
LEGAL REVIEW OF SPECIAL ENFORCEMENT OPERATIONS

3008.1 PURPOSE

This procedure sets forth guidelines to ensure special enforcement operations are conducted in accordance with legal requirements.

3008.2 SPECIAL OPERATIONS DEFINED

Special enforcement operation is defined as follows:

Any enforcement operation initiated to have an impact on specified community problems, either criminal or disorderly in nature, which requires a reallocation or enhancement of existing resources and/or a reassignment of personnel from their normal duties.

This procedure is not intended to regulate the planning of day-to-day routine operations.

3008.3 LEGAL REVIEW OF SPECIAL ENFORCEMENT OPERATIONS

- A. The Commander of a Special Enforcement Operation should:
 - 1. Consult the Police Legal Advisor during the planning phase of the operation.
 - 2. Incorporate any legal issues identified by the Police Legal Advisor into the operational plan to ensure the special enforcement operation is conducted according to established legal requirements.
 - 3. Obtain written approval from the appropriate Bureau Commander prior to the implementation of the special enforcement operation.
 - 4. Submit an After Action Report to the appropriate Bureau Commander within 30 calendar days of the operation. The deadline may be extended with the approval of the affected Bureau Commander.
- B. The Police Legal Advisor should:
 - 1. Provide guidance on legal propriety on planned strategy and identify legal issues which could arise during the course of the operation.
 - 2. Ensure the planned operation meets legal requirements.

The Police Legal Advisor should not be involved in developing operational strategies or police tactics.

3008.4 CONCLUSION

The effective use of tactical planning which includes a review of legal issues enhances operational plans while minimizing organizational and individual civil liability. It also insures that responses to community problems reflect Departmental values and are in accordance with legal standards.