

	MARICOPA COUNTY SHERIFF'S OFFICE	
	POLICY AND PROCEDURES	
	Subject OFF-DUTY INCIDENTS	Policy Number GD-10
		Effective Date 02-08-24
Related Information CP-1, <i>Use of Force</i> EA-18, <i>Law Enforcement Extra-Duty and Off-Duty Employment</i> GB-1, <i>Authority and Jurisdiction</i> GF-5, <i>Incident Report Guidelines</i> GJ-26, <i>Sheriff's Reserve Deputy Program</i>	Supersedes GD-10 (12-18-19)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures regarding off-duty incidents which may require immediate law enforcement action by sworn Office employees.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

It is the policy of the Office, that while off-duty, deputies and reserve deputies may take law enforcement action when observing a criminal offense in progress.

DEFINITIONS

Arizona Peace Officer Standards and Training Board (AZPOST): The state agency overseeing the certification of peace officers in Arizona. AZPOST provides formal guidelines for the sworn Basic Training Academy and annual training requirements needed to maintain certification as an Arizona peace officer.

Deputy Recruit: A newly hired employee attending the Office's Basic Training Academy or another Arizona Peace Officer Standards and training Board (AZPOST) approved academy.

Deputy Services Aide (DSA): A civilian employee who is not a law enforcement officer, does not have arrest authority, and shall not act in a law enforcement capacity. A DSA is trained to assist Office patrol districts with various law enforcement functions to include administrative duties, lower priority level calls for service which do not require the response of a sworn deputy, and other events determined by a sworn supervisor to allow patrol deputies to respond to higher priority calls for service.

Exigent Circumstances: For the purpose of this Office Policy, the sum of the conditions and information available that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm or preserving the life of an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

Law Enforcement Action: Any action taken by a deputy or reserve deputy to prevent or stop a criminal offense, including the taking into custody of persons suspected of committing, or having committed, a criminal offense.

Off-Duty Incidents: A situation in which an off-duty deputy or reserve deputy takes law enforcement action.

Officer-In-Training (OIT): A deputy sheriff who participates in the Field Training Program after successfully completing the Office's Basic Training Academy or another AZPOST-approved academy.

Reserve Deputy: A volunteer (AZPOST) certified peace officer who has joined the Sheriff's Reserve Deputy Program and completed the Office approved Field Training Program.

PROCEDURES

1. **Off-Duty Law Enforcement Authority:** Any employee of the Office, who is certified by the Arizona Peace Officer Standards and Training Board (AZPOST) and commissioned by the Maricopa County Board of Supervisors as a peace officer, shall be considered a peace officer at all times, including off-duty hours.
2. **Off-Duty Law Enforcement Action and Considerations:** An off-duty deputy may take law enforcement action when observing a criminal offense in progress. As soon as practical to do so, the deputy shall complete notifications concerning the incident, as specified in this Office Policy.
 - A. Off-duty deputies shall use the greatest discretion in deciding whether to initiate law enforcement action on a criminal offense, to include the deputy's judgment if such action would place bystanders, or the deputy at an unacceptable risk of bodily harm.
 - B. For their own protection, and to enable deputies to take appropriate law enforcement action, deputies are encouraged, but not mandated, to carry a firearm when off-duty.
 - C. Following a use of force incident, and once it is reasonably safe to do so, employees shall determine if an individual has sustained any injury as a result of the use of force. Employees shall obtain appropriate medical treatment and shall immediately administer medical treatment commensurate with the employees' training and certification when reasonably safe and necessary, as specified in Office Policy CP-1, *Use of Force*.
 - D. Except as otherwise provided by statute, employees shall not be held liable for injuries caused by the act or omission of another person. However, employees are not exonerated from liability for injury proximately caused by their own negligence or wrongful act or omission.
3. **Off-Duty Law Enforcement Action Restrictions:** Restrictions of off-duty law enforcement action related to off-duty incidents, as specified in this Office Policy, do not include incidents where the use of law enforcement authority would normally be anticipated in the performance of extra-duty and/or off-duty law enforcement employment. Unless exigent circumstances exist, an off-duty deputy shall not take law enforcement action, unless serious injury or death is likely to result if immediate action is not taken, in circumstances which include, but are not limited to, the following:
 - A. An off-duty deputy shall not use their authority to resolve personal grievances, nor make arrests resulting from incidents which directly involve them, including a family or neighborhood dispute. This does not prevent the deputy from using reasonable force in such incidents, as specified in state law.
 - B. An off-duty deputy shall not conduct traffic stops in their personal vehicle.
 - C. An off-duty deputy shall not attempt to serve a warrant, protective order, or execute an arrest on a warrant.

4. **Reserve Deputies:** Reserve deputies, having completed the Office approved Field Training Program, may take off-duty law enforcement action, as authorized by applicable state and federal law and this Office Policy. Reserve deputies shall be held to the same Office standards as compensated deputies and must comply with all Office rules, regulations, and policies, as specified in Office Policy GJ-26, *Sheriff's Reserve Deputy Program*.
5. **Officer-In-Training (OIT):** An Officer-In-Training (OIT) shall not take any off-duty law enforcement action until successful completion of the Field Training Program.
6. **Non-Sworn Employees and Non-Sworn Volunteers:** Deputy services aides, deputy recruits, detention officers, posse members, and civilian personnel are not AZPOST certified peace officers and shall not take any off-duty law enforcement action, but may act in a civilian capacity and should notify the appropriate law enforcement agency concerning criminal activity.
7. **Off-Duty Law Enforcement Action Notification:** A deputy who initiates, or is a participant in a law enforcement action while off-duty shall, as soon as practical, complete the following notification actions:
 - A. Notify the agency having primary law enforcement responsibility within the jurisdiction; and
 - B. Notify their supervisor and the on-duty supervisor in the patrol district closest to the incident.
8. **Other Agency Jurisdiction:** If the incident or an arrest occurs in another agency's jurisdiction, the deputy shall notify the agency having primary law enforcement responsibility as soon as practical, and cooperate with officers of the other agency to ensure a complete investigation is made of the incident.
 - A. The deputy taking disposition of an incident outside the jurisdiction of the Office shall, when appropriate, initiate an *Incident Report (IR)* which details the circumstances, as specified in Office Policy GB-1, *Authority and Jurisdiction*.
 - B. Sworn personnel working extra-duty/off-duty law enforcement employment shall initiate appropriate documentation on Office forms, to include electronic applications, and make notifications when an arrest is made or when any other reportable incident occurs, as specified in Office Policy, EA-18, *Law Enforcement Extra-Duty and Off-duty Employment*.
9. **Submission of Assigned Incident Reports (IRs):** A deputy, who is assigned an IR during extra-duty or off-duty employment or during an off-duty incident, shall submit the report to any on-duty supervisor or watch commander for the district in which the off-duty incident occurred. The IR shall be submitted prior to or at the end of the extra-duty or off-duty law enforcement shift or at the conclusion of the off-duty incident, as applicable. The on-duty supervisor or watch commander shall accept and review these reports, as specified in Office Policy GF-5, *Incident Report Guidelines*.
10. **Off-Duty Law Enforcement Action Equals On-Duty Status:** An off-duty deputy taking law enforcement action, as specified in this Office Policy, is immediately placed into on-duty status.