

 <b>Kinston Police Department</b>	<b><u>POLICY: Off Duty Arrest &amp; Encounters</u></b>						<b><u>POLICY #:</u></b>  <b>200-26</b>
	<b><u>NCLEA Standards:</u></b>						
	<b><u>CALEA Standards:</u></b>						
	<b><u>NCLM Standards: II.20;</u></b>						<b><u>Effective Date:</u></b>
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	<b>Revision Dates:</b>	01/01/21					<b>07-01-2019</b>
<b>Approval: Chief of Police</b>							

## I. PURPOSE

The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for making an off-duty arrest and appropriate behavior for ensuring safety during off-duty enforcement actions.

## II. DEFINITIONS

- A. Personally Involved: An off-duty officer is deemed personally involved when assisting a family member or a friend who becomes engaged in a personal dispute or incident. This does not apply to situations where the police officer, family member, or friend is a crime victim.
- B. Out-of-uniform/Non-Uniformed: Officers wearing clothes commonly worn while off duty; also referred to as civilian attire or street clothes.

## III. POLICY

- A. Out-of-uniform, off-duty officers may confront criminal activity to which they should take, or must decide whether to take, enforcement action. When engaged in off-duty enforcement of this type, non-uniformed officers risk being mistaken as criminal suspects by responding officers. The following protocols are intended to define when off-duty, non-uniformed enforcement action is authorized and how it should be conducted in order to reduce the potential of officer-on-officer shootings and related injuries. This policy is also intended to limit unnecessary enforcement action by off-duty officers.
- B. Liability Protection
  - 1. Officers have liability protection for on- and off-duty performance of official duties. This protection does not extend to those actions that the police officer knows, or reasonably should know, is in conflict with law or established policies of the department.
  - 2. Officers have police powers 24 hours a day throughout the jurisdiction. As such, officers may choose to carry departmentally authorized firearms when out of uniform in an off-duty status. However, when armed, sworn personnel shall carry their badge and credentials with them at all times.

C. Authorized Off-Duty Arrests

1. When off duty and within the legal jurisdiction of this law enforcement agency, an officer may make an arrest when
  - a. there is an immediate need to prevent a serious crime, as defined by this department, or apprehend a suspect connected with a serious crime;
  - b. the crime requires a full custodial arrest; and
  - c. the arresting officer is adequately prepared and equipped to handle the situation.

D. Prohibitions on Off-Duty Arrests

1. An off-duty officer who is out of uniform should not attempt to make an arrest or engage in other enforcement actions when the provisions of section III. C.1, a - c of this policy is not met or when there are other reasonably effective alternatives to affect an arrest.
2. Off-duty arrests are prohibited when
  - a. the officer is personally involved in the incident underlying the arrest,
  - b. a uniformed police officer is readily available to deal with the incident,
  - c. the officer is not in possession of proper departmental identification and an authorized departmental firearm, or
  - d. the reasonably perceived consequences and risks of responding outweigh the risks of not responding.
3. When an officer is prohibited from taking off-duty enforcement actions under provisions of this policy, the officer shall act as a trained observer and witness to the offense and shall summon on-duty uniformed personnel as soon as reasonably possible.

E. Out-of-Uniform Officer Recognition

1. Effective recognition is an essential component of ensuring safety for out-of-uniform officers during enforcement actions. As such, officers out of uniform shall do the following:
  - a. Conspicuously display their badges and any other recognizable police clothing whenever it is necessary to be prominently identified. A department shirt or raid jacket displaying the department's badge, patch, or both should also be worn when readily available. Baseball caps with department insignia alone are not an authorized form of identification.
  - b. When reasonably possible, direct departmental communications to inform responding uniformed personnel that a non-uniformed officer is responding and provide a description of the officer for relay to uniformed responders.

- F. When confronted by an on-duty police officer, an out-of-uniform and/or off-duty officer shall comply with the on-duty police officer.