
	MESQUITE POLICE DEPARTMENT
	224.00 UNDERCOVER/PLAIN CLOTHES OPERATIONS
	Effective Date: January, 2019
	Approved: _____  Chief of Police

Preface

Undercover and Plain Clothes operations are a vital part of modern police enforcement techniques, whether applied in traditional form to drug and vice investigations, or more recently, as adjuncts to conventional investigative procedures, with wide applications in such diverse offense categories as Burglary/Theft or Youth-Related Crime.

Undercover investigations, while extremely effective, are also fraught with inherent dangers and unique management difficulties; negative factors mitigated only by meticulous planning, carefully-reasoned operational decisions and an obsessive preoccupation with safety on the part of all officers involved. It shall be the policy of the Mesquite Police Department to conduct Undercover Operations in such a manner as to ensure the safety of police officers, criminal suspects and the public at large. These investigations shall be conducted in strict compliance with all local, state and federal laws, and in a manner consistent with the Articles of the Mesquite Police Department Code of Conduct.

The Undercover Operations section of this General Order is a condensed version of the Mesquite Police Narcotics Policy and Procedure Manual, the creation of which is herein enabled and mandated by this Order.

I. Definitions

- A. Undercover Operation: Any contact between a police officer acting in an undercover capacity and a criminal suspect or potential informant.
- B. Buy Bust Operations: Any undercover contact likely to result in the arrest of a criminal suspect by, or in the presence of, an undercover police officer; this definition also includes arrests for Class C or other misdemeanors (prostitution, public lewdness, gambling, etc.).
- C. Reversal Operation/Sting Operation: The purported delivery of drugs or other contraband to a criminal suspect by an undercover police officer, and the resulting arrest of this suspect.
- D. Plain Clothes: Any operation that involves police officers wearing any clothing other than a standard issue police uniform while performing a surveillance, investigation, patrol or special assignment.

II. Undercover Operations

- A. No drug buy, undercover contact, controlled informant buy or any other enforcement activity involving police officers acting in an undercover capacity shall occur without the knowledge of the Narcotics Unit Supervisor, or in his absence, the Narcotics Unit Lieutenant; absent these, the Crimes Against Persons Supervisor or the Assistant Chief of Police shall be so informed.
- B. Buy-Bust Operations or any situation likely to result in the immediate arrest of a suspect by, or in the presence of, an undercover police officer will require the presence of the Narcotics Unit Supervisor or the Tactical Unit Supervisor. Should these Supervisors be unavailable, in unusual circumstances such operations may be supervised by any CID Bureau Supervisor with the consent of the CID Bureau Commander. No Reversal or "Sting" operation shall be conducted in the absence of the Narcotics Unit Supervisor or the Tactical Unit Supervisor.
- C. It shall be the responsibility of the Narcotics Unit Supervisor to notify the Narcotics Unit Lieutenant, or in his absence the CID Bureau Commander, of any buy-bust operation,

search warrant execution or other enforcement activity attended by a high degree of risk. Such notification will be made by the Tactical Unit Supervisor in the absence of the Narcotics Supervisor.

- D. Officers likely to become involved in undercover operations shall not do so until such time as they have received training in undercover officer safety, techniques, ethics and relevant case law, including instruction in informant handling and case preparation.
- E. Undercover Operations will be conducted only if:
 - 1. The officer has been trained in accordance with Section III (A).
 - 2. The operation is supported by additional personnel
 - 3. The operation is conducted under the direction of a supervisor.
- F. Prior to working in any undercover capacity, officers must receive formal training in undercover safety and surveillance techniques.
- G. Under no circumstances will an undercover officer engage in any of the following activities without "cover",
 - 1. Any undercover drug or contraband purchase.
 - 2. Any undercover contact, regardless of purpose, with an individual known to be, or suspected of involvement in illicit activity.
 - 3. Any activity reasonably likely to result in the above.All undercover buys will be "covered" by narcotics officers who will be responsible for: Communication with undercover officers, surveillance (physical and/or electronic) of undercover officers/suspects, communication with MPD base, and other functions reasonably necessary to maintain the integrity and security of the operation.
- H. Out Of City Undercover Operations: All undercover operations resulting in immediate arrests (such as "buy-bust") which occur outside the City of Mesquite require notification of the law enforcement agency having general police jurisdiction prior to the execution of such an operation. It must be noted that simple "notification" is a minimum requirement; as a matter of policy, an attempt should be made to secure a representative from this agency who will be present during the arrest, insofar as it is practicable given operational exigencies.
- I. MPD Operational Liaison: It shall be the responsibility of the narcotics supervisor to make proper notifications to other MPD Bureaus when undercover operations are likely to impact on the normal activities of these Bureaus. Patrol Watch Commanders, for example will be notified of all "buy-bust", or other operations resulting in arrests, occurring within the City of Mesquite.
- J. Conduct of Undercover Officers:

The very nature of undercover work places police officers assigned to these duties in close proximity to the illegal actions of other persons; to perform effectively, in fact, the officer must convince suspects that he or she is a lawbreaker, without violating the law. It is because of this chronic proximity to unlawfulness that the undercover officer must possess an unambiguous, inviolate conception of his own professional ethics and responsibility to the community.

Officers shall not engage in illegal or unethical conduct at any time during the progress of an undercover operation. Should it become evident that such conduct on the part of the officer appears unavoidable or a prerequisite for the continued success of the operation, in all cases the investigation will be terminated immediately.

Aside from their statutory connotation "unethical" or "illegal" conduct also includes:

 - 1. Consumption of any controlled substance by an undercover officer.
 - 2. Transfer (except in the context of a legitimate reversal or "sting" operation) of a controlled substance to any criminal suspect, informant or third party.
 - 3. Excessive alcohol consumption.

- 4. Sexual activity with a criminal suspect or informant.
- K For safety reasons, all police employees are not to indicate recognition of undercover officers in public unless the undercover officer first initiates cognitive communications.
- III. Plain Clothes Operations
 - A. Any plain clothes or undercover operation performed by any officer not permanently assigned to the Criminal Investigations Division must have prior approval by the Assistant Chief of Police over the officer or unit performing the operation.
 - B. Equipment carried by plain clothes deployment officers may vary depending on the assignment; however, at a minimum, plain clothes officers shall carry on their person their badge, duty weapon and handcuffs. The badge shall be carried in a manner that it can be quickly displayed. Plain clothes officers shall wear a ballistic raid jacket or ballistic vest with "Police" markings on the front and back when conducting any enforcement activity or having contact with any citizen or officers from other police departments.
 - C. Prior to working in any plain clothes capacity, officers must receive formal training in plain clothes safety and surveillance techniques.
 - D. Officers working plain clothes deployment shall not engage in any type of undercover or covert operation. Plain clothes deployment officers are not undercover officers and should not engage in undercover operations. This does not prevent plain clothes officers from assisting the undercover units with surveillance and/or arrest of potential suspects.

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