



Policy Number: 322 – Off-Duty Law Enforcement Actions

Effective Date: July 20, 2020

Revision Date: July 20, 2020

Approved By: Denis Otterness, Chief of Police

322.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers employed by the Montana State University Billings Police Department (Department) with respect to taking law enforcement action while off-duty.

322.2 POLICY

It is the policy of this Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that s/he reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

322.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed peace officers to arrive instead of immediately intervening and, while waiting, gather as much accurate intelligence as possible. However, if an officer decides to intervene, s/he must evaluate whether the action is reasonably necessary, 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 other 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.

322.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. When possible, advise the

dispatcher of a description of the off-duty officer to enable them to broadcast that information to responding officers.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a police officer until acknowledged. Official identification should also be displayed when possible.

When commands are issued by the responding officer(s), follow all orders and commands promptly and completely. This includes surrendering your firearm and assuming surrender positions such as lying prone or kneeling.

Be cooperative and patient.

322.4 CONSIDERATIONS

When encountering a non-uniformed police officer in public, Department personnel should wait for acknowledgement by the non-uniformed officer in case s/he is working in an undercover capacity.

322.4.1 NON-SWORN PERSONNEL RESPONSIBILITIES

Non-sworn 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

322.4.2 INCIDENTS OF PERSONAL INTEREST

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

322.5 REPORTING

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

Officers shall notify a Department supervisor, as soon as practicable, regarding any law enforcement action taken while off-duty. An on-duty supervisor should respond to the location when available. The on-duty supervisor should request assistance from the Chief of Police, if deemed appropriate.

The involved off-duty officer should consult with a Department supervisor if there are questions regarding proper reporting requirements.