



Policy and Procedure

Policy Number

11.11

Chapter Law Enforcement Operations

Article Off Duty Encounters

Authorized By:

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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.

POLICY

Out-of-uniform, off-duty officers may confront criminal activity to which they should take, or must decide whether to take, enforcement action. The following guidelines are intended to define when off-duty enforcement action is authorized and how it should be conducted in order to reduce the potential of officer-on-officer related injuries. This policy is also intended to limit unnecessary enforcement action by off-duty officers.

DEFINITIONS

Challenging Officer means an officer who confronts or challenges an individual believed to be a suspect without knowledge, or reasonable suspicion to believe, that the individual is a law enforcement officer; may also be referred to as the confronting officer.

Challenged Officer means an out-of-uniform officer who is mistaken for a criminal suspect by another officer during an off-duty enforcement encounter.

Off-Duty Encounter means any situation in which an officer takes law enforcement action when in an off-duty status and not in a department vehicle or uniform.

Tentative Recognition Signal means a sign or gesture used by an individual to indicate that he or she is a law enforcement officer.

GENERAL GUIDELINES

Authorized Off-Duty Encounters CRS 16-3-109; CRS 16-3-110(2)

An officer may act in any manner consistent with state law and the various intergovernmental agreements, to which the Department is a party, while off-duty. Under Colorado law, an officer may act in any situation in which a felony or misdemeanor has been or is being committed in an officer's presence, and such authority shall exist regardless of whether or not the officer is on-duty. However, officers have no legal or Departmental obligation to get involved or act while off-duty unless:

- there is an immediate need to prevent an exigent crime; and
- the crime is one which imperils human life; and
- the crime would typically require a full custodial arrest; and
- the off-duty officer is adequately prepared and equipped to handle the situation.

Officers are discouraged from getting involved or acting off-duty in a situation involving a minor violation, but an officer may notify police dispatch or otherwise act as a witness should the officer observe a violation





while off-duty. Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

Officers will not act in a law enforcement capacity when the officer is assisting a family member or friend who becomes engaged in a personal dispute or incident unless the officer, family member, or friend is an active victim of crime. Additionally, officers who have consumed alcoholic beverages or used any medication that may impair their ability to perform any law enforcement task safely and competently will not act in a law enforcement capacity while off-duty.

Anytime an off-duty officer becomes involved in an off-duty encounter outside of Loveland Police Department jurisdiction, they are to notify the on-duty Loveland Police Department supervisor as soon as possible.

Notification

During any off-duty encounter and when tactically sound, the involved officer shall clearly identify him/herself as a police officer. Officers out of uniform will conspicuously display their badges and any other recognizable police clothing whenever it is necessary to be prominently identified. Clothing displaying the Department's badge, patch, or both, should also be worn when readily available. When reasonably possible, acting off-duty officers will contact dispatch to inform responding uniformed officers that a non-uniformed officer is responding and provide a description of the officer for relay to uniformed officers.

Officer Challenge Scenarios

Officers should use extreme caution when confronting persons in casual clothes who they suspect or who claim to be police officers. A position of advantage should be attained whenever reasonably possible prior to issuing a challenge. Challenging officers will provide a challenge in a loud clear voice. The same tentative recognition signal should be used in all situations for simplicity and uniformity. Challenging officers receiving the authorized tentative recognition signal from a suspected Challenged officer will regard the signal only as an indication that Challenging officer may be dealing with a law enforcement officer. Officers should exercise their judgment in determining whether to protect the identity of a recognized officer in street clothes by treating him or her as a suspect in the presence of others. Once the situation is controlled, the Challenging officer shall request full identification from the challenged individual.

Challenged officers will obey the commands of the Challenging officer. Challenged officers should ask the Challenging officer to repeat any directions or questions that are unclear and should not argue with the Challenging officer or show resistance. Challenged officers should scrupulously avoid the common tendency to turn toward the voice of the Challenging officer, as it has been identified as a primary cause of death or serious injury in police-on-police shootings.

Concealed Carry

Under Federal Law, sworn officers are allowed to possess a concealed firearm anywhere in the United States, pursuant to HR 218. Officers should be aware that while this law exempts them from laws prohibiting such possessions, it does not give officers police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state through which he/she is traveling once outside their own jurisdiction; thus the officer will be acting as a private citizen if he/she chooses to intervene in criminal activity, and the officer's rules of engagement are extremely limited.

