



GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



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SUBJECT: <p style="text-align: center;">OFFICER SAFETY: OFF DUTY AND PLAIN CLOTHES</p>			
ASSOCIATED MANUAL:		RELATED ORDERS:	
CHIEF OF POLICE: <p style="text-align: center;"><i>Michael McGrath, Chief</i></p>			

PURPOSE: That members of the Division of Police taking a police action while in plain clothes, whether on or off duty, shall do so in a safe manner when confronted by another law enforcement officer who may not recognize that member's law enforcement status.

POLICY: Plains clothes officers are vulnerable to mistaken identity in police-on-police confrontations. Armed off-duty officers attired in civilian clothing are especially at risk when taking a police action. Therefore, off-duty officers shall use extreme caution when brandishing a firearm and taking a law enforcement action. In the furtherance of officer safety, the Cleveland Division of Police shall establish common protocols to guide members' actions in situations where a sworn member confronts another law enforcement officer who is taking a police action while dressed in plain clothes.

DEFINITIONS:

Plain Clothes - clothing and accessories common to civilian attire. An officer whose predominant attire is civilian, regardless of insignia suggesting otherwise, is considered to be in plain clothes.

Confronted Officer - a police officer in plain clothes (on-duty or off-duty) who is confronted or challenged by another police officer taking a police action.

Confronting Officer - a police officer who is confronting or challenging another person that the officer has reasonable suspicion to believe, based on the totality of circumstances, is committing, attempting to commit, or preparing to commit a crime.

PROCEDURES:

- I. On-duty officers working plain clothes assignments
 - A. Plain clothes officers who are assigned to duties that have the potential to place them in harm's way shall wear body armor unless a supervisor deems

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that such a requirement prevents the execution of the task (i.e. an officer in an undercover role).

- B. Plain clothes officers shall always be in possession of their police picture identification, with exceptions as noted immediately above.
- C. Supervisors shall ensure that, when the task calls for it, plain clothes officers have additional indicators of their police status (i.e. raid jacket).
- D. On-duty plain clothes officers shall follow the same safety protocols as off-duty civilian dressed police officers when confronted or challenged by another law enforcement officer.

II. Off-duty officers

- A. Off-duty officers taking a police action while attired in civilian clothes shall take a conservative approach when faced with the decision of taking a police action. Officers shall weigh the consequences of brandishing a deadly weapon, particularly a firearm, as this can present a particularly unique danger of mistaken identity to the off-duty officer.
- B. Such officers shall consider the following factors in their decision-making process.
 - 1. The severity of the crime involved.
 - 2. The potential of serious physical harm or death to innocent persons if no action is taken.
 - 3. The presence of weapons (including the officers).
 - 4. The number or potential number of suspects involved. (Never assume there is only one.)
 - 5. The officer's possession of appropriate police identification and other police tools (handcuffs).
 - 6. The ability to contact 911 or a police dispatcher personally or through an intermediary; access to other forms of assistance (e.g. bystanders).

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7. The situational environment including time of day, physical layout, access to cover/safety, the paths of pursuit or escape, presence of innocent persons, demeanor of other persons present (unruly/unfriendly crowd), the speed of the evolving situation, and the officer's own level of skill, training, and confidence.
 8. The likelihood of apprehending the suspect(s) at a later time if no overt police action is taken immediately.
- C. Officers shall be mindful that acceptable police actions can range from being an expert witness to the actual deployment of a firearm. Gathering accurate intelligence can often have a higher law enforcement value than actual intervention.
 - D. When contacting 911 via themselves or through an intermediary, officers shall include their own physical description.
 - E. When available and if possible, officers shall prominently display or be prepared to display their police identification. Officers shall loudly, clearly, and repeatedly identify themselves as police officers. This serves to identify the officer not only to the suspect but just as importantly to any bystanders and approaching police.
 - F. When confronted by another law enforcement officer, the confronted officer shall loudly, clearly and repeatedly state "I am a police officer" immediately followed by the confronted officer's name and assignment (i.e. "I am a police officer, Detective Smith, Cleveland Police, 3rd District Vice Unit"). This may be followed by a rapid and clearly articulated short description of the scenario, "serving warrant", "arresting suspect" "chasing prowler". Officers being confronted by another Cleveland police officer may also tactically resort to jargon unique to the Division (i.e. "I work First Vice", "I need a sector supervisor", "Start EMS rolling")
 - G. The confronted officer shall never move or flex their body or any part of their body in any manner that may indicate a turn in the direction of a confronting officer. The confronted officer shall in effect freeze any motion until ordered to do so otherwise. Even the act of turning one's head toward a confronting officer may cause one's hips and shoulders (and consequently the arm holding the firearm) to rotate towards the confronting officer. Confronted officers shall never make any movement until they receive permission to do so from the confronting officer.

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- H. The confronted officer shall never reach for or point toward their police I.D. Rather they shall verbalize to the confronting officer the location of their police identification.
- I. Upon being challenged by a confronting officer, all interactions will be governed by the confronting officer. **The confronting officer is always in command, not the confronted officer**, until proper identification can be made and it is appropriate to relinquish that command. Confronted officers shall comply without hesitation exactly as directed by the confronting police officer
- J. Civilian dressed officers, when confronted by another law enforcement officer and hearing a command such as “Police, don’t move”, shall always assume that the command is meant for them and not the suspect that they themselves may be confronting.
- K. Confronted officers shall be mindful that confronting officers are making nearly instantaneous decisions based on perceptions deduced from their immediate observations, information reported to them (accurate or inaccurate), and environmental conditions such as visibility, time of day, location, access to cover, or other situational uniqueness.
- L. All confronted officers can expect to be treated as suspects until their identities can be confirmed with absolute certainty by the confronting officers. Confronted officers, regardless of rank or position, shall not demonstrate any malice or contempt toward a confronting officer that is simply practicing good safety procedures.

III. Confronting Officers

- A. While it is rare, officers shall be aware of the possibility that an armed person they are confronting may in fact be another law enforcement officer taking a police action while in civilian clothes. **However, that consideration shall never be cause for an officer to unduly hesitate to use an appropriate level of force when necessary to neutralize a reasonably perceived threat.**
- B. Officers confronting an armed person shall strive to do so from a position of cover. As part of an officer’s everyday regularly-practiced situational awareness, officers shall continually assess their tactical advantage, particularly as it relates to the proximity and utility of various cover

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positions. Cover provides responding officers extra time to analyze a situation prior to committing to a force action.

- C. Time permitting, officers challenging an armed person shall verbalize appropriate commands in a loud, clear, and unambiguous fashion (i.e. Police! Don't move! Stop running! Drop the gun!). Officers shall avoid using slang (i.e. "give it up") or abbreviated commands (i.e. "stop") that may cause confusion in the mind of the confronted person.
- D. Confronting officers shall be cognizant of the effects of tunnel vision and sensory deprivation on their decision-making processes and broaden their view if at all possible. Tunnel vision may cause a confronting officer to see only the gun held by a confronted law enforcement officer and not the badge the officer is holding in the other hand. Similarly, sensory deprivation can cause the confronting officer's sense of vision (seeing a firearm) to overwhelm the confronting officer's sense of hearing (the confronted officer's shouts of "I'm a cop, don't shoot").
- E. Confronting officers shall not deescalate from their position of command until after the threat level has been reduced to their complete satisfaction.