



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: *Working Undercover Assignments and Investigations* **Number:** 256

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PURPOSE

The Myrtle Beach Police Department has established guidelines for conducting surveillance, undercover, decoy and raid operations. Specialized investigative operations can be very effective in determining criminal activities of individuals or groups. At times, specialized investigative operations may provide the only technique available to identify principals and co-conspirators involved in criminal activity.

DEFINITION

1. Undercover Operations - Employed or engaged in secret investigations; the use of a pretext to gain the confidence of persons involved in criminal activities; implies anyone engaged in this type of activity must have the ability to establish a relationship with the suspect in order to determine the nature of his or her activities. An undercover operation may encompass several types of assignments which may include, but are not limited to:

- A. Single Operation Assignment- an undercover operation in a gambling house, a house of prostitution, an illegal liquor establishment, or a person who deals in stolen property, drugs, guns or other illegal contraband.

- B. Multiple Operation Assignment- an investigation of a gambling operation encompassing several locations such as bookmaking, bolita, para-mutual betting operations, call-girl activity, or burglary and other rings.
 - C. Long-range Penetration Assignment- an operation directed toward the upper –echelon leaders of an illegal activity.
 - D. Intelligence Gathering Assignment- a type of undercover operation, which is not directed toward any specific type of illegal activity. The operation may be used as a listening post for general information in a general geographic location where illegal activities are believed to be occurring.
2. Decoy Operation- Any one of a various number of techniques for simulating real life scenarios with surveillance maintained by officer in a position to make arrest.
3. Raid- A large-scale invasion of a building or area for a lawful purpose, i.e. search warrant, arrest of an armed or violent offender.
4. Surveillance- The overt and /or covert, continuous or periodic watching of persons, vehicles, locations, or objects to obtain information concerning the activity and/or identity of an individual or group. Surveillance involved in a criminal investigation will be conducted in compliance with SOP and in such a manner that bystanders will not be endangered as a result of surveillance operations and the suspects are unaware of the surveillance.

PROCEDURE

1. The objective of undercover investigative operations is to:
- A. Determine the nature of the criminal activity.
 - B. Identify all of the persons involved in the criminal activity.
 - C. Legally obtain evidence for search warrant or for prosecution.
 - D. Obtain evidence of a crime.
 - E. Locate contraband, and recover evidence.
 - F. Protect the undercover officer and corroborate his or her testimony.
 - G. Prevent commission of, or to apprehend a subject in the act of committing a crime.
 - H. Determine the location of an individual or group.
 - I. Develop leads based on information from other sources.
2. Prior to determining if an undercover operation is necessary or useful, the designated supervisor or investigator in charge will conduct an analysis of all available information, which may include victim information, review of field intelligence reports,

criminal intelligence data, confidential informant information, and information from police officer or police reports from the neighborhood or target area where the officers will work.

A. The supervisor or investigator in charge of the undercover operation will:

- 1) Closely monitor the operation.
- 2) Seek approval and authorization from their Division Commander or his/her designee through their Chain of Command prior to the execution of any large-scale operations.
- 3) At the direction of the Division Commander or his/her designee, prepare an operational plan for the undercover operation and submit it to the Division Commander or designee for approval. The plan should include at least the following information, if known, about the suspect or suspect location.
 - a. Suspect(s) name, description, activities, habits, vices, occupation, hobbies, and crimes.
 - b. Suspect(s) work and residential address, including the neighborhood environment using maps, aerial photos, and/or driving in the area if possible.
 - c. Known vehicles.
 - d. Family, associates and friends.
 - e. Review of Field Intelligence information on persons that have had contact with the police.

A copy of an operational plan has been attached to this procedure for use by the supervisors.

- 4) Be present on-scene during any large-scale decoy or raid operation and shall furnish an after action report on the operation to the Division Commander through their Chain of Command. A copy of an after action report/summary has been attached to this procedure for use by the supervisors.
- 5) Have the authority to conduct a small operation, which encompasses his or her squad or unit with the approval of their Lieutenant or above.
- 6) Supply needed equipment and vehicles from the inventory of the police department or other available resources provided the assigned personnel are trained to properly operate the specialized equipment. The equipment may include;
 - a. A listening device.
 - b. Undercover vehicles, rental or confiscated.
 - c. Photographic equipment.
 - d. Any other equipment the supervisor determines to be necessary.

- 7) Establish a means for routine and emergency communications, including.
 - a. Providing the officers with radios, "body bugs," etc.
 - b. Arrange take down/arrest signals prior to the start of the operation.
- 8) Develop strategies and tactics for approaching, entering, securing, and leaving the target area.
- 9) Determine operational procedures and guidelines for arrest, if applicable including:
 - a. Where the operation will start from.
 - b. What is expected of each officer.
 - c. When and where the arrest will take place.
 - d. Any other information, which is necessary to successfully complete the operation.
- 10) Ensure the identity of the undercover officer(s) and/or informants remains confidential except for other officers participating in a raid, decoy operation, etc., for their safety and protection.
- 11) Supply false identities and credentials when necessary.
 - a. An officer may request false identification for use in undercover operations through the Department of Motor Vehicles or other providers by requesting approval through their Chain of Command from the Chief of Police.
- 12) Determine what funds need to be made available and provide funds to the undercover personnel.
 - a. Request for investigative funds shall be handled as described in department SOP.
- 13) Provide for backup and security when needed prior to the start of any undercover operation.
 - a. Depending on the size of the operation, make sure there are a sufficient number of officers available.
 - b. Designate specific officers as back-ups and explain their areas of responsibility.
- 14) Provide for relief of investigators, officers and teams during prolonged operations.
- 15) Determine what primary and backup equipment and/or vehicles are needed.
- 16) Determine what legal problems may be encountered and what action is necessary to resolve them.
 - a. Search warrants will be reviewed for legal sufficiency.
 - b. Cases involving interpretation of state statute, sensitive or technical issues should be reviewed.
 - c. If needed the supervisor shall consult with the Solicitor's Office or other prosecutable jurisdiction.

- 17) Insure that all participating members in a large-scale undercover operation are briefed on the operations plan, and will be present during such briefing.
- 18) Information of a sensitive nature may be withheld or distributed in a limited manner at the discretion of the supervisor in charge, as long as it does not compromise the safety of any involved member or the general public.
- 19) Thoroughly evaluate the assignment and determine the merits vs. potential risks involved.
- 20) Select the most qualified officer(s) and completely discuss their assignments, the goal(s) to be achieved, the operation plans for completing the assignment and potential risks involved.
- 21) Evaluate the benefits and drawbacks in the use of specialized technical equipment. If a determination is made to use such technical equipment, a qualified officer will conduct a thorough check of all involved equipment prior to the equipment being operated in the field. Should there be any questions as to the proper working order of such equipment; the supervisor of the operation will immediately be advised.
- 22) During the pre-planning stages of any covert operation, construct a contingency termination plan. This will include:
 - a. A means by which cover officer can remain cognizant of the status and well being of undercover officers.
 - b. Methodology enabling undercover personnel to convey a "help" signal to the surveillance officer.
 - c. An articulated series of events that take place in the event that a premature termination is required.
- 23) Will notify the appropriate Shift Commander, Dispatch Operations and/or other appropriate agency, if needed, of the nature of the assignment and the personnel and vehicle(s) involved.
- 24) Insure that reconnaissance of the area confirming the target location and suspect presence will occur prior to execution of the operation if it can be done without alerting the suspects.
- 25) Brief the participant of the operation about any information, which may affect the operation.
- 26) Insure that medical assistance is on stand by if needed and that any person injured during the execution of the operation is given proper medical treatment.
- 27) Insure that all laws, and department SOPs are followed and that the operation is fully and completely documented in all original and supplemental reports by members involved, when necessary.

- B. During large-scale operations that take an extended amount of time, supervisors shall be responsible for keeping their Chain of Command informed of the details and progress of the operation.

- C. Officers shall be thoroughly familiar with the assignment, its objectives, its goals and their specific role during the operation.
- D. Officers shall possess all equipment necessary to complete their assigned task during the operation, i.e. raid gear, radios, weapons, etc.
- E. Officers shall abide by the instructions given and carry out assignments, always remaining alert to the primary objective, the lawful execution of said assignment and the safety and well being of all officers involved.
- F. Officers assigned to plain-clothes duty shall wear civilian clothing consistent with the effort of the investigation.
- G. Officers will carry their service weapons; extra magazine and handcuffs while on duty, and shall do so in such a manner that they will not be noticeable in public. Except for cases where this may jeopardize the officer's safety and a Lieutenant or above has approved the officer not carrying their weapon.
- H. Officers shall have access to their issued Raid Vest or Raid Jacket and body armor in the event they are involved in a police emergency or service of a search warrant.
- I. Officers will carry police identification/credentials at all times except when impractical, dangerous or harmful to the progress of a criminal investigation.
- J. Officers working in an undercover capacity without police equipment or markings (i.e. raid vest) should not participate in the arrest of a subject unless exigent circumstances exist.
- K. Officers working in an undercover capacity will follow all guidelines set forth by all department regulations as well as the Standard Operation Procedures of the Investigative Division.
- L. Supervisors shall insure that when officers are working undercover operations dealing with prostitution they use the attached Undercover Officer (UC) protocol.
- M. A Lieutenant or above may authorize lawful deviations from these guidelines prior to implementation of the Undercover Operation if they find that the deviation is needed to enhance the mission and goals of the operation or that the deviation enhances officer safety during the operation.