


# FLORIDA HIGHWAY PATROL POLICY MANUAL

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|  | <b>SUBJECT</b><br>ARRESTS WHILE IN NON-DUTY STATUS | <b>POLICY NUMBER</b><br>11.07 |
|   | <b>APPLICABLE CALEA STANDARDS</b>                  | <b>ISSUE DATE</b><br>07/01/07 |
|   |  | <b>REVISION DATE</b><br>N/A   |
|   |  | <b>TOTAL PAGES</b><br>3       |

## 11.07.01 PURPOSE

To provide guidelines to members regarding acceptable criteria for affecting an arrest while in non-duty status.

## 11.07.02 POLICY

Members while in non-duty status are often faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to unnecessary injuries to members, and confusion for on duty officers arriving at the scene and trying to correctly assess the facts. In order to promote safety and efficiency, it is FHP policy to determine and regulate those situations and locations within which a member is permitted to make an arrest while in non-duty status.

## 11.07.03 DEFINITIONS

- A. **NON-DUTY STATUS** – Times when a member is neither in uniform nor using a patrol vehicle. This definition does not include anytime that a member is on-duty or engaged in off-duty police employment.
- B. **PERSONALLY INVOLVED** - A member is deemed personally involved when the member in non-duty status, a family member or personal acquaintance 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 member is the victim of crime.

## 11.07.04 OBJECTIVES

To protect members from injury and liability for actions/non-actions taken while in non-duty status.

## 11.07.05 PROCEDURES

- A. LIABILITY PROTECTION

Members have liability protection for the performance of official duties. This protection does not extend to acts intended to cause injury or damage, or to

those actions that the member knew, or reasonably should have known, were in conflict with the law or established policies of this Division.

#### B. PERMITTED OFF-DUTY ARRESTS

When in a non-duty status and within the State of Florida, a member may make an arrest only when;

1. The arresting member is not personally involved in the incident underlying the arrest; **and**
2. There is an immediate need to prevent a crime or apprehend a suspect; **and**
3. The crime would require a full custodial arrest; **and**
4. The member possesses appropriate law enforcement identification.

#### C. NON-DUTY STATUS RESPONSIBILITIES

1. While in non-duty status, the member is responsible for reporting suspected or observed criminal activities to on-duty authorities as soon as practical.
2. Except as permitted by this policy, members in non-duty status shall not enforce minor violations such as harassment, disorderly conduct, or other nuisance offenses. On-duty personnel are to be contacted to respond to such violations.
3. Where an arrest by a member in non-duty status is necessary, the member will abide by all Division policies and procedures.

#### D. PROHIBITED NON-DUTY STATUS ARRESTS

Members may not make an arrest nor issue a citation for any incident that occurred while they are in non-duty status:

1. When the member is personally involved in the incident underlying the arrest; **or**
2. When engaged in off-duty employment of a non-police nature, unless the conditions outlined in Section B above exist; **or**
3. When the arrest to be made is solely as enforcement of a non-criminal or misdemeanor traffic violation. Despite the fact that a member has police powers and responsibilities 24 hours a day throughout the State, members in non-duty status are not to enforce non-criminal or misdemeanor traffic laws. Members, upon returning to on-duty status, are not to take action against an individual for non-criminal or misdemeanor traffic violations that occurred while the member was in non-duty status.

- E. Nothing in this policy is to be interpreted as preventing or prohibiting a member from defending themselves or others from assault or other forms of aggression regardless of the member's duty status.