



<b>Off-Duty Action</b>	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline..</i>	
Applicable Arkansas Statutes: 5-73-304	
CALEA Standard:	
Date Implemented:	Review Date:

- I. **Purpose:** The purpose of this order is to adopt safety directives and guidelines for dealing with the carrying of firearms and responding to criminal activity while in an off-duty status.
- II. **Policy:** It is the policy of this department to allow off-duty officers to carry a firearm in accordance with state and federal law. In addition, an off-duty officer may be required to take action regarding criminal activity as described within this policy.
- III. **Procedure**
  - A. It shall not be necessary that a member, who chooses to carry a firearm off-duty, carry his service weapon. However, any weapon that an officer chooses to carry must be inspected and approved with the agency armorer.
  - B. If an officer is going to carry a personally owned firearm under his or her authority as a police officer, the officer shall be required to meet the State qualification standards for law enforcement firearms with the personally owned firearm.
  - C. Under Federal Law, sworn law enforcement officers are allowed to possess a concealed firearm anywhere in the United States (HR 218). Officers should be aware that while this law exempts them from laws prohibiting such possessions, it does not give them police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state they are traveling through once outside their own jurisdiction. Thus, the officer’s rules of engagement are extremely limited.
  - D. Officers should refrain from carrying firearms when consuming alcoholic beverages.
- IV. Off-duty officers who become aware of an incident that poses a threat of bodily harm or death to some individual shall take “action” to minimize the risk of bodily harm or death. “Action” under this provision is fulfilled by reporting the incident and shall not require the officer to place him or herself in a position of peril. An officer who is faced with such a circumstance should consider the guidelines as spelled out in this policy to determine

the necessity of their direct involvement. Off-duty officers will not become directly involved in minor violations or nuisance offences. On-duty personnel will be contacted to respond to such situations when an off-duty officer becomes aware of such violation.

**V. Considerations for Off-Duty Action:**

- A.** Call 911.
- B.** Consciously evaluate whether your direct involvement is necessary or desirable, given the circumstances.
- C.** Immediately identify yourself as a law enforcement officer to responding law enforcement personnel. This may include repeatedly verbally identifying yourself as a police officer until you receive acknowledgement and directions on what you should do. Remember, the noise and excitement of the scene, combined with auditory blocking may prevent responding officers from hearing you initially.
- D.** Gather accurate intelligence like a good witness until uniformed, on-duty officers arrive.
- E.** If an off-duty officer becomes directly involved in a police incident, the officer should, to the extent possible, attempt to have someone call 911 to advise the operator that an off-duty officer is on scene and provide description of said officer.
- F.** Consider RE-HOLSTERING your gun when other officers arrive, unless doing so would put you and the responding officers or innocent civilians, in jeopardy.
- G.** If you have cover, maintain it. You can communicate verbally from there.
- H.** Make your hands visible. Having responding officers see that you are unarmed and non-threatening will work to calm them and protect you.
- I.** When the responding officers issue commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
- J.** Finally, the most important rule of all: If you have a gun in your hand, NEVER, EVER turn toward an on-duty officer.

**NOTE:** Plainclothes Officers should be aware that the same recognition issues applying to off-duty officers also apply to plainclothes officers, and while rules of action are different, the rules with respect to protective steps, (i.e. movements, identification etc.) remain the same.