



University of Pennsylvania Police Department 4040 Chestnut Street, Philadelphia, Pa 19104		 
Directive: 3	Subject: Off-Duty Conduct And Powers Of Arrest	Effective Date: 03/18/1996
Order of: Maureen S. Rush, Superintendent of Police		Amended Date: 02/01/2015

I. Purpose

The purpose of this directive is to provide guidelines to University of Pennsylvania Police Department (UPPD) police officers regarding acceptable off-duty conduct and criteria for effecting an off-duty arrest.

II. Policy

It is the policy of the University of Pennsylvania Police Department (UPPD) that personnel shall conduct themselves, at all times, both on and off-duty, in such a manner as to reflect most favorably on the UPPD. Off-duty police officers 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 off-duty officers, and confusion for those on-duty officers arriving at the scene trying to correctly assess the facts. In order to promote safety and the most efficient operations, it is the policy of the UPPD to determine and regulate those situations and locations within which a sworn member of the UPPD is permitted to make an arrest while off-duty.

III. Scope

This directive shall affect all sworn police officers.

IV. Definition

Personally Involved: Where the off-duty police officer, a family member, or a friend becomes engaged in a dispute or incident with the person to be arrested or any other person connected with the incident. This does not apply to situations where the police officer himself/herself is a victim of a crime.

V. Procedures

A. Off Duty Conduct

1. All University of Pennsylvania Police Department (UPPD) personnel shall conduct themselves, at all times, both on and off duty in accordance with the UPPD Code of Conduct and all applicable UPPD directives. UPPD personnel should not conduct themselves in such a

manner that could bring the UPPD into disrepute or that which reflects discredit upon the employee or the UPPD or the Division of Public Safety.

2. All University of Pennsylvania Police Department employees shall immediately notify on an on-duty UPPD supervisor of any unusual activity, situation, or problem in which they are involved or with which the UPPD would logically have an interest.
3. All University of Pennsylvania Police Department personnel should carry their badge and UPPD and MPOETC identification cards on their persons at all times, except when impractical or dangerous to their safety or to an investigation. Officers who elect to carry a firearm while off-duty, must carry their badge, UPPD and MPOETC identification cards. They shall furnish their name and badge number to any person requesting that information when they are acting in any official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.
4. Any University of Pennsylvania Police Department employee who is involved as a witness, victim, or suspect in any situation under investigation by any law enforcement agency, shall immediately notify an on-duty supervisor.
5. Any member of the UPPD involved in any off-duty incident in while taking official action must notify an on-duty UPPD supervisor immediately upon the safe conclusion of the instant incident.
6. UPPD personnel having formal contact with other law enforcement/judicial agencies, or acts in any official capacity as a law enforcement officer must immediately notify an on duty UPPD supervisor when safe.
7. UPPD employees have an ethical duty to immediately report to their supervisors any unlawful acts committed on or off duty by an employee.
8. Any UPPD employee sued for any act shall report this fact in writing to the Superintendent of Police through the chain of command not later than the first work day following the date they are aware of their involvement.
9. UPPD personnel while off-duty, shall refrain from consuming intoxicating beverages to the extent that it discredits the UPPD.
10. UPPD personnel are prohibited from appearing or testifying as a character witness for any defendant in any trial and/or inquiry, whether criminal or civil, without the expressed permission of the Superintendent of Police.
11. While off-duty, it is the responsibility of the police officer to immediately report any suspected or observed criminal activities to on-duty authorities within the appropriate jurisdiction.
12. Except as allowed by this directive, off-duty UPPD officers should not enforce summary offenses or minor violations such as harassment, disorderly conduct or other quality of life offenses. On-duty authorities shall be contacted to respond to the situation where an off-duty officer becomes aware of such violations.

13. Where an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures including notification to an on duty UPPD supervisor upon the safe conclusion of the incident.

B. Liability Protection

Police officers of the UPPD have liability protection for the on and off-duty performance of official duties. This protection does not extend to willful acts that cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with law, or the established policies, directives or customs of this Department.

C. Permitted Off-Duty Arrests

1. When off-duty, and within the legal jurisdiction of this police department, a police officer may make an arrest only when:
 - a. the arresting officer is not personally involved in the incident underlying the arrest;
 - b. there is an immediate need for the prevention of a felonious crime or apprehension of a suspect;
 - c. the crime would be charged as an incarcerating offense requiring a full custodial arrest; and
 - d. the arresting officer is in possession of appropriate police identification as indicated in this directive.

D. Prohibited Off-Duty Arrests

1. Police officers of this department may not make an arrest off-duty when:
 - a. the arresting officer is personally involved in the incident underlying the arrest;
 - b. engaged in off-duty employment of a non-police nature, and the officer's actions are only in furtherance of the interests of the private employer; or
 - c. the arrest is made solely as enforcement of a minor traffic regulation. Despite the fact that a police officer has police powers and responsibilities 24 hours a day throughout the UPPD's jurisdiction, the off-duty officer should not enforce minor traffic regulations.

E. Departmental Notification

1. Any police officer involved in an off-duty incident or arrest, as outlined above, shall notify his/her immediate supervisor as soon as practical.
2. The immediate supervisor shall notify the Superintendent of Police via the chain of command.

F. Reporting Requirements

1. Officers involved in an off-duty arrest within the UPPD's jurisdictional boundaries shall complete all required UPPD and Philadelphia Police Department (PPD) reports.
2. Officers involved in an off-duty arrest outside of the UPPD's jurisdictional boundaries shall complete all pertinent reports as required by the police agency with jurisdictional authority.

- a. In addition, the involved off-duty officer shall prepare an Interoffice Memorandum (UPPD-28) addressed to the Superintendent of Police and forward same via his/her chain of command.

G. Compliance

Violations of this directive, or portions thereof, may result in disciplinary action.

H. Officers Assigned To Other Agencies

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this directive.

I. Application

This directive constitutes department policy, and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employer's or employee's legal duty as imposed by law. Violations of policy will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.