

**CITY OF OCONOMOWOC POLICE DEPARTMENT
POLICIES & PROCEDURES**

DATE: May 13, 2020

HISTORY: October 1, 1999

SUBJECT: Off-Duty Conduct

POLICY NUMBER: 99-045

I. INTRODUCTION

Traditionally, law enforcement officers, whether on or off duty, have been expected to respond when necessary to potential or actual violations of law and to provide assistance, as necessary, to citizens under emergency conditions.

Although officers have the status of being police officers 24 hours a day, they may not have the authority or capacity to act as police officers when they are outside their jurisdiction or off duty.

II. PURPOSE

To provide guidance and direction to officers of this department as it relates to off-duty actions and conduct.

III. GUIDELINES

Off-duty officers who are faced with situations involving criminal conduct are generally not equipped or prepared to handle these situations in the same manner as if they were on duty. Action in these cases may lead to unnecessary injuries and may confuse on-duty officers arriving at the scene. In some instances it may be more beneficial for an off-duty officer to be a good observer (witness) rather than make an attempt to detain or arrest.

A. Notification

1. Upon any conduct off duty, that officer shall make notification to the Captain of Police or his designee in his absence. Notification shall consist of location, jurisdiction, and a final summary of the events.

B. Liability Protection

1. Police officers of this department have liability protection for the on duty and off duty performance of official duties. This protection does not extend to willful acts that cause injury or damage, not actions the officer knew, or reasonably should have known, are in conflict with the established policies of this department.

C. Off-duty Arrests Are Permitted When:

1. The arresting officer is not personally involved in the incident underlying the arrest, unless the officer is a victim of a crime, and
2. There is an immediate need for the prevention of a crime or apprehension of a suspect; (e.g.) in self defense or defense of others, and
3. The officer is in possession of appropriate police identification, and must make a reasonable effort to inform the arrestee of his/her identity as a police officer.

D. Off-duty Responsibilities

1. As soon as possible, an off-duty officer should report any suspected or observed criminal activity to on-duty authorities.
2. Off-duty officers should not enforce minor offenses or municipal violations, but should contact on-duty personnel to respond to these situations.
3. When an arrest becomes necessary, the off-duty officer shall abide by all departmental policies and procedures.

E. Prohibited Off-duty Arrests

1. When the officer is personally involved in the incident causing the arrest, unless officer is a victim of the crime.
2. When engaged in authorized off-duty employment of a non-police nature, and the officer's actions are only to serve the interest of the private employer.
3. Personal vehicles shall not be used to chase or pursue violators and must observe all traffic laws applicable to citizens.
4. In any incident where one or more of the principal parties are a relative or a friend. Exceptions: exigent circumstances or where the officer is a victim of the crime.

F. Off-duty Weapons

1. Officers may, but are not required to, carry a handgun while off duty.
2. The use of secondary firearms shall only be authorized after specific written approval is obtained by the Chief of Police.
3. Officers shall not have a weapon on their person when under the influence of alcohol.

G. Jurisdiction

1. Officers have the official power of arrest within the limits of the City of Oconomowoc,
2. An off-duty police officer, acting outside of his/her jurisdiction, does not have any official power to arrest; consequently is held to the same standards as that of an ordinary citizen.
 - a. Applicable state statutes:
 - (1) Defense of property and protection against retail theft (SS 939.49). Note: it is not reasonable to intentionally use force intended or likely to cause death or great bodily harm for the sole purpose of defense of one's property.
 - (2) Duty to aid victim or report crime, i.e. Good Samaritan Law (SS 940.34).
 - (3) Use of force in response to unlawful and forcible entry into a dwelling, motor vehicle, or place of business (SS 895.62).
 - (4) Self defense and defense of others (SS 939.48).

H. Conduct

1. Conduct which is specifically prohibited or required by virtue of employment with the department is stated in the department general rule of conduct.
2. The code of ethics is applicable to all members of the department who have taken the oath of office.
3. The City of Oconomowoc handbook is applicable to all members of the department.

IV. EXCEPTIONS TO THIS POLICY MAY BE AUTHORIZED ONLY BY THE CHIEF OF POLICE

This policy is effective immediately
and will supersede any directives or understandings in conflict