

## **Non-Uniformed Officers**

### **5.08.01 PURPOSE**

The purpose of this policy is to provide operational guidelines and tactical considerations for members who are not wearing one of the uniform classes described in General Order 10.01.

### **5.08.02 POLICY**

Plainclothes and undercover operations are an important component of law enforcement and provide many advantages in the investigation and prevention of crime. 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 not in uniform.

Specific units or on-going operations can deviate from this policy with the approval of their Deputy Chief. Any approved deviation shall be documented.

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

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

### **5.08.03 DEFINITIONS**

- A. Non-Uniformed** - A member who is not wearing the prescribed SFPD uniform. Non-uniformed members are typically either assigned to the Investigations Bureau, where their primary duty is to investigate crimes through assigned cases, or to perform administrative functions for the Department. A member working as a non-uniformed member is not working in a plainclothes or undercover capacity.
- B. Plainclothes** - A member who, in a non-uniformed capacity, detects crime, conducts investigations, and participates in planned operations, conducts surveillance, and directed enforcement. These duties have a reasonable expectation of resulting in the member participating in enforcement action.

**C. Undercover** - A limited and specific subset of “plainclothes,” is a member that needs to conceal themselves or change their identity in a specific neighborhood, location, or assignment to carry out their mission. Undercover members are most commonly deployed in buy-bust or buy-walk operations, including working as a “close-cover,” or robbery/burglary decoy operations. Members working undercover are gathering information and are not planned participants in enforcement action.

**D. Close-Cover** - A member, working in an undercover capacity, who assumes the responsibility of watching another undercover member at a close distance.

**E. Enforcement Action** - Any detention or arrest, service of an arrest warrant or a search warrant on a premises or vehicle; or when members are interacting with the public during the service; or any search of a person or their property. Surveillance is not considered an enforcement action, but members should be cognizant a surveillance operation can quickly transition into enforcement action.

**F. Exigent Circumstances** - An emergency situation requiring swift action to prevent imminent danger to a person’s life or safety, serious damage to property, imminent escape of a suspect, or imminent destruction or removal of evidence.

**G. Member** - A sworn employee of the Department of any rank.

**H. Violent Misdemeanor** – A misdemeanor that is assaultive or injurious. Examples include misdemeanor domestic violence, sexual battery, and simple assault.

The table below includes examples of non-uniformed, plainclothes, and undercover activities. Whether a member is non-uniformed, plainclothes, or undercover depends on the activity they are engaged in at that time, not on their assigned unit. A narcotics officer is not always undercover, nor is a homicide investigator always non-uniformed.

Non-Uniformed	Plainclothes	Undercover
Homicide investigator canvassing for witnesses	CVRT officer detaining gang affiliated parolee	Narcotics officer buying drugs from suspect
SVU investigator contacting victim at their home	FOB plainclothes team member surveilling auto burglary suspects	Close cover officer watching prostitution decoy officer
Permit officer inspecting ABC licensee for compliance and education	Narcotics officer serving a search warrant on a residence	Officer acting as robbery decoy
CIRT member assisting members after critical incident	CGIC investigator stopping vehicle driven by firearm suspect	

## **5.08.04 ENFORCEMENT PROCEDURES**

### **A. Written Operation Plan**

1. 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. a primary plan and alternative(s) including planned arrest tactics
  - b. the members assigned to the operation and their respective roles
  - c. location of the operation
  - d. radio frequency
  - e. suspect information, if applicable
  - f. brief summary of information known prior to the commencement of the operation
2. 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. If a verbal plan is used, the incident report shall include the name of the supervisor who communicated the plan to the team members.
3. 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.
4. 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 relevant Bureau and shall be distributed to the Bureau Deputy Chief and the Assistant Chief of Operations.

### **B. Considerations When Planning/Deciding on Tactics for Enforcement Action**

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

1. Crime under investigation
  - a. Does the nature of the crime necessitate immediate apprehension
  - b. Possibility of destruction of evidence
2. Suspect
  - a. Pose an immediate threat to the public
  - b. Is the identity of the suspect known
  - c. Criminal history
  - d. History of fleeing or fighting with law enforcement
  - e. History of mental health disorders or substance abuse
  - f. Does the suspect know or should know they are wanted
  - g. Can the suspect be taken into custody safely at a later time

3. Location
  - a. Access to vehicles or weapons
  - b. Geographical consideration
  - c. Presence of children, elderly persons, or disabled persons
4. Possibility of a foot or vehicle pursuit
  - a. Vehicular/pedestrian traffic
  - b. Avenues of escape
  - c. Knowledge of the area
5. Risk to public
6. The use of Body Worn Camera (BWC), uniformed officers, Police Tactical Response Garments / outer vest carriers

### **C. Enforcement Action During Plainclothes Operations**

When planning enforcement action, members shall critically consider the circumstances, anticipate fluid situations, and utilize sound tactics. The Department recognizes that the use of arrest teams in uniform or clearly identifiable gear often promotes public trust and results in safer outcomes.

The Department also recognizes that tactical and safety advantages may be forfeited when members are clearly identifiable as police. Such advantages may include the ability to close the distance before the subject is aware of a police presence, to take the subject into custody outside of a vehicle, or to reduce the likelihood of a vehicle or foot pursuit.

To balance these considerations, the following procedures shall be followed when conducting enforcement action:

1. The primary plan for enforcement action 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.
  - a. A Lieutenant may approve a primary plan to utilize an arrest team with members not equipped as in C.1 but wearing BWC and visible Department-issued stars if this decision is reasonable and creates a significant tactical and safety advantage based on the specific facts of the case.
2. If exigent circumstances are present in cases involving a felony or violent misdemeanor, and the use of a clearly identifiable arrest team is not available or practical, plainclothes members not equipped as in C.1 but wearing BWC and visible Department-issued stars may act as the arrest team with the approval of the supervisor in charge of the operation.
  - a. Members are reminded and shall be aware that enforcement action when members are not equipped as in C.1 may contain an additional danger. Therefore this tactic shall only be used when the supervisor reasonably deems it necessary to ensure the

effectiveness of the operation and to protect the safety of the officers, the subject, and the public.

3. Following initial contact with a subject by members operating without clearly identifiable law enforcement gear as in sections C.1.a and C.2, 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.
4. 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.

#### **D. Vehicle Stops**

Non-uniformed and plainclothes members shall not conduct stops of vehicles outside of the circumstances listed below. Non-uniformed and plainclothes members shall summon uniformed officers to conduct vehicle stops based solely upon infractions.

1. Non-uniformed and plainclothes members may initiate vehicle stops in the following circumstances:
  - a. When the reason for the stop is based upon reasonable suspicion that an occupant of the vehicle has committed, is committing, or is about to commit a misdemeanor or felony.
  - b. When there is probable cause to arrest an occupant of the vehicle for a misdemeanor or felony.
  - c. When there is probable cause to believe that evidence of a misdemeanor or felony is located within the vehicle or that the vehicle itself is evidence of a misdemeanor or felony.
  - d. When an occupant of the vehicle or the owner of the vehicle is on probation, parole, or other supervised release with a warrantless search condition.
  - e. When witnessing an aggravated situation (regardless of felony, misdemeanor, or infraction crime classification) that requires immediate action to protect life or property, e.g., speeding which endangers life or property.
  - f. If a person or motor vehicle matches the description of a suspect or suspect vehicle in a murder, attempted murder, manslaughter, armed robbery, kidnapping, forcible sex offense, a felony committed against a child, or any other felony where the risk of death or life-threatening injuries is imminent if the suspect is not immediately apprehended.
2. Non-uniformed and plainclothes officers shall not conduct a vehicle stop unless they are operating a vehicle equipped with a forward facing red light and siren as described in 21806 California Vehicle Code.

3. When making a vehicle stop under the circumstances described above, non-uniformed and plainclothes members shall immediately request a uniformed backup unit.

#### **E. Identification as Police Officers**

1. When taking enforcement action, non-uniformed and plainclothes members shall verbally identify themselves as police officers. Members who are not wearing a Police Tactical Response Garment, outer vest carrier, or clearly identifiable law enforcement gear shall display their Department-issued star on their outermost garment. Absent imminent danger of death or great bodily injury, when giving commands, members shall first identify themselves as “police.”
2. Plainclothes members shall wear a Police Tactical Response Garment, outer vest carrier, or clearly identifiable law enforcement gear when conducting an entry of a residence, business, or other premises to serve a search or arrest warrant or conduct an equivalent search pursuant to a warrantless search condition. When a discreet approach is warranted, this requirement may be waived by the Commanding Officer or Officer in Charge of the operation. The waiver shall be documented in the Operations Order.

### **5.08.05 EQUIPMENT**

Non-uniformed and plainclothes members shall adhere to the provisions of Department General Order 10.02 regarding required equipment.

- A. Body Worn Camera** - Plainclothes members, as defined in this order, shall have their body worn camera accessible at all times except as provided in 5.08.06.
- B. Identifiable Law Enforcement Clothing** – Plainclothes members shall have either a Police Tactical Response Garment, outer vest carrier, or clearly identifiable law enforcement gear accessible when conducting surveillance, directed enforcement, or enforcement action unless a supervisor determines that the mere possession of such items would compromise the operation.
- C. Department Star** - Members shall always have a Department-issued star unless a supervisor 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 working in undercover capacity, as defined in this order, are exempt from the equipment (BWC, police tactical response gear, etc.) portion of this order and do not need specific supervisory approval for each operation. Unless prior authorization has been granted by the member’s deputy chief, undercover members shall be equipped with department approved firearm and star.

### **5.08.06 BODY WORN CAMERA USE BY NON-UNIFORMED MEMBERS**

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

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 negate 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.

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

If a plainclothes member's BWC is not used/activated during enforcement action, the details of why BWCs were not used/activated shall be specifically articulated and documented in the written operational plan, CAD, incident report, or Chronological of Investigation.

### **5.08.07 CROWD CONTROL**

Non-uniformed sworn members shall not be used to make arrests in crowd control situations unless there is reasonable cause to believe there is a danger to life or the possibility of great bodily injury (see DGO 8.10, Guidelines for First Amendment Activities and SFPD Crowd Control Manual).

### **5.08.08 EXPOSING FIREARMS**

Commensurate with the requirements of DGO 10.02, sworn members in non-uniformed or plainclothes attire shall not knowingly expose a holstered firearm in public unless they conspicuously display their stars or are wearing a Police Tactical Response Garment, outer vest carrier, or clearly identifiable law enforcement gear.

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, non-uniformed and plainclothes members shall advise dispatch when deploying with a rifle or shotgun.

If a member deviates from these requirements due to the need to address a threat of death or great bodily injury, the circumstances shall be articulated in a statement or incident report.

### **5.08.09 COMPLYING WITH UNIFORMED MEMBERS**

If confronted by another law enforcement officer, non-uniformed members shall immediately identify themselves as a police officer and provide appropriate police identification. Members shall verbally advise if they are armed and provide the location of their weapon. Non-Uniformed members shall comply immediately and completely with all verbal orders of the uniformed member.

### **5.08.10 COMMUNICATIONS AND NOTIFICATIONS**

#### **A. 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.

#### **B. Out of County Operations**

1. 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.
2. 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.
3. 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.

### **5.08.11 DUTIES OF SUPERVISORS & SUPERIORS**

Supervisors of plainclothes and undercover members shall take an active leadership role in planned enforcement actions and maintain a field presence when appropriate and feasible.

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 and take an active leadership role in the enforcement action.

A. Supervisors of plainclothes members shall:



1. When practical, notify the on-duty platoon commander (superior) in the affected district(s) that a plainclothes enforcement operation is occurring, for example: a station-level “buy-bust” operation occurring near another District Station’s border or an Investigations Bureau-led robbery decoy operation on an MTA bus that could traverse across multiple District Station borders.
2. When practical, notify Communications (DEC) via radio and/or the Communications Police Supervisor via landline of relevant, non-confidential details.
3. Ensure compliance with this policy.

**B. Platoon Commanders should:**

1. Be aware of plainclothes proactive enforcement operations occurring in their district.
2. Inform uniformed members of the location and type (when feasible & known) of plainclothes operations.
3. Provide assistance to these operations when requested/directed.
4. Direct the frequent attendance of plainclothes members at roll-calls so that plainclothes and non-uniformed personnel can know and visually identify each other and plainclothes personnel can brief uniformed members on crime trends, wanted persons, and request investigative assistance (when appropriate).