

Off-Duty and Plain Clothes Police Encounters

PART 4 SECTION S (2 HOURS)

TOPIC DESCRIPTION

Instruction to safely resolve confrontations between on and off-duty officers will be covered. The particulars of encounters between uniformed or civilian clothed officers, both on and off duty may vary greatly making it difficult to provide instruction on every possible situation. Thus the instructor should make known that in any confrontation situation, the burden of proving identity should rest on the officer being confronted whether on or off duty. Students will observe and participate in confrontation scenarios to demonstrate understanding of section objectives.

INSTRUCTOR QUALIFICATIONS

Instructors in this topic are generally expected to be those certified by the Municipal Police Training Council. They should be able to document this by producing a current certificate issued by the Council. This certificate should read the person is certified as a general topics instructor. Further, they should possess a background and experience in the topical area, as documented to the school director. This supporting documentation should remain a part of the course file in the academy, available for later inspection or audit.

If a school director believes an individual who is not certified is otherwise qualified for teaching this topic, they may ask in writing for approval for that person to teach. The OPS may, if finding the individual possesses a combination of an advanced degree and unique or qualifying experience, find the individual to be qualified and be approved to instruct. Those that are found qualified, are listed as approved instructors, and will have a letter issued to them indicating what they are approved to instruct in. The school director should keep a copy of the letter in the school file.

School directors should understand the Office of Public Safety can only examine complete applications for instructors that are filed in a timely manner. Generally, this instructor approval often requires time that is in addition to the requirements (45 days by the State Regulation, the Municipal Police Training Council and its Zone Coordinators) for police training approval. This time allows for proper review of curriculum, instructors, and the needs for training in a zone. Complete applications are those which include a properly completed Instructor Personal History Form, and documents supporting the facts contained therein.

TRAINING OBJECTIVES

Upon completion of instruction the student will be able to:

1. Identify three levels of off-duty intervention assessment.
2. List appropriate actions to be taken at each level of off-duty intervention assessment.
3. Explain the appropriate actions a confronted officer should take during a confrontation with another member of law enforcement.
4. Explain the appropriate actions a challenging officer should take during a confrontation with another member of law enforcement.
5. Describe a “family plan.”
6. Demonstrate practical application of lesson objectives during confrontation scenarios.

CURRICULUM OUTLINE

- I. Off-duty Intervention Assessment.
 - A. Officers should always be prepared for situations that may require intervention.
 - B. Decision to intervene while off duty should be evaluated along a scale of urgency.
 - C. Intervention in situations could possibly result in a situation the off-duty officer underestimated or might not be able to control.
 - D. Three levels of off-duty intervention assessment.
 1. Non-critical - situation is not urgent.
 - a. Officer should not risk consequences of putting himself into the situation.
 - b. Call 911.
 - c. Continue to assess the situation and gather accurate information until on-duty officers respond.
 2. Important - higher threat level.
 - a. Example: On-duty officers might need your help but do not know who you are.
 - b. Consider that the on-duty officer might think you are another offender or you might be a distraction to the officer.
 - c. If you become involved, be mindful of other offender(s) in surrounding area that might target you as threat.
 3. Critical - true emergency.
 - a. A situation in which law enforcement intervention is required to prevent someone from being seriously injured or killed.

- E. Considerations when accessing off-duty intervention.
 - 1. Are you mentally prepared for the unexpected?
 - 2. Is your judgment and reaction time impaired from medication, alcohol, etc.?
 - 3. Do you have jurisdiction as a police officer where this crime or incident is taking place?
 - 4. If your family is present, would they be in greater jeopardy if you were to take action?
 - 5. Do you have the necessary equipment to intervene?
 - a. Examples:
 - (1) Shield and ID card.
 - (2) Weapon and spare ammo for reload.
 - (3) Handcuffs.
 - (4) Flashlight.
 - (5) OC spray.
 - (6) Baton.
 - (7) Access to phone. (i.e. cellular phone, landline)
 - (8) Identifying clothing. (i.e. raid jacket)
 - 6. Survey the environment.
 - a. How many visible adversaries are present?
 - b. Number and types of weapons.
 - c. Structures and surroundings.
 - d. Possibility of cover and concealment.

e. Presence of civilians.

7. Have shield and ID accessible and visible before and after situation.

II. Taking Action During a Confrontation Encounter.

A. Definitions.

1. Challenging Officer - uniformed or plain clothed officer who comes upon a scene where an unidentified armed person is observed.
2. Confronted Officer - an officer who is usually civilian clothed either on or off duty, who may be armed and taking police action and whose identity and objectives are not immediately apparent to the challenging officer.

B. The burden on proving identity in any confrontation should rest on the confronted officer whether on or off duty.

C. The confronted officer should:

1. Verbally identify self.
2. Do everything the challenging officer says without question even if the confronted officer feels he/she is in the right and has everything under control.
3. Remain motionless even if it means a suspect may flee or escape.
4. Do not turn or point weapon towards challenging officer.
5. If asked to display shield or ID to challenging officer, present in a slow controlled manner
6. Remain behind cover unless otherwise directed by challenging officer.
7. Expect to be treated like an offender until status is verified.

D. A challenging officer should use sound tactics and judgment in approaching the situation.

1. If possible, take cover to the rear of the person being challenged.

2. Challenge from the rear allows for more time to evaluate a subject's reactions and gives a tactical advantage.
3. Challenging officer should identify self in loud clear voice and avoid using directives which are contradictory.
4. Challenging officer should request person to identify themselves which may include:
 - a. Viewing shield and ID card of confronted person.
 - b. Asking questions only a law enforcement officer would know.
5. The challenging officer must be completely satisfied as to the person's identity before coming out of cover and concealment and taking further action.
 - a. Symbolic opponent syndrome - a preconceived notion that places a suspect into a "criminal" category because of appearance, nationality, grooming or mode of dress.
 - b. Looks can be deceiving and should not form the basis for action to be taken.

III. Possible Results of a Confrontation.

- A. An off-duty incident generally will not end at the scene.
- B. An investigation may be conducted by:
 1. Officer's department.
 2. Jurisdiction of occurrence.
 3. Internal Affairs.
- C. Department policy and procedures may be checked for compliance.

IV. Off-Duty Survival When with Family Members.

- A. How family members act when they are with you during an off-duty incident can make a difference between a safe resolution and disaster.

- B. Implement a “family plan” to be used during an off-duty intervention.
 - 1. Teach family members to never identify you as a law enforcement officer to the public during a situation.
 - 2. Develop a covert (physical or verbal) code that you or your family can quietly use in a potentially serious situation, without attracting the offender’s attention.
 - 3. Family should separate quietly and call 911 advising the operator of the situation. Operator should be informed that there is an officer at the scene and given a description of what you are wearing.
 - C. The longer your family stays at the scene the more likely you will make tactically unsound decisions in an effort to protect them.
- V. Practical Exercises.
- A. Students are required to participate in or observe at least two confrontation scenarios. The purpose of these exercises is to demonstrate practical application of information presented during this segment.
 - B. Suggested scenarios include instructors acting as either the challenging officer or confronted officer.
 - C. Scenarios should include:
 - 1. Confronted Officer (Student)- Challenging Officer (Instructor)
 - a. Student should demonstrate appropriate actions a confronted officer should take during a confrontation with another member of law enforcement.
 - 2. Confronted Officer (Instructor) - Challenging Officer (Student)
 - a. Student should demonstrate appropriate actions a challenging officer should take during a confrontation with another member of law enforcement.
 - D. When participating in exercises, students should be expected to demonstrate reasonable proficiency. Their actions should be critiqued in a constructive manner during subsequent discussions. If a student fails to demonstrate

proficiency during an exercise, replay the scenario with the student until he/she is able to correctly handle the confrontation.