

East Haven Police Department 	Type of Directive: Policies & Procedures		No. 211.3
	Subject/Title: Off-Duty Powers and Responsibilities	Issue Date: April 26, 2016	
	Issuing Authority: Honorable Board of Police Commissioners	Effective Date: May 15, 2016	
References/Attachments: N/A		Review Date: Annually	
		Rescinds: 211.3	
		Amends: N/A	

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department regarding:
1. The parameters within which off-duty officers are authorized to “self-activate.”
 2. Those situations in which off-duty officers are expected to report off-duty activities, conduct, or situations to the Department.
 3. The responsibilities of an on-duty supervisor following actions taken by off-duty personnel.

II. POLICY

- A. It is the policy of the East Haven Police Department that sworn personnel when off-duty, as governed by C.G.S. 54-1f, may self-activate in the following situations.
1. They may prevent death or serious physical injury.
 2. Officers may make an arrest of a wanted person or the perpetrator of a crime that they have witnessed when they have a reasonable expectation of success.
- B. It is the policy of the East Haven Police Department that officers limit their off-duty involvement in official matters to serving as a witness for on-duty personnel.

III. GENERAL GUIDELINES AND CONSIDERATIONS

A. Off-duty police officers on occasion will encounter situations involving criminal conduct or other situations requiring police intervention. When off-duty they will neither be equipped nor adequately prepared to handle such situations as they would if they were on-duty. As in all discretionary judgments that police officers are required to make, the best guide to use is a quick mental checklist.

1. What do I actually know about the facts of the situation?
2. What courses of action do my training, experience and the laws suggest I take?
3. What would a reasonable police officer do in this situation?

B. Definitions

1. **Personally Involved:** An officer is deemed personally involved when the off-duty officer is present when, 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. This does not apply to situations where the police officer is a crime victim.
2. **Off-Duty Status:** For purposes of the state workers compensation law, officers are considered on-duty when traveling to and from work. On-duty status starts and ends under the premise of “portal to portal”. Off-duty refers to the status of a sworn member of this department outside this parameter. It refers to the period of time when that individual is free from the performance of specified police duties (e.g., regularly scheduled shifts, overtime assignments, private paid details, or times when an officer may be called back into service). This normally covers those periods of time when an officer is not scheduled to work, also referred to as time off, annual leave, or other forms of leave.
3. **Self-Activation:** For purposes of this policy, the terms “self-activation” or “self-activate” refer to those situations when a sworn member of this department while in an off-duty capacity, inserts him or herself as a police officer into a situation where authorized to do so.
4. **Liability Protection:** Officers of this department have liability protection for the on-duty and off-duty performance of official duties.

IV. PROCEDURES

A. While off-duty it is the responsibility of each member of this department to be alert to any suspected or observed criminal activity. He or she should report that activity to on-duty officers or take action as authorized in this directive.

B. Self-Activation While Off-Duty

1. If an officer finds it necessary to activate him or herself while off-duty according to the Policy stated above, the officer should identify him or herself as a police officer by announcing their authority and then producing the appropriate credentials, as soon as practical to do so.

2. If an off-duty officer activates him or herself, the officer should attempt to summon police assistance as soon as is practical to do so, providing as much information as possible to responding police units. He or she shall surrender control of the situation to the on-duty personnel.
3. Once an officer activates him or herself, that officer is bound by the same rules and guidelines that would normally apply to an officer who is working in an on-duty status. This includes the completion of the appropriate reports and associated paperwork.

C. Limits on Off-Duty Self-Activation

1. Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the state, the off-duty officer generally should not attempt to make arrests or engage in other enforcement actions when the officer is personally involved in the incident underlying the arrest.
 - a. The one exception to this provision limitation is when the immediacy of an arrest is necessary to protect the officer and/or others and there is not sufficient time to summon help.

D. Arrests While Off-Duty

1. Off-duty arrests will be permitted under the following criteria when a Department member is within his or her legal jurisdiction.
 - a. The arresting officer can prevent injury.
 - b. He or she has a reasonable expectation of successfully arresting a wanted person or the perpetrator of a crime that they have witnessed.
2. Off-duty officers should refrain from enforcing minor violations (such as parking or minor motor vehicle offenses); unless the officer has reason to believe that the violation may progress to a more serious crime or lead to personal injury.
3. Off-duty officers should refrain from making arrests in situations in which they are personally involved.
 - a. In these incidents, the off-duty officer shall summon on-duty officers to take charge of the situation.
 - b. This does not apply to those instances where the police officer, him or herself, is the victim.

E. Arrests Prohibited

1. When engaged in off-duty employment (other than private paid details) of a non-police nature, officers are prohibited from making arrests that are only in furtherance of the interests of the private employer or for personal reasons.
2. The officer's ability or judgment to use a firearm or take a person into custody has been impaired by use of alcohol, prescription drugs, or other medication or by physical ailment or injury.

3. An on-duty police officer is readily available to deal with the incident.

F. Taking Direction from On-Duty Officers

1. Off-duty officers in plain clothes shall follow all orders and directions issued by on-duty police personnel without question or hesitation during enforcement encounters and shall identify themselves as law enforcement officers as prescribed by departmental training.
2. If the off-duty officer is a ranking officer, that officer should confer with the ranking officer on the scene.
3. Unless there are extenuating circumstances, off-duty personnel will allow the duty ranking officer to direct the resources that are responding to the situation.

G. Whenever an officer finds him or herself involved in any of the following incidents while in an off-duty capacity, the officer shall make notification to an on-duty supervisor as soon as practicable.

1. An officer finds it necessary to self-activate him or herself as a police officer.
2. An officer discharges a firearm for any purpose other than lawful recreational shooting.
3. Any use of a firearm results in injury or death to anyone.
4. An officer uses any of his or her department issued weapons or other equipment against another individual.
5. An officer first learns that he or she is the subject of a law enforcement proceeding of any description as a criminal defendant, suspect or person of interest.
6. An officer is involved in an incident when there is police involvement resulting from the officer's criminal conduct or actions, with the exception of when an officer is the victim of the incident.
7. Any judicial order, such as a protective or restraining order for domestic violence, is entered against an officer.
8. An officer is named as the defendant in or accused of an act of domestic violence.
9. An officer discovers the loss or theft of department-issued weapons or equipment.
10. Any administrative action is taken against an officer that may impair the officer's ability to perform his or her duties, e.g., revocation or suspension of a driver's license.
11. An officer believes it prudent to notify the Police Chief about a situation that is expressly or implicitly described in this or other directives.

- H. When an officer is involved in any of the situations described in this directive, the officer is to make notification to the department as soon as practical to do so. The notification shall be handled as follows.
1. The officer shall notify his or her immediate supervisor, or in their absence the on-duty shift commander.
 2. The officer's supervisor shall notify the Shift Commander and the Internal Affairs Officer.
 3. The Shift Commander shall notify the Division Head who shall direct the notification through the Deputy Chief to the Police Chief.
 4. The Shift Commander shall gather information to assess the seriousness of the situation and report his or her findings to the Internal Affairs Officer and copy them to his or her Division Head.
 5. The Internal Affairs Officer shall recommend the next steps which generally will include the following actions.
 - a. Take no further action.
 - b. Refer the matter to the Early Intervention System.
 - c. Refer to the officer's supervisor.
 - d. Start an Internal Affairs investigation.
 - e. Recommend immediate action to the Chief.