



Approved:  
*Chief Marcia Harnden*

Subject:

# 853. Off-Duty Law Enforcement Activity

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## 853.1: PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Albany Police Department with respect to taking law enforcement action while off-duty.

## 853.2: POLICY

**It is the policy of the Albany Police Department to generally discourage officers from initiating law enforcement activity while off-duty. Officers are not expected to place themselves in unreasonable peril; however, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.**

## 853.3: FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and the [Albany Police Department Firearms: Policy 270](#).

## 853.4: DECISION TO INTERVENE

- a. There is no legal requirement for off-duty officers to take law enforcement action.
- b. When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.
- c. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.
- d. Should an officer decide to take law enforcement action in an off-duty capacity, they must evaluate when the action is necessary or desirable and should take the following into consideration:
  - 1) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects;
  - 2) The inability to communicate with responding units;

- 3) The lack of equipment, such as handcuffs, OC or baton.;
  - 4) The lack of cover;
  - 5) The potential for increased risk to bystanders if the off-duty officer were to intervene;
  - 6) Unfamiliarity with the surroundings;
  - 7) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.
- e. Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

#### **853.4.1: INTERVENTION PROCEDURE**

- a. If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance.
  - 1) The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.
- b. Whenever practical, the officer should loudly and repeatedly identify themselves as an Albany Police Department officer and display official identification until acknowledged.

#### **853.4.2: INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral.

- a. In such circumstances officers should call the responsible agency to handle the matter.

#### **853.4.3: CIVILIAN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practical.

#### **853.4.4: OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case the non-uniformed officer needs to maintain an undercover capability.

#### **853.5: REPORTING**

- a. Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall

notify the Watch Supervisor as soon as practical.

- 1) The Watch Supervisor shall determine whether a report should be filed by the employee.
- b. Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.