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| Policy #**Off-Duty Action** | Related Policies: |
| *This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis for internal discipline and/or criminal charges.* |
| Applicable State Statutes: |
| KACP Accreditation Standard: 1.9 |
| Date Implemented: | Revision Date: May 1, 2025 |

1. **Purpose:** The purpose of this order is to adopt safety directives and guidelines for dealing with the carrying of firearms while in an off-duty status and for dealing with an officer’s duty and responsibility to take action in response to criminal activity while in an off-duty status.
2. **Policy:** A member may carry a firearm while off duty in accordance with state and federal law.
3. **Procedure:**
	1. It is not necessary that a member who chooses to carry a firearm off duty carry his service weapon. However, any weapon that an officer chooses to carry must be inspected, approved, test-fired, and registered with the department. A shell casing and bullet from the weapon should be maintained by the department for identification purposes.
	2. If an officer is going to carry a personally owned firearm under his or her authority as a police officer, the officer shall be required to meet the Kentucky qualification standards for law enforcement firearms with the personally owned firearm.
	3. Under federal law, sworn officers are allowed to possess a concealed firearm anywhere in the United States in accord with the federal Law Enforcement Officer Safety Act (LEOSA). Officers should be aware that while this law exempts officers from laws prohibiting such possessions, it does not give officers police powers of any type outside of their jurisdiction. As such, an officer will generally be limited to the self-defense provisions of the state they are traveling through once outside their own jurisdiction; thus, the officer’s rules of engagement are extremely limited.
	4. Officers should refrain from carrying firearms when manifestly under the influence of alcoholic beverages or under other circumstances where the need to carry a firearm is outweighed by safety issues associated with the circumstances that the officer will be undertaking.
4. A member of the police department who becomes aware of an incident that poses a threat of physical injury or death to some individual shall “take action” to minimize the risk of serious bodily harm or death. “Taking action” under this provision is fulfilled by reporting the incident and shall not require the officer to place him or herself in a position of peril. An officer who is faced with such a circumstance should act in accordance with the guidelines as spelled out in this policy.
5. **Procedure for Off-Duty Action:**
	1. First, go to a safe location and call 911.
	2. Second, when you encounter a situation off duty that seems to require police action, you must consciously evaluate whether your involvement is necessary or desirable given the circumstances. How important and urgent is the need for your intervention?
	3. Utilize an off-duty/plainclothes wristband (recommended to be worn on the support hand wrist) or any other clothing or item available that identifies you as a law enforcement officer to responding law enforcement personnel.
	4. A number of circumstances may impact your decision to get involved in any situation. First, you may be alone, with family members, or with other non-police personnel. Second, it is unlikely that you will have all of the necessary police equipment while off duty, for example, pepper spray, baton, handcuffs, or a radio. It must be recognized that the force options, as well as threat assessment, are changed due to this lack of equipment. You may be faced with multiple suspects or be unaware of hidden suspects. There may also be environmental factors working against you, such as a lack of cover, crowds of civilians, darkness, etc. Your intervention may spark an escalation of violence. Therefore, your best plan of action may be to:
		1. Gather accurate intelligence like a good witness until uniformed, on-duty officers arrive.
		2. Remember, you have NO LEGAL OR DEPARTMENTAL obligation to get involved, especially if such intervention places you in a position of peril or such intervention requires that you behave recklessly, carelessly, or in a suicidal manner.
		3. While department policy mandates that you “take action” when witnessing a serious crime, calling the police and monitoring the situation from a SAFE vantage point fulfill that obligation.
		4. Most survival-conscious officers have trained themselves NOT to intervene off-duty UNLESS their life or the life of another innocent party is IMMINENTLY in danger. In other words, you should only consider intervention when deadly force would be justified. You should not intervene just to make an arrest while off duty. The decision to take action beyond simply reporting is a personal one and is not a requirement of this department.
		5. If you decide you must get involved, attempt to have someone call 911 to advise the operator that an off-duty officer is on the scene. Have the caller inform the operator if you are armed. If possible, have them describe you and your clothing. This will affect the mindset of the responding officers. When uniformed police officers/sheriff’s deputies arrive, have your badge out and visible. (If you carry your shield while off-duty. Some officers carry only their photo credentials). Note - Bear in mind that sudden movements may be interpreted as threatening, and attempt to communicate to the responding officers what you are doing. Do not rely on showing your identification as a means of providing any protection. At a distance, in dim light, and under stress, your badge may not be seen, or the identification may not be given credibility if the responding officers do not recognize you personally.
		6. Some trainers advise officers to hold their badge next to their gun for the best chance of being seen because the eyes of the responding officers are most likely to go immediately to their drawn firearm. It is safer to RE-HOLSTER your gun when other officers arrive, unless doing so would put you and the responding officers or innocent civilians in jeopardy. Until the responding officers determine who is who, your gun is your greatest personal liability.
		7. If you have cover, maintain it. You can communicate verbally from there.
		8. Make your hands visible. Having responding officers see that you are unarmed and non-threatening will work to calm them and protect you.
		9. Verbally identify yourself as a police officer - not once and not in a normal tone of voice, but repeatedly and very loud. Keep shouting, “POLICE! DON’T SHOOT! OFF-DUTY OFFICER!” until you get acknowledgment and directions as to what you should do. Remember, the noise and excitement of the scene, combined with auditory blocking, may prevent responding officers from hearing you initially. If you have a gun in your hand, avoid turning toward an on-duty officer.
		10. When the responding officers issue commands, follow them promptly and completely. Expect to be treated like a suspect until your law enforcement status is verified.
		11. When carrying a firearm off duty (including finishing or beginning a tour of duty), it should be concealed by an outer jacket, shirt, sweater, etc. If at any time the officer’s firearm is visible the officer shall wear their badge in a visible manner. If an off-duty officer’s firearm is observed and prompts the response of police or security officials, the off-duty officer should respond in a manner consistent with this policy.

**NOTE:** Plainclothes officers should be aware that the same recognition issues applying to off-duty officers also apply to plainclothes officers, and while rules of action are different, the rules with respect to protective steps, i.e., movements, identification, etc., remain the same.

