



# OFF-DUTY CONDUCT: POWERS OF ARREST

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<i>C.A.L.E.A.</i> <b>1.2.5, 1.2.6, 1.2.7</b>	<i>Reference</i> <b>(see "INDEX AS:")</b>

## **INDEX AS:**

Use of Force  
Arrests

Weapons

## **I. PURPOSE**

The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for effecting an off-duty arrest.

## **II. POLICY**

Off-duty officers are often faced with situations involving criminal conduct that they are neither equipped for 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. In order to promote safety and efficiency, it is the policy of the Iowa City Police Department to determine and regulate those situations and locations within which a sworn member is permitted to effect an arrest while off-duty.

### III. 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.

### IV. PROCEDURES

#### A. Liability Protection

Officers of the Iowa City Police Department have liability protection for the on and off-duty performance of official duties. This protection does not extend to acts intended to cause injury or damage, to willful or wanton acts or omissions, or to those actions that the officer knew, or reasonably should have known, were in conflict with the law or established policies of the Iowa City Police Department.

#### B. Permitted Off-Duty Arrests

When off-duty and within the legal jurisdiction of the City of Iowa City, an officer may make an arrest only when:

1. There is an immediate need to prevent a crime or apprehend a suspect; and
2. The crime would require a full custodial arrest; and
3. The arresting officer has in his/her possession, appropriate police identification; and
4. The officer is not personally involved in the incident underlying the arrest and/or it is not reasonable to have on-duty officers safely respond and handle.

#### C. Off-Duty Responsibilities

1. While off-duty, the police officer is responsible for immediately reporting any suspected or observed criminal activity, qualifying a serious misdemeanor or higher, to on-duty personnel.
2. Despite the fact that a police officer has police powers 24 hours a day throughout the jurisdiction, except as allowed by this policy, off-duty officers should not enforce minor violations such as disorderly conduct, public intoxication, minor traffic violations or other nuisance offenses. On-duty personnel should be contacted to respond to the situation where an off-duty officer becomes aware of such violations and believes police intervention is necessary.

3. Where an arrest is necessary, the off-duty-arresting officer shall abide by all departmental policies and procedures.

D. Prohibited Off-Duty Arrests: When off-duty, an officer shall not make an arrest:

1. When the arresting officer is personally involved in the incident underlying the arrest and the handling by on-duty personnel is reasonable.
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.

E. Carrying of Weapons

Officers are prohibited from carrying off-duty weapons when the officer has consumed alcoholic or intoxicating beverages.

1. Officers are prohibited from carrying off-duty weapons when they expect to consume any alcoholic or intoxicating beverage regardless of amount.
2. If an officer decides to consume an alcoholic or intoxicating beverage, he/she shall secure their weapon in a securable area off the premises in which the alcohol is going to be consumed. If the officer is at his/her personal residence, he/she shall secure all department issued and department approved weapons prior to consuming alcohol.

F. Probationary Officers

1. Probationary police officers training in Steps 1 through 4 of the Field Training and Evaluation Process shall not carry a firearm while off-duty unless they meet all the following criteria:
  - a. Were hired directly from another law enforcement agency and had successfully completed the probationary period at that agency.
  - b. They possess a valid Iowa Non-Professional Permit to Carry.
  - c. They have qualified with that specific firearm with an ILEA Certified Firearms Instructor within the past year.
2. Probationary police officers training in Steps 1 through 4 of the Field Training and Evaluation Process should not take official action

or make an arrest while off duty except to protect another from serious injury

G. Review of Off-Duty Arrests

Any officer conducting an off-duty arrest shall complete a report detailing the circumstances surrounding the arrest. This report shall include the name of the suspect, witnesses and other involved parties. This report shall be submitted to the on-duty watch commander, at the time of the incident, with a copy being forwarded to the Watch Commander of the officer initiating the arrest for review.

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Denise Brotherton, Interim Chief of Police

**WARNING**

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.