

## GREELEY POLICE DEPARTMENT

## GENERAL ORDER 540.00

02/23

**540.00 OFF-DUTY AUTHORITY TO ACT**

- Off-duty officers are often faced with situations involving criminal conduct they are neither equipped nor prepared to handle in the same manner as if they were on duty. There is also the possibility that involvement in these types of circumstances could lead to unnecessary injuries to off-duty officers and confusion for on-duty officers responding to the scene. Nevertheless, off-duty officers may be required by circumstances to respond as police officers in emergency situations; therefore, although it is not mandatory, it is recommended off-duty officers have immediately accessible to them a department approved firearm and handcuffs. In determining whether or not to intervene, the off-duty police officer should take into consideration the totality of the circumstances and the danger posed to the officer and others.
- At a minimum, officers should act as “good witnesses” by calling for assistance, providing updated information, observing the scene, identifying witnesses and involved parties, and rendering first aid when safe and appropriate. In order to provide guidance and promote safety and efficiency, it is the policy of this department to determine and regulate those situations within which sworn officers are permitted to make an arrest while off-duty.

**Definitions:**

- **“Personally Involved”** means that the off-duty officer, a family member, a friend, or anyone personally known to the officer is engaged in a dispute or incident with a person to be arrested or any other person connected to the incident. This does not apply to situations where the police officer is the victim of a crime or the personal safety of the officer, a known third party, or family member is in questions.

**Off-Duty Procedures**

- Off-duty officers are not required to carry a firearm. However; if the officer chooses to carry a firearm off-duty, the officer must also carry, on their person, their badge and police identification card.
- It is recommended that off-duty firearms be carried concealed. Handguns carried as off-duty weapons shall be carried in a holster. When the weapon is carried concealed, the holster shall not be required to be equipped with a retention device. Any weapon carried openly shall be carried in a holster equipped with at least one retention device. Officers

## GREELEY POLICE DEPARTMENT

out of uniform who open carry shall have the Greeley Police Department badge prominently displayed in front of the holster.

- Officers who foresee that they will be consuming alcoholic beverages will not carry or possess a firearm. Officers will not possess a firearm while under the influence of an intoxicating beverage, prescription medication, or over the counter medication which affects their decision making abilities or motor skill functions.
- Officers will have liability protection for the off-duty performance of official duties when such protection is authorized by local, state, and federal law.
- A member of the police department shall take action to minimize the risk of serious bodily harm or death to him/her or other individuals. While department policy mandates an off-duty officer “take action” when observing a serious crime, calling 911 and monitoring the situation from a safe vantage point fulfills that obligation. Off-duty officers have no legal or departmental obligation to become directly involved in a criminal incident while off-duty, especially if such intervention may place him/her in a position of peril.
- Off-duty officer(s) who decide to get involved should attempt to call or have someone call 911. The 911 operator should be informed that an off-duty officer is on scene including a full description of the officer and whether the officer is armed. When initiating enforcement in an off-duty capacity, officers will identify themselves to suspects, witnesses and others on scene, to the extent practical, with their department issued badge and or photo ID, and summon on-duty personnel as quickly as possible to assume control of the scene as set forth above.
- When uniformed officers arrive on scene the off-duty officer shall:
  1. If safety permits, re-holster any drawn weapons and make your hands visible. **Never turn toward an on-duty officer with a gun in your hand.**
  2. Verbally identify yourself as a police officer in a loud and clear voice. Keep shouting, “Police, don’t shoot, off-duty officer” until acknowledged or given commands.
  3. Maintain cover if you have it and verbally communicate from there.
  4. **Promptly & completely follow the commands of responding officers.**
- If it is not feasible to notify the 911 operator prior to on-duty officer arrival, off-duty officers involved in situations requiring the display of their firearms shall take care to identify themselves clearly, both verbally and by display of their identification, as police officers and to convey this information

## GREELEY POLICE DEPARTMENT

immediately to on-duty law enforcement personnel arriving or at the location. Do not rely on displaying identification as a means of protection. Expect to be treated like a suspect until your law enforcement status is verified.

### **Reporting / Compliance:**

- Whenever an officer becomes involved in an incident while in an off-duty capacity, the officer shall notify the appropriate Watch Commander as soon as possible. The Watch Commander shall require a written report of the incident and notify the appropriate Deputy Chief or On-Call Command. The report shall be forwarded to the appropriate Deputy Chief.

### **Status of Responding Officer:**

- Following any incident where an officer is required to act while off-duty, the Department will determine whether or not the officer acted within this policy. Provided that the Department finds the officer acted in conformance with this policy, the officer will be considered on-duty during the time period of the incident, and will be provided all benefits accorded to on-duty officers for the time the officer spent during the incident and any subsequent time required to properly resolve and document the incident in accordance with applicable City/Department policies and/or contract provisions.

### **Permitted Off-Duty Arrests:**

- When off duty and within their legal jurisdiction, a police officer may make an arrest, in accordance with C.R.S. 16-3-110 and only when:
  - The arresting officer is not personally involved in the incident underlying the arrest;
  - There is an immediate need for the prevention of a crime or apprehension of the suspect;
  - The crime would be charged as a jailable offense requiring a full custodial arrest; and
  - The arresting officer possesses appropriate police identification: Badge and/or Police ID Card.
- Off-duty sworn police officers of the Greeley Police Department are authorized to conduct arrests for crimes being committed in the officer's presence when the situation is occurring outside the officer's employing jurisdiction only under the following guidelines:

## GREELEY POLICE DEPARTMENT

- The arresting officer is not personally involved in the incident underlying the arrest;
- For any felony or misdemeanor involving the threat of bodily injury, serious bodily injury, or death;
- The arresting officer possesses appropriate police identification: Badge and/or Police ID Card.
  - The officer making the out of jurisdiction arrest shall ensure the following is accomplished:
    1. The local law enforcement agency having jurisdiction over the situation shall be immediately notified of the arrest.
    2. Any person so arrested shall be released to the custody of that agency having jurisdiction over the situation upon their arrival on scene or as soon as is reasonably practical.
    3. Officers making such arrests will make reasonable efforts to preserve the crime scene and related evidence and to detain witnesses until the arrival of the agency having jurisdiction.
    4. Following such an arrest, the officer(s) involved will prepare a written report of the incident as soon as practical and will provide a copy of the report to the agency having jurisdiction and a copy to the officer's department.

### **Prohibited Off-Duty Arrests:**

- When the off-duty officer is personally involved in the incident underlying the arrest except where personal safety underlies the involvement.
- When engaged in off-duty employment of a non-police nature, and the officer's actions are only in the furtherance of the interests of the private employer.
- When the offense involves a nuisance offense, a minor traffic violation, or a non-jailable offense.

GREELEY POLICE DEPARTMENT

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**Authorized by Adam Turk, Chief of Police**

**Effective Date: February 21, 2023**

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**Signature**