

San Jose Police Department

Covert Response Unit Guidelines



CRU Mission & Objectives

The Covert Response Unit (CRU) is the undercover enforcement branch of the Bureau of Investigations (BOI). The CRU is responsible for the apprehension of serious and violent felons through the use of covert surveillance techniques and tactics. The Unit investigates [REDACTED] and conducts covert investigations related to [REDACTED] as necessary. The CRU will assist the Federal Drug Enforcement Agency (DEA) and the Department of Justice Bureau Narcotics Enforcement (BNE) as needed relating to [REDACTED]. The CRU is also responsible for the enforcement of [REDACTED] such as [REDACTED], and [REDACTED]. All members of the Unit maintain the ability to work in an undercover capacity as needed. The Unit is also responsible for administration of the Department's asset forfeiture program and prescription fraud detail.

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- II. OPERATIONAL GUIDELINES
- III. CONFIDENTIAL FUNDS AND EXPENDITURES
- IV. VICE OPERATIONS
- V. MISCELLANEOUS OPERATIONAL GUIDELINES
- VI. INFORMANT GUIDELINES
- VII. QUALIFICATIONS
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- IX. USE OF CCIT / CELL CITE SIMULATOR
- X. CRU OUTSIDE AGENCY NOTIFICATION PROTOCOL

I. JOB DESCRIPTIONS

A. Officers

1. All officers in the Unit are expected to:
 - a. When requested, assist BOI personnel with investigations to include surveillance, arrest, or intelligence gathering.
 - b. Conduct complete investigations that result in arrests, complaints, search/arrest warrants, as well as narcotic seizures and asset forfeitures.
 - c. [REDACTED]
 - d. Assist other CRU officers in whatever capacity deemed appropriate by CRU supervisors.
 - e. Assist other units and agencies when assigned.
 - f. Work flexible hours.
 - g. Testify in court as an expert witness.
 - h. Work in an undercover capacity when assigned.
 - i. Abate problem bars, nightclubs, massage parlors, hostess bars, etc.
 - j. Conduct enforcement regarding prostitution-related offenses.
 - k. Count all seized money in the presence of a supervisor and photograph all seized money.

2. [REDACTED]

B. Sergeants

1. All sergeants in the Unit are expected to:
 - a. Approve and supervise investigations and provide direction to investigator efforts.
 - b. Approve confidential fund expenditures.
 - c. Supervise and be present whenever Confidential Funds are used in an investigation (buys, flash, etc.).
 - d. Approve, supervise and be present at any enforcement/undercover operations (arrests, buys, buy/busts, search warrants, reverses, etc.).
 - e. Coordinate the ongoing training of new as well as veteran investigators in all areas deemed important by the Unit Commander.
 - f. Supervise and conduct internal investigations.

- g. Coordinate briefings and review search warrants for accuracy and endorsements.
- h. Ensure notifications are made and cancel operations when deemed appropriate.
- i. Supervise and be present whenever money is seized as a result of drug and/or vice profits. Observe that the money is counted and re-counted to assure accuracy, photographed and booked into Central Supply.

The Asset Seizure Team consists of one sergeant and two Exempt officers (who are eligible to rotate upon their shift bid). The team answers directly to the Unit Commander and serves an extremely vital function in the day-to-day success of the Unit. Following are the general responsibilities the sergeant is tasked with fulfilling:

- Manage the Unit's vehicle fleet in cooperation with the other sergeants;
 - Maintenance
 - Collision repairs.
 - Radio and stop equipment procurement and installation.
 - Control access to other Department personnel (Task Force personnel)
 - Asset Forfeiture vehicles, administrative processing, sales, new purchases.
- Disseminate confidential funds when appropriate.
- Assume Enforcement Team sergeant responsibilities in their sergeant's absence.
- Maintain an accurate and contemporary equipment inventory list.
- Maintain the Unit's cellular phone list and ensure maintenance and repairs.
- Serve as primary contact to other Department task forces and outside agencies.
- Manage all Department asset forfeiture cases.
- Conduct prescription criminal investigations.
- Coordinate the quarterly narcotics burn operations.
- Conduct periodic audits of the Central Supply narcotics storage facility.
- Equipment maintenance.
- Administrative sergeant duties when required.

II. OPERATIONAL GUIDELINES

The basic Unit goals are arrests, complaints and seizures. The typical investigative techniques used to achieve these goals include:

<u>TECHNIQUE</u>	<u>ANTICIPATED GOALS</u>
Buys	Arrests Search Warrants Complaints/Arrests Warrants
Surveillance [REDACTED]	Arrest/Information/Corroboration Arrests
Rapid Containment Team (RCT) [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	Arrests at residences [REDACTED] [REDACTED] [REDACTED] [REDACTED] Immediate arrests Forfeitures Immediate arrests Forfeitures
Search Warrants (Parole/Probation Searches)	Arrests Forfeitures/Seizures Complaints/Arrest Warrants
Consent Searches (Knock & Talks) [REDACTED] [REDACTED]	Arrests Seizures Complaints/Arrest Warrants
Round-Up Operations	

- [REDACTED]
- [REDACTED]
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1. **Introduction**



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I. Consent Searches – Searching places with consent (knock-and-talks).

1. Consent should be documented with a signed consent form, preferably digitally recorded.
2. Precautions
 - a. Knock-and-talks are only to be used after all investigative steps have been attempted or deemed appropriate by a supervisor.
 - b. Prematurely turning a non-detention situation into a custody scenario.
 - c. Searching beyond the scope of the consent or after consent is withdrawn.
 - d. Document on a Form-2 all consent refusals.

1. **Identify the subject and the main idea of the text.**

1. **Identify the subject and the main idea of the text.**
 2. **Summarize the text in your own words.**
 3. **Identify the author's purpose and tone.**
 4. **Identify the main points and supporting details.**
 5. **Identify the author's bias or perspective.**
 6. **Identify the author's use of rhetorical devices.**
 7. **Identify the author's use of evidence.**
 8. **Identify the author's use of language.**
 9. **Identify the author's use of structure.**
 10. **Identify the author's use of style.**

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IV. VICE OPERATIONS

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V. MISCELLANEOUS OPERATIONAL GUIDELINES

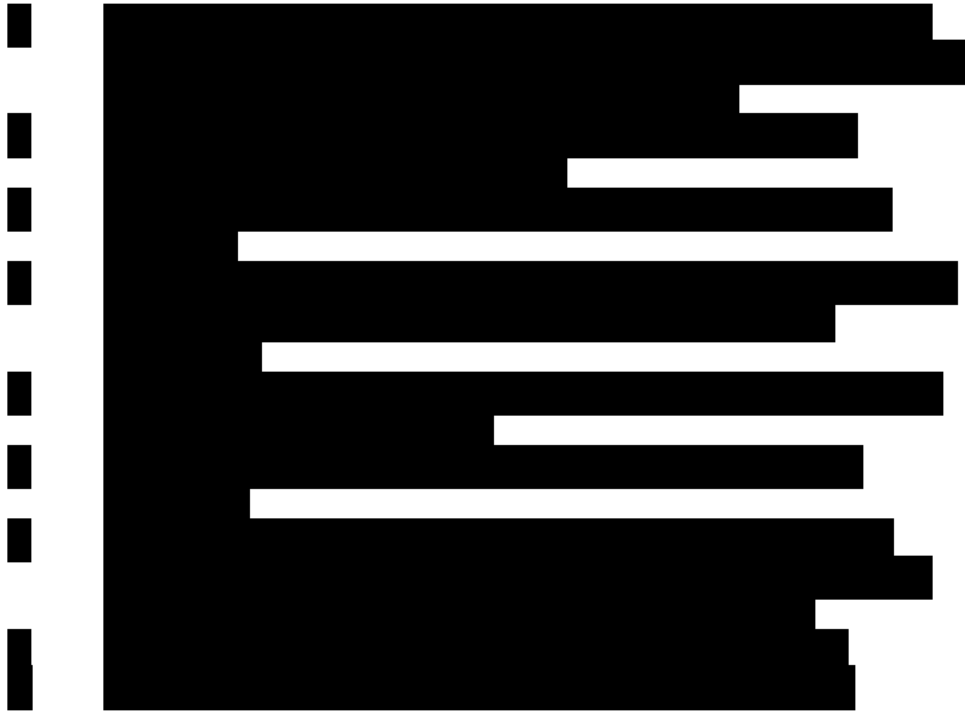
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VI. INFORMANT GUIDELINES



VII. QUALIFICATIONS

All full duty CRU officers will be required to maintain a level of fitness that ensures their ability to perform all the necessary tasks of the Unit. Officers will be required to complete a physical agility course on a quarterly basis.

1. All full duty CRU officers will complete the physical agility course located at the Police stables in five minutes or less.
2. The officer will start at the southwest corner of the course. The officer will navigate all of the obstacles (with the exception of the ropes) during the first lap. The first lap will be followed by another complete lap without obstacles. The officer will complete a third lap navigating the obstacles for a second time (with the exception of the ropes) and end the course at the northeast corner of the course.
3. If an officer is unable to complete the course in the required time, he/she will be given two weeks to remediate and attempt to complete the course again.
4. If an officer fails to complete the course after remediation, they will be required to leave the Unit.

5. Officers on modified duty or disability status will not be required to complete the course
6. When an officer returns to full duty from modified or disability status, he/she will be given a reasonable amount of time to recuperate. The officer will then be required to complete the course during the next quarterly qualification.

All CRU officers will be required to be proficient with their issued firearms. Officers will be required to complete a CRU weapons qualification course with their issued carbine and handgun on a quarterly basis.

1. All full duty CRU officers will be required to pass the firearms qualification courses with at least an 80% hit ratio.
2. The courses will consist of both center mass and head shots.
3. If an officer fails to complete any of the firearms qualifications they will be given two weeks to remediate. During the two week period, they will not carry the weapon they failed to qualify with (handguns excepted).
4. If the officer fails to qualify after the remediation period, he/she will be required to leave the Unit.
5. Officers on modified duty or disability status will not be required to complete the courses.
6. When an officer returns to full duty from modified or disability status, he/she will be given a reasonable amount of time to recuperate. If the officer has missed the quarterly qualifications during his/her disability status, he/she will be required to complete the courses as soon as practical.

CRU officers are expected to be proficient with specialty weapons and equipment specific to the CRU mission. This equipment includes but is not limited to 40mm launchers, noise flash devices, [REDACTED]. Officers will not be issued or otherwise utilize equipment until they have received the required training or certifications to operate the equipment.

[illegible]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

X. USE OF CCIT / CELL CITE SIMULATOR

Definition:

CCIT (cellular communications interception technology) is defined as any device or technology that intercepts mobile telephone calling information, including international mobile subscriber identity catchers or other virtual based transceiver stations that masquerade as a cellular station and logs mobile telephone calling information.

Authorized Purposes:

CCIT provides valuable assistance in support of important public safety objectives. Whether deployed as part of a fugitive apprehension effort (including the use of “ESN” or “IMSI” registration capture), to locate at-risk people or missing children, or to provide search and rescue support in natural disasters and emergencies, CCIT fulfills critical operational needs. This technology will only be utilized when authorized by a search warrant, or by specific consent of the authorized possessor of the mobile phone or with the specific consent of the owner of the mobile phone, only when the mobile phone has been reported as lost or stolen. All search warrants written for the authorized use of CCIT equipment maintained by the Covert Response Unit (CRU) must be reviewed and authorized by the CRU Commander or his designee.

The San Jose Police Department may use CCIT in the wake of a natural disaster or other emergency involving danger of death or serious bodily injury to any person, where the ability to locate a victim’s cell phone can assist first responders in narrowing the area of a search, or locate victims and render aid in the shortest possible time frame.

The Department may also use CCIT without a warrant if the Department, in good faith, believes the device to be lost, stolen, or abandoned, provided the Department shall only access electronic device information in order to attempt to identify, verify, or contact the owner or authorized possessor of the device.

Security Procedures:

CCIT is a restricted use asset. Physical safeguards include that when not in use, San Jose Police Department’s CCIT devices and technology are secured in a locked facility. Technical safeguards shall include that all CCIT access information is password protected and shall not be distributed to unauthorized users. Information gathered by CCIT shall also be password protected and only accessible by Department members trained by the manufacturer in the use of CCIT. Operational safeguards include that the use of any CCIT devices or technology shall require pre-approval by a Command Officer or Covert Response Unit Sergeant and that each request that results in an approved use is supported by a search warrant or an applicable exemption under the ECPA.

Monitoring Use:

The monitoring of the use of CCIT devices or technology will be the responsibility of the CRU Commander. Compliance checks with this usage and policy will be completed every fiscal quarter in conjunction with Program Manager Reports.

XI. CRU Outside Agency Notification Protocol

- 1) The CRU Supervisor will notify the Unit Commander that the Unit will be going out of town and provide the details of the operation to the commander.
- 2) The case officer will create an event via San Jose Police Communications.
- 3) When enroute to the outside jurisdiction, the case officer or supervisor will call the dispatch center of the law enforcement agency and advise them of the CRU's pending arrival.
- 4) The agency will be notified of the reason for CRU being in their jurisdiction.
- 5) The case officer or supervisor will ask for the phone number of the watch commander or for the watch commander to call them.
- 6) The outside jurisdiction will be advised when CRU personnel have arrived in their jurisdiction.
- 7) CRU personnel will speak with the watch commander or their designee and offer them the "first right of refusal." If the agency wants to conduct the police operation in their jurisdiction, CRU personnel will provide the agency with all the information necessary to successfully complete the operation.
- 8) If the law enforcement agency waives the "first right of refusal", CRU personnel will conduct the operation. The case officer or supervisor will keep the watch commander or their designee informed of the progress of the operation or of any significant details deemed necessary by the on scene CRU supervisor.
- 9) After the completion of the operation, the CRU case officer or supervisor will advise the outside law enforcement of CRU's departure.