

# DALTON POLICE DEPARTMENT

		<i>Effective Date</i> <b>February 24, 2004</b>	<i>Number</i> <b>GO03-4.21</b>
<i>Subject</i> <b>Off-Duty Powers of Arrest</b>			
<i>Reference</i>		<i>Revised</i> <b>May 26, 2020 April 26, 2022</b>	
<i>Distribution</i> <b>All Personnel</b>	<i>Re-evaluation Date</i> <b>May 2022 April 2024</b>	<i>No. Pages</i> <b>3</b>	

## I. Policy

It is the policy of the Dalton Police Department that off-duty Officers shall demonstrate courteous, professional behavior while in public. Off-duty Officers should generally refrain from law enforcement activities; however, sworn Officers, under exigent or during emergency situations, are authorized to make arrests while off-duty.

## II. Definitions

- A. *Off-Duty* – Not assigned or working a prescribed shift, detail, or tour of duty. Furthermore, in the process of conducting personal business, leisure activities, or working for another person or business, entirely independent of the authority arising out of a position of a law enforcement agent of this Department.
- B. *Personally Involved* – An Officer is deemed personally involved when the off-duty Officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person, or any other person connected with the incident, being arrested, or the Officer is accepting money for law enforcement or security duties from other than this Department. This does not apply to situations where the Officer is a victim of crime.

## III. Guidelines for Off-Duty Conduct

- A. Off-duty Officers sometimes encounter criminal acts that they may not be equipped, nor prepared, to handle in the same manner as if they were on duty. Off-duty Officers taking action in response to an observed crime may actually confuse on-duty Officers arriving on the scene, which may lead to unnecessary injuries to Officers or others. Off-duty Officers should report observed crimes and allow on-duty Officers to respond, unless immediate action is needed to intervene to protect human life.
- B. Officers shall not use their police authority to resolve personal grievances (e.g. those involving the Officer, family members, relations, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, Officers shall summon on-duty ~~police~~ law

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enforcement personnel and notify a Supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

- C. Peace Officers performing official acts under color of law and applying reasonably good judgment may be immune from civil liability or criminal prosecution. However, this conditional protection does not extend to acts intended to cause injury or damage or to those actions that the Officer knew, or reasonably should have known, were in conflict with the law. Officers must therefore use good judgment whenever there may be a perceived conflict of interest.
- D. Off-duty Officers may carry approved off-duty weapons, as authorized in policy GO88-2.12, Firearms. Officers may only use these weapons in compliance with policy GO88-5.1, Use of Force.
- E. Unless operating a marked police vehicle, off-duty Officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that Officers would reasonably be expected to take appropriate action.

IV. **Off-Duty Responsibilities**

- A. Immediately report any suspected or observed criminal activities to on-duty authorities.
- B. Abide by all Department policies and procedures when affecting an arrest or intervening in an altercation.
- C. Carry Department credentials and badge at all reasonable times.
- D. Take immediate enforcement actions only to safeguard life or prevent escape of dangerous offenders.

V. **Permitted Off-Duty Arrests**

Off-duty Officers, within the legal jurisdiction of this Department, may make arrests only when:

- A. Not personally involved in the incident underlying the arrest.
- B. There is an immediate need for the prevention of a serious crime or apprehension of a felon or violent suspect.
- C. The crime requires a full custodial arrest.
- D. In possession of appropriate Department identification and badge.
- E. There are no on-duty Officers present or capable of responding in a reasonable period of time.

VI. **Prohibited Off-Duty Arrests**

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Officers shall not make an arrest while off-duty when:

- A. Personally involved in the underlying incident.
- B. Engaged in off-duty employment, not associated with this Department, and the Officer's actions are only in furtherance of the interests of the private employer (see policy GO94-3.10, Off-Duty / Extra-Duty Employment).
- C. Enforcing a minor traffic regulation, code, or administrative matter.
- D. The Officer has custody of minor children and is responsible for their safety and protection.

*This policy supersedes any previous policies issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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