

## **Plainclothes, Non-Uniformed, and Undercover Officers**

### **5.08.01 PURPOSE**

The purpose of this policy is to provide operational guidelines and tactical considerations for members who are not wearing a Department uniform (DGO 10.01, *Uniform and Equipment*). Members are reminded that there are unique advantages and risks associated with taking enforcement action while not in uniform.

### **5.08.02 DEFINITIONS**

- **Non-Uniformed Member** – A sworn member who is not wearing a SFPD uniform while on-duty. Non-uniformed members are typically investigators or perform administrative functions for the Department and do not actively participate in enforcement actions.
- **Plainclothes Member** – A sworn member who is assigned to participate in planned operations and enforcement in a non-uniformed capacity. These assignments have a reasonable expectation of conducting enforcement action.
- **Undercover Member** – A sworn member that needs to conceal themselves or change their identity to carry out their assignment. Sworn members working undercover are not planned participants in enforcement action.

### **5.08.03 POLICY**

Plainclothes, non-uniformed, and undercover members shall identify themselves as Police Officers when enforcement action is taken, be properly equipped, and ensure their actions align with all Department policies.

### **5.08.04 ENFORCEMENT PROCEDURES**

#### **A. Plainclothes and Non-Uniform Enforcement Operations**

1. When taking enforcement action, plainclothes members shall:
  - a. Verbally identify themselves as police officers.
  - b. Display their Department-issued star on their outermost garment.
  - c. Activate Body Worn Camera (BWC), unless granted an exemption based on the task/operation, such as if activation could compromise the identity of confidential informants and undercover operatives. If BWCs are not activated, rationale must be documented.
    - i. For surveillance operations, plainclothes members must have their BWC accessible unless a supervisor reasonably determines otherwise.

2. Enforcement plans should pre-designate an arrest team with sworn members wearing uniforms or clearly identifiable law enforcement gear (e.g. jacket or vest carrier with POLICE lettering, etc.) with their department-issued star.
  - a. Plainclothes members may act as the arrest team for tactical/safety reasons or in exigent circumstances. Rationale must be documented.
    - i. Pre-planned actions shall be approved by the Lieutenant.
    - ii. Sergeants may approve the use of plainclothes members in the field for spontaneous events or exigent circumstances.
    - iii. If non-uniformed members make initial contact with a subject to be arrested, members wearing uniforms or clearly identifiable law enforcement gear shall immediately converge and support the non-uniformed members in arresting the subject(s).

#### **B. Undercover Enforcement Operations**

1. Undercover members are generally exempt from wearing BWC, however they should have their Department-approved firearm and appropriate police identification near their person, unless prior authorization has been granted by the member's Deputy Chief.

#### **C. Vehicle Stops**

1. Plainclothes, non-uniformed, and undercover members shall not initiate vehicle stops solely for infractions.
2. Plainclothes, non-uniformed, and undercover members may initiate vehicle stops in the following circumstances (if operating a vehicle equipped with a forward-facing red light and siren) when:
  - a. There is reasonable suspicion that an occupant has committed, is committing, or is about to commit a misdemeanor or felony.
  - b. There is probable cause to arrest an occupant for a misdemeanor or felony.
  - c. There is probable cause to believe that evidence of a misdemeanor or felony is in the vehicle or the vehicle itself is evidence.
  - d. An occupant or owner is on probation, parole, or supervised release with a warrantless search condition.
  - e. Immediate action is needed to protect life or property (e.g. driving under the influence).
3. When initiating vehicle stops, plainclothes, non-uniform, and undercover members shall notify Dispatch and request a marked backup unit as soon as practical.

### **5.08.05 CROWD CONTROL**

- A. Plainclothes, non-uniformed, and undercover 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 (DGO 8.03, *Crowd Control* and *SFPD Crowd Control Manual*).

### **5.08.06 EXPOSING FIREARMS**

- A.** Plainclothes, non-uniformed, and undercover members shall not knowingly expose weapons in public unless they conspicuously display their Department-issued stars or other clearly identifiable law enforcement gear.
- B.** Plainclothes, non-uniformed, and undercover members should advise Dispatch when deploying with a rifle/shotgun and wear clearly identifiable law enforcement gear, except if there is an imminent threat of death or serious bodily injury as defined in DGO 5.01.

### **5.08.07 COMPLYING WITH LAW ENFORCEMENT OFFICERS**

- A.** If confronted by a uniformed law enforcement officer, plainclothes, non-uniformed, and undercover members shall immediately identify themselves as a police officer, provide appropriate identification, and comply with all commands of the uniformed officer.

### **5.08.08 OUT-OF-COUNTY OPERATIONS**

- A.** Outside jurisdictions shall be notified (local Watch Commander or Dispatch) when members arrive in an outside jurisdiction to conduct stationary/static surveillance or enforcement action.
- B.** Members shall notify their direct supervisor of any out-of-county surveillance or enforcement action.
- C.** Members are encouraged to include local law enforcement in planned operations and to have communications with local law enforcement units operating in the area.

### **5.08.09 DUTIES OF SUPERVISORS**

- A.** When practical, supervisors should notify the on-duty Platoon Commander(s) of affected district(s) in which plainclothes enforcement action is occurring.
- B.** Supervisors should ensure that the Department of Emergency Management is notified of enforcement actions.
- C.** Supervisors shall ensure a written operation plan is prepared for any planned enforcement action and that all team members are briefed on the plan.
  - 1. If a verbal plan is developed which modifies the written operations plan, the name of the briefing supervisor shall be documented.

### **5.08.10 EXCEPTIONS**

- A.** Deputy Chiefs may approve deviations from this policy for specific units, operations, or events. Approved deviations shall be documented.

- B.** Members assigned to the Mayor's Detail/Dignitary Protection are exempt from this policy but shall be guided by their specific Unit Orders.

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