



OFF DUTY POWERS OF ARREST HANDOUT

LIMITATIONS

Due to many risks to deputies, more and more agencies are placing limitations on or prohibiting off-duty enforcement action. Prohibiting all enforcement authority might be extreme, but reasonable limitations on off-duty arrest powers are a prudent means of minimizing the dangers inherent to most off-duty arrest scenarios.

If a deputy, while off-duty, witnesses a violation of the law committed in his or her presence which, in their professional judgment, demands immediate attention, the deputy should make an arrest, providing:

- 1) The deputy notified the appropriate law enforcement agency of the incident and of his or her presence prior to the arrest or immediately thereafter;
- 2) The law violation was committed in (your jurisdiction);
- 3) The deputy does not use his or her own personal vehicle to chase or pursue the violator, but observes all traffic laws applicable to citizens;
- 4) The deputy has law enforcement identification such as a badge and department photo identification. This will greatly reduce the possibility that a deputy will be mistaken as a perpetrator when on-duty officers arrive;
- 5) The deputy is not personally involved in the incident leading to the arrest—that is, where it involves a personal matter between the deputy, his or her family members, or friends and other parties. Effective law enforcement requires dispassionate, objective analysis of the facts; the courts are less likely to support a deputy with a personal involvement.
- 6) The deputy has not consumed an intoxicating liquor and/or drug prior to the incident;
- 7) There is an immediate need to prevent a crime or to apprehend a suspect; and
- 8) The deputy can make the arrest without jeopardizing his or her own safety, the safety of the offender, or of the public.