

Event 2 - Force Options
Session 1 – Off Duty Actions
LD 20 – Use of Force/De-Escalation

Date Revised: 10/17/19

Course Goal: To provide recruit officers with the knowledge and understanding of their responsibility when off duty.

Module Goal: To teach recruit officers the law and the department policy while off duty. Additionally, the recruit will understand the Officer’s liability and the liability of the city if involved in an off-duty incident.

Learning Objectives:

- Officer’s responsibility when off-duty
- The Department policy guiding an officer’s decision to take or not take action
- Federal and state law as to an officer’s authority when off-duty
- Interacting with uniformed officers while off-duty
- Factors an officer should consider before becoming involved in any law enforcement action while off-duty **[23.IV.B]**
- Select appropriate actions when encountering a plainclothes/undercover officer while on patrol **[21.II.F]**

Module Time: 2 hours

Resources:

- Classroom with tables
- Dry-erase pens
- Projector with computer connections
- Power Point (Off Duty Actions)
- Video (Jerry Slagle Incident)
- Video (Case study encountering on duty officers)
- Off Duty Actions handout

Module Summary: The instructor will begin by showing part 1 of the Slagle incident. The students will discuss a response plan. The students will then learn California Law and Department Policy in regards to being off duty. The students will develop a new response after learning the law. The students will watch part 2 of the Slagle incident. The students will learn what to do if they are in uniform and are confronted with a plainclothes/undercover officer. The students will learn about equipment not carried off duty. The students will be shown different holsters to conceal their weapons and the importance of carrying your pistol with your police ID. The instructor will have a facilitated discussion with regards to clothing worn off duty and the perception it could have on the community and their peers. The class will end with part 3 of the Slagle video.

Outline	Instructor Notes
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<p>I. Off Duty Actions</p> <p>A. The Jerry Slagle Incident</p> <p>1. California Statute and Department Policy</p> <p>a. LAPD Manual Section 1/230.10 RESPONSIBILITY OF OFF-DUTY OFFICERS. (Weave in Core Value: Service to Our Community)</p> <p>1) Under California law, both on and off duty officers have peace officer authority as to any public offense committed or which there is probable cause to believe has been committed in his presence and with respect to which there is immediate danger to person or property, or the escape of the perpetrator of such offense.</p> <p>2) On duty officers outside the City limits who are not acting within the scope of their employment as Los Angeles Police officers on matters of direct concern to the City and Off Duty Officers both inside and outside of the City limits are to give first consideration to causing the appropriate action to be effected by the responsible law enforcement agency.</p> <p>b. Such officers should then act only after consideration of the tactical situation and of their possible liability and that of the City of Los Angeles [1]</p>	<p>Show Part 1 of the Jerry Slagle Incident</p> <p>Video: Slagle Video series (3 parts). The video series depicts off-duty Deputy Sheriff Gerald Slagle taking action during a robbery in progress in November of 1979. The incident resulted in his daughter, Jennifer who was 3 years old at the time, being mortally wounded. Instructors should not discuss with the class what occurred during this incident until the conclusion of the video series. The video allows for an interactive discussion of officer actions during the proposed incident.</p> <p>Have students develop a response plan of what they would do if you were involved in the same scenario. 4 min</p> <p>Have a facilitated discussion regarding each groups response</p> <p><i>After learning the California law and department policy have the students re-evaluate their original response plan. 4 min</i></p> <p>[1] Ask the class what they have learned in regards to “taking action.”</p> <p>Have a facilitated discussion regarding each group’s new response plan. 4 min</p> <p>Show Slagle part 2</p>
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<p>c. LAPD Manual Section 1/230.15 NO PEACE OFFICER AUTHORITY OUTSIDE OF STATE [2]</p> <ol style="list-style-type: none">1) Peace officer powers of Los Angeles police officers do not extend beyond this State except as provided for in the Uniform Act on Fresh Pursuit2) Officers who are outside the boundaries of this State for extradition or other matters of direct concern to the City, are not to engage in police activities unless necessary in the performance of their duties as an agent of the City, and then only after consideration of the tactical situation <p>d. OUT OF STATE TRAVEL-Federal Law</p> <ol style="list-style-type: none">1) In 2004, Congress passed the Law Enforcement Safety Act to amend title 18, section 926, of the United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns (with certain exceptions).2) Legal for sworn peace officers, both active and retired to carry concealed weapons in all fifty states Note: Prior to traveling to another state; verify states and local legal amendments to Title 18.3) Carrying weapons into a foreign country may subject you to legal ramifications (i.e. arrest	<p>[2] Ask- Do Los Angeles Police Officers have peace officer authority outside the state of California?</p> <p>Ask- the learning teams “What have we learned?” Be a good witness!</p>
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<p style="text-align: center;">and/or imprisonment)</p> <p>II. Factors an officer should consider before becoming involved in any law enforcement action while off-duty [23.IV.B] 15min</p> <p>A. Equipment [3]</p> <p>1. Equipment Generally Not Carried Off Duty [4]</p> <ul style="list-style-type: none">a. Officers do not usually have the appropriate tools to take action when off-dutyb. Usually no extra ammunitionc. Usually not armed with full-sized duty weapond. No radioe. No handcuffsf. No police vehicleg. No uniform or badgeh. No body armori. No helmetj. No MDCk. No shotgun, TASER, O/C, Beanbag, Patrol Rifle, 40mm, etc.l. No backup/partner officer <p>B. Importance of carrying an identification card and badge off duty</p> <p>INCIDENT: Deputy Shane York, an off-duty LASO incident, August 16, 1997 [5]</p> <ul style="list-style-type: none">a. Deputy York was off-duty with his fiancée in a beauty shop in Buena Park when two suspects entered and robbed the locationb. The suspects ordered all occupants to the ground and as they rifled through the victims' personal	<p>[3] Ask- What equipment, resources, and partnerships does an officer have while on-duty?</p> <p>[4] Ask- “What equipment and resources does an officer have while off-duty?”</p> <p>[5] Ask- Should an officer carry a badge and identification card off duty?</p>
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<p>belongings. One of the suspects discovered Deputy York's badge in his wallet that was designed to accommodate a badge and police ID card.</p> <p>c. Even though York was polite and posed no immediate threat, one of the suspects shot him in the back of his head. Deputy York was unarmed.</p> <p>d. Holster Types [6]</p> <p>1) Ankle holsters</p> <p>a) Easy to conceal</p> <p>b) Difficult to draw quickly</p> <p>c) Limits size of weapon</p> <p>2) Waistband holster</p> <p>a) Able to draw quickly</p> <p>b) Easy to control weapon</p> <p>c) Clothing considerations to conceal weapon</p> <p>3) Shoulder holster</p> <p>a) Able to draw quickly</p> <p>b) Clothing considerations to conceal weapon</p> <p>e. Extra ammunition (magazine)</p> <p>1) Should be carried on the person, or in a location that is easily accessible</p> <p>III. Clothing</p> <p>A. Clothing and identifiable logos off-duty [7]</p> <p>1. Department Policy</p> <p>a. The Los Angeles Police Department does not have policy specifically restricting or outlining what kind or</p>	<p>[6] Ask- Where is the best place to carry your off-duty weapon and ammunition?</p> <p>[7] Ask- Does what you choose to wear have an effect on your safety and career?</p> <p>(Show pictures of clothing)</p>
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<p>type of clothing and attire an officer chooses to wear when off-duty.</p> <p>b. Officers are reminded that their specific choices of off-duty clothing can have unintended effects or create safety hazards.</p> <p>2. Type of Clothing that identifies an officer and/or can be perceived as a gang member</p> <p>a. Shirt with a LAPD unit or enforcement activity logo (ex. specific Division Gang Unit)</p> <p>b. Recruit officer uniform (light blue)</p> <p>c. Recruit officer physical training uniform (sweatshirt with name printed)</p> <p>d. Shirt with a law enforcement field related logo (ex. Baker To Vegas)</p> <p>e. Clothing with extreme views or controversial viewpoints (logos related to hate crimes)</p> <p>f. Clothing associated with gang clothing or style of dress (logos related to gang or criminal activity)</p> <p>g. Clothing which does not adequately conceal a firearm if carried off-duty (tight or thin shirt)</p> <p>3. REVIEW</p> <p>a. Being a Los Angeles Police Department officer has responsibilities that other professions may not have.</p> <p>b. A single officer's conduct can reflect on the entire profession of peace officers.</p> <p>B. Video Vignette (Interaction with on duty officers)</p> <p>Video: Show the video: Case Study. This</p>	<p>Ask-What would a member of the public think or assume when wearing certain clothing?</p> <p>Ask- What would a criminal think or assume?</p> <p>Show video: Case Study. This video sets up a situation where an off-duty officer detains a</p>
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<p>video sets up a situation where an off-duty officer detains a suspect at gun-point. Uniformed officers respond to the location and begin to interact with the off-duty officer.</p> <p>Off-Duty Interaction with On-Duty Officers: [8]</p> <ol style="list-style-type: none">1. Display your badge or police Identification clearly to responding on duty officers2. Off duty officers should never be armed with a firearm without the proper identification3. If your weapon is still exposed, immediately re-holster it upon the officer's arrival unless doing so would put you, responding officers, and innocent bystanders in jeopardy. Until the officers sort out who's who, your gun is probably your greatest personal liability in the presence of arriving officers4. If you have cover, maintain it, and communicate verbally from there5. If circumstances allow, make your hands visible. Allowing responding officers to see that you are unarmed and non-threatening will work to calm them and protect you.6. Verbally identify yourself as an off-duty police officer REPEATEDLY and VERY LOUDLY. Keep identifying yourself as a police officer until acknowledged by the officers.7. Obey all commands given by officers.	<p>suspect at gun-point. Uniformed officers respond to the location and begin to interact with the off-duty officer.</p> <p>[8] Ask- "what would you do and not do?"</p> <p>Develop a response plan listing all of the actions that the off-duty officer should do. Develop a response plan listing all of the actions which the off-duty officer should not do." 5 min</p>
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<p>Expect to be treated like a suspect and possibly handcuffed until your law enforcement status can be verified</p> <p>8. NEVER, EVER turn toward an officer with an exposed firearm</p> <p>C. What if you were the police and you encountered a plainclothes/undercover officer? [21.II. F] 10min</p> <ol style="list-style-type: none">1. If an encounter takes place, the officer should take all necessary measure to avoid drawing any attention to the plainclothes or undercover officer. [9]2. Officer should not show any indication of recognition toward the plainclothes/undercover officer.3. All contact should be initiated by the plainclothes/undercover officer. These officers will base their response on the tactical situation, their level of involvement in the investigation, and other considerations.4. If the plainclothes/undercover officer does not acknowledge the officer, the officer should act toward the plainclothes/undercover officer as they would any other citizen that they do not know.5. If the plainclothes/undercover officer is contacted while being part of a group which is under investigation or in contact with officers, all officers should treat the plainclothes/undercover officer in the same manner as they	<p>[9] Ask- While on patrol what measures should you take if you encounter a plainclothes/undercover officer?</p>
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<p>would all other members in the group.</p> <ol style="list-style-type: none">a. Maintain cover position [10]b. Conduct a pat down searchc. Complete a field Interviewd. Want/Warrant check <p>6. Plainclothes/undercover officers will follow their guidelines on maintaining their cover during contact with other officers.</p> <p>7. Allow the plainclothes/undercover officer to determine at what point they will reveal their identity to the other officers.</p> <p>8. After they identify themselves, plainclothes/undercover officers will advise uniformed officers of methods to verify their identity. Plainclothes/undercover officers have established procedures in verification and are trained in dealing with uniformed officers.</p> <p>D. NOTIFICATIONS</p> <ol style="list-style-type: none">1. Contact supervisor from division or assignment, or2. Contact the Department via the Department Operations Center (DOC) at (213) 484-6700<ol style="list-style-type: none">a. Reason for notificationb. Name of the involved officer(s)c. Request that all other appropriate notifications be made (division of assignment, Commanding Officer etc.) <p>E. REINFORCE KEY LEARNING POINTS:</p> <ol style="list-style-type: none">1. Officers should seriously consider the	<p>[10] Ask- If the plainclothes/undercover officer is contacted while being part of a group which is under investigation how should you treat the plainclothes/undercover officer?</p>
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<p>ramifications prior to becoming actively involved in an off-duty incident (tactical situation, liability, injury/ death)</p> <ol style="list-style-type: none">2. If possible, the officer should be a “good witness” and contact the responsible agency3. Officers should become actively involved only as a last resort and when all other reasonable options have been exhausted <p style="text-align: center;">It is the officer’s personal decision whether to carry a badge, identification card, or firearm off duty. The officer should take into consideration that these items be carried in manner that does not jeopardize the officer’s safety</p> <p>F. Video Vignette (Slagle Part 3)</p>	<p>Facilitated discussions reinforcing key learning points</p> <p>End the class showing Slagle part 3</p> <p>Part 3 depicts the LASD deputy’s plea to all off duty officers to think about the ramifications prior to becoming actively involved in an off-duty incident.</p>
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