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 their 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 they have received prior approval from the chief law enforcement officer of that jurisdiction, they should not take police action in the capacity of a peace officer when outside the jurisdiction of this Department. They 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, they 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 a crime 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 them 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 them self 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, detention, or allegation. The immediate supervisor or watch commander receiving notification shall immediately notify the Sheriff's Information 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 Information Bureau and request immediate notification to their unit commander. The member shall provide details of the arrest, detention, or allegation to Sheriff's Information Bureau personnel, including alleged charge(s), location, police agency jurisdiction, and return phone number where the member can be reached. The Sheriff's Information Bureau member receiving notification shall immediately notify the employee's unit commander.

Unit Commander Responsibilities

The information below is to provide unit commanders a list of responsibilities which may be applicable upon being informed an employee under their command is involved in an off-duty detention or arrest.

Employee is arrested and taken into custody or detained

- Immediately notify the on-call Internal Affairs Bureau lieutenant;
- Immediately respond to the employee's location; and
- Make an on-scene assessment of the employee's behavior during the incident based on first-hand information from the handling law enforcement agency and/or your direct observations in order to determine if the employee was belligerent, disrespectful, and/or uncooperative with the handling law enforcement agency.
- If the employee is being **detained only** (and is not arrested), complete the previous steps with the following modifications:
    - Evaluate whether or not it is necessary to immediately respond to the incident; and
    - If the supervisor or their designee does respond to the location, make an on-scene assessment of the employee's behavior during the incident based on first-hand information from the handling law enforcement agency and/or your direct observations in order to determine if the employee was belligerent, disrespectful, and/or uncooperative with the handling law enforcement agency.

Firearms Involved Incidents (sworn and armed civilian employees)

- Gather information about the circumstances of the incident in particular, how the firearm was used (i.e. the employee brandished, fired it, lost it, mishandled it, etc.).
- Make a preliminary assessment of the nexus between the employee's consumption of alcohol and the firearm, (i.e. whether or not it appears that the employee was unable or did not exercise reasonable care/control of their firearm due to their intoxication). If the nexus between the employee's consumption of alcohol and the firearm does exist, follow the procedure listed in the *Suspected Use of Alcohol* section.
- In any incident where the firearm was not seized as evidence or the employee is not relieved of duty, the unit commander should consider taking control of the employee's Department-issued firearm for safe keeping purposes.

Suspected Use of Alcohol

This section applies to sworn employees only; unless a firearm is involved during an off-duty incident of an armed, non-sworn employee.

- If a unit commander has reason to believe the employee was drinking alcoholic beverages, place the employee "on duty" (four hours overtime) and order the employee to provide a sample that will be used for administrative purposes only in order to obtain the employee's blood alcohol content. The order must be clear and unambiguous. The employee must be told that failure to comply with the order could subject the employee to being charged with insubordination which could result in discipline up to and including discharge. **If the employee refuses to comply with the order, the employee cannot be forced to provide a sample**. The employee has no right to have a representative present for the test. However, an employee may be permitted to contact their representative for advice, provided that such

consultation does not unreasonably delay the test.

NOTE: This step is not necessary if the employee was arrested for DUI and provided a breath sample to the concerned law enforcement agency. If the employee refused to provide a blood/breath/urine sample as required per 13353 CVC, then order the employee to provide a sample that will be used for administrative purposes only in order to obtain the employee's blood alcohol content.