



Off-duty interventions

Policy statement and principles

What

Off-duty constables frequently come across offending and situations where it may be necessary to intervene.

Why

The powers and responsibilities of constables apply 24 hours a day and nothing prevents an off-duty constable from taking lawful, appropriate and justified action in situations where they believe intervention or assistance is necessary in the circumstances.

How

- Where practicable it is preferable to observe and call in on-duty staff to deal with the incident.
- Before you decide to intervene ensure that you consider the TENR principles (Threat, Exposure, Necessity, and Response).
- Try to be adequately equipped or consider whether you put your own safety and the safety of others at risk.
- Follow normal Police procedures (as far as they can be in the circumstances) until the time that you can hand the suspect over to on-duty officers, particularly if you make an arrest

Use sound judgement

Before you decide to intervene you need to consider the TENR principles (Threat, Exposure, Necessity, Response).

Sound judgement and discretion must be applied to determine whether it is appropriate to intervene or provide assistance in the particular circumstances. Where practicable call for assistance by reporting the incident to a Communications Centre and identify yourself as a constable to the call taker.

Consider these factors

Consider these factors before you act:

- How serious is the offending. Is there a real danger of injury to any person or serious damage to property?
- Are you adequately equipped or will you put your own safety or the safety of others at risk if you intervene?
- Does action need to be taken immediately to resolve the situation or can it wait for on-duty constables to arrive?
- Will your actions breach the law in any way?
- Have you consumed alcohol, used medication or is there anything else that could hinder you from safely and effectively intervening or assisting? Constables should recognise the impact this may have on their decision making.
- Consider calling the Communications Centre to request on-duty assistance or to seek a supervisor's advice before intervening.
- Are there any members of the public who can assist you until on-duty constables arrive?

Note: The key question is whether you can safely and effectively intervene or assist.

If you decide to intervene

Once you've decided to intervene or provide assistance, it is recommended you:

- seek on-duty constables and/or other emergency assistance as soon as is practical, or ask a member of the public to do so
- follow normal Police procedures (as far as they can be followed in the circumstances) until the time the suspect is handed over to on-duty constables, particularly if you make an arrest
- if practical, present your Police identification, or clearly identify yourself to the offender and any bystanders as an off-duty constable as soon as possible
- continually re-assess the situation and withdraw if it becomes difficult to safely and effectively resolve the situation
- on arrival of on-duty constables, identify yourself and comply with any directions they give you.

Warning: If you have to use reasonable force, be aware of the increased risk of positional asphyxia when restraining a suspect without handcuffs while you are waiting for on-duty Police to arrive.

On-duty constables assume responsibility

On-duty constables must:

- take over responsibility of the incident as soon as they arrive

- take notebook entries of every incident they attend when an off-duty officer is involved, even if no arrest is made
- treat the off-duty constable as a witness and take a formal statement - not a self prepared statement.

Supervisor responsibility

If an off-duty constable has used force in an incident, the duty supervisor must attend the incident to assess the intervention of the off-duty constable and whether there are any risks or issues requiring attention

Arrest

If an arrest has been made, the off-duty constable must hand over custody to the on-duty constables who will take ownership of the arrest and subsequent prosecution/warning.

Unless impractical, the off-duty constable should not travel in the same vehicle as the suspect. When the off-duty constable returns to the station; they must have no contact whatsoever with the offender whilst in custody.

Reporting use of force/tactical options use

Off-duty constables identifying themselves as Police constables, and intervening or assisting in any incident, must report the use of force in the same way that they would as if on-duty.

The 'Use of Force' chapter of the Police Manual outlines what use of force/tactical options use must be reported in a Tactical Options Reporting (TOR) form (i.e. reportable force).

Constables who use reportable force off-duty must submit a TOR () form to their supervisor before the end of the day in which they used force, or with the incident supervisor's approval, within 3 days/72 hours of the incident.