, if you knew the subject was taking an unknown other person to the football match at the MCG and then move on to Crown Casino after the match you probably need as much assistance as you could muster.

Incidentally, it is handy to know the mobile telephone number of the subject, if you lose him in the crowd ring it, he may just answer it, or you may even hear it ringing off to the left in the distance, you just maybe able to spot him. It worked for me once in the car park at Crown Casino ... the joys of a One-Up.

## Fixed Point Observation – Surveillance:

### The Sit-Off:

We have briefly discussed the importance of positioning yourself to observe the subject of your surveillance. The subject of course could well be an immovable object such as a monument or indeed a building that has become the subject of vandalism or, your job is to monitor and report the activities of attendees, visitors, curious sightseers, gangs of youths and anyone else that may be responsible for causing the damage to the property, be it the monument, building, vehicles in the used car lot or it may be you need to observe the flat where the client thinks his / her spouse regularly visits. It matters very little what the situation or the circumstances are, you are there on a surveillance and you may be there for hours.



Patience and powers of observation are extremely important. The observation point is as equally important as it must be a place or location that provides you with the optimum vantage point so as you can observe all activity. Before establishing your observation point you must satisfy yourself that it is the best advantage point available in the area by comparing several points. The observation point that provides you with the greatest advantage, whilst at the same time providing you with the greatest degree of cover and the lowest percentage chance of discovery, is the best point. Ideally, this point should also provide you with an escape route.

Often, you will find that the best observation point is probably the hardest to maintain from the point of view of concentration, patience and endurance. It may be that you will have to spend hours looking through your rear vision mirrors, through a crack in a fence, through trees or bushes, over the top or through the windows of other cars or from a position that provides you with an uncomfortable sitting position. All things considered, if this is the best position you find, this is the position you should take.

Once you have established your observation point avoid unnecessary movement or conduct that will draw attention to yourself, and remain alert. Remember that little old lady is still lurking somewhere, her son is still a Police Investigator.

The observation point that you choose will vary greatly depending on weather conditions and the time of day. Night time observations are far more difficult to maintain and requires a



position that may not be used in daylight. At night, descriptions are more difficult to obtain, colours are more difficult to perceive, as is speed and distance, movement also is more difficult to detect and concentration will wane as we are not nocturnal creatures. All these factors should be taken into account when conducting night time surveillance and your attitude and approach should alter accordingly to ensure maximum effect.

Many suburban areas are covered by Neighbourhood Watch programs so any extended surveillance may result in you being confronted by a concerned citizen or the local Police. If confronted by a concerned citizen have a cover story prepared and remember that this person, unbeknown to yourself, may be associated in some way with the subject that you are observing. If approached by the Police always identify yourself and without going into great detail, advise them that you are working in the area for a specific purpose. There may be times where your presence in a particular area may compromise an ongoing Police operation and if you are asked to leave the area for this reason, do so, should this situation arise, note all relevant details including the Investigators Name, Rank and Member's Number, end your surveillance with the time.

When leaving an observation point ensure that you do not leave anything behind that indicates or suggests that surveillance has been conducted, leave the area as you found it, as if you were never there. Secrecy is important, the average person is curious and every action of the investigator must appear natural in the environment.

Do not establish a fixed surveillance point that will be used for lengthy periods in the immediate vicinity of schools or children's playgrounds, you can count on being confronted by the Police, or some very concerned parents, and for sure your description and vehicle details will be recorded. Similarly, the immediate area of banks, or other financial institutions should be avoided.

### **Surveillance – Photography:**

On most occasions you will be required to produce photographic evidence of your surveillance. Specific instructions of this nature will or should be given to you prior to commencing any surveillance and these instructions will identify to you what is specifically required, check with your client.

To effectively conduct surveillance you must be equipped with both a still and video camera. The type of equipment that you choose is a personal choice but consideration should be given to the features and capabilities of the camera itself, the ease of use, the size and weight, all play an important role in the selection process. Choose your equipment carefully, ask the expert for advice, buy at a reputable outlet, ask to be shown the features, ask for a demonstration, don't feel intimidated by technical jargon, and buy quality. Pay the price for quality, a good





camera will earn many dollars in the right hands. The adage "A picture is worth a thousand words" rings true to the Investigator. Get to know your cameras, learn how to load them in the dark, keep them in good order and always protect the lens with a clear lens cover. A dirty or scratched lens will ruin that perfect shot, you can bet on it.

### Challenges Faced During Surveillance

**Detection Risk:** The primary challenge in surveillance is the risk of being detected by the subject or by third parties. Being identified can compromise the entire operation and may even pose safety risks to the investigator.

**Environmental Factors:** Weather conditions, such as rain, fog, or extreme temperatures, can hinder the surveillance process. These conditions can affect visibility, equipment functionality, and the investigator's endurance.

**Technological Challenges:** With the rise of technology, many individuals have access to counter-surveillance tools and apps that can detect tracking devices or alert them to being watched.

**Physical Endurance:** Long hours of observation, especially in uncomfortable conditions, can test an investigator's physical and mental endurance.

**Ethical Dilemmas:** There might be situations where the investigator faces moral or ethical dilemmas, especially when personal privacy is at stake.

**Legal Restrictions:** Different jurisdictions have varying laws related to surveillance, privacy, and data collection. Overstepping these boundaries can lead to legal repercussions.

**Unpredictable Subject Behavior:** Subjects might change their routines, use evasion techniques, or even confront the investigator, leading to unforeseen challenges.

**Equipment Malfunction:** Reliance on technology means there's always a risk of equipment malfunctioning at crucial moments.

### Common Factors and Actions Relevant to all Forms of Surveillance

**Preparation:** Regardless of the surveillance type, thorough preparation is crucial. This includes understanding the subject, the environment, and having a clear objective.

**Discretion:** The essence of surveillance lies in being discreet. Blending into the environment and not drawing attention is fundamental.

**Documentation:** Keeping detailed notes, photographs, and video recordings ensures that the surveillance findings can be presented as evidence or used for further analysis.

**Adaptability:** An investigator must be adaptable, ready to change tactics based on the situation, and think on their feet.

**Ethical Considerations:** Respecting privacy and adhering to legal guidelines is paramount in all surveillance operations.

**Communication:** If working in a team, clear and discreet communication is essential to coordinate efforts and share real-time updates.

### The Phonetic Alphabet

### The 24 Hour Clock



<b>A – Alpha</b>	1AM	0100HRS
<b>B – Bravo</b>	2AM	0200HRS
<b>C – Charlie</b>	3AM	0300HRS
<b>D – Delta</b>	4AM	0400HRS
<b>E – Echo</b>	5AM	0500HRS
<b>F – Foxtrot</b>	6AM	0600HRS
<b>G – Golf</b>	7AM	0700HRS
<b>H – Hotel</b>	8AM	0800HRS
<b>I – India</b>	9AM	0900HRS
<b>J – Juliet</b>	10AM	1000HRS
<b>K – Kilo</b>	11AM	1100HRS
<b>L – Lima</b>	12 MIDDAY	1200HRS
<b>M – Mike</b>	1PM	1300HRS
<b>N – November</b>	2PM	1400HRS
<b>O – Oscar</b>	3PM	1500HRS
<b>P – Papa</b>	4PM	1600HRS
<b>Q – Quebec</b>	5PM	1700HRS
<b>R – Romeo</b>	6PM	1800HRS
<b>S – Sierra</b>	7PM	1900HRS
<b>T – Tango</b>	8PM	2000HRS
<b>U – Uniform</b>	9PM	2100HRS
<b>V – Victor</b>	10PM	2200HRS
<b>W – Whisky</b>	11PM	2300HRS
<b>X – Xray</b>	12MIDNIGHT	000HRS
<b>Y – Yankee</b>		
<b>Z –Zulu</b>		

**Equipment Familiarity:** Knowing the ins and outs of the equipment being used, from cameras to tracking devices, ensures smooth operation.

**Exit Strategy:** Having a clear plan for disengaging, especially if detected or confronted, is essential for the safety of the investigator.

**Post-Surveillance Analysis:** After the surveillance operation, analyzing the collected data, cross-referencing findings, and preparing reports are common actions that ensure the objectives are met.

### **Common Factors and Actions Relevant to All Forms of Surveillance**

**Discretion and Stealth:** Regardless of the surveillance method, maintaining discretion is paramount. The goal is to observe without being detected. This requires blending into the environment and avoiding any actions that might draw attention.

**Ethical Considerations:** All surveillance activities must adhere to ethical standards. This includes respecting privacy laws, avoiding trespassing, and ensuring that surveillance is conducted for legitimate purposes.

**Continuous Observation:** The essence of surveillance is continuous observation. Whether on foot, in a vehicle, or using electronic means, it's crucial to maintain a consistent watch over the subject.

**Adaptability:** Situations can change rapidly during surveillance. Investigators must be adaptable, ready to change tactics or locations at a moment's notice.

**Documentation:** Keeping detailed notes of observations is essential. This includes time-stamped events, interactions, and any deviations from expected patterns.

**Use of Technology:** Modern surveillance often involves technology, from GPS trackers to drones. Familiarity with these tools and their legal implications is crucial.

**Safety First:** The safety of the investigator and the public is paramount. Avoid taking unnecessary risks that could lead to harm or compromise the operation.

**Legal Boundaries:** Always be aware of the legal boundaries. This includes understanding local laws related to privacy, trespassing, and the use of electronic surveillance equipment.

**Pre-Surveillance Research:** Before initiating surveillance, conduct thorough research on the subject. This can provide insights into their habits, routines, and potential destinations.

**Backup and Support:** Especially in prolonged or high-risk situations, having backup or a support team can be invaluable. This can range from additional surveillance operatives to technical support teams.

**Exit Strategy:** Always have a plan for disengaging from the surveillance operation, whether it's due to being compromised, achieving the objective, or any other reason.

**Post-Surveillance Analysis:** After the surveillance operation, analyze the data and observations. This can provide deeper insights, reveal patterns, and guide future actions or investigations.

Every surveillance operation, regardless of its nature, shares these common factors and actions. Mastery of these elements ensures that the surveillance is effective, ethical, and yields valuable insights.

### 3.3 Gathering and Validating Evidence

In the realm of surveillance, gathering evidence is a pivotal task. However, merely collecting evidence isn't sufficient; it's equally crucial to validate its authenticity and relevance. This section delves into the procedures and best practices for gathering and validating evidence in the context of surveillance operations.

#### Types of Evidence:

- **Physical Evidence:** Tangible items that can be physically touched or held, such as documents, items left behind by a subject, or tools used in an act.
- **Digital Evidence:** Digital footprints like emails, text messages, social media interactions, or electronic transaction records.
- **Testimonial Evidence:** Statements made by witnesses, subjects, or other individuals relevant to the case.
- **Audio-Visual Evidence:** Recordings from surveillance cameras, audio devices, or photographs taken during the operation.

#### Procedures for Gathering Evidence:

- **Documentation:** Maintain a detailed log of all evidence collected, noting the date, time, location, and circumstances of each piece of evidence.
- **Preservation:** Ensure that evidence is stored in a manner that prevents tampering, degradation, or loss. This might include sealing items in evidence bags or storing digital data in secure, encrypted formats.
- **Chain of Custody:** Maintain a clear record of who has handled the evidence from the moment of collection to its presentation in a legal setting. This ensures the integrity of the evidence.
- **Use of Tools:** Utilise appropriate tools and equipment, such as gloves or specialised containers, to prevent contamination of evidence.

### Validating Evidence:

- **Source Verification:** Confirm the origin of the evidence. For digital evidence, this might involve tracing back to the original device or account.
- **Cross-Verification:** Corroborate evidence with other sources. For instance, if a piece of testimonial evidence is provided, check it against physical or digital evidence for consistency.
- **Expert Analysis:** In some cases, especially with complex digital evidence, experts might be needed to validate the authenticity of the evidence.
- **Legal Scrutiny:** Ensure that the evidence has been gathered in compliance with Australian laws and regulations. Illegally obtained evidence may be deemed inadmissible in court.

### Considerations for Australian Context:

- **Privacy Act 1988:** Be aware of the provisions of the Privacy Act, ensuring that personal information is collected and handled appropriately.
- **Surveillance Devices Act:** This act varies by state and territory in Australia, but generally, it governs the use of listening devices, tracking devices, data surveillance devices, and optical surveillance devices.
- **Evidence Act:** Familiarise yourself with the stipulations of the Evidence Act, particularly in terms of what constitutes admissible evidence in court.

### Reporting and Presentation:

- **Compilation:** Once evidence is gathered and validated, compile it in a structured manner, ensuring it's easily understandable.
- **Clear Communication:** When presenting evidence, whether to clients or in court, communicate clearly, avoiding jargon and ensuring that the relevance of each piece of evidence is evident.
- **Confidentiality:** Respect the confidentiality of sensitive information, ensuring it's disclosed only to authorised individuals.

The process of gathering and validating evidence is meticulous and governed by both ethical considerations and legal stipulations. Ensuring adherence to best practices not only bolsters the credibility of the investigator but also ensures the evidence stands up to scrutiny in any legal proceedings.

## 4.0 Concluding Surveillance Operations

### 4.1 Brief Overview of Reporting

The culmination of a surveillance operation often requires the investigator to compile and present a comprehensive report detailing the findings. This report serves as a formal record of the surveillance activities, the evidence gathered, and the conclusions drawn. In the

Australian context, the report must adhere to specific standards to ensure its validity, especially if it's intended for legal proceedings.

### **Purpose of Reporting:**

- **Documentation:** A report provides a written record of the surveillance operation, ensuring that all details are captured and can be referred to in the future.
- **Communication:** It serves as a means to convey the findings to clients, legal representatives, or other relevant parties.
- **Legal Requirement:** In some cases, a formal report might be a mandatory requirement, especially if the surveillance was conducted for legal or official purposes.

### **Key Components of a Surveillance Report:**

- **Introduction:** A brief overview of the surveillance operation, including the objectives and the reason for the surveillance.
- **Methodology:** A detailed account of the methods and techniques employed during the surveillance. This might include the equipment used, the duration of the surveillance, and any challenges faced.
- **Findings:** A chronological account of the events observed, supported by evidence such as photographs, video clips, or audio recordings.
- **Conclusion:** A summary of the key findings and any recommendations or next steps based on the surveillance results.
- **Appendices:** Any supplementary information, such as full transcripts of recorded conversations, detailed photographs, or other relevant evidence.

### **Australian Standards for Reporting:**

- **Accuracy:** Ensure that all details in the report are accurate and free from bias or personal opinion.
- **Confidentiality:** Respect the privacy of individuals by redacting personal information, unless its inclusion is crucial for the report's purpose.
- **Adherence to Laws:** Ensure that the report and the evidence included adhere to the stipulations of the Privacy Act 1988, Surveillance Devices Act, and the Evidence Act.

### **Privacy Act 1988 (Cth)**

- **Personal Information Protection:** This act governs the collection, use, and disclosure of personal information. Surveillance operations often involve the collection of personal information, so it's crucial to ensure that such collection is done in a manner that respects individual privacy rights.
- **Australian Privacy Principles (APPs):** These are 13 principles that guide the handling of personal information. For instance, APP 3 deals with the collection of personal information, ensuring it's done fairly and lawfully.

### Surveillance Devices Act (varies by state and territory)

- **Use of Devices:** This act regulates the installation, use, maintenance, and retrieval of surveillance devices. The specifics can vary between states and territories, but generally, it's illegal to use these devices without the knowledge or consent of the person being surveilled, unless specific exemptions apply.
- **Communication Interception:** The act often covers the interception of communications, which can be particularly relevant if audio surveillance is being conducted.

### Evidence Act (varies by state and territory)

- **Admissibility:** This act provides the framework for what evidence can be admitted in court. For surveillance records to be admissible, they must be obtained legally and stored securely to ensure their integrity.
- **Chain of Custody:** The act often requires a clear chain of custody for evidence, meaning that from the moment the evidence is collected until it's presented in court, there's a clear, unbroken record of where it's been and who's handled it.

### Other Relevant Legislation:

- **Workplace Surveillance Act 2005 (NSW):** This act is specific to New South Wales and governs the surveillance of employees in the workplace.
- **Listening and Surveillance Devices Act 1972 (SA):** Specific to South Australia, this act regulates the use of listening and surveillance devices.

It's worth noting that while these pieces of legislation provide a general framework, the specifics can vary, especially between states and territories. Additionally, there might be other relevant laws or regulations depending on the specific nature of the surveillance operation, the industry in which it's being conducted, or the specific jurisdiction. Always consult with legal counsel familiar with the specific context and jurisdiction of the surveillance operation to ensure full compliance.

**Clarity:** The report should be written in clear, concise Australian English, avoiding jargon and ensuring it's understandable to a layperson.

### Presentation and Delivery:

- **Format:** The report should be neatly formatted, with a table of contents, page numbers, and clear headings for each section.
- **Supporting Media:** Any photographs, videos, or audio recordings should be clearly labelled and referenced within the report.
- **Delivery:** Consider the best method for delivering the report to the client or relevant party. This could be in printed form, digital format, or through a secure online portal.

In essence, reporting is a crucial aspect of concluding a surveillance operation. It encapsulates the investigator's efforts, findings, and expertise in a structured manner, ensuring that the surveillance's objectives are met and communicated effectively.

## 4.2 Equipment Maintenance and Storage

After concluding a surveillance operation, it's imperative to ensure that all equipment used during the operation is properly maintained and stored. This not only prolongs the lifespan of the equipment but also ensures that it remains in optimal working condition for future operations. Given the often-sensitive nature of surveillance operations, especially in the Australian context, proper equipment care is paramount.

### Importance of Equipment Maintenance:

- **Reliability:** Regular maintenance ensures that equipment functions reliably during critical moments of surveillance.
- **Longevity:** Proper care can extend the lifespan of equipment, offering better value for investment.
- **Quality Assurance:** Well-maintained equipment ensures the quality of evidence collected remains high and is admissible in legal contexts.

### Maintenance Procedures:

- **Cleaning:** After each operation, clean equipment surfaces, lenses, and other sensitive parts using appropriate cleaning solutions and microfibre cloths.
- **Software Updates:** For digital devices, ensure that software and firmware are regularly updated to the latest versions.
- **Battery Care:** Recharge batteries fully after use and store them in a cool, dry place. Avoid overcharging.
- **Calibration:** Periodically calibrate devices like cameras and audio recorders to ensure they capture data accurately.
- **Inspection:** Regularly inspect equipment for signs of wear and tear, and address any issues promptly.

### Storage Guidelines:

- **Climate Control:** Store equipment in a cool, dry place, away from direct sunlight. Consider using dehumidifiers in storage areas to prevent moisture damage.
- **Secure Storage:** Given the sensitive nature of surveillance data, ensure that storage areas are secure. This might include lockable cabinets or safes.
- **Organisation:** Use labelled containers or compartments to organise equipment, ensuring that items are easily accessible and are stored with compatible accessories.



- **Protection:** Use padded bags or cases to protect delicate equipment from physical damage. For data storage, consider encrypted drives or secure cloud storage solutions compliant with Australian data protection standards.
- **Inventory Management:** Maintain an inventory list of all equipment, noting down serial numbers and any maintenance schedules or requirements.

#### **Disposal and Data Protection:**

- **Data Wiping:** Before disposing of or selling old equipment, ensure that all data is securely wiped to prevent any potential breaches of privacy.
- **Eco-friendly Disposal:** Adhere to Australian guidelines for the eco-friendly disposal of electronic waste.
- **Documentation:** Keep records of equipment disposal, including dates, methods, and any third parties involved.

The maintenance and storage of surveillance equipment are as crucial as the operation itself. Proper care ensures that investigators are always equipped with reliable tools, safeguarding the integrity of their operations and the evidence they gather.

### **4.3 Secure Storage of Surveillance Records and Evidence**

The secure storage of surveillance records and evidence is paramount in ensuring the integrity and admissibility of the collected data in any legal or investigative context. In Australia, with its stringent data protection and privacy regulations, it's especially crucial to adhere to best practices in this area.

#### **Importance of Secure Storage:**

- **Data Integrity:** Proper storage ensures that evidence remains unaltered and original.
- **Privacy Compliance:** Adhering to Australian privacy laws and regulations is mandatory to avoid legal repercussions.
- **Admissibility:** For evidence to be considered in legal proceedings, its chain of custody and storage conditions often come under scrutiny.

#### **Physical Storage Guidelines:**

- **Locked Cabinets:** Use lockable, fireproof cabinets for storing physical records, tapes, or discs.
- **Access Control:** Limit access to authorised personnel only. Consider using key logs or electronic access systems to track who accesses the storage.
- **Environmental Conditions:** Ensure storage areas are free from moisture, direct sunlight, and extreme temperatures.

### Digital Storage Guidelines:

- **Encryption:** Use strong encryption methods to protect digital records, ensuring they remain confidential and tamper-proof.
- **Backup:** Regularly back up digital evidence to multiple locations, including off-site or cloud storage, ensuring data redundancy.
- **Password Protection:** Use strong, unique passwords for digital storage systems, and change them regularly.
- **Firewalls and Security Software:** Ensure that storage systems are protected by up-to-date firewalls and security software to prevent unauthorised access or cyberattacks.

### Data Retention and Destruction:

- **Retention Periods:** Adhere to Australian regulations regarding how long surveillance records should be retained. This period can vary based on the nature of the investigation or the specific requirements of clients.
- **Secure Destruction:** Once the retention period expires or if the data is no longer needed, ensure its secure and complete destruction. For physical records, this might mean shredding, while digital records should be wiped using secure deletion methods.
- **Destruction Logs:** Maintain logs detailing when and how specific records were destroyed, ensuring a clear chain of custody even post-destruction.

### Regular Audits and Reviews:

- **Routine Checks:** Periodically review storage systems and procedures to ensure they remain secure and up-to-date.
- **Audit Trails:** Maintain detailed logs of who accesses records, when, and why. This trail is crucial in verifying the integrity of the evidence.
- **Training:** Ensure that all personnel involved in the storage and handling of surveillance records are adequately trained in secure storage procedures.

The secure storage of surveillance records and evidence is a critical aspect of any surveillance operation. By adhering to best practices and Australian regulations, investigators can ensure the protection, integrity, and admissibility of their collected evidence.



## GLOSSARY

1. **Covert Surveillance:** The practice of monitoring individuals or locations discreetly, without the subject's knowledge.
2. **Surveillance Plan:** A detailed strategy outlining how a covert surveillance operation will be conducted.
3. **Stakeholder Requirements:** Specific needs or expectations of those involved or interested in the surveillance operation.
4. **Legal Compliance:** Adherence to laws and regulations relevant to conducting covert surveillance.
5. **Operational Briefing:** A meeting or communication session where the details of the surveillance operation are discussed and clarified.
6. **Surveillance Team:** A group of individuals working together to conduct covert surveillance.
7. **Observation Techniques:** Methods used to watch and monitor subjects during surveillance operations.
8. **Recording Equipment:** Devices used to capture audio, video, or photographic evidence during surveillance.
9. **Data Security:** Measures taken to protect the information gathered during surveillance from unauthorized access or disclosure.
10. **Subject Profile:** Information compiled about the individual or entity under surveillance, including habits, routines, and known associates.
11. **Surveillance Logs:** Records detailing the activities and observations made during a surveillance operation.
12. **Incident Reports:** Documentation of any significant or unusual events that occur during surveillance.
13. **Debriefing Session:** A meeting held after a surveillance operation to review its outcomes and gather feedback.
14. **Counter-Surveillance Measures:** Techniques used to detect and counteract efforts by the subject to uncover or evade surveillance.
15. **Ethical Considerations:** Moral principles that guide the conduct of surveillance operations, ensuring respect for privacy and human rights.
16. **Technology Utilisation:** The use of advanced tools and equipment to enhance the effectiveness of surveillance operations.
17. **Risk Assessment:** The process of identifying and evaluating potential risks associated with a surveillance operation.
18. **Operational Tactics:** Specific actions or strategies employed during surveillance to achieve objectives.
19. **Communication Protocols:** Established guidelines for how team members communicate during a surveillance operation.
20. **Evidence Handling:** Procedures for managing and preserving evidence collected during surveillance to maintain its integrity and admissibility.