

---

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

**5.08.01 PURPOSE**

~~This order establishes policies regarding the use of non-uniformed officers in traffic and crowd control situations, and the requirements for identification. 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.

**I. 5.08.03 POLICY**

~~A. DEFINITION. A non-uniformed officer is any officer who is not wearing the prescribed S.F.P.D. uniform.~~

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.

~~B. ARRESTS/IDENTIFICATION. Before making an arrest, detaining a suspect, conducting a search, serving or executing a warrant, or issuing a citation, non-uniformed officers shall display their police star or other official identification. When requested, non-uniformed officers shall promptly and politely provide their name, star number and assignment.~~

## **5.08.04 ENFORCEMENT PROCEDURES**

### **A. Plainclothes and Non-Uniform 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 their 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. ~~TRAFFIC ENFORCEMENT (also see DGO 9.01, Traffic Enforcement).~~**

#### **~~1. TRAFFIC Vehicle Stops/CITATIONS.~~**

1. Plainclothes, non-uniformed, and undercover ~~officers~~ **members** shall not initiate ~~traffic vehicle stops, issue traffic citations or make minor traffic arrests except:~~ **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. ~~When the activity~~ There is reasonable suspicion that an occupant has committed, is committing, or is about to commit a misdemeanor or felony ~~related to an ongoing criminal investigation or regulated vehicle enforcement, e.g. taxi cabs, shuttle buses, limousines.~~
- b. There is probable cause to arrest an occupant of the vehicle 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 other supervised released with a warrantless search condition.
- ~~be. When witnessing an aggravated situation requiring immediate action~~ ~~is needed~~ to protect life or property; (e.g., ~~drunk driving~~ **under the influence**).

~~23. BACKUP UNIT.~~ When **initiating** making a traffic **vehicle** stops, ~~under the circumstances described above (except for regulated vehicle enforcement) non-uniformed officers~~ **plainclothes, non-uniformed, and undercover members** shall ~~immediately~~ **notify Dispatch** and request a marked backup unit **as soon as practical**.

#### ~~D.~~ **5.08.05 CROWD CONTROL.**

- A.** Plainclothes, non-uniformed, and undercover ~~officers~~ **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 8.038-10, Crowd Control Guidelines for First Amendment Activities and SFPD Crown 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 DEM 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 modified the operations plan, the name of the briefing supervisor shall be documented in the incident report.

### **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.