
Off-Duty Law Enforcement Actions

382.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place a deputy as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for deputies of the Kitsap County Sheriff's Office with respect to taking law enforcement action while off-duty.

382.2 POLICY

Initiating law enforcement action while off-duty is generally discouraged. Deputies 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.

Deputies are not expected to place themselves in unreasonable peril. However, any deputy of this office who becomes aware of an incident or circumstance that the deputy reasonably believes would justify the use of deadly force or result in significant property damage may take reasonable action to minimize or eliminate the threat (see the Use of Force Policy).

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

382.3 FIREARMS

Deputies and corrections officers of this department may carry firearms while off-duty in accordance with federal (18 USC § 923B, LEOSA) and state (RCW 9.41.060) regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty under (18 USC § 923B, LEOSA) and/or (RCW 9.41.060), deputies and corrections officers shall also carry their Kitsap County Sheriff's Office commission cards..

Deputies and corrections officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication or any combination thereof that adversely affects the members' senses or judgment.

382.4 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. However, should deputies decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

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- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty deputy were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty deputy to be misidentified by other peace officers or members of the public.

Deputies should consider waiting for on-duty uniformed law enforcement officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

Off-duty deputies outside the State of Washington shall take no law enforcement action.

382.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty deputy is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as a Kitsap County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

382.4.2 INCIDENTS OF PERSONAL INTEREST

Deputies should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances deputies should call the responsible agency to handle the matter.

382.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn personnel, including corrections officers, 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 practicable. This does not prohibit a non-sworn member from taking lawful action as a private citizen in defense of self or others under RCW 9A.16.

382.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed deputy or other law enforcement officer in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy or law enforcement officer in case he/she needs to maintain an undercover capability.

382.5 REPORTING

Any off-duty deputy who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

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Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate and consistent with all reporting rights and responsibilities in this manual, the collective bargaining agreements, and state and federal law.