

**MONROE COUNTY SHERIFF'S OFFICE**

**General Order**

<b>CHAPTER:</b> 26		<b>TITLE:</b> Off Duty Law Enforcement Action
<b>EFFECTIVE DATE:</b> March 24, 2015	<b>NO. PAGES:</b> 3	<b>REVIEWED/REVISED:</b> March 17, 2015
<b>REFERENCE:</b>		<b>RESCINDS:</b>

**Purpose:**

The purpose of this directive is to provide guidelines to deputies regarding off-duty arrests. It also adopts safety guidelines for the carrying of firearms while in an off-duty status and for a deputy's duty and responsibility to take action in response to criminal activity while in an off-duty status.

**Policy:**

Off-duty deputies are often faced with situations involving criminal conduct that they are neither equipped, nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty deputies, and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts. In order to promote safety and efficiency, it is the policy of the Monroe County Sheriff's Office to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty.

A deputy may carry a firearm while off-duty in accordance with this directive, and state and federal law. It shall not be necessary that a member, who chooses to carry a firearm off-duty, carry his service weapon, however, any weapon that a deputy chooses to carry must comply with MCSO General Order Chapter 31, Weapons.

Deputies should refrain from carrying firearms when contemplating the consumption of alcoholic beverages or under other circumstances where the need to carry a firearm is outweighed by safety issues associated with the circumstances that the deputy will be undertaking.

A deputy who becomes aware of an incident which poses a threat of serious bodily harm or death to him/herself or some individual shall take "action" to minimize the risk of serious bodily harm or death. "Action" under this provision is fulfilled by reporting the incident and shall not require the deputy to place him/herself in a position of peril. A deputy who is faced with such a circumstance should act in accordance with the guidelines as spelled out in this directive.

**Procedure:**

When off-duty, a deputy may make an arrest only when:

- The deputy is within the legal jurisdiction of the Monroe County Sheriff's Office, and
- There is an immediate need to prevent a crime or apprehend a suspect, and
- The crime would require a full custodial arrest, and
- The arresting officer possesses appropriate Monroe County Sheriff's Office identification and the necessary training and equipment to safely make the arrest.

For any arrest, members must follow current state law and will use only the degree of force necessary to affect lawful objectives. [CFA 4.01]

While off-duty, the member shall immediately report any suspected or observed criminal activities to on-duty authorities.

Except as allowed by this directive, off-duty deputies should not enforce minor violations such as disorderly conduct or other nuisance offenses. On-duty personnel shall be contacted to respond to the situation where an off-duty deputy becomes aware of such violations.

Where an arrest is permitted, the off-duty arresting deputy shall abide by all departmental policies and procedures.

Deputies of this department may not make an arrest off-duty:

- If they are personally involved in the incident underlying the arrest unless it is absolutely necessary to prevent an immediate threat of death or bodily harm to a person or persons and the criteria above are met. An officer is deemed personally involved where the off-duty officer, a family member or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other person connected with the incident.
- When engaged in off-duty employment of a non-police nature, and the deputy's actions are only in furtherance of the interests of the private employer, or
- When the arrest is made solely as enforcement of a minor traffic regulation. Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty deputy should not make custodial arrests for minor traffic regulations.

When a deputy encounters a situation off-duty that appears to require police action, the deputy must consciously evaluate whether the deputy's involvement is necessary or desirable, given the circumstances.

A number of circumstances may impact the decision whether to get involved in any situation. The deputy may be alone, with family members or other non-police personnel. The deputy may or may not be in uniform. It is unlikely that the deputy will have all of the necessary police equipment while off-duty, such as pepper spray, Taser, expandable baton, handcuffs, or radio. The deputy may be faced with multiple suspects or unaware of hidden suspects. There may also be environmental factors working against the deputy such as: lack of cover, crowds of civilians, darkness, and the like. Deputy intervention could possibly spark an escalation of violence. Therefore, the following plan of action is recommended:

- Gather accurate intelligence and be a good witness until uniformed, on-duty deputies arrive.
- A deputy is not required to get physically involved, especially if such intervention places them in a position of peril or such intervention requires that they behave recklessly, carelessly or in a suicidal manner.
- While policy mandates that you "take action" when witnessing a serious crime, that obligation may be fulfilled by calling a local law enforcement agency via 9-1-1, and monitoring the situation from an appropriate vantage point.
- A deputy should not intervene off-duty unless their life or the life of another innocent party is imminently in danger.
- The decision to take action, beyond simply reporting, is a personal one and is not a requirement.

## **Reporting/Compliance**

Whenever a deputy becomes involved in an incident while in an off-duty capacity, he or she shall notify the on-duty shift supervisor as soon as possible. The deputy will be required to document his/her involvement. A Use of Force report will be completed if the deputy's actions fit the criteria.