



<b>University of Pennsylvania Police Department</b> 4040 Chestnut Street, Philadelphia, Pa 19104		 
<b>Directive:</b> 111	<b>Subject:</b> Plainclothes Operations	<b>Effective Date:</b> 02/10/2019
<b>Order of:</b> Gary Williams, Chief of Police		<b>Amended Date:</b> 08/01/2023

## I. Purpose

The purpose of this directive is to establish procedures and responsibilities related to plainclothes operations, vice, drug, and organized crime investigations. The University of Pennsylvania Police Department does not utilize, cultivate or maintain confidential informants. If the opportunity presents itself, the individual will be directed to the Philadelphia Police Department, or other appropriate law enforcement agency. This does not preclude responding to and acting upon tips which are reported, either by known or unknown individuals.

## II. Policy

It is the policy of the University of Pennsylvania Police Department to follow the procedures outlined in this directive as well as pertinent Federal, State, and local laws pertaining to plainclothes operations.

## III. Scope

This directive shall affect all sworn police officers.

## IV. Definitions

- A. **Decoy Operation**: A technique which disguises a plainclothes police officer a potential victim of a crime. If challenged, plainclothes officers will identify themselves as police officers. Use of “decoy” vehicles, bicycles, or other property is not a Decoy Operation as pertains to this directive.
- B. **Surveillance**: Cover and observation of places, persons and vehicles for the purpose of obtaining information concerning the identities or activities of subjects.
- C. **Surveillance Operation**: A pre-planned surveillance which is closely supervised and employs more than a single officer or investigator.

- D. **Undercover Operation**: A form of investigation in which the investigator or officer assumes a different and unofficial identity in order to obtain evidence or information.

## V. Procedures

### A. Surveillance

1. No vice, drug or organized crime surveillance operation will be initiated without the approval of the Chief of Police. CALEA Ref. 43.1.5a
2. No vice, drug or organized crime surveillance operation will be initiated without an articulable suspicion that the person or location placed under observation is engaged in criminal activity.
3. Prior to initiating a surveillance operation, the Deputy Chief of Investigations or designee shall: CALEA Ref. 43.1.5b
  - a. Analyze all available intelligence information pertaining to the operation (e.g., crime and victim analysis).
    - 1) Review files as they relate to victims and crimes.
    - 2) Determine the range and extent of the criminal activity involved.
    - 3) Identify the modus operandi of the crimes.
    - 4) Determine the location of the criminal activity.
    - 5) Determine the actions of the victims.
    - 6) Be aware of any peculiarities identified with the victims.
    - 7) Be aware of any peculiarities identified with the crime locations.
  - b. Identify and analyze probable offenders, their habits, associates, vehicles, modus operandi, and all other pertinent information.
    - 1) Review files relating to offenders to obtain:
      - a) Names and aliases.
      - b) Physical descriptions.
      - c) Photographs when available
      - d) Known and suspected associates

- 2) Determine the range and extent of suspected crimes and activities in which the offenders are involved; include their modus operandi.
  - 3) Become familiar with offenders' vehicles.
    - a) Vehicles owned by, or accessible to offender
    - b) Full vehicle descriptions and license numbers
    - c) Offenders' driving habits
    - d) Route frequently used by offenders
  - 4) Be aware of other pertinent information:
    - a) Personal habits.
    - b) Alcohol or narcotics use
    - c) Tendency towards violence
    - d) Knowledge or suspicion of police surveillance
    - e) Ability to elude police surveillance
- c. Familiarize assigned officers with targeted areas for surveillance.
- 1) Determine socio-economic make-up of the population.
  - 2) Determine normal dress and language used in the area. Special attention is necessary so that officers can adapt their dress to blend into the area.
  - 3) Determine suitable vantage points
  - 4) Identify traffic conditions and patterns
  - 5) Determine locations of dead-end one-way streets.
- d. Establish situational procedures for observation, moving surveillance, and affecting an arrest, taking into consideration the following:
- 1) Fixed surveillance
  - 2) Foot surveillance
  - 3) Vehicle surveillance, either one- or two-man teams
  - 4) Arrest teams

- 5) When arrest should be made and by whom.
  - 6) Awareness of methods used to spot or lose a “tail”
  - 7) Actions to be taken if surveillance teams are “tailed”
- e. Establish a means of routine and emergency communication.
- 1) Mobile or portable radios for all surveillance teams.
  - 2) Secure communications system between surveillance teams and PennComm.
  - 3) Signals used between surveillance team members must be understood by all involved.
  - 4) Back-up and emergency communications capabilities (e.g., cell phone).
- f. Select needed equipment and/or vehicles.
- g. Provide adequate relief for surveillance teams for personal needs and meals.
- h. Contact the District Attorney's office for technical legal advice including but not to the following:
- 1) Entrapment
  - 2) Eavesdropping
  - 3) Applicable Constitutional safeguards
- i. Ensure adequate supervision is provided. The Captain of Patrol or designee will supervise the operation.
- j. The on-duty patrol supervisors(s) shall be given prior notification of the operation by the Deputy Chief of Investigations or designee unless otherwise ordered by the Chief of Police.
- k. Nothing in this section is intended to prevent investigators or officers from conducting impromptu surveillance during the course of an investigation when the need arises.

#### B. Decoy/Undercover Operations

1. Decoy operations may be initiated in response to identified repetitious criminal incidents. A decoy operation will only be initiated with the approval of Chief of Police. CALEA Ref. 43.1.5a

2. The Deputy Chief of Investigations, or designee, will be responsible for addressing the following concerns prior to initiating any decoy operation; CALEA 43.1.5b
  - a. Analyzing victim profiles, modus operandi, and crime location.
    - 1) Review of files as they relate to the victims and crimes
      - a) Common characteristics of the victims
      - b) Actions of the victims
    - 2) Range and extent of the criminal activity
    - 3) Modus operandi of the crimes
    - 4) Location of crimes
      - a) Common characteristics of the crimes
      - b) Actual reconnaissance of the area
    - 5) Peculiarities identified with the victims
    - 6) Peculiarities identified with the crime locations
  - b. Providing appropriate disguises for participating officers so that they resemble previous victims.
    - 1) Officers must resemble victims as follows:
      - a) Dress
      - b) Actions
      - c) Physical characteristics
    - 2) Back-up officers should blend into the area of operation.
  - c. Providing sufficient back-up for officer safety, considering: CALEA Ref. 43.1.5c
    - 1) Type of crime.
    - 2) Area to be covered.
    - 3) Possibility of violence involved.
    - 4) Special concerns of the operation.

- d. Developing an operational plan consistent with the activity, determining points of observation, and methods of arrest.
  - 1) Suitable areas for observation.
  - 2) Easy access to decoy.
  - 3) Arrest teams.
  - 4) When arrests are to be made.
  - 5) Signals for help.
  - 6) Loss of contact with decoy.
- e. Determining legal ramifications of the operation, seeking advice from the DA's office when appropriate.
  - 1) Entrapment.
  - 2) Applicable constitutional safeguards.
- f. Determining communication channel(s) or other appropriate communication methods, especially with emergency communications.
  - 1) Portable and mobile radios.
    - a) Common frequency.
    - b) Number of each.
  - 2) Secure system of communications.
    - i) Between members of the operation.
    - ii) With PennComm.
  - 3) Listening devices to ensure the safety of the decoy (if appropriate).
  - 4) Back-up emergency communications.
  - 5) Signals to be used between members of the operation, such as hand, voice, etc.
- g. Identifying all involved personnel, issuing appropriate radio communication call numbers and operational assignments.
  - 1) All members of the operation must be familiar with each other

- 2) Familiarity with other police working the area.
  - 3) System to identify decoy and back-up officers to other police personnel.
- h. The Captain of Patrol or designee will advise on-duty Patrol supervisor(s) of operations, unless otherwise ordered by the Chief of Police.
  - i. Ensuring that close supervision is provided throughout the operation. The Captain of Patrol or designee will supervise the operation. Prior to any decoy operation, a briefing will be held by a Deputy Chief of Investigations or designee who will ensure that all the information contained in the Operational Plan is covered and reviewed with the Chief of Police and all operations personnel.
  - j. Upon completion of the operation, the Captain of Patrol/designee will submit an after-action report summarizing the operation and findings to the Chief of Police. CALEA Ref. 43.1.5d
  - k. Covert operations confidential files shall be maintained within the Records Unit separate from the adult criminal records in a physically secured area so as to prevent unauthorized access, disclosed dissemination. CALEA Ref. 43.1.2

#### C. Annual Review

1. On an annual basis, the Deputy Chief of Investigations shall conduct a review of all intelligence procedures and processes.

#### D. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

#### E. Application

This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.