



Policy Name:	INVESTIGATIVE OPERATIONAL PLANS		
Policy #:	OP 8.8	Last Updated:	2024-03-13
Issued By:	INVESTIGATIVE SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
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RELATED POLICIES

Op 4.11 *Confidential Informants / Agents*

OP 4.12 *Undercover (UC) Operations*

OP 4.34.8 *Major Case Management*

1. PURPOSE

- 1.1. To ensure SPS investigations are conducted with clear planning for applicable operational considerations including strategic, tactical, legal, policy and financial implications.
- 1.2. To ensure deconfliction with other investigative events and activities to identify operational conflicts and maximize collaboration and support of law enforcement priorities and objectives.
- 1.3. To ensure an effective and efficient use of SPS’s human and financial resources occurs during protracted and complex criminal investigations.
- 1.4. To ensure SPS is in compliance with the BC *Provincial Policing Standards* (BCPPS) 5.2 *Major Case Management*, specifically with respect to the Threshold Offences listed in BCPPS subject 5.2.1 and investigations in BCPPS subject 5.2.3.

2. SCOPE

- 2.1. This policy applies to all Members.

3. POLICY

- 3.1. SPS recognizes that planning will be required for investigations that reach beyond the capacity of day-to-day operations of both investigative and frontline units. This policy ensures that adequate resources and effective investigative techniques are applied to serious and complex crimes, particularly where public safety is at risk.
- 3.2. To prevent the inadvertent compromise of ongoing criminal investigations, Members must ensure investigative deconfliction of a proposed Investigative Operational Plan.
- 3.3. Investigative Operational Plans are required where the investigation uses investigative strategies requiring the aid of additional expertise, interagency cooperation, covert methods, sensitive expenditures, or with additional financial implications to the section's budget.
- 3.4. Investigative Operational Plans ensure that the appropriate level of supervisory authorization is obtained prior to Members conducting the investigation.

4. PROCEDURE

UNPLANNED EVENT

- 4.1. In response to an unplanned event requiring immediate action, the section's Officer in Charge and/or Accredited Team Commander may authorize up to a \$20,000 expenditure with the expectation that an Investigative Operational Plan (Form OP-8801 *Investigative Operational Plan*) will follow as soon as practicable.
- 4.2. In response to an unplanned event requiring immediate action, a Superintendent may authorize up to a \$50,000 expenditure with the expectation that an Investigative Operational Plan will follow as soon as practicable.

INVESTIGATIVE OPERATIONAL PLANS

- 4.3. The Investigative Operational Plan will identify priorities, strategies, tactical considerations, and investigative techniques that are designed to maximize public safety as well as meet the needs of the investigation.
- 4.4. The Member completing the Investigative Operational Plan must submit the Investigative Operational Plan through the Member's chain of command within that Member's Bureau, unless otherwise required pursuant to section 4.5 (e.g., Investigative Services Bureau, Community Policing Bureau, or Support Services Bureau).
- 4.5. Investigative Operational Plans originating from the Community Policing Bureau or the Support Services Bureau must also be forwarded through the chain of command to the Inspector, Proactive

Enforcement Section for deconfliction and determination whether a Monitoring Officer is required.

4.6. The Form OP-8801 *Investigative Operational Plan* must include:

- i. A summary of the investigation to date, including type of crime being investigated;
- ii. Profiles of subject targets;
- iii. Resources required;
- iv. Investigative techniques used to date and investigative techniques proposed such as Major Undercover Operation (UCO), Minor UCO, Intelligence Probe, Store Front, Part VI *Criminal Code*, International, National, Regional, Assistance – Foreign Agencies, National Security, Joint Forces Operation (JFO), Financial Crime, or other;
- v. Information regarding other police services that will participate in the execution of the Investigative Operational Plan;
- vi. Information regarding other agencies such as companies and organizations that will participate in the in the execution of the Investigative Operational Plan;
- vii. A summary of available intelligence and deconfliction obtained from SPS Intelligence Team;
- viii. Objectives and expected results;
- ix. Summary of the proposed investigation including project timelines and how the objectives will be achieved;
- x. Legal advice, if obtained, reflected in the Investigative Operational Plan;
- xi. Media plan, if required;
- xii. Human asset management including Agent or Confidential Informer;
- xiii. Details of the UCO component of the proposed investigation, including cover team;
- xiv. Operational and administrative financial expenses, including sensitive expenditures, and anticipated cost recovery (e.g., CFSEU, CFO, etc.);
- xv. Indication whether a Monitoring Officer is required; and
- xvi. Appropriate level of approval.

MINOR UNDERCOVER OPERATIONS

4.7. Minor UCOs occur in low-risk operations when the following conditions are met (see OP 4.12 *Undercover Operations*):

- i. UCO requires that the Undercover Operator have a single or short-term interaction with a target or targets in a public place (open environment);
- ii. UCO has the appropriate supervisory approval;
- iii. UCO is conducted by trained and qualified personnel, having successfully completed the JIBC or Vancouver Police Department Level 1 Municipal Undercover / Cover Team Training Course, or equivalent;

- iv. UCO is compliant with the terms of the Memorandum of Understanding (MOU) entered into by the British Columbia Municipal Undercover Program (BCMUP) and BC municipal police services; and
- v. UCO only uses SPS resources.

4.8. Members planning to conduct a Minor UCO require the completion and approval of an Investigative Operational Plan in advance.

4.9. The Inspector in Charge or Delegate of the unit conducting the Minor UCO can escalate a Minor UCO to a Major UCO based on assessed risk or specific degree of the Undercover Operator required.

MAJOR UNDERCOVER OPERATIONS

4.10. Major UCOs occur in higher-risk operations when any of the following conditions are met (see OP 4.12 *Undercover Operations*):

- i. UCO is conducted in a closed environment;
- ii. UCO involves multiple scenarios;
- iii. UCO involves multiple targets;
- iv. UCO is multi-jurisdictional; or
- v. UCO involves a Part VI *Criminal Code* operation.

4.11. The Inspector in charge, or delegate, of the unit conducting a Major UCO will forward the Investigative Operational Plan to the BCMUP for their review prior to elevating the Investigative Operational Plan for further consideration.

INVESTIGATIVE SERVICES BUREAU APPROVAL PROCESS

4.12. The Member completing the Investigative Operational Plan, in their role as Primary Investigator, Team Leader, or Team Commander, will first submit the completed Form OP-8801 to their Supervisor.

4.13. The Investigative Operational Plan, once submitted to the Supervisor, will be forwarded to their Inspector, Investigative Services Bureau for their support.

4.14. If techniques involving covert technology require support from the SPS Intercept Coordinator or a partner agency supporting SPS' use of covert technology is anticipated, the Inspector who has supported the Investigative Operational Plan will forward the Investigative Operational Plan to the SPS Intercept Coordinator for consultation prior to elevation to the Superintendent.

- 4.15. The Investigative Operational Plan, once supported by the relevant Inspector, Investigative Services Bureau, will be forwarded to the Inspector, Proactive Enforcement Section for deconfliction.
- 4.16. In the event a Monitoring Officer is required pursuant to Major Case Management principles, Senior Management will designate a Monitoring Officer. Once reviewed and supported by the Monitoring Officer, the Investigative Operational Plan will be submitted to the Superintendent within the reporting stream of the Monitoring Officer, for review and approval.
- 4.17. Once the Investigative Operational Plan is approved by the Superintendent, the Plan will be forwarded to the Deputy Chief Constable or designate, within the reporting stream of the Superintendent for authorization.

COMMUNITY POLICING BUREAU AND SUPPORT SERVICES BUREAU APPROVAL PROCESS

- 4.18. The Member completing the Investigative Operational Plan will first submit the Investigative Operational Plan to their Supervisor in their role as Primary Investigator, Team Leader, or Team Commander.
- 4.19. The Investigative Operational Plan once reviewed by the Supervisor will be forwarded to the Inspector of the respective Bureau for their recommendation.
- 4.20. Once the Investigative Operational Plan has been recommended by the Section's Inspector, the Investigative Operational Plan will be forwarded to the Inspector, Proactive Enforcement Section for deconfliction and determination of whether a Monitoring Officer is required. This will ensure deconfliction of potentially multiple plans addressing common targets or areas of operation and compliance with the British Columbia Provincial Policing Standards where MCM may be required.
- 4.21. If an Accredited Team Commander of the Community Policing Bureau or Support Services Bureau is in the chain of approval, the Investigative Operational Plan will still be forwarded to the Inspector, Proactive Enforcement Section for the purposes of deconfliction.
- 4.22. Once deconfliction has been completed and the requirement for and identification of a Monitoring Officer determined, the Investigative Operational Plan will then be forwarded to the Superintendent within the reporting stream of the Monitoring Officer for review and approval.
- 4.23. Once the Investigative Operational Plan is approved by a Superintendent, Community Policing or Support Services Bureau, the Investigative Operational Plan will be forwarded to the respective Bureau's Deputy Chief Constable or designate for authorization.

MAJOR CASE MANAGEMENT / COVERT TECHNIQUES USED

- 4.24. In all cases where Major Case Management (MCM) has or will be employed in the investigation in compliance with BCPPS with respect to Threshold Offences and those investigations listed in BCPPS subject 5.2.3, and in cases where covert techniques are or will be used, the Investigative Operational Plan must be forwarded through the chain of command to the Inspector, Proactive Enforcement Section for deconfliction.
- 4.25. Covert techniques include but are not limited to confidential informer handling, police agent handling, major UCOs, witness protection and handling and interception of private communications / electronic surveillance.
- 4.26. If techniques involving covert technology require support from the SPS Intercept coordinator or a partner agency supporting SPS' use of covert technology is anticipated, the Inspector who has supported the Investigative Operational Plan will forward the Investigative Operational Plan to the SPS Intercept Coordinator for consultation.
- 4.27. Upon being supported by the relevant Inspector, Proactive Enforcement Section and deconfliction has been verified, the Investigational Operational Plan will be forwarded to the Superintendent within the reporting stream of the Inspector.
- 4.28. In the event a Monitoring Officer is required pursuant to Major Case Management principles, Senior Management will designate a Monitoring Officer. Once reviewed and supported by the Monitoring Officer, the Investigative Operational Plan will be submitted to the Superintendent within the reporting stream of the Monitoring Officer, for review and approval.
- 4.29. Once the Investigative Operational Plan is approved by the Superintendent, the Plan will be forwarded to the Deputy Chief Constable or designate, within the reporting stream of the Superintendent for authorization.

MULTI-JURISDICTIONAL INVESTIGATIONS

- 4.30. For investigations involving linked, multi-jurisdictional major case investigations the Investigative Operational Plan will be submitted to the Joint Management Team for approval.

APPENDIX A: DEFINITIONS

“Agent” means a person who obtains evidence at or under the direction of the police, or who otherwise becomes an extension of police authority. Informant privilege does not apply, and an Agent may be compelled to testify in subsequent court proceedings.

“British Columbia Municipal Undercover Program” (BCMUP) means the integrated undercover program formed for the purposes of training Undercover Operators and Cover Officers and for sharing these resources among the BC municipal police services. It is funded by participating municipal police agencies and under the reporting structure of the BC Association of Municipal Chiefs of Police.

“BCPPS” means British Columbia *Provincial Policing Standards*.

“Confidential Informer” means a person who voluntarily provides information to peace officers regarding past, present, and future criminal activity, with the explicit or implicit expectation that their identity and communications are kept confidential and that they will be protected by informer privilege.

“Deconfliction” means the process of identifying commonalities that may exist within one or more projects or investigations.

“Investigative Operational Plan” means a detailed document that outlines necessary planning relating, including objectives and activities, of an investigation that has become lengthy, complex and requires the utilization of specialized investigative strategies, additional expertise, interagency cooperation, covert methods, sensitive expenditures, or that may have additional financial implications to the section’s budget.

“Offences listed in BCPPS subject 5.2.3” means:

- (a) Investigations that include:
 - (i) confidential informer(s) or agent(s), or
 - (ii) complex investigative techniques, or
 - (iii) an authorization to intercept private communications;
- (b) Investigations of violent crimes that likely spans multiple jurisdictions or multijurisdictional gang/organized crime investigations;
- (c) The volume or type of disclosure materials and/or exhibits may exceed the routine capacity of the police force;
- (d) The offence or incident under investigation is believed to be sexually motivated and either serial or predatory in nature; or
- (e) The offence or incident under investigation involves complex or rarely used legislation.

“Level 1 Undercover Operator” means a Member who has successfully completed the JIBC or Vancouver Police Department Level 1 Municipal Undercover / Cover Team Training Course, or equivalent. A Level 1 Undercover Operator may act as Cover for another Level 1 Operator.

“Major Undercover Operation” (UCO) means an operation that requires multiple operator-target interactions or a prolonged single interaction with a target. These include but are not limited to: Major Crime Undercover Operations, cell mates, and long-term drug projects.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“MCM” means Major Case Management.

“Minor Undercover Operation” (UCO) means an operation that requires the Undercover Operator to have a single, short-term interaction with a target or targets in an open area (i.e., public place).

“Monitoring Officer” means the officer who has either supervisory or oversight responsibilities for a particular investigation. The Monitoring Officer must have the appropriate knowledge and skills, including previous experience in a Team Commander role.

“Supervisor” means a Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of SPS.

“Team Commander” means a member of the Command Triangle and the person to whom overall authority, responsibility and accountability for an investigation are conferred, including its resources (human and physical) and mandate, and adherence to the principles of major case management.

“Threshold Offences” as defined in BCPPS s. 5.2.1 are:

- (a) Homicides, as defined in s. 222(4) of the *Criminal Code*;
- (b) Missing persons, if foul play is suspected;
- (c) Found remains, if homicide is suspected;
- (d) Sexual assaults that are suspected to be serial or predatory in nature;
- (e) Criminal investigations of:
 - (i) workplace deaths or serious injury, or
 - (ii) mass casualties and injuries; and
- (f) Non-familial abductions.

“Undercover Operation (UCO)” means a covert investigation in which the Undercover Operator assumes a role designed to conceal their true identity or occupation in an effort to gain evidence or intelligence as part of a criminal investigation. This type of operation involves direct interaction with a target and requires the use of a Cover Officer.

APPENDIX B: REFERENCES

British Columbia Provincial Policing Standards 5.2 *Major Case Management*

Surrey Police Service Form OP-8801 *Investigative Operational Plan*