

Georgia Department of Public Safety

Policy Manual

SUBJECT OFF DUTY ARRESTS	POLICY NUMBER 11.04
DISTRIBUTION ALL EMPLOYEES	REVISED DATE 6/29/2018
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11.04.1 Purpose

To provide guidelines to sworn members regarding acceptable criteria for effecting an off-duty arrest.

11.04.2 Policy

It is the policy of the Georgia Department of Public Safety to set forth guidelines for sworn members making off-duty arrests in order to prevent unnecessary employee injury and exposure to civil liability.

11.04.3 Procedures

A. Liability Protection

1. Liability protection exists for sworn members as long as the member is acting within the scope of their official duties, whether on or off duty.
2. The State, in accordance with the Georgia Torts Claims Act, O.C.G.A. § 50-21-23, shall have no liability for losses resulting from conduct on the part of a member which was not within the scope of the member's official duties and employment.

B. Authorized Off-Duty Arrests

When off-duty, a member may make an arrest only when:

1. The member is the victim of a crime;
2. There is an immediate need for the prevention of a crime or apprehension of a suspect;
3. The member is requested to do so by an on-duty law enforcement officer;
4. Any other circumstances where there is a perception of imminent danger to the public, or
5. When the crime is a jailable offense requiring a full custodial arrest.

C. Restrictions on Off-Duty Arrests

A sworn member should avoid making an arrest off-duty when:

1. The member has consumed intoxicants;

2. A member, family member or friend has a vested interest/personal gain from the arrest.
3. The member is engaged in employment outside the Department of Public Safety and the arrest is only in furtherance of the interest of the private employer;
4. The member is involved in a domestic dispute, or
5. The arrest is made solely as enforcement of a minor misdemeanor or traffic violation.

D. General Responsibilities

1. While off-duty, it is the responsibility of the sworn member to immediately report any suspected or observed criminal activity to on-duty law enforcement authorities.
2. When an arrest is necessary and authorized by this directive, the off-duty member shall assume an "on-duty" status and shall exercise their law enforcement authority in compliance with all Georgia Department of Public Safety policies and procedures.
3. It is preferred that the member effecting an arrest possess' Departmental credentials, badge, and firearm.
4. The member shall identify themselves as a sworn officer to all appropriate parties by verbal statement and display of their badge and departmental credentials if practical.

E. Reporting Procedures

1. After effecting an off-duty arrest, the member shall notify their Supervisor of the incident as soon as practicable.
2. The Supervisor shall ensure that an appropriate report and subsequent investigation is completed to document the arrest.
3. Within five business days, the member shall submit a memorandum outlining the circumstances of the arrest to the Commanding Officer, through the chain of command.