



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

UNDERCOVER, SURVEILLANCE, AND DECOY OPERATIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
38	October 25, 2017	July 16, 2012	All Sworn Members

References

S. 119.07, F.S.; GO 40

CFA 15.11M

1 POLICY

- A** It is the policy of the Division to safely conduct undercover, plain clothes, surveillance, or decoy operations as needed to accomplish the mission of the Florida Fish and Wildlife Conservation Commission.
- B** It is the policy of the Division that electronic and surveillance equipment shall not be loaned to any other agency without approval of the appropriate Deputy Director.
- C** It is the policy of the Division to adhere to section 119.07, Florida Statutes, which states that information revealing surveillance techniques, procedures or personnel is exempt from public inspection.
- D** It is the policy of the Division that sworn members assigned to the Professional Standards function may be assigned to conduct undercover investigations and surveillance operations with the approval of the Division Director.

2 RESPONSIBILITIES

A Members

- (1) All sworn members are responsible for following the guidelines and procedures established by this General Order.
- (2) Sworn members shall not acknowledge personnel assigned to undercover operations unless the undercover personnel initiate the contact.

3 PROCEDURES

A Common Guidelines for Covert and Plain Clothes Operations

- (1) Authority to approve undercover and surveillance operations rests with the appropriate Section Leader or Regional Commander or their designee.
- (2) A single supervisor shall be designated to command the operation.

- (3) The commanding supervisor shall be responsible for approving the plan for:
 - (a) Routine and emergency communications;
 - (b) Requesting medical assistance, if necessary;
 - (c) Briefing all assigned members, including Duty Officer(s), if appropriate.
- (4) The commanding supervisor shall notify the supervisors responsible for the target area, if applicable
- (5) The commanding supervisor is responsible for confirming the target location of the operation.
- (6) The commanding supervisor is responsible for taking steps to identify and make contact with the suspects during the operation.
- (7) The commanding supervisor is responsible for documenting the entire operation as appropriate, including operational plans and after-action reports as required. The Operational Plan for Class 1 Operations (FWC/DLE-168) or the Operational Plan for Class 2 Operations (FWC/DLE-169) shall be used as appropriate.

B Plain Clothes Patrol

- (1) Plain Clothes Patrol is regularly assigned patrol activities conducted by a sworn member while on duty and not wearing a Division-issued uniform.
- (2) Sworn Members not assigned to the Investigations Section may conduct plain clothes patrol with prior approval from the appropriate Captain.
- (3) Prior to conducting plain clothes patrol, all uniformed members shall successfully complete a a Division-approved plain clothes course or concealed carry course.
- (4) Sworn members working Plain Clothes Patrol should request the assistance of a uniformed officer to make arrests whenever practical. However, members on Plain Clothes Patrol may make an arrest when a uniformed officer is not readily available.
- (5) Sworn Members not on assigned Plain Clothes Patrol should avoid conducting physical arrests when not wearing an issued uniform unless a uniformed officer is not available and the violation is serious enough to warrant additional risks to the officer and the public.

C Case Classifications and Required Approvals

- (1) All undercover and covert operations shall be classified and approved based on the below criteria:
 - (a) Class 1: The following shall be considered Class 1 operations:
 1. Operations pertaining to the illegal take of Endangered, Threatened or high-profile species.
 2. Investigations involving high profile media coverage, public or stakeholder interests.
 3. Investigations involving persons who are holding a political office or persons that have been employed by FWC.
 4. Long-term operations, operations that expand into other states or cross regional boundaries.
 5. Operations that require establishment of a residence, or sting operations for which a fictitious storefront must be maintained.
 6. Operations involving large cash transactions.
 7. Environmental crimes operations involving the insertion of an undercover investigator as an employee of a targeted business.

8. All Class 1 operations will be approved by the Investigations Section Leader or designee.
- (b) Class 2: The following shall be considered Class 2 operations;
1. All other operations involving the use of a cover in conjunction with the preplanned purchase, sale or barter of fish and wildlife, or fish and wildlife products, or other contraband, or any violations involving environmental laws.
 2. Operations involving the covert use of electronic surveillance equipment targeting environmental violators.
 3. Tactical acquisition of criminal intelligence.
 4. Hiring of a charter or guide service.
 5. Operations utilizing confidential informants.
 6. All Class 2 operations will be approved by the Regional Commander. The Investigations Section Leader or designee will be notified of all Class 2 investigations before they are initiated.
- (c) Class 3 operations: Frequently, Investigators encounter buy/bust or confidence buy or sale opportunities. Generally, these cases do not necessitate use of an in-depth cover and are intended to involve one time contacts; however occasionally they may be further developed and re-classified as detailed above. Class 3 operations will be approved by the Lieutenant assigned as the permanent supervisor of the Investigator who will be operating in an undercover or covert capacity.

D Undercover Operations

- (1) The nature of undercover work requires that those engaging in such covert activities receive both formal and informal training. Prior to being assigned in an undercover or covert capacity, all sworn members shall;
 - (a) Complete a minimum of forty hours training in basic investigative procedures. This coursework may be provided internally by FWC personnel or be provided by a recognized external source.
 - (b) Complete a basic undercover operations course that is a minimum of forty hours in duration. This course may be provided internally through the Basic Covert Operations Course or be instructed by a recognized external source approved by the Investigations Section Leader.
 - (c) Have documented experience working in a support capacity during undercover operations.
 1. A letter of acknowledgement from a previous undercover operations supervisor will be sufficient to meet this documentation requirement.
- (2) When conducting undercover operations, assigned members will adhere to the following guidelines and procedures:
 - (a) Steps will be taken to analyze and identify all known and potential suspects involved in the operation.
 - (b) When appropriate, contact should be made with the appropriate regional investigative section to enlist assistance or to turn over the investigation.
 - (c) Complex or protracted undercover investigations should be handled by the appropriate regional investigative section.
 - (d) Sworn members will have an established operational plan when contact is made with suspects in an undercover capacity.
 - (e) Care should be given in analyzing the target area of the undercover operation in an effort

to identify special needs or concerns.

- (f) Sworn members assigned to undercover operations may be assigned false identification credentials and other necessary identification for a particular undercover investigation. Obtaining these credentials will be coordinated through the Investigations Section. The Investigations Section Leader or higher must approve all undercover credentials prior to their use. The Investigation Section leader or his designee will maintain a comprehensive list of all fictitious identities. Sworn members assigned false identification will use the utmost care in maintaining the confidentiality of the credentials and their false identities.
 - (g) Sworn members assigned to an undercover capacity will be issued the appropriate funds in accordance with General Order 40, *Confidential Informants, Files and Funds*, and the necessary equipment to accomplish the mission. All expense budgets shall be approved by the Division Director or a Deputy Director.
 - (h) Sworn members assigned to undercover operations will be briefed on established means of non-emergency and emergency communication procedures.
 - (i) All confidential or fictitious vehicle and vessel registrations will be approved and coordinated by the Investigations Section Leader.
 - (j) Permanent or temporary reassignment of a vehicle/vessel displaying confidential or fictitious registration information to any unassigned person requires notification of the Investigations Coordination Unit and the approval of the Investigations Section Leader.
- (3) Supervisors conducting undercover operations are responsible for the following:
- (a) Consulting with the State Attorney's Office if there is any doubt regarding possible legal issues.
 - (b) Ensuring that all members involved are briefed, provided guidelines for making arrests and that back-up security is available.
 - (c) Ensuring that an adequate number of personnel are assigned to the operation.
- (4) Internet Investigations
- (a) Internet investigations are considered covert operations that require the use of false identification, fictitiously created websites, and surreptitious investigative methods.
 - (b) All online false identities, fictitiously created websites, social media sites, investigative postings, etc., shall be registered with the Investigations Section at General Headquarters to avoid duplication of investigative efforts and to ensure officer safety.
 - (c) All Internet investigations will be coordinated through the designated Regional Internet Crimes Investigator or the Statewide Internet Investigations Coordinator.
 - (d) Online contact with suspects will be limited to authorized members with assigned clean investigative computers.
 - (e) Passive Internet information collection maybe conducted by any member to gather information. Passive information collection does not involve communication with suspects.

E Covert Surveillance Operations

- (1) When conducting covert surveillance operations, such as, but not limited to, following or "organized tailing" of vehicles or surveillance of a residence prior to serving a warrant, assigned members will adhere to the following guidelines and procedures:
- (a) Steps will be taken to analyze and identify victims, crimes, and crime locations involved in the operation. Contact should be made with the appropriate regional investigative section to enlist assistance in gathering this information.
 - (b) Members involved in the surveillance operation will take steps to identify and analyze

probable offenders and their habits, associates, vehicles, methods of operation, or any other pertinent information. These efforts should be coordinated through the appropriate regional investigative section when possible.

- (c) An operational plan shall be prepared and approved. The operational plan for surveillance operations shall be documented using the Division's Memo Form (FWC/DLE-521) and include or address the following:
 - 1. Description of the location and confirmation of the target location
 - 2. Description of the surrounding area (gates, fences, visual obstructions, etc.)
 - 3. Identification and physical description of suspect(s) and suspect vehicles, the suspect's residence, place of business etc.
 - 4. Background information (FCIC/NCIC, military history, mental history, firearms check, criminal history etc.)
 - 5. Specific intelligence relevant to the surveillance operation
 - 6. Names of personnel to be used in the surveillance operation
 - 7. Equipment to be utilized including specialized equipment, expense funds, etc.
 - 8. Assignments and teams for relief, backup, and support services
 - 9. Strategies and tactics for approaching, entering, securing, and leaving the target area
 - 10. Non-emergency and emergency communications (frequencies, telephone numbers, signals, codes, etc.)
 - 11. Transportation (vehicle assignments and arrangements)
 - 12. Review of applicable policies and procedures (laws, etc.)
 - 13. Safety/Emergency/Medical procedures
 - 14. Plan for the officers if the subject leaves the target area
 - 15. Post surveillance activities (debriefing, media considerations and report writing assignments)
- (d) Members involved in the operation will be familiar with the area of the surveillance.
- (e) Members involved in the operation will be familiar with surveillance techniques, observation procedures and the equipment to be used.
- (f) Members will be supplied with the appropriate expense funds necessary to carry out the goals of the surveillance operation.
- (2) The supervisor conducting the surveillance operation is responsible for the following:
 - (a) All members are trained and equipped with the necessary and appropriate equipment to carry out the objectives of the operation.
 - (b) Determining the means of non-emergency and emergency communications and advise the members involved, including the appropriate Duty Officer(s).
 - (c) That appropriate back-up security is available.
 - (d) Notification of concurrent jurisdictional agencies, if appropriate.
 - (e) Appropriate personnel are assigned with relief personnel being briefed and on stand-by, if applicable.

F Decoy Operations

- (1) When conducting decoy operations, members shall adhere to the following guidelines and procedures:

- (a) Steps will be taken to analyze and identify victims, crimes, and crime locations involved in the operation.
- (b) Sworn members involved in decoy operations shall be supplied with the appropriate materials to conduct the operation.
- (2) The supervisor of the unit conducting the decoy operation is responsible for the following:
 - (a) All members involved are provided guidelines for making arrests during the operation, and that back-up security is available.
 - (b) That an adequate number of personnel are trained and assigned to the operation.
 - (c) An appropriate operational plan utilizing Memo Form (FWC/DLE-521) will be in place and discussed with all members involved in the operation.
 - (d) Members involved in the decoy operation understand who is assigned to the operation and the responsibility of each member.
 - (e) That means of non-emergency and emergency communications between assigned personnel and dispatch are established and clearly communicated to everyone involved.
 - (f) That close supervision of the decoy operation is maintained at all times.
- (3) The supervisor conducting the decoy operation is responsible for:
 - (a) Having determined the legal issues related to the operation. When applicable, assistance in making this determination should be solicited from the State Attorney's Office.
 - (b) Keeping the chain-of-command informed.
 - (c) Notifying other agencies which have concurrent jurisdiction.
 - (d) Proper documentation of the operation.

G Decoy Animals

- (1) Sworn members using decoy animals shall adhere to the following guidelines:
 - (a) Prepare an operational plan using the Division's Memo Form (FWC/DLE-521) for the use of decoy animals and submit or relay the plan to the appropriate supervisor for approval.
 - (b) The plan shall include, at a minimum, the personnel involved, the exact location, time and date of the operation.
 - (c) If approved, this information shall be relayed to the appropriate Duty Officer just prior to the operation.
 - (d) Upon completion of the operation, an Incident Summary Report shall be completed and submitted to the appropriate supervisor.
- (2) The local State Attorney's Office and the local courts of appropriate jurisdiction shall be advised of the principles of decoy animal operations and must be in agreement with the use of decoy animals.
- (3) When used on private lands, the landowner should grant permission prior to the placement of decoy animals on his/her property. Deviations may be approved by the supervisor.
- (4) Decoy animals may only be used in areas with known illegal hunting. The indiscriminate use of decoy animals just to make arrests is not permitted.
- (5) Each site location and use of decoy animals shall be approved by a patrol supervisor.
- (6) Decoy deer shall not be a trophy buck but only a doe, spike, or one with small antlers. (Five or six point maximum)
- (7) Decoy deer shall be partially hidden by brush, bushes or other cover so that only those persons road hunting or night hunting are likely to see the decoy deer. (Decoy deer shall not be placed

on road right-of-ways)

- (8) In the interest of safety, two officers are required for a decoy animal operation and the officer observing the decoy animal shall safely position himself/herself on the opposite side of the road from the replica deer. The patrol vehicle shall be located in a safe location.
- (9) The decoy animal shall not be placed at an intersection of roads. Further, the site selection must not create any hazardous road or traffic conditions for the officers, general public or violators.
- (10) The area used shall be a rural road or setting, not a heavily traveled main road during high use periods.
- (11) The area behind the decoy animal shall have an adequate backstop that will safely curtail all shots originating from any direction from the road in which the decoy animal is visible.
- (12) All decoy deer shall have at least 8" X 10" of hunter orange material attached to the back side of the mount so that walk-by hunters that may be in the area will not fire at the decoy deer from any unsafe direction.
- (13) Any variances from these guidelines concerning the use of decoy animals shall be approved by the Regional Commander. (Example: change antler size to target known trophy hunter)

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-168	Operational Plan for Class 1 Operations
FWC/DLE-169	Operational Plan for Class 2 Operations
FWC/DLE-521	Division Memo Form