

# ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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**SUBJECT: SPECIAL OPERATIONS**

**EFFECTIVE DATE:**

**September 1, 2015**

**ACCREDITATION STANDARDS:**

4.5.1, 4.5.2

**BY THE ORDER OF:**

**Chief Patrick Shannon**

**BY AUTHORITY OF:**

**Police Director James Cosgrove**

**SUPERSEDES ORDER #:**

**PURPOSE:** To establish guidelines for the basic collection, processing, and storing of criminal intelligence including vice, drug, and organized crime activities and investigations. This policy also establishes guidelines for agency personnel participating in or conducting surveillance, undercover, decoy, and raid operations.

**POLICY:** One of the Elizabeth Police Department's primary missions is to deter criminal acts, apprehend criminals involved in criminal acts, and to collect intelligence to achieve the two aforementioned goals. It is every employee's duty to report any information that is related to a criminal act, potential criminal act, or situation that could cause potential harm to anyone. This policy also outlines how surveillance operations may be conducted to achieve this.

## PROCEDURES:

### I. Definitions.

- A. Organized Crime: The investigation of unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, or other offense for profit, or engaged in supplying illegal goods and services, prostitution, drugs, liquor, weapons-or other unlawful conduct that may include intimidation or corruption.
- B. Drug Crimes: The investigation of the distribution/sale of illegal and controlled substances.
- C. Vice Crimes: The investigation of prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic materials.
- D. Miscellaneous Crimes: All other criminal intelligence not relating to the above.
- E. Undercover Operation: Investigations where investigators operate in an undercover capacity, utilize informants in an undercover capacity and/or where the presence or purpose of an investigation is not known by the suspect, public and non-essential personnel.
- F. Decoy Operation: An investigation designed to provide an opportunity for a suspect who is so inclined to commit an offense. An example would be placing an unlocked bicycle in a business district and setting up surveillance to apprehend an individual who may steal it.
- G. Surveillance Operation: An investigative observation of a target or target location whose purpose is to substantiate or dispel the need for further investigation, or for the compilation of intelligence information.
- H. Raid Operation: The planned execution of a mass arrest or the entry of a structure for the execution of a search warrant, an entry based on an exception to a search warrant or to affect an arrest.

### II. Procedures for Reporting and Processing Special Investigation Complaints

- A. All personnel will report, in writing, any information coming to their attention concerning organized crime, drug, or vice crime activities directly to the Detective Bureau. Personnel obtaining time sensitive information regarding organized crime, drug or vice crime should report the information as soon as possible. At the discretion of the supervisor in charge of the Detective Bureau, this information will be turned over to the appropriate investigator. Such reports will be kept completely confidential. The supervisor in charge of the Detective Bureau will serve as the Department's focal point for the investigative coordination of vice, drug, organized crime, and intelligence activity, and will determine whether the report or information:
  - 1. Relates to an ongoing investigation and, if so, ensure the new information report is incorporated;

2. Is new information of significant worth which should be followed up with a preliminary investigation? If so, the case is assigned to an investigator;
3. Should be coordinated with other investigative agencies (county, state, or federal) due to the jurisdiction(s) or activity(s) involved;
4. Is limited to criminal conduct and related to activities that present a threat to the community;
5. Is perceived as accurate and valid, and the investigative techniques needed to address these crimes, and any operational problems, unavailability of departmental resources, etc.

B. Receiving/Disseminating of Complaints.

1. From citizens: Complaints from citizens concerning matters involving organized crime, drug, vice crime activities or miscellaneous criminal activity shall be forwarded to the supervisor in charge of the Detective Bureau or designee for investigation.
2. From outside agencies: Complaints from outside agencies concerning matters involving organized crime, drug, vice crime activities or miscellaneous criminal activity shall be forwarded to the supervisor in charge of the Detective Bureau or designee for investigation. If an immediate request for assistance is made and no detective is working, the complaint shall be forwarded to supervisor on-duty. The on-duty supervisor shall notify the supervisor in charge of the Detective Bureau or designee as soon as practical as to the request and disposition thereof.
3. Officer initiated investigations: Officers who observe activity that they suspect involve organized crime, drug, vice crime activities or miscellaneous criminal activity shall forward such information to the supervisor in charge of the Detective Bureau or designee, unless such activity warrants the immediate apprehension of an individual.
4. When a complaint is made to this agency or information is received concerning matters involving organized crime, drug, vice crime activities or miscellaneous criminal activity that are being alleged to be committed in another jurisdiction, the supervisor in charge of the Detective Bureau or designee shall make notification to the appropriate jurisdiction.

C. The supervisor in charge of the Detective Bureau or designee shall maintain a confidential and secure record system of complaints/information received and or investigations

D. The supervisor in charge of the Detective Bureau or designee shall maintain a file of all complaints/information conveyed to and received from outside agencies in relation to vice, drug, and organized crime activities. The files are purged of outdated material in accordance with the New Jersey Division of Archives and Records Management Records Retention Schedule for our type of agency.

E. Deconfliction Procedures:

1. Definition of terms

- a. **Deconfliction** - The process or system used to determine whether multiple law enforcement agencies are investigating the same person or crime. This also involves notification to each agency involved of the shared interest in the case, as well as providing contact information. This is an information-and intelligence-sharing process that seeks to minimize conflicts between agencies and maximize the effectiveness of an investigation.
- b. **Event Deconfliction** - The process of determining when law enforcement personnel are conducting an event in close proximity to one another at the same time. Such events include planned law enforcement actions such as raids, arrests, undercover operations, surveillance, or executing search warrants.
- c. **Target Deconfliction** - The process of identifying other law enforcement agencies that may have expended resources investigating the same (subject) target and that may continue to have an interest in that target.
- d. **DICE** - (Deconfliction Internet Connectivity Endeavor, formerly Drug Enforcement Administration (DEA) Internet Connectivity Endeavor): A database managed by the DEA that supports queries on phone numbers, e-mail addresses, vehicle identification numbers, license plate numbers, and other types of data and information.
- e. **HIDTA** - The High Intensity Drug Trafficking Areas (HIDTA) program, created by Congress with the Anti-Drug Abuse Act of 1988, provides assistance to federal, state, local, and tribal law enforcement agencies operating in areas determined to be critical drug-trafficking regions of the United States.
- f. **Regional Operations Intelligence Center** - The mission of the New Jersey Regional Operations Intelligence Center (ROIC) is to interface with the New Jersey law enforcement community and other law enforcement and homeland security agencies by being a primary point of contact for collection, evaluation, analysis, and dissemination of intelligence data and criminal background information in a timely and effective manner in order to detect and /or prevent criminal or terrorist activity, and to solve crimes.
- g. **CaseExplorer.Net** - The system to be utilized to conduct event and target deconfliction. CaseExplore.Net is a web-based case management, criminal intelligence and deconfliction system developed and supported by the Washington/Baltimore HIDTA. CaseExplorer interfaces with the other two nationally recognized event deconfliction systems, RISSafe and SAFETNet, conducting queries simultaneously through those systems. It provides basic case management features with functionality focused towards information sharing. Case data is deconflicted as it is entered into the system. Notifications are sent for case matches. Cases are

entered into the system with relevant people, addresses, numbers, and other supporting information. The system does not allow participants (or staff) to "browse" the entries. You must make a query to obtain a conflict hit or negative result. Conflict "hits" result in automatic notification to all parties to the conflict.

## 2. Requirements

- a. This agency shall conduct deconfliction of all planned law enforcement events and investigative targets utilizing the procedures delineated herein. Officers are also encouraged to utilize all available databases and systems, such as DICE, to identify agencies that may be able to share information, which will enhance the investigation. It is recognized that some investigative activity is initiated immediately upon some triggering event, such as a patrol arrest, and that immediate police action must take place. In this situation, deconfliction may not be practical. This exemption should never be used to circumvent the deconfliction requirement, as officer safety may be at stake.
- b. Certain hypersensitive investigations may also be exempt from deconfliction. These include national security and public/police corruption investigations. As with emergent police action, agencies should be prepared to present a bona fide reason for claiming the exemption.

## 3. Procedure

- a. This agency shall conduct queries through the NY/NJ HIDTA Intelligence Center, the Regional Operations Intelligence Center (ROIC), or remotely via online access.
- b. Upon targeting a suspect to initiate a criminal investigation and/or prior to contacting the designated attorney for authorization for the issuance of a search warrant or planned arrest warrant, the applicant or his or her respective supervisor shall complete the "HIDTA Deconfliction Data Entry Form" and submit it via fax or e-mail. The form is used for both target and/or event deconfliction. (Note: The fax number and e-mail address are located on the top center and the bottom of the form.) The following information must be included on the form:
  - 1) Requestor information, including the agency, case number, officer's name, contact information, and type of investigation. The email must be sent from a government email address and not a private account such as Yahoo or Gmail.
  - 2) Subject/Case Information Deconfliction should include the subject's information, including the name, aliases, date of birth, social security number, FBI number, state BCI number, physical description of the subject, address, gang/group affiliation, and phone numbers associated with the subject. Requestor should include as much information

as is known about the target subject. Under this section of the form you can also include any vehicle information for the subject or vehicle utilized during the event. (Target) subject data that will be searched includes names, addresses, gangs, vehicles, and VINs.

- c. Verbal Notification Requirement - In addition to the deconfliction submission requirement, and when the initiation of enforcement activity is imminent, a telephone call or radio transmission should be made to the local jurisdiction where the activity is taking place to advise that agency of the impending police activity.
- d. The NY/NJ HIDTA New Jersey Intelligence Center operates between the hours of 6:00 a.m. and 6:00 p.m. The contact information is printed on the Deconfliction Data Entry Form.
  - 1) After hours, deconfliction can be conducted through the New Jersey Regional Intelligence Center (ROIC). The ROIC can be contacted at 609-963-6900 or by fax at 609-530-3650.
- e. Conflict Confirmation/Matches - Conflict confirmation, matches, or system "hits" occur when an event location, target, or other data have been previously entered by another agency having an interest in that location or target. Both entering parties are notified automatically via email by CaseExplorer. Each entry is assigned a Case Explorer tracking number (CE#), which is located on the top left of the deconfliction form. This number coincides with the entry made based on the information contained on the deconfliction entry.
  - 1) This number is proof that you conducted the required deconfliction, and may be requested by an Assistant Prosecutor before a warrant is issued.
  - 2) It is imperative for the querying party to communicate with the conflicting agency. In the event that contact is not made between the submitting individuals, next-line supervisory communication is required.
  - 3) The party that submits the event location or target first does not automatically have primary "rights" to that location or target. Disputes should be resolved amicably by management of the conflicting agencies, recognizing the agencies' equity and resources expended in their investigations and the potential for more significant charges and/or greater public safety impact. The County Prosecutor will make the final decision in any dispute that is not resolved at the agency management level.
- f. Repository for Deconfliction Forms - Upon receipt of the response from HIDTA, or ROIC, the officer making the inquiry shall be responsible for maintaining a file that contains the deconfliction submission, a copy of fax or email transmission, and the response from HIDTA, ROIC or UCPO Intelligence Unit. The file containing



- D. Whenever outside resources are contacted to assist this agency in conducting covert operations, the supervisor in charge of the operation will notify all necessary personnel, including up the chain of command.

#### **IV. Surveillance Operations**

- A. Surveillance can be generally defined as the covert observation of places, persons and vehicles for the purpose of obtaining information concerning the identities or activities of subjects.
  - 1. Surveillance can be done loosely, i.e., a few hours a day on an occasional basis or at a fixed location (usually referred to as a “stakeout”) and any variation in between.
  - 2. Surveillance can be accomplished from any location.
- B. The objectives of surveillance involving a person or place include, but are not limited to the following:
  - 1. To detect criminal activity;
  - 2. To discover the identity of persons who frequent an establishment and to determine their relationships;
  - 3. To discern the habits of a person who lives in or frequents a particular location;
  - 4. To obtain evidence of a crime or to prevent the commission of a crime;
  - 5. To provide information that will form the basis for obtaining a search warrant;
  - 6. To protect and support undercover detectives; and
  - 7. Locate and record the possession of assets.
- C. To plan a safe and effective surveillance, the following must be considered and/or accomplished:
  - 1. The type of operation are you conducting;
  - 2. The goal of the surveillance;
  - 3. The location of the target of the surveillance;
  - 4. Obtain criminal histories on all involved targets;
  - 5. Identify co-conspirators and relatives in the area;
  - 6. Check for counter-surveillance;
  - 7. Attempt to obtain surveillance vehicles that blend into the neighborhood;

8. Identify and procure the technical equipment needed by the team;
  9. Obtain descriptions and pictures of all involved, if possible;
  10. Dedicate sufficient resources to the surveillance;
  11. Determine the threat level of those under surveillance;
  12. Obtain background information on all persons likely to be encountered during the surveillance; and
  13. Design and implement a comprehensive operational plan.
- E. The selection of detectives for the surveillance is a critical stage in planning the operation. Among other qualities, the surveillance detectives should:
1. Have demonstrated an ability to rapidly retain and record information. In many cases the detectives assigned to surveillance will be required to record a quantity of information in a few seconds while trying to remain inconspicuous;
  2. Have the patience for remaining on a stationary assignment for long periods of time in varying conditions with limited personal necessities;
  3. Be capable of remaining alert and focused on the target. Inattentiveness can result in a missed opportunity to obtain valuable information or worse, a dangerous situation for the surveillance detectives in the event that their surveillance operation is discovered by the target;
  4. Have the training and experience necessary to properly operate all of the equipment that may be utilized during the operation. Many times there will only be a small window of opportunity for capturing photographs or video recording the targets;
  5. Have demonstrated the ability to create an accurate, orderly and legible record of all events associated with the surveillance.
- F. The detective planning the surveillance operation shall conduct an advanced observation of the target location/area and identify the best location for positioning vehicles and cameras. He/she shall size up the area and attempt to anticipate obstructions to proper sight lines. He/she shall carefully check the area for counter-surveillance and ascertain what types of vehicles will be necessary to blend into the area.
- G. Surveillance detectives shall be assigned a cover identity in the event that the detectives are challenged by anyone at the surveillance location. This requires a fabricated explanation for their presence in the area but the story should be rehearsed in advance with surveillance team members to enhance the delivery of the story and to ensure that partners are consistent with their explanations.
- H. A supervisor must be designated as the detective or supervisor in charge of the operation and will have the responsibility for reviewing all operational plans and

maintaining close supervision over the operation. Finalized plans for surveillance operations must be approved by the supervisor or his/her designate.

- I. All video/audio recording shall be done in compliance with Federal and State Law, NJ AG Guidelines and the County Prosecutor's Directives relating to such.
- J. The technical equipment and vehicles necessary for the surveillance shall be coordinated through the designated detective or supervisor in charge.
  - 1. Specialized surveillance equipment (cameras, recording devices, etc.) are available for use. No prior authorization is needed to utilize this equipment.
  - 2. Specialized surveillance equipment utilized for an operation must be signed out.
  - 3. Only detectives who have received training and demonstrated a working knowledge of the specialized surveillance equipment shall be issued such equipment for use in an operation.
  - 4. Specialized surveillance equipment shall only be utilized in the manner prescribed in the operational plan approved for the surveillance/undercover operation. Any deviation from the original plan shall require supervisory approval.
  - 5. Specialized surveillance equipment shall not be misused, mistreated or used in any unlawful manner, nor shall it be loaned to any other agency without the expressed approval of a supervisor.
- K. A communications channel shall be selected for the primary frequency for the operation. It is imperative that all units at the surveillance location have the ability to communicate on the frequency.
  - 1. When the surveillance is multi-jurisdictional, this may require the loaning of portable communications equipment to participating agencies.
  - 2. When the surveillance involves a sensitive investigation and the need for confidentiality is present, the primary operational frequency shall be cleared for the operation and shall not be disclosed to anyone not involved in the operation.
- L. If the purpose of the surveillance is to locate and arrest an individual or group of individuals, a component of the operational plan must address the arrest procedures that are planned. Individual assignments shall be given to members of the surveillance team relative to the contact/arrest of individuals.
  - 1. In accordance with the Elizabeth police general Order on Search Procedures, the execution of all high risk arrest warrant and no-knock search warrants shall be executed by the Emergency Service Unit. If there is a likelihood that the suspects will be armed or may violently resist arrest, the Emergency Service Unit (ESU) will be utilized for the operation and the ESU Officer in Charge shall be responsible for planning the contact/arrest component of the operational plan.

- M. If it becomes necessary to suspend regular law enforcement activities in an area where a surveillance operation is being conducted, the detective or supervisor in charge of the surveillance will liaison with the appropriate supervisor.
- N. Prior to deployment the detective or supervisor in charge of the surveillance operation shall assemble all detectives assigned to the surveillance for a briefing on the operational plan, to include:
  - 1. The type of operation and stated goals;
  - 2. All available intelligence associated with the targets (suspects), the composition of the neighborhood, the probable occupants of the target location, armament present and potential for violence, probable escape routes, anticipated activities, vehicles known to frequent the location, etc;
  - 3. Individual and team assignments and responsibilities for all personnel as well as manpower rotation and relief procedures;
  - 4. Review of contingency plans in cases relating to the use of force, injury of detectives or civilians, taking of hostages, barricaded suspects, threatened use of explosives or other unexpected events and potential logistical problems such as communications, equipment or vehicle failure;
  - 5. The identity of the detective or supervisor in charge of the operation and additional supervisory personnel assigned to the operation.
- O. As a general rule, all personnel who could become involved in the operation (by a matter of their duties or accidentally) should attend the briefing in order to become acquainted with the parameters of the operation and allow them to stay clear of the location or locations involved, if possible.
  - 1. On the rare occasion of a highly sensitive investigation, only key personnel will be provided with information concerning the existence of the surveillance operation.
- P. The detective or supervisor in charge shall remind all personnel assigned to the surveillance operation to bring enough supplies to sustain themselves throughout the scheduled operation.
- Q. All equipment shall be tested prior to the commencement of the operation.
- R. All vehicles to be used in the operation shall be properly fueled and inspected to ensure proper functioning.
- S. Any detective conducting a planned surveillance of a location/subject must complete and submit a detailed report documenting all the activities they observed at the location under surveillance.
  - 1. The report shall document all activities including, but not limited to:
    - a. Arrival and departure time of all individuals;
    - b. A description of all arriving and departing individuals;

- c. Complete description of any vehicle arriving at or departing from the location;
  - d. Note photographs taken. Document time of photo and subject matter;
  - e. Miscellaneous activity at the location under surveillance;
  - f. Miscellaneous relevant observations in the area; and
  - g. Detective contacts with any individuals at the surveillance location.
2. Completed surveillance reports will be reviewed by the unit supervisor and retained in the applicable case or intelligence file. Background data on all identified individuals and vehicle owner/operators shall be compiled and reviewed for investigative leads.

## **V. Undercover and Decoy Operations**

- A. All normal undercover and decoy operations will be conducted by agency personnel in accordance with agency policy and the individual detective's training. No detective shall operate in an undercover or decoy capacity unless it is authorized and there is at least a second detective monitoring to act as backup for officer safety.
- B. All operations utilizing agency personnel in an undercover and decoy capacity being high-risk in nature must be approved by a supervisor. Supervisory personnel involved in the undercover or decoy operation will ensure that all means operationally feasible have been taken to assure the safety of the detective and any uninvolved third parties. Prior to any operation, a detailed operational plan will be submitted to the supervisor in charge for approval. The operational plan should at a minimum include the following:
  1. The briefing location, date and time.
  2. A brief description of the circumstances involved in the investigation.
  3. A detailed physical description of the target location as outlined in the affidavit.
  4. A description of the suspects associated with the location/investigation.
  5. All units and personnel involved with contact numbers.
  6. Emergency information (i.e., nearest hospital, trauma center, etc.).
  7. Methods and manner of communication to be utilized.
  8. Any miscellaneous information such as suspected weapons or history of violence for targets and/or individuals associated with the location.

- C. While conducting undercover and decoy operations, all personnel will adhere to all existing agency policies, procedures, and orders as they apply to circumstances which may arise as a result of the operation.
- D. Undercover Support
  - a. Any identification, fictitious or confidential license plates, vehicles or other equipment provided by or authorized by the Department to support the undercover identity of the officer shall be kept in a state of operational readiness.
  - b. Any such support shall be surrendered by the undercover officer upon reassignment from an undercover capacity or at the direction of the Chief of Police.
- E. Decoy Operations
  - a. The decoy shall only be departmentally-owned equipment and shall be under constant surveillance when deployed.
  - b. Any instance where the decoy is unaccounted for due to loss where no suspect is identified, a detailed report shall be completed.
  - c. The deployment of the decoy will be done to avoid creating the appearance that the decoy item is abandoned property or trash and is of some value.
  - d. The decoy item should be placed in a location where it is normally common to see similar property left by the general public (e.g., bicycle left unlocked near a business establishment entrance).
  - e. The use of surreptitiously placed police department identification shall be placed on the decoy item to allow for the proper identification of the decoy property when seized from a suspect

## **VI. Tactical Operations Involving Search and/or Arrest Warrants**

- A. To ensure the target location detailed in the search warrant is correct, the affiant for the search warrant will conduct all logistical checks prior to the court's authorization. The affiant and/or a supervisor will provide detailed information to the team conducting the operation regarding target(s) and target locations(s) to ensure the de-escalation process is completed and tactical analysis is shared.
- B. A tactical unit shall be deployed to assist with the tactical entry. The case detective or any other sworn law enforcement personnel with knowledge of the target and/or the target location will schedule and personally conduct an exploratory examination of the target location with the tactical unit that will be conducting the entry prior to the date of execution of the search warrant. When operationally feasible, the surveillance will include detailed photographs of the target location which will be made available to the tactical entry unit and the search and arrest teams prior to the execution of the warrant.

- C. A detailed operational plan will be completed which will include, but not be limited to the following:
1. The briefing location, date and time;
  2. A brief description of the circumstances involved in the investigation;
  3. A detailed physical description of the target location. If possible a copy of the description as outlined in the affidavit;
  4. A description of the suspects associated with the location/investigation;
  5. All units and personnel involved with Team Leader contact numbers;
  6. Emergency information (i.e., nearest hospital, trauma center, etc.);
  7. Methods and manner of communication to be utilized;
  8. Any miscellaneous information such as suspected weapons or history of violence for targets and/or individuals associated with the location.
  9. Prior to the execution of a search and/or arrest warrant, agency personnel shall attempt to ensure that no other law enforcement agency, be it federal, state, county or municipal, is actively engaged in an investigation concerning the target and/or the target location. Agency personnel shall utilize any and all available intelligence data bases to accomplish said objective.
- D. Prior to the execution date for the search warrant, the affiant will ensure the operational plan and search warrant or arrest warrant are reviewed and approved by a their immediate supervisor.
- E. The following will outline procedures to be taken in executing search and or arrest warrants on structures.
1. At the briefing for the search warrant operation, the affiant and/or the area supervisor or lead detective will provide a detailed physical description and photographs (if available) of the target location to the tactical unit responsible for entry and the investigatory team.
  2. A copy of the search warrant will be provided to the "on scene" supervisor who will have the warrant in their possession at the time of entry.
  3. The affiant or other designated unit member who has conducted prior surveillance and/or is familiar with the target location will accompany and direct the tactical unit to the specific target location to execute the warrant.
  4. The detective who confirmed the location on prior surveillance will be on the scene at the target location to confirm the location is correct and is, in fact, the one detailed in the affidavit.
  5. Once the target location has been confirmed, the tactical unit will make entry to the location. Once entry has been completed, investigative

personnel will enter and conduct investigative related duties (i.e., search of residence, interviews of suspects, evidence processing, etc.). At the conclusion of the execution of the warrant, a receipt containing any items that were removed, as well as a copy of the warrant, will be left at the residence either in plain view or with any persons present.

## **VII. Documentation of Investigation**

- A. Officers shall contemporaneous to the crime, incident or event, create a written report, whether handwritten, typed or entered into a records management system (RMS) that describes or memorializes the officer's personal observations, investigative inquiries or developed information of what transpired. Due to the confidential nature of the investigation, if a RMS is used, restrictions on viewing access must be considered.