


PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i>		SUBJECT: "OFF-DUTY RESPONSE AND ARRESTS BY PBP MEMBERS"		ORDER NUMBER: 44-13
		PLEAC STANDARD: NONE		PAGE 1 OF 3
ISSUE DATE: 11/21/2019	EFFECTIVE DATE: 11/21/2019	REVIEW MONTH: APRIL	RESCINDS: NONE	AMENDS: NONE

1.0 POLICY/PURPOSE

- 1.1 The purpose of this policy is to provide guidelines to police officers regarding off-duty response to incidents and acceptable criteria for effecting an off-duty arrest.
- 1.2 It is the policy of the Pittsburgh Bureau of Police to determine and regulate the situations and locations when a sworn member is permitted to make an arrest or otherwise invoke their law enforcement authority while off-duty.
- 1.3 The provisions set forth in the following policy shall not be applicable to an officer working in a Secondary Employment capacity that has been approved through the Bureau of Police as per General Order #29-01, "Secondary Employment".
- 1.4 Any action taken off-duty must always be consistent with Federal and State laws and Pittsburgh Bureau of Police policies and procedures.

2.0 DEFINITIONS

- 2.1 **Personally Involved** – An officer is deemed 'personally involved' when the off-duty officer, a family member, neighbor, 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. This does not apply to situations where the police officer is the victim of a crime.
- 2.2 **Secondary Employment** – Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.
- 2.3 **Outside Employment** – Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.
- 2.4 **On- Duty**- The state of a member or employee during the hours of day (shifts) when he or she is actively engaged in the performance of his or her paid duties.
- 2.5 **Off-Duty**- The state of a member or employee during the hours of the day when he or she is free from his or her paid duties.

3.0 OFF-DUTY RESPONSIBILITIES

- 3.1 While off-duty, an officer is responsible for making a reasonable attempt to immediately report any suspected or observed criminal activities to on-duty authorities by calling 911.
 - 3.1.1 As a trained observer, the off-duty officer can make a valuable contribution to the investigation of an incident by supplying detailed and accurate descriptive information to the responding officers.
 - 3.1.2 When making the 911 call, the off-duty officer should give the dispatcher a description of the clothing he/she is wearing and advise if they are armed. This information will allow an opportunity for the responding officers to identify the off-duty officer quickly.
- 3.2 Off-duty officers should not enforce minor violations such as summary traffic and parking violations, harassment, disorderly conduct, or other nuisance offenses. On-duty personnel shall be contacted by calling 911 to respond to the situation where an off-duty officer becomes aware of such violations.

- 3.2.1 These restrictions shall not be interpreted to restrict any sworn member from defending themselves, or another individual, if necessary, from bodily injury, serious bodily injury, or death.
- 3.3 Off-duty officers shall clearly identify themselves to all of the parties involved, including the responding officers, by displaying their ID card and/ or badge, if practical. Upon arrival of on-duty police, the initially involved off-duty officer will relinquish responsibility unless they are making an arrest.
- 3.4 Off-duty officers shall abide by all Bureau policies and procedures, and complete all necessary reports, associated paperwork, and follow-up procedures for any off-duty response.
- 3.5 The off-duty officer will call 911 to request an appropriate marked PBP vehicle be dispatched to the arrest location to transport the arrestee to the Allegheny County Jail.

4.0 ON- DUTY SUPERVISORY RESPONSIBILITY

- 4.1 A shift supervisor will respond to the scene of an off-duty PBP police officer's action. The shift supervisor will ensure that all PBP policies and procedures are followed and that all appropriate reporting paperwork has been completed. The shift supervisor will document his or her presence at the scene on the daily activity report.
- 4.2 The shift supervisor will evaluate the incident and the ensuing off-duty PBP police officer's action.
- 4.3 The Zone or Unit Commander will review all off-duty arrests or police actions involving their assigned members and any incidents that may have occurred in their Zone.

5.0 PERMITTED OFF-DUTY ARRESTS

- 5.1 When off-duty, and within the legal jurisdiction of the Pittsburgh Bureau of Police, an officer may make an arrest only when the following conditions are met:
- 5.1.1 The arresting officer is not personally involved in the incident underlying the arrest; and
- 5.1.2 There is an immediate need to prevent a crime, prevent bodily injury or death, or apprehend a suspect; and
- 5.1.3 The crime would require a full custodial arrest; and
- 5.1.4 The arresting officer possesses appropriate police identification: PBP badge and/ or ID card.

6.0 PROHIBITED OFF-DUTY ARRESTS

- 6.1 An officer may not make an arrest off-duty under the following conditions:
- 6.1.1 When the arresting officer is personally involved in the incident underlying the arrest; or
- 6.1.2 When the officer's judgement is or may be impaired due to consuming alcohol; or
- 6.1.3 When engaged in outside employment of a non-police nature, and the officer's actions are only in furtherance of the interests of the private employer; or
- 6.1.4 When the arrest is prohibited by Pennsylvania Law or Rules of Criminal Procedure.
- 6.2 These restrictions shall not be interpreted to restrict any sworn member from defending themselves, or another individual, if necessary, from bodily injury, serious bodily injury, or death.

7.0 AUTHORITY OF MEMBER WHILE OFF-DUTY OUTSIDE THE CITY OF PITTSBURGH

- 7.1 Generally, an officer, while off-duty outside the City of Pittsburgh, has only the rights, authority, and privileges of a private citizen.
- 7.2 An officer does, however, have the authority to act as a police officer, while off-duty outside the City of Pittsburgh and within the Commonwealth of Pennsylvania, to make an arrest under these circumstances:
- 7.2.1 Where the officer has been requested to aid or assist any local, State, or Federal law enforcement officer or park police officer or otherwise has probable cause to believe that the other is in need of aid or assistance.

- 7.2.2 Where an officer views an offense, which is a felony, or has probable cause to believe that an offense which is a felony has been committed, and the officer makes a reasonable effort to identify him or herself as a police officer.
- 7.2.3 Where the officer is in hot pursuit of any person for any offense which was committed, or which he or she has probable cause to believe was committed, within his or her primary jurisdiction and for which offense the officer continues in fresh pursuit of the person after the commission of the offense. (Municipal Police Jurisdiction Act, 42 Pa. Section 8953)
- 7.3 Any member responding to an incident off-duty while outside the City of Pittsburgh shall notify the Watch or Duty Commander through the EOC as soon as reasonably possible.
- 7.4 Off-duty officers shall abide by all Bureau policies and procedures, and complete all necessary reports, associated paperwork, and follow-up procedures for any off-duty response.
- 7.5 These restrictions shall not be interpreted to restrict any sworn member from defending themselves, or another individual, if necessary, from bodily injury, serious bodily injury, or death.

8.0 LIABILITY

- 8.1 Members of the Pittsburgh Bureau of Police are entitled to be indemnified and represented by the City of Pittsburgh in the event that a lawsuit arises as a result of their off-duty performance of official duties. This indemnification and representation does not extend to acts that are personal in nature, or are intended to cause injury or damage, or to those actions that the officer knew, or reasonably should have known, were in conflict with the law or the established policies of the Bureau of Police. Nothing in this policy is intended to eliminate, reduce, or otherwise circumvent the obligations, requirements, and directives of the Political Subdivision Tort Claims Act, 42 Pa. C.S.A Section 8541, et seq.

9.0 OFF-DUTY ARRESTS/ COURT PAY

- 9.1 The officer will mark "Off-Duty" in the assignment block of all reports related to the arrest.
- 9.2 The Warrant Office personnel will question the officer if there is any doubt as to the officer's work status.
- 9.3 The Municipal Courts Liaison Unit Staff will evaluate every off-duty arrest for applicable court pay on a case by case basis. This evaluation is subject to further review through the chain of command by the Chief of Police or his or her designee.

Approved By:



Scott Schubert
Chief of Police