

Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for deputies of the St. Mary's County Sheriff's Office with respect to taking law enforcement action while off-duty.

338.2 POLICY

It is the policy of the St. Mary's County Sheriff's Office that deputies generally should not initiate law enforcement action while off-duty. Deputies are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any deputy who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss in an off-duty status has a professional obligation to act when their assistance is requested.

338.3 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. Deputies should consider waiting for on-duty uniformed peace officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, should a deputy decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other peace officers.
- (b) The potential to be misidentified by members of the public, who may be armed or who may take action.
- (c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.
- (d) Limited off-duty firearms capabilities and ammunition.
- (e) The inability to communicate with responding peace officers.
- (f) The lack of equipment, such as body armor, handcuffs or control devices.
- (g) Unfamiliarity with the surroundings, including escape routes.
- (h) The potential for increased risk to bystanders by confronting a suspect or taking action.

338.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty deputy from the caller and broadcast that information to responding deputies.

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as a deputy with the St. Mary's County Sheriff's Office until acknowledged. Official identification should also be displayed when possible.

Off-Duty Law Enforcement Actions

338.4 CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she is working in an undercover capacity.

338.4.1 PROFESSIONAL STAFF RESPONSIBILITIES

Professional Staff members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Office members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

338.4.3 OFF-DUTY AGENCY VEHICLE USE

Employees who operate agency vehicles are prohibited from making emergency responses while vehicles are occupied by non-official passengers. Passengers must first be deposited at some convenient and safe location before an emergency response is initiated. See also the Deputy Response to Calls and Vehicle Use Policies.

338.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before acting, the deputy shall notify the agency as soon as reasonably practicable. Deputies shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Deputies shall notify the Duty Officer regarding any law enforcement action taken while off-duty. The Duty Officer may send a supervisor to the location. The supervisor may request assistance from the Office of Professional Responsibilities, if deemed appropriate.

The Duty Officer shall determine whether a criminal or administrative report should be completed by the involved deputy.