



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: SEPTEMBER 27, 2021	CHAPTER: 4 - Field Operations	PAGE: 1 of 4	NUMBER: 4.08.07
SUBJECT: OFFICER SAFETY - PLAIN CLOTHES AND OFF-DUTY			
CHIEF: <i>Calvin D. Williams, Chief</i>			

Substantive changes are italicized

PURPOSE: To establish safe protocols for situations where a sworn member of the Division, while in plain clothes whether on-duty or off-duty, is taking a police action and is confronted by another law enforcement officer.

POLICY: *It is the policy of the Cleveland Division of Police* that off-duty and plain clothes members use extreme caution when *producing* a firearm and taking a law enforcement action to avoid mistaken identity in police-on-police confrontations.

DEFINITIONS:

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.

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.

PROCEDURES:

- I. Plain Clothes Officers
 - A. On-duty officers in plain clothes shall:
 - 1. Follow the same safety protocols as off-duty, civilian dressed officers when confronted or challenged by another law enforcement officer.
 - 2. If assigned to duties that have the potential to place them in harm's way:
 - a. Wear their Division-issued body armor.
 - b. Be in possession of their police *photo* identification.
 - c. *Members* shall be exempt from the above requirements if a supervisor deems that these requirements would prevent the execution of the task (e.g., an officer in an undercover role).
 - B. Supervisors shall ensure that plain clothes officers have additional indicators of their police status (e.g., jacket or vest carrier with POLICE lettering, etc.), *when appropriate and shall*

PAGE: 2 of 4	SUBJECT: OFFICER SAFETY - PLAIN CLOTHES AND OFF-DUTY	NUMBER: 4.08.07
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request the Communications Control Section make a broadcast to uniformed personnel advising of a plain clothes operation in a specific area (e.g. prostitution detail on Lorain from W. 65 to W. 80).

- C. Off-duty officers taking a police action while attired in civilian clothes shall:
1. Take a conservative approach when making the decision to take a police action.
 2. Weigh the consequences of *producing* a firearm as this action can present a particularly unique danger of mistaken identity.
 3. Consider the following factors in the decision making process:
 - a. The severity of the crime.
 - b. The potential for serious physical harm or death to innocent persons if no action is taken.
 - c. The presence of weapons, including the officer's firearm.
 - d. The number or potential number of *subjects* involved.
 - e. The officer's possession of police identification and other police tools (i.e., handcuffs, *radio*).
 - f. The ability to call 911 or police dispatch personally or other forms of assistance (i.e., bystanders).
 - g. The situational environment *as a whole* including time of day, physical layout, access to cover/safety, presence of innocent persons, demeanor of other persons present (e.g., unruly *or agitated persons*, unfriendly crowd, etc.), the speed of the evolving situation, and the officer's own level of skill, training, and confidence.
 - h. The likelihood of apprehending the *subject* at a later time if no police action is taken immediately.
 4. Be mindful that acceptable police actions can range from being an expert witness to *making an arrest*; gathering accurate intelligence can often have a higher law enforcement value than actual intervention.
 5. When calling 911, or having *another person* call, include their own physical description.
 6. When available and if possible, prominently display or be prepared to display police identification:
 - a. Officers shall loudly, clearly, and repeatedly identify themselves as police officers.

PAGE: 3 of 4	SUBJECT: OFFICER SAFETY - PLAIN CLOTHES AND OFF-DUTY	NUMBER: 4.08.07
-----------------	---	--------------------

- b. This statement serves to identify the officer not only to the *subject* but just as importantly to any bystanders and approaching police.

II. Confronted and Confronting Officers

A. When confronted by another law enforcement officer, the confronted officer shall:

1. *Stop and not* move any part of their body in any manner that may indicate a turn in the direction of a confronting officer.
2. Freeze and remain motionless 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.
3. Not make any movement until they receive permission to do so from the confronting officer.
4. Loudly, clearly, and repeatedly state, "I am a police officer," immediately followed by the confronted officer's name and assignment (e.g., "I am a police officer, Detective John Smith, Cleveland Police, Third District Vice Unit").
 - a. This statement may be followed by a rapid and clearly articulated short description of the scenario (i.e., serving warrant, arresting subject, chasing prowler, etc.).
 - b. Officers being confronted by another Cleveland police officer may also tactically resort to jargon unique to the Division (e.g., "I work First Vice; I need a sector supervisor; start EMS rolling"; etc.).
5. Never reach for or point toward their police identification, rather verbalize the location of the identification to the confronting officer.
6. When hearing a command such as, "Police! Don't move!" always assume that the command is meant for them and not the subject that they *may be dealing with*, and comply without hesitation exactly as directed by the confronting police officer.
7. Be mindful that confronting officers are making nearly instantaneous decisions based upon perceptions from their immediate observations, information reported to them, accurate or inaccurate, and environmental conditions such as visibility, time of day, location, or access to cover.
8. Expect to be treated as a *subject* until their identity can be confirmed with absolute certainty by the confronting officer; confronted officers, regardless of rank or position, shall not demonstrate any malice or contempt toward a confronting officer that is simply practicing good *tactics*.

PAGE: 4 of 4	SUBJECT: OFFICER SAFETY - PLAIN CLOTHES AND OFF-DUTY	NUMBER: 4.08.07
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- B. While rare, officers shall be aware of the possibility that the armed person they are confronting may be another law enforcement officer taking a police action while in civilian clothes; **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.**
- C. Officers confronting an armed person shall:
1. Strive to do so from a position of cover.
 - a. As part of an officer's everyday regularly practiced situational awareness, officers shall continually assess their tactical advantage.
 - b. Cover provides responding officers extra time to analyze a situation prior to action.
 2. Time permitting, verbalize appropriate commands in a loud, clear, and *distinct* fashion (e.g., "Police! Don't move!").
 3. Avoid slang (e.g., "Give it up!") or abbreviated commands (e.g., "Stop!") that may cause confusion in the mind of the confronted person.
 4. Be cognizant of the effects of tunnel vision and sensory deprivation on their decision-making processes and broaden their view, if at all possible.
 - a. Tunnel vision may cause a confronting officer to see only the firearm held by a confronted law enforcement officer and not the badge the officer is holding in the other hand.
 - b. 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!"
 5. *Continue to be vigilant* until the threat level has been reduced to their complete satisfaction.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.