

Police Homicides by Misidentity

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Ever-increasing levels of street crime throughout the Nation have caused law enforcement services to change dramatically during the past several decades. Methods, procedures, and equipment unknown a few years ago are now commonly used by law enforcement organizations at all levels. One such procedure, the use of covert operational tactics, places large numbers of nonuniformed officers on the streets in a variety of assignments, creating a potentially serious hazard.¹ In small- to medium-sized agencies, officers may recognize each other during the typical tour of duty. In large agencies, however, plainclothes officers run serious risks of being mistaken for a criminal while performing their duties.²

Consider, for example, the composition of our law enforcement agencies. The rank and file now contains officers from many different ethnic and cultural backgrounds. Such diversity facilitates attempts to infiltrate certain criminal enterprises, gather intelligence, act as cover for other officers in covert field operations, and handle the more usual duties effectively. Yet, this very advantage poses a danger to the individual officers who do not conform to the stereotypic police image, especially when they

choose to carry smaller, less conspicuous weapons instead of the traditional revolver while working undercover assignments.³ Their lack of conformance to the "image," compounded by the sudden display of an automatic derringer or "Saturday night special" in a tense situation, can understandably cause even the most reasonable beat officer to take aggressive action. This article will discuss identification procedures that may be used to help avert situations in which a nonuniformed officer could be accidentally shot by a fellow officer.

Scope of the Problem

Officers have been seriously injured or killed by fellow officers as a result of misidentity, although not many such incidents have been reported. While some of these tragedies have been documented, it has been without the benefit of instruments that could accurately detail the circumstances. New York City, for example, experienced 10 armed confrontations between police officers during the period 1970 to 1972; in 1973, three such confrontations resulted in the death of two officers.⁴ In 1981, the Austrian Federal Criminal Police experienced such a tragedy when a plainclothes detective in hot pursuit of a

bank robber was shot and killed by a uniformed police officer who mistook him for the perpetrator. More recently, in 1982, the Houston, TX, Police Department reported that an undercover policewoman was shot to death by a uniformed police officer because she was not immediately recognized during a drug raid.⁵

As long as there is a demand for plainclothes officers on the streets, confrontations such as those noted above can occur in any jurisdiction in the country.⁶ Consider the following scenario:

John Doe, a plainclothes investigator, has just completed a tour of duty at midnight. On the way home, he stops at a convenience store to make a routine purchase. Prior to entering the front door, a "sixth sense" tells him that something inside is not exactly right. As he cautiously enters the establishment, he notices the employees are not where they're supposed to be. Suddenly, they burst from behind a display case in a panic—pointing to the rear door. A cashier then blurts out, "A gunman just took all the money from the cash register and ran out the back door." Officer Doe quickly instructs the victims to call for

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assistance while he pursues the subject outside the premises. He spots a suspect approximately 100 yards from the rear of the store in a wooded area. The officer quickly identifies himself and detains the suspect at gunpoint. Although this entire incident has lasted only 2 to 3 minutes, the officer's clothes are now somewhat disarrayed, and both he and the suspect show signs of fatigue and heavy perspiration. The first uniformed officer to come on the scene finds two figures in a dark wooded area and commands both to "freeze." In order to neutralize a potentially dangerous confrontation, what action, if any, can or should the plainclothes officer take at this point?

In all probability, the number of similar incidents around the country will never diminish. Therefore, agency-level procedures should be established whereby plainclothes officers can effectively identify themselves under such circumstances. To date, no one standard method is used; rather, law enforcement agencies use a variety of identification techniques and procedures, including lightweight vests, baseball-type caps, lapel pins, and identification cards clipped to outer garments.⁷

Study Design

After the tragic incidents in New York City in 1973, the department issued certain guidelines to be followed by officers, including the use of colored headbands (colors changed daily) to be worn during street confrontations.⁸ In addition, training sessions emphasize certain procedures for the "challenged" and the "challenging" officer. Since these changes were implemented by the New York City Police Department, no officer has lost his life in that jurisdiction as a result of a confrontation with another officer.

To measure the feasibility of establishing identification procedures at the agency or departmental level, a survey was initiated by the Institutional Research and Development Unit (IRDU) at the FBI Academy, Quantico, VA, in 1982. Based on a review of pertinent literature and journals and interviews with selected law enforcement administrators, a preliminary survey questionnaire was developed and administered to 500 students of the FBI's National Academy Program. The data generated by the pilot questionnaires were used to develop a final questionnaire which was then administered to 710 law enforcement of-

ficers in different sessions of the FBI National Academy.

The respondents participated in the project during their second week of training. Figure 1 outlines percentage statistics both on the types of law enforcement agencies and the geographical regions represented by sample. The target group included representatives from every State, as well as foreign agencies (4.8 percent of the total sample).

A significant number of respondents were in positions of supervisory and management rank within their respective agencies. (See fig. 1.) The entire group averaged 14.5 years of law enforcement experience, significantly more than the 11.5 years average law enforcement experience level determined by a recent nationwide study.⁹

Study Findings

All participants were asked whether their agency had a standard method by which plainclothes, undercover, and specialized personnel identified themselves in street confrontations. Almost half of the agencies indicated they did *not* use and set procedure whatsoever; the remaining agencies were almost equally divided into those using certain methods rou-

Figure 1

Description and Location of Respondent Agencies		Respondents by Rank/Title	
Type agency	Percentage of sample	Rank/Title	Percentage of sample
Municipal Police/Authority	58.9	Chiefs of Police	6.2
Sheriff Department.....	13.6	Deputy Chiefs.....	3.5
County Police/Authority	6.2	Sheriffs.....	0.8
State Police/Authority	11.2	Chief Deputy Sheriffs.....	1.0
Federal Civilian/Military.....	4.9	Deputy Sheriffs.....	0.7
Other.....	5.2	Major.....	2.4
Geographic region		Inspector.....	1.1
New England	5.3	Captain.....	12.3
Mid-Atlantic.....	13.7	Lieutenant.....	33.8
South Atlantic.....	16.5	Sergeant.....	23.5
East South Central.....	6.1	Detective.....	5.5
West South Central.....	9.6	Corporal.....	0.8
East North Central.....	16.0	Patrolman—Trooper.....	1.4
West North Central.....	6.7	Public Safety Director.....	0.3
Mountain.....	6.7	Other.....	6.7
Pacific.....	14.6		
Other.....	4.8		

tinely and those using some procedures *only* for special events, such as dignitary protection and planned raids. (See fig. 1.)

The respondents in this survey also rated the "workability" of 14 identification methods (isolated from the pilot study) on a scale from 1 (very little) to 7 (very high). Respondents were advised that for the purpose of this study, "workable" was defined as "practical and capable of being easily performed without further endangering the situation, while at the same time providing a readily recognizable procedure for use by plainclothes officers day or night."

There were 14 identification items evaluated in the study, and numerical ratings (mean) were given by the participants. (See fig. 2.) Although they were given the option of adding any other items to be rated, no one did so.

As figure 2 demonstrates, extremely high ratings were not given to any of the items. Although a few received considerably higher ratings than the others, many were apparently not considered workable. The display of badges, use of verbal commands, and wearing of lightweight jackets received the highest ratings.

By contrast, the wearing of sweat wristbands and headbands and the use of various hand signals were considered to be least workable.

The workability of different procedures, however, necessarily varies from one agency to the next. Each agency will, at different times, have an individual set of uncontrollable conditions present during street confrontations, such as inclement weather con-

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ditions, total darkness, extreme noise levels, and circumstances requiring immediate aggressive action.

Conclusion

Based on the results of this study, it is believed that identification procedures implemented by agencies or organizations should be used, but only as a supplementary measure. Of primary importance in a confrontation is the plainclothes officer's duty to identify himself properly to the uni-

formed officer on the scene. The burden of identification must *always* rest with the officer being challenged. For the most part, the supplementary identification procedures discussed in this report only have the potential to provide plainclothes officers with an edge of safety assurance when they respond to violence-related calls or officer-assistance situations.

The data generated by this research should induce law enforcement agencies across the country to review their current identification guidelines and procedures. If administrators are knowledgeable in the alternatives available, they can take steps to insure their officers' safety on the streets.

Law enforcement services have become so diversified that the potential for interdisciplinary life-threatening situations is constant. Officers from one jurisdiction may be totally unaware of the identity of other plainclothes officers on the street. All possibilities that will minimize incidents of misidentity must be explored. The final question remains: Is it possible for today's plainclothes officer to remain anonymous to the general public, perform duties at desired levels, yet be *visible* to fellow officers?

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Figure 1 (cont.)

Total Sample Responses to Survey Questions:		Percentages of Responses By Specific Agency Type on Use of Standard Identification Procedures					
Responses	Percentage of sample	Municipal	Sheriff	County	State	Federal	Other
Do you have organizational use of a standard method by which plainclothes, undercover, or specialized personnel identify themselves in street confrontations?							
—Affirmative	23.7						
—Yes, but only for organized raids, dignitary protection, etc....	29.6						
—Negative	46.7						
Yes		36.1	23.7	29.7	20.6	23.3	30.8
*Yes, but		30.0	38.1	33.7	35.1	32.3	30.8
No		34.0	38.1	33.7	44.3	44.5	38.5

*Yes, but only for organized raids, dignitary protection, etc.

Footnotes

¹ Massad F. Ayoub, "Proper Employment of the Off-Duty Gun in Confrontations," *Law and Order*, May 1979, pp. 61-64.

² Peter J. Pitchess, "Survival for 'Non-Uniform Officers,'" *Journal of California Law Enforcement*, October 1975, pp. 52-54.

³ Ronald J. Adams, Thomas M. McTernan, and Charles Remsberg, *Street Survival Tactics for Armed Encounters* (Evanston, IL: Calibre Press, 1980), pp. 118-23.

⁴ Lt. Thomas M. McTernan, New York City Police Department, Personal Communication, January 7, 1982.

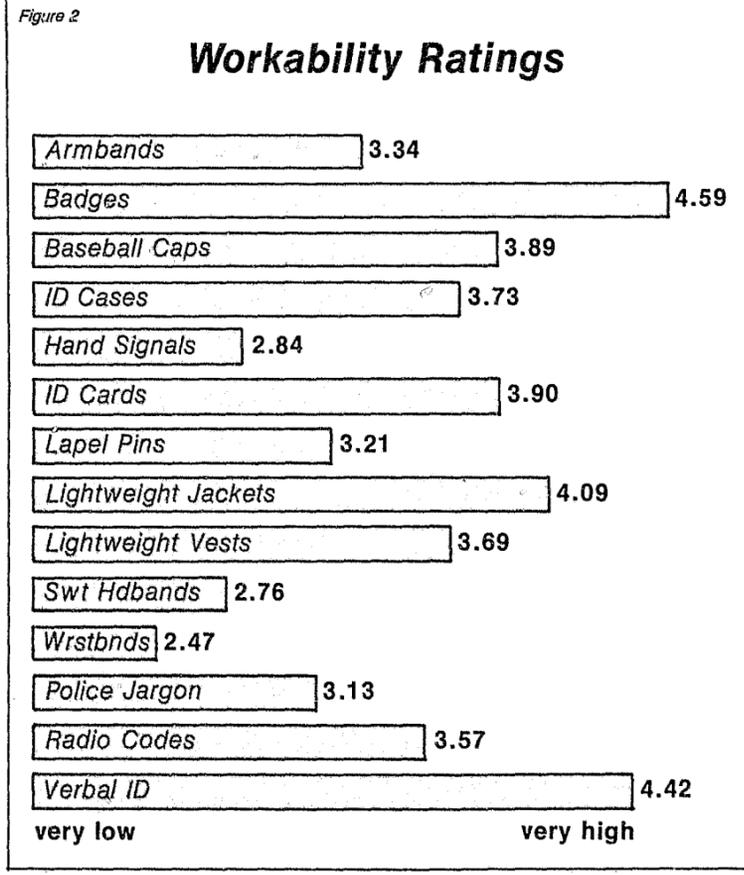
⁵ Lt. Billy Ripley, "A Fatal Mistake in Houston: Plainclothes Narc Detective Killed by Uniformed Officer," *Crime Control Digest*, September 1982, pp. 8-9.

⁶ Sgt. James J. Green, "Plainclothes Police Personnel: An Identification Problem," *FBI Law Enforcement Bulletin*, April 1975, pp. 16-21.

⁷ Sgt. John J. Breslin, Jr., "Street Crime Unit," *Law and Order*, May 1979, pp. 40-44.

⁸ Gerald W. Boyd, *The Will to Live—Five Steps to Officer Survival* (Springfield, IL: Charles C. Thomas, 1980), pp. 110-21.

⁹ John C. LeDoux and Robert F. Hazelwood, "Police Attitudes Toward Rape," in *Practical Rape Investigation: A Multi-Disciplinary Approach*, eds. Robert F. Hazelwood and Ann Wolbert Burgess (New York: El Sevier Science Publishing Co., scheduled to be released in 1985), p. 8.



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