

Bureau Order

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SUBJECT:

Plainclothes and Undercover Operations

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TO:

Investigations Bureau

ISSUED

BY:

**Deputy Chief Raj
Vaswani**

PLAINCLOTHES AND UNDERCOVER OPERATIONS POLICY

PURPOSE:

The purpose of this policy is to provide operational guidelines and tactical considerations for members assigned to the Investigations Bureau working in a plainclothes or undercover capacity.

The San Francisco Police Department understands that by their nature, situations encountered by members working in plainclothes and undercover capacities are dynamic and no policy can anticipate every conceivable situation or circumstance which members may face. While all police work carries inherent dangers, members are reminded that there are unique risks associated with taking enforcement action while working in a non-uniformed capacity.

In all circumstances, members are expected to exercise sound judgment and critical decision making while upholding the tenets of SFPD's core statement – Safety with Respect.

DEFINITIONS:

“Non-uniform member” is a sworn member who is not wearing the prescribed SFPD uniform. Non-uniformed members are either typically assigned to the Investigations Bureau where their primary duty is to investigate crimes through assigned cases or perform administrative functions for the Department. A member working as a non-uniformed member is not working in a plainclothes or undercover capacity. (e.g. Homicide, SVU, ALU (permits), etc.)

“Plainclothes” is defined as a non-uniformed member who detects crime, conducts investigations, participates in planned operations, conducts surveillance, and directed enforcement. (e.g. Narcotics, CGIC and CVRT Enforcement Teams, station plainclothes team, etc.)

“Undercover,” a limited and specific subset of “plainclothes,” defined as a sworn member that needs to conceal themselves or change their identity during an assignment to carry out their mission. Undercover members are most commonly deployed in buy-bust or buy-walk operations and robbery/burglary decoy operations.

“Close-cover” is defined as an undercover member who assumes the responsibility of watching another undercover member at a close distance.

“Enforcement action” occurs when members: conduct any detention; arrest; service of an arrest warrant; service of a search warrant for premises, vehicles, or where members are interacting with the public during the service; or any search of one’s person or property. Surveillance is not considered an enforcement action, but members should be cognizant a surveillance operation can quickly transition into enforcement action.

“Exigent circumstances” describe an emergency situation requiring swift action to prevent imminent danger to a person’s life, serious damage to property, escape of a suspect, or destruction of evidence.

“Violent misdemeanor” is any misdemeanor that is assaultive or injurious.

The term member used throughout this policy refers to sworn members of the Department.

WRITTEN OPERATION PLAN:

Prior to taking planned enforcement action, a written plan shall be prepared. A supervisor shall ensure the plan is properly documented and includes at a minimum:

- a primary plan and alternative(s) including planned arrest tactics
- the members assigned to the operation and their respective roles
- location of the operation
- radio frequency
- suspect information, if applicable
- brief summary of information known prior to the commencement of the operation

In the event of time-sensitive incidents, including the need to immediately transition into enforcement action, a verbal operation plan may be communicated to all involved members to expedite their response. However, preparing a written operation plan, documenting the incident, shall be completed as soon as feasible after the conclusion of the enforcement action. If members of a particular unit on-view an incident that is not associated with the core mission of their unit (e.g. CGIC on-views an injury crash) a written plan need not be completed.

When feasible, written plans should be reviewed by the Lieutenant in charge of a Unit prior to the execution of enforcement action. Written plans shall be maintained in a centralized location within each Unit of the Investigations Bureau.

Written Operations Orders (“op orders”) prepared in anticipation of the service of a search and/or arrest warrant may be used in lieu of a written plan. Written op orders require the approval of the Commander of the Investigations Bureau and shall be distributed to the Deputy Chief of Investigations and the Assistant Chief of Operations.

COMMUNICATION WITH DISPATCH:

When feasible, members operating in a plainclothes capacity shall ensure that dispatch is notified of their location prior to conducting any planned enforcement action within the City and County of San Francisco. If situations are present that preclude members from notifying dispatch prior to the planned enforcement action, members shall ensure that dispatch is notified as soon as practical.

OUT OF COUNTY OPERATIONS:

Outside jurisdictions shall be notified (local platoon commander or dispatch) when members arrive in an outside jurisdiction conducting stationary or static surveillance or any enforcement action.

Additionally, verbal notification to a member's direct supervisor and/or the Unit Lieutenant is required for any out of county surveillance or enforcement action.

Members operating out of county on an enforcement action are encouraged to maintain communications with local law enforcement units operating in the area. If feasible, supervisors should try to include local law enforcement in planned operations.

EQUIPMENT:

Members working in undercover capacity, as defined in this order, are exempt from this equipment (BWC, police tactical response gear, stars, etc.) portion of this order and do not need specific supervisory approval for each operation.

BWC

When conducting surveillance, members working in a plainclothes capacity shall have their BWC accessible at all times, unless a supervisor reasonably determines that an accessible BWC would compromise the surveillance operation and prevent tactical and safety advantages based upon the specific and articulable facts of the case. If a surveillance operation transitions into a situation where enforcement action is likely, members shall affix their BWC and place it in buffering mode unless a supervisor reasonably determines that doing so would compromise the on-going surveillance.

Plainclothes members operating in a directed enforcement assignment shall wear their BWC in buffering mode unless a supervisor reasonably determines that wearing a BWC would compromise the operation.

Plainclothes members shall wear and activate their BWCs during all enforcement action.

Members shall not activate BWC when encountering situations that could compromise the identity of confidential informants and undercover operatives.

In all circumstances described above, the details of why BWCs were not used shall be specifically articulated and documented in the written operational plan, CAD, incident report, or Chronological of Investigation.

POLICE TACTICAL RESPONSE GEAR / OUTER VEST CARRIER / STAR

Members operating in plainclothes capacities shall have either a Police Tactical Response Garment, outer vest carrier, or clearly identifiable law enforcement gear accessible within their vehicle when conducting surveillance, directed enforcement, or enforcement action unless a supervisor reasonably determines that the mere possession of such items would compromise the operation based upon the specific and articulable facts of the case.

Unless a supervisor reasonably determines that the mere possession of a nonvisible Department issued star would compromise the safety of individuals (suspect, public, or

members) involved in the current operation or a future operation, members shall always have a Department issued star on them.

SHOTGUN / RIFLES

When deploying a shotgun or long rifle during the execution of a warrant and/or a high-risk arrest, members shall be in either uniform, a Police Tactical Response Garment, or outer vest carrier.

When feasible, members shall advise dispatch when deploying with a rifle or shotgun.

SUPERVISION DURING ENFORCEMENT ACTION:

Supervisors shall maintain field presence and take an active leadership role in planned enforcement actions.

TRANSITION FROM SURVEILLANCE TO ENFORCEMENT ACTION:

Planned surveillance operations may transition into situations where enforcement action is anticipated (e.g. members conducting surveillance observe a wanted suspect or a crime in progress). Transition from surveillance to enforcement action requires notification to a supervisor and dispatch. Upon notification, a supervisor shall monitor, respond, and take an active leadership role in the enforcement action.

ARRESTS:

When planning the arrest of a suspect, members shall critically consider the circumstances, anticipate fluid situations, and utilize sound tactics. The SFPD recognizes that the use of arrest teams in uniform or clearly identifiable gear often promotes public trust and safety outcomes for individuals involved. The SFPD also recognizes that plainclothes members may be provided with tactical and safety advantages which are forfeited when they are clearly identifiable as police. Such advantages may include the ability to: close the distance before the subject is aware of a police presence, take the subject into custody outside of a vehicle, or reduce the likelihood of a vehicle or foot pursuit. To balance these considerations, the following procedures shall be followed when making arrests:

1. The primary plan for the arrest of a suspect shall be to utilize an arrest team with members in uniform or Police Tactical Response Garments, outer vest carriers, or clearly identifiable law enforcement gear, unless otherwise approved by a Lieutenant.
 - a. A Lieutenant may approve a primary plan to utilize an arrest team with members wearing only BWC and visible Department-issued stars if the decision to do so is reasonable and creates a tactical and safety advantage based on the specific and articulable facts of the case.
2. Plainclothes members may make an arrest with the approval of a supervisor in charge of the operation if a) exigent circumstances exist; and, b) the arrest is for a felony or violent misdemeanor; and, c) the use of a clearly identifiable arrest team is not available or practical. If exigent circumstances are present in cases involving felonies and violent misdemeanors, and the use of a clearly identifiable arrest team is not available or practical, plainclothes members may be used with the approval of the supervisor in charge of the operation. Those plainclothes members shall verbally identify themselves as police officers, display their Department issued star on their outermost garment, and

activate their BWC. Absent imminent danger of death or great bodily injury, when giving commands, members shall first identify themselves as "police."

- a. Members are reminded, and shall be aware, that these situations may contain an additional danger and therefore, this tactic shall only be used when it is deemed appropriate by a supervisor to ensure the effectiveness of the operation, and the safety of the officers, the subject, and the public.
3. Following the initial contact with a subject by members operating without clearly identifiable law enforcement gear, members wearing either uniforms, Police Tactical Response Garments, outer vest carriers, or clearly identifiable law enforcement gear, shall immediately converge and support the initial members in arresting the subject.

Members shall document the specific need to conduct an arrest without uniforms or clearly identifiable law enforcement gear in the written operation plan, an incident report, or a Chronological of Investigation.

CONSIDERATIONS WHEN PLANNING/DECIDING ON ARREST TACTICS:

When planning and or transitioning from a primary to alternative plan during the execution of enforcement actions, team leaders / supervisors shall consider:

- Crime under investigation
 - Does the nature of the crime necessitate immediate apprehension
 - Possibility of destruction of evidence
- Suspect
 - Pose an immediate threat to the public
 - Is the identity of the suspect known
 - Criminal history
 - History of fleeing or fighting with law enforcement
 - History of mental health disorders or substance abuse
 - Does the suspect know or should know they are wanted
 - Can the suspect be taken into custody safely at a later time
- Location
 - Access to vehicles or weapons
 - Geographical consideration
- Possibility of a foot or vehicle pursuit
 - Vehicular/pedestrian traffic
 - Avenues of escape
 - Knowledge of the area
- Risk to public
- The use of BWC, uniformed officers, Police Tactical Response Garments / outer vest carriers

EXEMPTIONS:

Specific units / on-going operations can deviate from this policy with the approval of the Deputy Chief of Investigations. The approved deviation shall be documented.

Members assigned to work Dignitary Protection or Mayor's Detail are exempt from this policy.