



DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: Off-Duty Powers of Arrest	Effective Date: June 28, 2016	Policy Number: 6.30
Accreditation Reference: 1.2.3	Review Date: June 28, 2019	Supercedes: April 30, 2013
Attachments:	L. Shane Nelson, Sheriff	

I. PURPOSE

The purpose of this policy is to provide guidelines to Deschutes County Sheriff's Office deputies regarding acceptable criteria for affecting an off-duty arrest.

II. POLICY

Off-duty deputies are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as when they are on-duty. This may lead to unnecessary injuries to off-duty deputies and confusion for those on-duty deputies arriving at the scene trying to correctly assess the facts.

The Deschutes County Sheriff's Office discourages off-duty law enforcement action; however, to promote safety and the most efficient operations, it is the policy of the Sheriff's Office to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off-duty.

III. DEFINITION

Personally Involved means when the off-duty deputy, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations in which the off-duty deputy himself is a victim of crime.

IV. PROCEDURES

A. Liability Protection

Sheriff's Office deputies have liability protection for the performance of official duties, both on and off-duty. This protection does not extend to unlawful, willful acts to cause injury or damage, or to those actions that the deputy knew, or reasonably should have known, were in conflict with law or the established policies or customs of this agency.

B. Off-Duty Responsibilities

1. While off-duty, it is the responsibility of the Sheriff's Office member to immediately report any suspected or observed criminal activities to on-duty authorities.
2. Except as allowed by this policy, off-duty deputies shall not enforce minor violations, such as harassment, disorderly conduct or other quality-of-life offenses. On-duty personnel shall be contacted to respond to the situation when an off-duty deputy becomes aware of such violations.

3. Where an arrest is necessary, the off-duty arresting deputy shall abide by all Sheriff's Office policies and procedures.

C. Permitted Off-Duty Arrests

When off-duty and within the legal jurisdiction of the Sheriff's Office, a deputy may make an arrest only when:

1. The arresting deputy is *not personally involved* in the incident underlying the arrest;
2. There is an *immediate* need for the prevention of a crime or apprehension of a suspect;
3. The crime would be charged as a lodgeable offense requiring a full custodial arrest; and
4. The arresting deputy is in possession of appropriate Deschutes County Sheriff's Office identification.

D. Prohibited Off-Duty Arrests

Deputies of the Sheriff's Office may not make an arrest off-duty when:

1. The deputy is personally involved in the incident underlying the arrest, as outlined above;
2. Engaged in off-duty employment of a non-law enforcement nature and the deputy's actions are only in furtherance of the interests of the private employer.

The arrest is made solely as enforcement of a minor traffic regulation. Despite the fact that a deputy has peace officer powers and responsibilities 24 hours a day throughout the state, the off-duty deputy shall not enforce minor traffic laws.