
Off-Duty Law Enforcement Actions

1306.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for deputies of the Montgomery County Sheriff's Office with respect to taking law enforcement action while off-duty.

1306.2 POLICY

It is the policy of the Montgomery County Sheriff's Office that deputies generally should not initiate law enforcement action while not on-duty with this office. Deputies are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any deputy who becomes aware of an incident or circumstance that he/she 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.

1306.3 DECISION TO INTERVENE

There is no legal requirement for off-duty deputies to take law enforcement action. Deputies should consider waiting for on-duty uniformed law enforcement personnel to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, should a deputy decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

- (a) The potential to be misidentified by other law enforcement personnel.
- (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 law enforcement personnel.
- (f) The lack of equipment, such as body armor, handcuffs or 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.
- (i) Whether the deputy is in or outside of his/her territorial and/or subject matter jurisdiction.

1306.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the deputy should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty deputy from the caller and broadcast that information to responding deputies.

Montgomery County Sheriff's Office

Policy Manual

Off-Duty Law Enforcement Actions

Whenever practicable, the deputy should loudly and repeatedly identify him/herself as a deputy with the Montgomery County Sheriff's Office until acknowledged. Official identification should also be displayed when possible.

1306.4 CONSIDERATIONS

When encountering a non-uniformed deputy in public, uniformed deputies should wait for acknowledgement by the non-uniformed deputy in case he/she is working in an undercover capacity.

1306.4.1 NONSWORN 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.

1306.4.2 INCIDENTS OF PERSONAL INTEREST

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

1306.5 REPORTING

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

Deputies shall notify the on duty supervisor regarding any law enforcement action taken while off-duty. The supervisor may request assistance from Field Services Director, if deemed appropriate.

The supervisor shall determine whether a criminal or administrative report should be completed by the involved deputy.