

 <p style="text-align: center;"><b>YALE UNIVERSITY POLICE DEPARTMENT GENERAL ORDERS</b> <i>Serving with Integrity, Trust, Commitment and Courage Since 1894</i></p>	ORDER TYPE: <b>NEED TO KNOW</b> <b>313 OFF DUTY ACTION</b>	
	EFFECTIVE DATE: <p style="text-align: center;">24 JUN 2013</p>	REVIEW DATE: <p style="text-align: center;">ANNUAL</p>

**PURPOSE**

The purpose of this directive is to provide uniform guidelines regarding involvement in any off-duty incidents requiring an official action and the reporting and review mechanisms resulting from the involvement.

**POLICY**

In order to promote safety and protect both the officer and the agency, it is the policy of this department to identify and regulate those situations when a police officer feels compelled to take a law enforcement action while off-duty.

**PROCEDURES**

**General Provisions**

Off-duty police officers may be faced with situations involving criminal or quasi-criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to off-duty officers, confusion for those on-duty officers arriving at a scene trying to correctly assess the facts, litigation, and confusion by the public in satisfactorily identifying off-duty personnel as police officers.

In no way does this directive imply that police officers should ignore a situation warranting an official action. On the contrary, consistent with Section 54-1f of the Connecticut General Statutes, off-duty police officers have the authority to take an official action when an incident normally requiring an on-duty action comes to their attention.

Changing legal principles have altered the way courts look at law enforcement actions taken while off-duty. Officers have been held personally liable for claims of false arrest, unlawful searches, use of force, and abuse of authority.

Off-duty encounters requiring police action are inherently dangerous as off-duty officers are normally at a distinct disadvantage, especially when dealing with an incident that develops spontaneously in their presence. Lack of communications, lack of essential equipment, and absence of body armor all contribute to the danger. Additionally, off-duty officers may be mistaken for criminal participants with tragic results.

Consistent with Section 54-1f, C.G.S., police officers have the authority to take appropriate action, when off duty, when they become aware of a crime or offense or an impending crime or offense.

- ***Appropriate action shall be liberally construed to include notification to a law enforcement agency and does not necessarily mean actual involvement in the incident.***
- Notification to the appropriate law enforcement agency may be the only official action required. Police personnel should recognize that they are highly trained credible witnesses.

Officers may carry a firearm while off-duty in accordance with state and federal law. Officers should refrain from carrying firearms when contemplating the consumption of alcoholic beverages or under other circumstances where the need to carry a firearm is outweighed by safety issues associated with the activities the officer will be undertaking.

Police officers making an arrest or otherwise engaged in police duty authorized by Section 54-1f C.G.S. , are considered to be acting within the scope of their employment and have liability protection for the on and off duty

performance of their official duties. This protection does not extend to acts intended to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with the law or the established directives of this department.

**DEFINITIONS**

<b>Detention</b>	Includes custodial arrests and motor vehicle stops.
<b>Official Action or official capacity</b>	Includes any act, process, or procedure that, when taken, would constitute a police officer’s regular or expected duty.
<b>Off-Duty Incident Includes</b>	Any incident in which a Yale University police officer is involved while in an off-duty capacity and they take an official action; or Any incident in which a Yale University police officer is involved in their official capacity as a witness, complainant, defendant or suspect in a criminal or quasi-criminal matter, in this or any jurisdiction; or Any incident in which a Yale University police officer provides assistance in an official capacity, to a police officer, police agency, or citizen.
<b>Personal Interest</b>	An officer is deemed to have personal interest where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with any person to be arrested or any person connected with the incident. This does not apply to situations where the police officer, family member or friend is a victim of a crime or offense.

**RESTRICTIONS ON OFF DUTY DETENTIONS**

Restricting an officer’s off-duty detention powers are a prudent means of minimizing the dangers inherent to off-duty detention scenarios. Note the following restrictions:

***The detaining officer does not have a personal interest in the incident underlying the arrest.***

- This directive prohibits officers from making detentions where they have a personal interest in the incident leading to the detention.
- This ensures that officers are truly acting within the scope of their employment.
- The focus is on whose purposes are most served by the detention. Personal interest may affect an officer’s judgment and an abuse of authority may be alleged.

***There is an immediate need to prevent a crime or apprehend a suspect and the crime would usually require a custodial arrest.***

- Officers are generally prohibited from making off-duty detentions for minor misdemeanor traffic (excluding DUI or Evading Responsibility) or municipal ordinance violations.
- Police officers lack the statutory authority to make an arrest for misdemeanor offenses outside of their precinct.
- Officers should report such incidents to the police department of jurisdiction.

***The detaining officer must possess appropriate police identification.***

- Prior to any permissible off-duty detention, officers must have police identification with them, preferably a badge and photo identification, to lessen the possibility that an officer will be mistaken as a perpetrator when on-duty personnel arrive at the scene and to reasonably establish their identity as a police officer to the detainee.
- The detaining officer must not be engaged in an off-duty employment capacity and the detention action cannot be in furtherance of the interests of the off-duty employer. (Off-duty employment referred to in this section does not include department assigned extra duty.)

***When engaged in off-duty employment officers should not make detentions that solely or primarily serve the interests of the employer as opposed to the public in general.***

### REPORTING OFF DUTY INCIDENTS

Officers participating in off-duty incidents are responsible for reporting any suspected or observed criminal activity to the law enforcement agency responsible for the jurisdiction in which the activity occurred.

- This may include a call to 9-1-1 or to the agency's regular telephone number.
- Police officers are permitted to participate in an off-duty incident consistent with the limitations specified in this directive.

As soon as practicable, the officer involved in an off-duty incident shall notify this department's on duty shift commander or supervisor of the incident either in person, by radio, or by telephone. At a minimum, the following shall be provided:

- Type of incident; and
- Date and time incident occurred; and
- Type and degree of officer involvement; and
- Location and law enforcement jurisdiction where the incident occurred; and
- The name and title of the supervisor or ranking officer in charge of the scene or incident; and
- Location and telephone number where the officer can be contacted.

Depending on the seriousness or magnitude of the incident, the on duty shift commander or supervisor may direct the officer to remain at the scene, and await further instructions. Further instructions may include, but are not limited to:

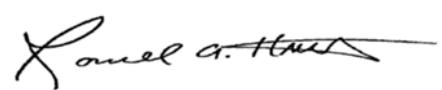
- Remain at the scene and await the arrival of a departmental supervisor; or
- Respond to the nearest law enforcement agency; or
- Report to this agency, a hospital or other agency; or
- Respond home or normal place of abode.

The on duty shift commander or supervisor must assess the incident to determine if further immediate departmental notifications are necessary. Serious or sensitive incidents will usually require an immediate command level notification. Off-duty incidents requiring immediate command notifications include, but are not limited to:

- When an off-duty incident results in death or injury to any party;
- When an off-duty incident involves a crime, as defined by statute;
- When an off-duty incident results in an investigative detention by the involved officer;
- When the off-duty incident involved the use of force by the involved officer;
- When an off-duty incident involves a custodial arrest of any party;
- When an off-duty incident has the potential for high publicity.

All officers participating in an off-duty incident must submit a memorandum or offense report thoroughly documenting the incident pursuant to existing procedures.

PER ORDER OF



RONNELL A. HIGGINS  
DIRECTOR OF PUBLIC SAFETY AND CHIEF OF POLICE