

3-01/050.30 - Off-Duty Incidents

Off-Duty Police Action

Deputy personnel, although technically off duty, shall take action as deemed appropriate on any police matter coming to their attention. Appropriate action, depending on the circumstances, may require only accurate observation and becoming an effective witness or informant.

The Penal Code gives specified law enforcement officers peace officer authority anywhere in the state as to a "public offense committed or which there is probable cause to believe has been committed in his presence and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense." Therefore, unless the off-duty officer has observed the commission of a crime and there is an immediate danger to person or property, or he has received prior approval from the chief law enforcement officer of that jurisdiction, he should not take police action in the capacity of a peace officer, when he is outside the jurisdiction of this Department. He should notify the police agency having jurisdiction.

Arrests made while off-duty, within the State of California but outside the jurisdiction of this Department, which result in civil action will be defended by the County Counsel if the Department procedures listed below are followed.

In all situations wherein Deputy personnel take positive police action in any off-duty incident, Deputy personnel shall adhere to the following procedures:

- Identify themselves as peace officers before taking any police action, safety permitting;
- Make an arrest if the elements of an arrest are present and a legal arrest can be made;
- Immediately notify their Unit Commander or ranking supervisor on-duty at their Unit by telephone and verbally advise him of the situation when police action is taken; and
- Prepare appropriate written reports, as directed.

NOTE: All on duty Department reporting procedures (e.g., use of force reporting and review procedures, mandatory IAB notifications, etc.) are in full force and effect and shall be strictly followed any time Deputy personnel take positive police action in any off duty incident after having identified themselves as a peace officer.

Off-Duty Incidents - Personal Involvement

Members who are arrested or detained for any offense, or named as a suspect, other than an infraction under the Vehicle Code, shall immediately notify their immediate supervisor or Watch Commander of the facts of the arrest or detention or allegation. The immediate supervisor or Watch Commander receiving notification shall immediately notify Sheriff's Headquarters Bureau with the facts of the arrest, detention, or allegation.

After business hours, and/or if the member is unable to contact their immediate supervisor or Watch Commander at their Unit of Assignment, the member shall contact Sheriff's Headquarters Bureau and request immediate notification to their Unit Commander. The member shall provide details of the arrest, detention or allegation to Sheriff's Headquarters Bureau personnel, including alleged charge(s), location, police agency jurisdiction, and return phone number where the member can be reached. The Sheriff's Headquarters Bureau member receiving notification shall immediately notify the employee's Unit Commander.

The Unit Commander shall immediately notify Internal Affairs Bureau. The employee's Unit Commander shall immediately respond to the member's location if the member is arrested and taken into custody. The Unit Commander also shall ensure that an administrative investigation is initiated.

NOTE: Unit Commanders shall refer to and follow the procedures contained in Unit Commander's Letter #398 (dated August 16, 2010) for specific responsibilities when an employee in their command is involved in an off-duty, alcohol-related incident.
