



OFF - DUTY INTERVENTION / ARRESTS

General Order Number: 39.1

Effective Date: February 9, 2017

BACKGROUND:

Historically, police work was considered a 24 hour a day job. This was based on the fact that police officers retained their powers 24 hours a day, generally resided and shopped within the community they patrolled, and were readily available to their neighbors and local businesses if they requested assistance.

The role of today's police officer has changed dramatically and it is generally more appropriate, and preferred, that an off-duty officer witnessing a crime or incident contact the appropriate police agency, provide them with all necessary information and descriptions and make themselves available as a witness. There will be occasions, however, when additional action, in the form of direct intervention and arrest, may be appropriate. This is particularly true while within the borders of Brookline.

The purpose of this policy is to provide sworn members of this Department with a level of both personal safety and civil protection by providing them with guidelines regarding acceptable criteria for off-duty intervention and off-duty arrest.

POLICY:

Off-duty police officers can be faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as they would if they were on duty. This can result in unnecessary injury to the off-duty officer and confusion for on-duty officers arriving at the scene who must attempt to quickly assess and evaluate the facts and initiate appropriate action. In order to enhance officer safety, the Department has established the following procedures to regulate when a police officer is permitted to intervene in an incident or make an arrest while off-duty.

DEFINITION:

PERSONALLY INVOLVED: Where the off-duty officer, a family member or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected to the incident. This does not apply to a situation where the police officer him/herself is the victim of a crime.

PROCEDURES:

1. The following procedures are designed to guide officers in the carrying of weapons while off-duty:
 - A. Officers are prohibited from carrying their issued or authorized firearm during non-duty hours when there is a likelihood that they will be consuming alcoholic beverages or using legally prescribed drugs that may impair their physical or cognitive ability.
 - B. Off-duty officers are prohibited from consuming any alcoholic beverages when they are carrying their issued or authorized weapon.
 - C. An officer who elects not to carry a firearm while off-duty shall not be subject to disciplinary action if an occasion should arise in which s/he could have taken police action if s/he were armed.

OFF-DUTY INTERVENTION AND ARRESTS PROCEDURES:

2. The following procedures are designed to guide officers in their rights and responsibilities relative to off-duty intervention and arrests:
 - A. **PERMITTED OFF-DUTY ARRESTS:** When off-duty and within the legal jurisdiction of the Brookline Police Department, an officer may make an arrest when all of the following conditions are present or exist:
 1. The arresting officer is not personally involved in the incident underlying the arrest; and
 2. There is an immediate need for the prevention of the crime or apprehension of the suspect; and
 3. The crime is a felony or an arrestable misdemeanor that occurs in the officer's presence; and
 4. The arresting officer properly identifies him/her self and complies with the identification requirements of M.G.L. c41s.98d.
 - B. **OFF-DUTY RESPONSIBILITIES:**
 1. While off-duty, it is the responsibility of a police officer to immediately report any suspected or observed criminal activities to the appropriate on-duty police agency.
 2. Except as allowed by this policy, off-duty officers should not enforce minor violations such as disorderly conduct, harassment, or other quality-of-life offenses or motor vehicle violations. Appropriate on-duty personnel shall be contacted to respond to situations of this nature.

3. When an arrest is necessary, the arresting officer shall abide by all departmental policies and procedures.

C. PROHIBITED OFF-DUTY ARRESTS: Members of this department may not make an arrest off-duty when:

1. The arresting officer is personally involved in the incident underlying the arrest; or
2. When the arresting officer is engaged in off-duty employment of a non-police nature, and the officers actions are in of the interest of a private employer; or
3. When the arrest is made solely in the enforcement of a quality of life issue or minor motor vehicle violation.

D. MOTOR VEHICLE STOPS:

1. Members of the Department shall not use his/her personal vehicle to conduct motor vehicle stops in any manner or to affect an arrest.
2. If an off-duty officer observes a motor vehicle violation and desires to take enforcement action they should:
 - a. Record the registration number on the violating vehicle;
 - b. Follow up and notify the registered owner;
 - c. Issue a citation in compliance with established Department procedures.