

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 1 Nov 07

SUBJECT: New Departmental General Order F-4,
PLAINCLOTHES OPERATIONS

The subject order has been published to set forth Departmental policy and procedures regarding for planning and engaging in plainclothes assignments.

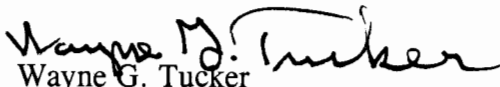
The evaluation coordinator for this order shall be the Bureau of Field Operations Deputy Chief, who, without further notice, shall forward the required report to the Chief of Police on or by 1 May 08.

The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

The Evaluation Coordinator shall forward a copy of the six-month evaluation report, along with the comments/recommendations received, to the Office of Inspector General to be maintained in the appropriate Departmental General Order archive folder.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of


Wayne G. Tucker
Chief of Police

Date Signed: 29 Oct. 07



DEPARTMENTAL
GENERAL
ORDER

F-4

Index as:

Plainclothes Operations

Effective Date:
1 Nov 07

Evaluation Coordinator:
BFO Deputy Chief

Evaluation Due Date:
1 May 08

Automatic Revision Cycle:
2 Years

PLAINCLOTHES OPERATIONS

The purpose of this order is to set forth Departmental policy and procedures for planning and engaging in plainclothes assignments.

I. INTRODUCTION

Operations involving the use of plainclothes sworn officers and non-sworn personnel have long been an effective law enforcement tool. These operations are, however, among the most dangerous for all officers involved, particularly for an officer operating undercover. The safety of all participants is critical and the responsibility for the successful outcome of these operations rests heavily with the operation supervisor.

II. DEFINITION

A. Plainclothes Operation - Any enforcement/investigative action using Departmental personnel wearing clothing for the purpose of concealing their peace officer status or police affiliation. Enforcement actions include, but are not limited to, the following:

1. Surveillance (fixed and roving);
2. Buy-Bust;
3. Prostitution Enforcement Operations (Trolling and stings);

4. Undercover Operation

Any enforcement/investigative action using Departmental personnel wearing clothing for the purpose of concealing their peace officer status or police affiliation. Undercover operations include, but are not limited to, the following:

- a. Infiltrate an organization;
- b. Reverse buy-bust;
- c. Prostitution Enforcement Operations;
- d. Alcohol Beverage Control (ABC) Violation Stings; and
- e. Long-Term Drug Trafficking Investigations.

B. Undercover Officer – A trained Departmental member or employee wearing clothing to conceal their peace officer status or police affiliation for the purpose of accomplishing a police mission.

C. Close Cover – A uniformed and/or plainclothes sworn officer whose main objective is to provide close and immediate protection for the plainclothes/undercover officer.

1. A uniformed sworn officer may make an arrest or be a part of a designated arrest team in accordance with the instructions enumerated in the operations plan or when exigent circumstances warrant taking such action.

2. A sworn officer in plainclothes shall refrain from participating in an arrest unless specific procedures for such an arrest is enumerated in the operations plan OR exigent circumstances warrant taking such action AND:

- a. He/she can be readily identifiable as a police officer; and
- b. The appropriate safety equipment is being worn.

IMPORTANT: Additional information and specific procedures for challenging and challenged officers are enumerated in TB III-V, CHALLENGE & REPLY: PROCEDURE FOR IDENTIFYING FELLOW OFFICERS IN PLAINCLOTHES.

- D. Surveillance Officer - A sworn officer whose main objective is to monitor a person(s) or location in order to provide information. A surveillance officer may be in plainclothes, be in uniform that is concealed, or be in a location of concealment.

A surveillance officer shall refrain from taking enforcement action unless the safety of an officer, employee, or private person is in jeopardy.

III. TRAINING

- A. Sworn officers and non-sworn personnel shall successfully complete the appropriate Department Undercover School prior to being utilized in an undercover assignment.
- B. Supervisors shall ensure that any undercover training personnel receive is documented and forwarded to the Training Division for entry in the Training Management System.

IV. PRE-PLANNING

A Risk Assessment Overview and Operations Plan shall be prepared and submitted for approval for operations in accordance with the provisions of Departmental Training Bulletin (TB) III-Q, Risk Assessment Overview and Operations Plan.

V. SUPERVISOR RESPONSIBILITIES

The operational supervisor shall be a Sergeant of Police, identified in the Operations Plan, and direct all field operations. The operational supervisor may be of the rank of Police Officer upon approval by the first-level operational commander.

- A. Supervisory Pre-Operation Responsibilities
1. Ensure U/Cs have appropriate training/experience for mission (Operational experience/Attendance of U/C school);
 2. Ensure that the Operations Plan has been reviewed, endorsed, and forwarded for approval by the first-level operational commander;
 3. Ensure necessary equipment is available and that personnel have received appropriate training;

4. Conduct a pre-operation briefing and inspection of all required safety equipment applicable for each assignment involved in the operation. (e.g., U/C weapons (appropriate make and caliber), vests, spare magazine, retention holster, and handcuffs). Document the inspection in the Operations Plan.
5. Ensure all personnel participating in the operation are present at the briefing to familiarize themselves with the U/Cs.
6. Notify the Communications Division supervisor of the operation and provide Operations Plan;
7. Notify the Watch and/or Area Commander of the operation and provide him/her with an Operations Plan for the purpose of disseminating operation information during line-up.
8. Notify outside agency of the operation if appropriate.
9. Ensure U/C personnel log on land wire and advise the Communications Division of his/her undercover status;
10. Ensure each U/C vehicle has two radios, a spare battery, and a mobile phone.

B. Watch and/or Area Commander Pre-Operation Responsibilities

Conduct a line-up briefing, when practical, to include:

1. Introduction of U/Cs in U/C attire;
2. Provide Patrol officers with photos of U/Cs, if available;
3. Description of U/C vehicle(s).
4. Conduct safety briefing.

C. Supervisory Responsibilities During the Operation

Supervise all operation activities from the field in close proximity to the area of operation.

1. The field supervisor shall not be assigned any task other than direct supervision of the operation.
2. Ensure adequate communications with U/Cs and other members of the operation with minimal radio traffic when U/Cs are operational.
3. Ensure that the operation proceeds safely toward its objective.
4. If the operation is not on a main radio channel and an incident occurs that requires the operation to switch to a main channel, the supervisor shall make the notification that U/Cs are present.
5. Direct arrest teams.

VI. POST OPERATION FOLLOW-UP

A. Debrief

The supervisor shall conduct a debriefing after all U/C operations to commend efforts or identify problems that arose during the operation with the intention of addressing training and tactical issues and improving the performance of involved members.

B. After-Action Report

An After-Action Report shall be prepared to document operational issues identified in the debriefing when the supervisor deems it necessary or when directed by the operational commander.

C. Major Incident Board of Review

Any person involved in the operation may forward a written request to have a Major Incident Board of Review convene in accordance with the provisions of Departmental General Order (DGO) G-6, MAJOR INCIDENT BOARD OF REVIEW.

VII. SAFETY EQUIPMENT

- A. Personnel involved in the undercover operation shall carry or have immediately available only Department authorized safety equipment and uniforms in accordance with the provisions of DGO C-4, SAFETY EQUIPMENT and DGO C-1, UNIFORMS AND EQUIPMENT.
- B. The Safety Equipment Checklist (Appendix A) may be utilized to facilitate the pre-operation briefing and inspection of all required safety equipment applicable for each assignment involved in the operation.

VIII. SAFETY BRIEFING

Supervisors shall conduct a safety briefing to advise all personnel involved in the operation of the challenge and reply procedures enumerated in TB III-V, CHALLENGE AND REPLY and for identifying and addressing hazards that come to their attention. Hazards include, but are not limited to, the following:

- A. U/Cs who are out of uniform and may not be easily recognized as an officer.
- B. U/C personnel shall only take enforcement action when there is imminent threat of death/serious bodily injury to themselves, another officer, the public, or at the direction of a supervisor. Care shall be taken by the U/C not to display a firearm indiscriminately because the U/C may be perceived as a threat.
- C. UC personnel shall not make car stops or participate in vehicle pursuits in undercover vehicles.
- D. U/C personnel shall be prepared to identify themselves by displaying a Departmental star or Departmental identification at all times during the operation.
- E. Before taking active enforcement actions, an undercover officer shall consider the following:
 - 1. Does this situation demand my involvement?
 - 2. Am I at a tactical disadvantage?


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3. Is it more prudent for me not to become involved directly with the situation?
4. Am I able to communicate with dispatch, other officers, and other operation personnel?

By Order of


Wayne G. Tucker
Chief of Police

Date Signed: 25 Oct. 07

APPENDIX A Safety Equipment Checklist

Use this Safety Equipment Checklist to facilitate the pre-operation briefing and inspection of all required safety equipment applicable for each assignment involved in the operation

Surveillance Personnel - A sworn officer whose main objective is to monitor a person(s) or location in order to provide information. A surveillance officer may be in plainclothes, be in uniform that is concealed, or be in a location of concealment.	
	Firearm
	Holster (Appropriate for uniform)
	Spare magazine
	Protective (ballistic) vest
	Departmental identification
	Star (displayed on the belt or a wallet size case hung on a chain around his or her neck)
	Police radio
	Vest or jacket with the word "POLICE" printed on the front and back
	Cap with the word "POLICE" printed on the front
	ASP
	Flashlight
	Handcuffs or flex cuffs
	Handcuff key
	Whistle
	OC Spray
Close Cover – A uniformed and/or plainclothes sworn officer whose main objective is to provide close and immediate protection for the plainclothes/undercover officer.	
	Firearm
	Holster (Appropriate for uniform)
	Spare magazine
	Protective (ballistic) vest
	Departmental identification
	Star (displayed on the belt or a wallet size case hung on a chain around his or her neck)
	Police radio
	Vest or jacket with the word "POLICE" printed on the front and back
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	ASP
	Flashlight
	Handcuffs or flex cuffs
	Handcuff key
	Whistle
	OC Spray
Undercover Officer – A trained Departmental member or employee wearing clothing to conceal their peace officer status or police affiliation for the purpose of accomplishing a police mission. Equipment will vary depending on assignment and approved by the supervisor in charge.	
Personnel responsible for undercover operations who anticipate contact or close proximity to suspects (i.e., U/C during a buy-bust operation, prostitution operation) shall utilize protective (ballistic) vests at the discretion of his/her supervisor. Equipment will vary depending on assignment and approved by the supervisor in charge.	
	Firearm
	Holster
	Spare magazine
	Departmental identification
	OC Spray