

	Operational General Order	11.09 Plainclothes Operations / Taking Police Actions Off Duty	PAGE 1 OF 2
	SUBJECT		EFFECTIVE DATE
	Virginia Beach Police Department General Order Chapter 11 - Patrol Operations		04/11/2007
			ORIGINATOR/REVIEW
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ALL			
BY THE AUTHORITY OF THE CHIEF OF POLICE:		<i>James A. Coonan</i>	

Purpose

To provide guidelines for plainclothes operations, encounters between uniformed and plainclothes officers, and for sworn personnel to employ when observing violations of law or serious traffic accidents while off-duty and not working approved off-duty employment.

Policy

The assignment of officers in plainclothes is a frequently utilized and highly effective tool in addressing crime problems in the community. In order to maximize the effectiveness and ensure the safest possible environment for the plainclothes officer, whether on-duty or off, the following guidelines shall be adhered to by all personnel.

Acknowledgement of Plainclothes Personnel

When encountered in the community, uniformed officers will not acknowledge plainclothes officers, unless the plainclothes officer first acknowledges the uniformed officer.

Use of Plainclothes Officers in Stakeouts or Planned Patrols

The use of plainclothes officers in stakeouts, planned patrols, crowd infiltration or similar pre-planned events usually entails the utilization of plainclothes officers in conjunction with uniformed officers. In such operations and in accordance with General Order 13.02 (ICS/NIMS), the incident commander will include the use of the plainclothes officers in the operations plan, and will brief all others involved in the operation of the use, and when appropriate the identity of the plainclothes personnel.

Response to Calls for Service by Plainclothes Officers

The response to calls for service by plainclothes personnel will likely result in unanticipated and unplanned meetings between uniformed officers and plainclothes officers. Such encounters may easily result in uniformed officers mistakenly confusing plainclothes officers as participants in the incident that necessitated the call for service, or attributing the plainclothes officer's attempts to control the situation or affect an arrest as a criminal act. In order to control responses to call for service, plainclothes officers shall not respond without the knowledge of the Dispatcher and other responding officers to the following in progress scenes / calls for service:

- Domestic and prowler complaints
- Civil disturbances
- Barricaded criminal situations
- Hostage situations
- Misdemeanor complaints

- Any incident involving a weapon or firearm (except for emergency requests for assistance from other officers)

Plainclothes officers may respond to such scenes after uniformed officers have contained, or controlled the incident to allow for a safe response, or may respond to the area of the in-progress call for service and take a position along likely escape routes. In such situations, the plainclothes officer shall clearly communicate via the radio channel of the responding uniformed officers, of their response, position, and intentions.

Taking Police Action While Off Duty

Officers should use discretion and common sense when confronted with a violation or disturbance while off-duty. A general guideline to follow is that unless there is an immediate threat to public safety, off duty officers should defer to an on-duty officer to handle the situation. Even felonies should be left to on-duty personnel unless failure to act immediately would result in injury, or a significant loss of property.

Every effort should be made to avoid getting involved in making arrests, issuing summonses, conducting investigations or other police work while off duty, other than while working an approved part time job. Any time an off-duty officer observes conditions that require a police response; the officer should contact the E911 Emergency Communications Division and request an on-duty officer respond to handle the situation. If it is necessary for the officer to take some action, due to an imminent risk to public safety, the officer should contact (or ask another to contact) E911 Emergency Communications Division at the earliest possible opportunity, request assistance, and advise that an off-duty officer is on scene and needs assistance.

Any off duty police action or intervention must be reported to a supervisor at the earliest opportunity upon the officer's return to work. Identifying oneself as a police officer while off-duty, if done for the purpose of affecting someone else's behavior, will constitute intervention for the purposes of this policy. Any off duty police action that results in an arrest, a use of force, and display of weapon or injury to any person must be reported to a supervisor immediately. Officers, who carry out law enforcement responsibilities off duty while armed, must comply with the departmental policies regarding use of weapons as described in General Order 5.02, including the fact that the weapon carried must be approved and the member must have qualified with that weapon.

Unanticipated Tactical Meetings between Plainclothes and Uniformed Officers

Unplanned or unanticipated meeting between uniformed and plainclothes officers at the scene of a call for service, or the scene of an arrest may possibly result in an armed confrontation between police officers. During such an encounter, the plainclothes officer shall immediately comply with the commands of the uniformed officer, and as soon as practical advise the uniformed officer verbally as to his or her status as a police officer. Extreme care should be taken by the plainclothes officer to avoid any movements or actions (such as reaching for, or moving to reveal a badge or credentials) that would indicate resistance to the commands of, may be interpreted as a threat to, the uniformed officer. Plainclothes officers shall provide credentials or a badge to the uniformed officer upon request, and when safe to do so.