

6-19 Undercover Guidelines And Operations

NARCOTICS BUREAU

DETECTIVE DIVISION

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Bureau Order Number: **6-19**

Subject: **UNDERCOVER GUIDELINES AND OPERATIONS**

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I. INTRODUCTION

A. Purpose

The purpose of this order is to establish policy and procedure for undercover operations and investigative techniques.

B. Background

Periodically, personnel assigned to the Narcotics Bureau as investigators will work in an undercover capacity. Officer safety will be the guiding principle during undercover operations. Personnel working in an undercover capacity or who will be utilizing an undercover operative should be aware of the factors that tend to influence their effectiveness and the safe outcome of the investigations in which they participate.

Undercover Objectives are defined as/but not limited to:

- Obtaining information and/or intelligence.
- Obtaining evidence for prosecution.

C. Scope of Policy

This policy is designed to protect and to ensure the safety of undercover personnel assigned to the Narcotics Bureau. It is also designed to protect and ensure the safety of uninvolved citizens, informants and suspects.

D. Accountability

Each Crew Sergeant will be responsible for the safety of all undercover personnel. Any time the Crew Sergeant believes personnel have extended beyond these parameters, the operation shall be terminated.

E. Training

The Narcotics Bureau Unit Commander will ensure that all undercover personnel are familiar with this policy. Lieutenants and Sergeants shall specifically familiarize themselves with all aspects of this order.

F. Conclusion

It is the intent of this policy to provide guidelines for undercover personnel and supervisors to ensure safety for everyone involved in undercover operations.

II. . POLICY

INTRODUCTION

The use of an undercover operation as an investigative technique requires extensive planning, preparation, and handling. Personnel assigned to the Narcotics Bureau who will be working in a undercover capacity or utilizing an undercover operative, should be aware of the factors that tend to influence their effectiveness and the outcome of the investigations in which they participate.

UNDERCOVER OBJECTIVES

- Obtain information and intelligence
- Obtain evidence for prosecution
- Determine if a crime is being planned or committed
- Identify witnesses and informants
- Identify individuals involved in criminal activity
- Prove associations between conspirators
- Check reliability of informants
- Locate contraband
- Identify potential hazards and officer safety concerns for search warrant execution
- Determine the most advantageous time to make arrests or execute search warrants

The investigator who utilizes the undercover approach will find that through proper execution, his technique will provide results that are accurate and reliable. However, if careful preparation is disregarded, it is likely that the objectives sought will not be accomplished and may place personnel at risk.

GENERAL UNDERCOVER PERSONNEL POLICIES

A. Firearms:

1. Undercover personnel shall carry a firearm at all times when on-duty.
2. Undercover personnel who wish to carry a firearm other than that normally authorized by the Department for on-duty use, shall receive approval by the Detective Division Chief through channels.

B. Simulation of the use of drugs:

Undercover personnel shall not simulate the use of any drug.

C. Court:

Undercover personnel shall wear appropriate attire to court, as determined by the Deputy District Attorney handling the case.

D. False Identity:

When any fictitious identity is utilized by an undercover deputy, a copy of any fictitious identity documents shall be photocopied and given to their immediate supervisor, who shall ensure it is maintained in the undercover deputy's personnel jacket. This may include:

1. Driver's license
2. Automobile registration
3. Vehicle license plate

Fictitious identity shall also be reported to the LA Clearinghouse, which shall maintain computerized records on a 'No Release' basis. Should an inquiry be made on the fictitious identity, an immediate notification will be made to designated Bureau member.

The use of false identity for other than official reasons is prohibited.

Undercover personnel shall surrender all false identity documents to Headquarters and the information removed from various computers.

Refer to Bureau Order #1-9 for further information on Fictitious I.D. Guidelines.

E. Search Warrant/Arrest Involvement:

The potential for personnel being mistaken for other than police officers is greatly increased if undercover personnel are utilized during search warrant entries or arrests. Therefore, undercover personnel shall not participate in any search warrant entry or arrest operation unless approved by a Zone Lieutenant.

F. Requests for use of Narcotics Bureau personnel for undercover operations from other LASD units or from outside agencies:

All requests for use of Narcotics Bureau personnel for undercover operations from other LASD units or from outside agencies must be pre-approved by the Narcotics Bureau Unit Commander. Bureau personnel receiving requests to act/assist in an undercover capacity shall refer the requestor to the Bureau Operations

Office.

1. In all operations with outside agencies where LASD personnel are to act in an undercover capacity, the following will be adhered to:

a. Narcotics Bureau management shall be in command of the undercover operation and personnel. Bureau management shall make all tactical decisions regarding the use of Bureau personnel to ensure safety of LASD personnel. If at any time it appears to LASD management that the outside agency is not demonstrating actions that place the best interests of LASD personnel in mind, the undercover personnel shall be withdrawn from the operation.

b. The Narcotics Bureau crew shall provide deputies as surveillance and back-up for the undercover deputy during the operation.

c. Custody Facility UC operations for LASD and Outside Agency's

Illinois v. Perkins, 496 U.S. 292 (1990) states: "Miranda warnings are not required when the (incarcerated) suspect is unaware that he is speaking to a law enforcement officer and gives a voluntary statement." Justice R. Kennedy. The court also stated "Miranda does not forbid mere strategic deception by taking advantage of a suspect's misplaced trust."

During an in custody undercover operation, the suspect may be questioned by an undercover deputy (posing as a suspect) in the absence of the suspect's attorney (6th

Amendment) Massiah v United States (1964) 377 U.S.201.

Should this investigative technique be implemented, at a minimum, the following guidelines shall be followed;

1. All necessary measures shall be implemented to insure the safest outcome to all involved.
2. The investigating (I/O) deputy shall thoroughly brief all undercover deputy personnel.
3. The Unit Commander of the UC's UOA shall be notified by the IO as to the nature of the operation prior to the operation.

OPERATIONS

A. Planning:

The main consideration in any undercover operation is the safety of personnel, uninvolved citizens, informants and suspects. This consideration should be kept in mind during the planning stage of an operation.

There is a conflict of interest and an inherent officer safety issue with the case investigator also being the undercover. Therefore, at no time shall a case investigator also be the undercover.

B. Background information:

A full background investigation shall be conducted of any suspect or location prior to an undercover deputy

attempting a narcotic buy or participating in an operation.

Undercover personnel must have as much information as possible in order to complete the task and operate safely. The suspect's past history, known associates, security of the location, bodyguards etc., are details that the undercover should know.

C. Informants:

The undercover deputy shall participate in the debriefing of an informant, who he/she may be asked to work with during an operation. The informant may be able to provide information firsthand that the undercover deputy must know for a safe operation.

D. Briefing:

During the briefing for the operation, the undercover deputy should be available for all personnel to see, and reminded not to change clothes or appearance following the briefing.

In the presence of the undercover deputy, all personnel shall be briefed on audio and visual arrest and distress signals.

E. Mission:

The supervisor must make sure that the undercover deputy has a thorough understanding of the overall objective and the parameters in which he will be allowed to work.

The safety of personnel is of critical importance. Any time the supervisor believes personnel have extended beyond these parameters the operation should be terminated. In addition, if an undercover deputy feels the operation is beyond his/her abilities, unsafe, etc., the undercover deputy has the option to terminate his/her part in the operation.

F. During Operations:

1. Surveillance:

Surveillance shall be conducted of an undercover during an operation whenever possible.

In unusual circumstances when a visual surveillance of an undercover deputy is impossible, an audio surveillance shall be utilized.

2. Body Wires:

An undercover deputy should utilize a body wire whenever possible and feasible.

It may be useful if the crew supervisor or case investigator is part of

the audio surveillance crew. This will allow them to know if the undercover deputy is proceeding beyond the established parameters.

The monitoring crew must include a person fluent in the language being spoken by the undercover deputy and suspects.

3. Arrests:

The undercover deputy shall not participate in arrest operations without authorization from the Zone Lieutenant. The undercover deputy should attempt to leave the location prior to the arrival of the arrest team. If this is impractical, the undercover deputy must be aware that in the stress of the moment, arrest personnel may not readily recognize him/her. The undercover deputy should act accordingly to prevent any accidents or mistaken identity.

In conclusion, while all possible circumstances can be anticipated, it is imperative for sound tactics and officer safety that careful analysis and painstaking preparation are required prior to any undercover operation being undertaken.

ORIGINAL SIGNED

LOY L. MCBRIDE, CAPTAIN

NARCOTICS BUREAU _____
