

**Introduced by: Council Present**

**AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #49 “VICE, DRUGS, AND ORGANIZED CRIME” POLICY**

**WHEREAS**, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

**Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:**

**Section 1** The City of Berkeley, Missouri, Council hereby adopts the attached Vice, Drugs, and Organized Crime Policy in compliance the CALEA standards.

**Section 2** The attached agreement is hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

**Section 3** This Ordinance shall be in full force and effect from and after its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

3rd Reading, PASSED and APPROVED, this day of **2017**

\_\_\_\_\_  
Theodore Hoskins, Mayor


ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___

	<p align="center"><b>BERKELEY POLICE DEPARTMENT GENERAL ORDER</b></p>	<p align="right"><b>GENERAL ORDERS: 49</b></p>
<p align="center"><b>VICE, DRUGS, AND ORGANIZED CRIME</b></p>		
<p>ISSUE DATE: 7/20/17</p>	<p>EFFECTIVE DATE: 9/18/2017</p>	<p>DISTRIBUTION: SWORN PERSONNEL</p>
		<p>RESCINDS: ALL PREVIOUS VERSIONS</p>
<p>ACCREDITATION STANDARDS: CALEA 43.1.1, 43.1.5</p>		<p>NUMBER OF PAGES: 6</p>

**PURPOSE:** This procedure shall establish procedures regarding the conduct of vice, drug, and organized crime investigations within the Berkeley Police Department.

**POLICY:** It shall be the policy of the Berkeley Police Department to investigate complaints regarding vice, drug and organized crime activities. As outlined in this policy, Officers assigned to the Bureau of Investigations shall be responsible for developing intelligence information and providing liaison activities, as necessary. Control of such investigations may be relinquished to other law enforcement agencies if the investigation exceeds the capabilities of the Department.

**DEFINITIONS:**

*Conspiracy* - An agreement, culminating in an overt act, between two or more people to commit a crime.

*Distribution of Drugs* - Delivering controlled substance in a manner other than by legally administering or dispensing.

*Manufacture of Drugs* -The production, preparation, compounding, or processing of drug paraphernalia, or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, to include the packaging of same.

*Organized Crime* - A formal organization designed and operated to carry out criminal activity.

*Vice* - Criminal activities designed to exploit human weakness regarding immoral conduct (e.g. prostitution, illegal gambling etc.)

**PROCEDURES:**

**VICE, DRUG, ORGANIZED CRIME COMPLAINTS [CALEA 43.1.1 a]**

There are no specialized units within the Bureau of Investigations assigned to investigate vice, drug, or organized crime complaints. Detectives assigned to the Bureau of Investigations shall investigate complaints of this nature on a case by case basis. In the

event the crime is beyond the investigative capacity of the Bureau of Investigations, it shall be referred to an outside agency such as the FBI, DEA, ATF or St. Louis County Intelligence Unit.

- A. Information regarding vice, drug or organized crime activities may be received or initiated by various Departmental components (Patrol, Dispatch, or Investigations). When practical, such complaints shall be referred directly to the Bureau of Investigations Commander who shall then assign a Detective to conduct a preliminary investigation to establish the validity of the complaint.
- B. If the complaint is brought to the attention of a Patrol Officer, the Officer shall obtain as much information as possible to include:
  1. Reporting party's name and contact information
  2. Nature of Complaint
  3. Suspect information (if known)
- C. The complainant will then be advised that the information will be forwarded to the Investigations Supervisor for further investigative action.

#### **RECORD OF COMPLAINTS**

- A. Once the initial information has been obtained, the receiving Officer shall attempt to verify as much of the information as possible. Verification may be made through the following sources:
  1. Department files and records
  2. REJIS inquiries
  3. DOR inquiries
  4. City licenses/Records/Occupancy permits
  5. Field Interview reports
  6. Intelligence data
- B. The information obtained shall be documented in an e-mail to the Bureau of Investigations Commander, the Commander of Police Operations, and the Chief of Police. The Chief of Police must grant approval for the commitment of resources to pursue the investigation or ordering the investigation to be relinquished to another agency and notifying the Chief of Police.  
[CALEA 43.1.1 d]
- C. If the information is determined to be valid and a criminal investigation is warranted, the case information shall be documented in a CARE report. Sensitive information shall be retained within the confines of the Bureau of Investigation and not be included in the report.
- D. Information received from outside agencies regarding vice, drug, or organized crime complaints shall generally be treated as intelligence information and shall be handled in compliance with the Criminal Intelligence Procedure. [CALEA 43.1.1 c]

**PROTECTED FILE SYSTEM** [CALEA 43.1.1 b]

- A. Sensitive records which may jeopardize Officer Safety, current undercover investigations, informants, or intelligence sources shall be issued a case file number in a manner consistent with other incident reports.
  - 1. Sensitive records shall be filed in a secure area under the Bureau of Investigations Commander's control, with access limited to the Chief of Police, the Bureau of Investigations Commander, the Commander of Police Operations, and those Detective(s) actively involved in the investigation.
  - 2. Once basic report data has been entered into the Department's computer system, investigative reports, intelligence material and other supporting forms and documentation shall be maintained in a separate file controlled by the Investigations Supervisor.
- B. At the conclusion of an investigation or at the time the Department relinquishes investigative control to another agency, documentation contained in a protected file (with the exception of intelligence and/or informant information) shall be returned to the central file system.

**CONFIDENTIAL FUND**

- A. The Department shall maintain a fund to support the investigation of vice, drug and organized crime through the Department's annual budgeting process. The authorization to utilize those funds shall require the approval of the Bureau of Investigations Commander or Chief of Police and shall require the completion of all normal budgetary request forms.
- B. The Bureau of Investigations Commander shall maintain separate records of expenditures to include: reason for expenditure, corresponding control number, date and amount of expenditure.
- C. Receipts of Expenditures- As feasible, personnel responsible for the expenditure of Investigation Confidential Funds shall obtain a payment receipt regarding each transaction. The receipt shall then be retained by the Investigations Supervisor for accounting purposes.

**COVERT OPERATIONS**

- A. Due to personnel and resource considerations, the Department shall generally relinquish responsibility to conduct covert operations (e.g. investigation into the manufacture and distribution of drugs, organized crime rings, etc.) to those agencies more readily equipped to pursue the investigation. The St. Louis County Multi-Jurisdictional Task Force, DEA, FBI, and the St. Louis County Intelligence Unit are generally the agencies that would handle covert operations regarding organized crime or drug operations.
- B. If it is determined that the investigation shall be conducted by this Department, the Chief of Police must grant approval for the commitment of Department personnel and resources and notify the Chief of Police. The Investigations Supervisor shall then coordinate and supervise all internal covert operations which are conducted by this

Department. Specific planning and management tasks shall include: [CALEA 43.1.5 a, b]

1. Selection of operational/support personnel
2. Familiarizing personnel with mission objectives and target area(s)
3. Determining procedures for observation, high-risk entries, and arrests
4. Ensuring operational funds are adequate to meet expense needs
5. Establishing a system of communications
6. Selecting and/or approving operational equipment needs, and ensuring that necessary resources are available
7. Ensuring mission confidentiality and security
8. Providing false identification/cover stories as necessary
9. Ensuring adequate levels of supervision
10. Ensuring operational activities are properly documented
11. Conducting periodic status briefings for superior Officers
12. Coordinating operations with St. Louis County Prosecuting Attorney's office or the U.S. Attorney's Office, as necessary

### **SURVEILLANCE ACTIVITIES**

- A. Covert surveillance activities shall begin with an analysis of the activity or crime to be investigated. This shall include, but not be limited to:
  1. The type of crime or activity
  2. Suspected perpetrator(s)
  3. Hours or locations of criminal activity
  4. Associates of the perpetrator(s)
  5. Vehicles owned or used by the perpetrator(s)
  6. Method of operation employed to further the criminal activity
  7. Weapons used or available to perpetrator(s)
- B. Participating Officers (to include Detectives or Patrol Officers in plain clothes) shall be briefed on the area in which they are to be operating, methods of communication (e.g. radio channel usage, use of DSN's), vehicles assigned to the operation, duty hours, relief schedule (if any), and the target individual(s) or locations.

- C. The Bureau of Investigations Commander shall be responsible for authorizing and distributing any surveillance or undercover equipment (e.g. binoculars, night vision scopes, cameras, radios, etc.) prior to deployment. When possible, all personnel shall utilize authorized protective equipment, such as body armor.
- D. If, during the course of a surveillance operation, a decision is made to stop a moving vehicle, the on-site commander or supervisor shall request a marked police unit to initiate the stop, if possible. The uniformed Officer involved may then simply identify the driver and/or passengers, or detail personnel may arrive to conduct a more thorough investigation or make an arrest.
- E. If a surveillance operation requires Officers to operate within another jurisdiction, the supervisor of the detail shall, except where exigent circumstances exist, notify the appropriate law enforcement authorities of the presence of the detail and its purpose.

#### **UNDERCOVER ACTIVITIES** [CALEA 43.1.5 c]

- A. In the event an Officer of this Department is required to work undercover, a briefing shall be held covering the equipment and tactics that will be used. In addition, the supervisor of the operation shall ensure that the Officer involved receives whatever false identification may be required, and that an adequate cover story and/or supporting documentation has been developed for use.
- B. Back-up Officers shall attempt to maintain a constant surveillance of the undercover Officer, and provide support as necessary.

#### **DECOY ACTIVITIES** [CALEA 43.1.5 c]

The same planning and operational requirements which govern surveillance and undercover activities shall apply to decoy activities.

#### **WARRANT / ARREST OPERATIONS**

- A. Vice, drug, or organized crime search warrant operations shall be planned and conducted with due consideration for Officer Safety, all pertinent legal requirements, and Departmental procedures.
- B. Any search warrant obtained shall be executed by the St. Louis County Police Department's Tactical Unit, unless otherwise approved by the Commander of Police Operations. The Commander of the Tactical Unit shall exercise full command and control until the premises are secure. During the operation phase, the Commander of the Tactical Unit may assign Officers of this Department to:
  - 1. Escort any individuals found on the premises to a central collection point where they shall be detained for the duration of the operation, or
  - 2. Be the "Seizing Officer" for any items of evidence or contraband discovered during the operation, or

3. Direct the requested fire and medical personnel to a staging area in close proximity, yet at a safe distance from the location, prior to the execution of the search warrant.
- C. Berkeley Police Officers assigned to a search warrant operation shall be mindful of the following: [CALEA 43.1.5 c]
1. All Officers participating in the operation are required to wear body armor.
  2. Arrests and the transportation of prisoners shall be conducted in accordance with proper procedure.
  3. Any "use of force" which may be required shall be in compliance with "Use of Force" procedure.
  4. A copy of the search warrant must be left with the owner, family member, occupant, or managing agent of the premises.
  5. The search warrant "return" shall be completed and forwarded to the Warrant Office.

**REPORTING REQUIREMENTS** [CALEA 43.1.5 d]

The Investigations Supervisor shall submit a final report of the covert operation to the Chief of Police upon the conclusion of the investigation.

<b>DRAFTED BY:</b> Eye-Liza Conner	DATE: 7/13/17
<b>BY ORDER OF:</b> <b>ART JACKSON</b> <b>INTERIM CHIEF OF POLICE</b>	DATE: 7/17/17
<b>APPROVED BY:</b> Public Safety Committee	DATE: 7/20/17
<b>APPROVED BY:</b> Berkeley City Council	DATE: 9/18/17