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| <br><i>University of Pittsburgh<br/>Police Department</i><br>Rules & Regulations Manual | <b>Reference Number:</b> 4 - 15<br><b>(Chapter / Section)</b><br><br><b>Issue Date:</b> 10-29-04<br>Reviewed 12/2018<br><br><b>Effective Date</b> 11-1-04<br><br><b>Rescinds:</b> All Previous<br><br><b>Amends:</b> N/A |
| Title: <b>Off Duty Conduct – Power of Arrest</b>   | <br>By Order of James K. Loftus, Chief of Police  |

## **1.0 Policy**

The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for effecting an off-duty arrest. Off-duty officers are often faced with situations involving 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, and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts. In order to promote safety and efficiency, it is the policy of this police department to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty. This policy does not expand normal jurisdiction as conferred by Act 120.

## **2.0 Definitions**

Personally involved: An officer is deemed personally involved where the off-duty officer, a family member, or a friend becomes engaged in a dispute or incident involving a personal matter with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer is a victim of crime.

Off Duty: That period during which a police officer is free from specified duties of the University of Pittsburgh Police Department.

## **3.0 Procedures**

### A. Liability Protection

Officers of this police department have liability protection for the good-faith on- and off-duty performance of 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 policies of this department.

B. Permitted Off-Duty Arrests

When off-duty and within the legal jurisdiction of this police department, an officer may make an arrest only when:

1. The arresting officer is not personally involved in the incident underlying the arrest; and
2. There is an immediate need to prevent a crime or apprehend a suspect; and
3. The crime would require a full custodial arrest; and
4. The arresting officer possesses appropriate police identification.

C. Off-Duty Responsibilities

1. While off-duty, the police officer is responsible for immediately reporting any suspected or observed criminal activities to on-duty authorities.
2. Except as allowed by this policy, off-duty officers should not enforce minor violations such as harassment, disorderly conduct, or other nuisance offenses. On-duty personnel shall be contacted to respond to the situation where an off-duty officer becomes aware of such violations.
3. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

D. Prohibited Off-Duty Arrests

Officers of this department may not make an arrest off-duty:

1. When the arresting officer is personally involved in the incident underlying the arrest; or
2. When engaged in off-duty employment of a non-police nature, and the officer's actions are only in furtherance of the interests of the private employer; or
3. When the arrest is prohibited by Pennsylvania law or Rules of Criminal Procedure.