



## 2-81 OFF-DUTY CONDUCT: POWER OF ARREST

### 2-81-1 Purpose

The purpose of this policy is to provide guidelines to police officers regarding acceptable criteria for taking law enforcement action while off-duty.

### 2-81-2 Policy

To promote safe and highly-efficient operations, it is Department policy to determine and regulate those situations and locations at which an off-duty sworn member is permitted to take any law enforcement action.

### 2-81-3 Definition

#### A. Personally Involved

Where the off-duty officer has a personal interest in a disputed matter, or is asked to intervene on behalf of a family member or someone with whom they have an established relationship.

Note: 'Personally-involved' This does not apply to situations where the off-duty police officer himself is a victim of a crime.

### 2-81-4 Procedures

#### A. Liability Protection

1. The officers of this Department have liability protection for both on- and off-duty performance of official duties.
2. This protection does not extend to malicious acts which result in injury or damage or to those actions that the police officer knew, or reasonably should have known were in conflict with the law, or the established policies or customs of this Department.

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#### B. Off-Duty Responsibilities

1. Except as allowed by this policy, off-duty officers should not enforce minor violations.
2. While off-duty, it is the responsibility of the police officer to report immediately any suspected or observed criminal activities to on-duty personnel. Officers should report incidents by contacting APD Radio Communications by telephone; however, if the situation requires an immediate response, officers may use their Department-issued police radio, if available.



ALBUQUERQUE POLICE DEPARTMENT  
PROCEDURAL ORDERS

SOP 2-81

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3. Once on-duty personnel are on scene, off-duty personnel shall remain available to relay any pertinent information to the responding on-duty officer(s). Off-duty personnel should not involve themselves in the situation unless it threatens the safety of the on-duty officers and requires their continued presence and involvement.
4. Whenever an arrest is necessary, the off-duty arresting officer shall abide by all Departmental policies and procedures.
5. While off-duty and conducting an arrest or other police function, employees will have in their possession their badge, ID, and sidearm to effectively perform a police function as well as to present a favorable image.
6. Officers will advise their chain of command any time they are involved in any off-duty incident, regardless of the extent of their involvement.

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B. Permitted Off-Duty Arrest

When off-duty and within the legal jurisdiction of this Department, a police officer may make an arrest only in the following instances:

1. The arresting officer is not personally involved in the incident underlying the arrest.
2. There is an immediate need for the prevention of a crime or for the apprehension of a suspect.
3. The crime would be charged as an offense requiring a full custodial arrest.
4. The arresting officer is in possession of appropriate police identification, that is, badge and ID.

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C. Prohibited Off-Duty Arrest

Officers may not make an arrest while off-duty under the following circumstances:

1. When the arresting officer is personally involved in the incident underlying the arrest
2. When engaged in off-duty employment of a non-police nature and when officer's actions further only the interests of the private employer.

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3. When the arrest is made solely for enforcement of a minor traffic regulation. Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the jurisdiction, the off-duty officer should not enforce minor traffic regulations.