



Sheridan Police Department
Policies and Procedures
10.1 Replaces 405
Chapter 10 – Search & Seizure
Section 1 – Arrests

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Signature:

Depriving a person of liberty is one of the greatest powers that citizens provide the police. It is the responsibility of the police to use the power responsibly and in strict conformance with laws of arrest.

Definition

- Forfeit offenses - Those misdemeanor offenses listed as forfeit offenses on the Uniform Bail and Forfeiture Schedules adopted by the Wyoming Supreme Court.
- Probable Cause - Probable cause to arrest without a warrant exists when the facts and circumstances within the knowledge of the arresting officer together with facts and circumstances about which the officer has trustworthy information are sufficient to justify a reasonably cautious or prudent person in the belief that the person to be arrested has committed or is committing an offense.
- Minor - An individual who is under the age of 18 years.
- Status Offense - An offense which, if committed by an adult, would not constitute an act punishable as a criminal offense by the laws of Wyoming or a violation of a municipal ordinance.

10.1.1 Arrest Authority

- A. The authority for police officers to make arrests is established in Wyoming Statute 7-2-102 which provides:
1. A peace officer may arrest a person when the officer has a warrant commanding that the person be arrested or the officer has reasonable grounds for believing that a warrant for the person's arrest has been issued in this state or in another jurisdiction;
 2. A peace officer may arrest a person without a warrant when:
 - a. Any criminal offense is being committed in the officer's presence by the person to be arrested;
 - b. The officer has probable cause to believe that a felony has been committed and that the person to be arrested has committed it; or
 - c. The officer has probable cause to believe that a misdemeanor has been committed, that the person to be arrested has committed it and that the person, unless immediately arrested:
 - i. Will not be apprehended;
 - ii. May cause injury to himself or others or damage to property; or
 - iii. May destroy or conceal evidence of the commission of the misdemeanor.

- B. Arrests without a warrant may be made regardless of whether the violation was committed in the presence of a police officer in cases of domestic violence and protection order violations. Details are contained in the domestic violence policy (chapter 28 section 4).

10.1.11 Arrest Alternatives

The Sheridan Police Department's policy is to make physical arrests when appropriate. Officers are encouraged to consider alternatives to arrest when possible. The use of warnings, referrals, and informal resolutions may be used when, in the officer's discretionary judgment, it is the most reasonable alternative for the offender and the violation. See Chapter 2 Section 3, Discretion & Diversion for additional information on discretion.

10.1.12 Arrest by Private Person

- A. The authority for a private person to make an arrest is established in Wyoming Statute 7-8-101 which provides a person who is not a peace officer may arrest another for:
 - 1. A felony committed in his presence;
 - 2. A felony which has been committed, even though not in his presence, if he has probable cause to believe the person to be arrested committed it; or
 - 3. The following misdemeanors committed in his presence:
 - a. A misdemeanor theft offense defined by W.S. 6-3-402; or
 - b. A misdemeanor property destruction offense defined by W.S. 6-3-201.
- B. An officer having contact with a private person, who has made an arrest or wishes to make an arrest, must determine whether or not there is probable cause to believe that such an arrest is lawful.
 - 1. Should an officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain the individual beyond that which is reasonably necessary to investigate the matter to determine the lawfulness of the arrest.
 - 2. If a private person demands an arrest, and the officer determines there is no probable cause to support the arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a report.
 - 3. Any private person's arrest where a suspect is in physical custody, and the officer has determined that the arrest is unlawful, should be received by the officer and promptly released. The officer must include the facts and reasons for the arrest and release in a report.
 - 4. Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may:
 - a. Take the individual into physical custody for booking; or
 - b. Release the person pursuant to a citation.
- C. In all circumstances in which a private person is claiming to have made an arrest, the officer shall complete a report regarding the circumstances and disposition of the incident.

10.1.2 Citations

- A. Rule 3.1 of the Wyoming Rules of Criminal Procedure provides authority to release a person who has been taken into custody for a misdemeanor by issuing the arrestee a citation to avoid further detention. Officers may, after researching further information about the violator,

contact the detention officer and advise them the arrestee is authorized for release. If the person to whom the citation is issued signs a promise to appear in court to answer to the offense charged, the person shall then be released from custody. Officers should consider the following in affecting an early release situation:

1. The nature and circumstances of the offense charged, including whether the offense is a crime of violence;
 2. The history and character of the person, especially as to whether the person is likely to appear in court or not;
 3. The nature and seriousness of the danger to any person or the community that would be posed by the person's release; and
 4. Whether the person is on probation, parole, or any other court ordered restriction.
- B. Wyoming Statute 7-2-103 authorizes police officers to issue citations as charging documents for misdemeanors in lieu of making a physical arrest as an alternative to pre-arraignment confinement.
1. A citation may be issued as a charging document for any misdemeanor which the issuing officer has probable cause to believe was committed by the person to whom the citation was issued.
 2. A person may be cited and released if, after investigation, it appears that the person:
 - a. Does not present a danger to himself or others;
 - b. Will not injure or destroy the property of others;
 - c. Will appear for future court proceedings; and
 - d. Is willing to accept the citation, thereby promising to appear in court at the time and on the date specified in the citation.
- C. Wyoming Rules of Criminal Procedure 3(b)(3) prohibits the use of a citation as a charging document for juveniles under the age of 13 for a misdemeanor punishable by imprisonment for more than six months. Wyoming Statute 14-6-203(d) gives the juvenile court exclusive jurisdiction in those cases.
- D. Wyoming Rules of Criminal Procedure 3(b)(3) requires a citation state:
1. The name of the court where it is to be filed;
 2. The names of the state or municipality and the defendant;
 3. For each count, a reference to the statute, ordinance, rule, regulation or other provision of law which the defendant is alleged to have violated;
 4. The date and time the defendant must appear in court; and
 5. Whether a court appearance may be avoided by paying a fine and costs or forfeiture of bail.
- E. Officers may, at their discretion, require violators to appear in court by checking the must appear box on the citation. Officers should not randomly select persons to appear in court unless there are compelling facts to show the violator may benefit from seeing the judge (i.e. - incidents when the violator may lose driving privileges if they receive another citation, incidents of violence in and around the schools, a history of receiving forfeitable charges).
- F. Arraignments must be set at least 5 days after the citation is served, unless the defendant requests otherwise. Additionally:
1. Citations issued to juveniles must be set for arraignment at least 21 days after the citation is served to allow for the single point of entry assessment required by Wyoming Statute 14-6-203(f).

2. Circuit Court judges accept a limited number of cases and notify the police department of the next available court date.
- G. Any officer may serve the violator with the citation. For situations where the officer making the charge is not the same as the officer serving the ticket, the serving officer will sign or initial below the charging officer and note the date and time service is made. The serving officer shall notate these details in the appropriate report. Civilian staff will not serve citations on behalf of officers.

10.1.3 General Rules of Arrest

- A. Officers are expected to familiarize themselves with the laws governing arrests and shall make arrests in strict conformity with those laws.
- B. Officers shall not make arrests based on or affected by a person's sex, race, color, general or assumed attitude, ethnic origin, disabilities, or sexual orientation.
- C. An officer who has taken a person into custody shall be responsible for the proper safeguarding of the person and his or her property.
- D. Officers will not physically mistreat or verbally harass any individual that they take into custody. No employee shall use uncomplimentary terms of speech or actions in referring to any prisoner or intentionally antagonize any person.
- E. Medical treatment will be offered when an arrestee becomes sick or is injured.
 1. If a prisoner becomes sick or is injured at the point of arrest or during transport, medical attention should be immediately sought. The severity of the illness or injury will determine the course of action to be taken.
 - a. Paramedics shall be called to the scene, whether in the field or at book-in, to evaluate any apparent serious or life threatening illness or injury;
 - b. Injured or ill prisoners not requiring transport by ambulance may be taken to the hospital for evaluation;
 - c. If the injury or illness is minor, the prisoner may be transported to book-in for evaluation there.
 2. Prisoners, regardless of the illness or injury, should be closely guarded for possibilities of escape, suicide, or injury to others. Restraints should only be removed if necessary for treatment or if their presence serves to worsen the prisoner's physical condition.
 3. When a prisoner is transported to a medical facility, the officer will immediately advise the shift supervisor. If the prisoner is admitted to the hospital the supervisor will arrange for release or ensure control of the prisoner if continued custody is required.
 4. Treatment for illness or injuries that occur prior to or during the arrest will be at the expense of the person being arrested.
- F. Employees shall not suggest, recommend, or advise the retention of any attorney or bondsman to any person coming to their attention as a result of the employee's official duties.

10.1.4 Arrest Procedures

- A. When making an arrest, officers should be firm and calm. They should:
 1. Identify themselves and show identification if not in uniform;
 2. Inform the subject he or she is under arrest;
 3. Inform the subject of the charge(s).
- B. In the arrest, transportation, and detention of suspects, officers will take precautions to prevent escape, injury to themselves and others, and damage to property. When making an arrest, officers will search suspects carefully and will immediately take possession of all

weapons and evidence. If, for any reason, suspects cannot be thoroughly searched before being turned over to another officer, the arresting officer will, without fail, make this fact known to the officer receiving the prisoner.

- C. An officer making an arrest shall transport the prisoner or cause him to be transported to the jail to be booked without unreasonable delay. Officers will minimize the amount of time a prisoner is kept handcuffed and in the back seat of a patrol vehicle.
- D. An officer making an arrest shall complete a report regarding the circumstances of the incident.

10.1.41 Arrests with a Warrant

- A. Law enforcement officers may arrest a person pursuant to a valid arrest warrant at any place within the officer's jurisdiction whether or not they have the warrant in their possession. Officers shall ensure that the person named in the warrant is the same individual to be arrested by comparing identifying information such as date of birth and social security number or comparing the physical appearance of the individual with the description.
- B. For warrants not in their possession, officers should:
 - 1. Obtain confirmation of the warrant's validity through the dispatcher;
 - 2. Inform the person arrested that the warrant has been issued, advise the arrestee of the offense charged and serve the warrant on the person as soon as possible as required by Wyoming Rules of Criminal Procedure 4(c)(3).
- C. Officers receiving warrant confirmations from another jurisdiction will contact, or have a communications technician contact the agency of jurisdiction, notifying the agency of the arrest of the defendant.
- D. Wyoming Statute 5-6-115 allows a municipal judge to issue a statewide bench warrant for violation of a municipal ordinance which contains the same elements as a comparable state statute. Such warrants shall be addressed to "...any peace officer in the State of Wyoming." Deputies of the Sheridan County Sheriff's Department may arrest on warrants with such wording and on arrival at the detention center may call for a Sheridan police officer to serve the warrant. Only certified police officers may serve arrest warrants.
- E. In general, forcible entries to affect a warrant arrest will not be made by members of the police department, unless there exists exigent circumstances or other known facts that make forcible entry a reasonable and prudent option. In those cases where forcible entry is being considered as a final option, a commanding officer (Lieutenant or above) will be notified. Entry will be made only with a commanding officer's approval.
- G. If there is a warrant for a subject and the officer knows the subject is in another person's home, forcible entry is not permitted. Unless the owner or someone allowed to grant permission is present and permits entry, a search warrant would be required to gain entry.

10.1.42 Use of Handcuffs and Restraints

- A. Handcuffs
 - 1. Handcuffs shall be chained or hinged and black or silver. They shall be capable of being double locked and of being unlocked with a standard handcuff key.
 - 2. For the safety of the arrested person, officers and others, all arrestees should be handcuffed behind their backs with palms facing out when taken into custody and remain handcuffed until turned over to the detention center staff.

- a. Officers may choose to handcuff hands in front or secure the arrestee in another manner if the arrestee has a physical impairment, medical condition or injury that may make handcuffing impractical or injurious to the arrestee.
 - b. If the arrestee is being interrogated, the handcuffs may be removed while in an interview/interrogation room.
 - c. It may be necessary to remove handcuffs from a detainee for testing purposes or the recovery of evidence.
 3. When a suspect is handcuffed, the cuffs will be properly adjusted and double locked. Double locking reduces the chance of picking the lock or of accidentally tightening, further restricting circulation or causing inadvertent harm.
 4. The officer should inform the arrested person that any resistance or unnecessary movement might cause discomfort not ordinarily associated with the application of handcuffs.
 5. To avoid risk of permanent injury, the officer may loosen the handcuffs of any prisoner in unusually severe pain because of the handcuffs. The officer should then consider other measures of restraint, including body belts, the use of plastic “flex cuff” handcuffs, handcuffing the person in front, but through a belt loop or belt to further restrict movement, or other reasonable measures to restrain the arrested person's hand movements.
 6. Prisoners should not be handcuffed to any part of any vehicle or to any other fixed object such as a door or pipe unless specifically designed for such purpose.
- B. Body belt (when available)
The body belt allows the officer to handcuff the prisoner in front yet restricts the movement of the prisoner's arms and hands. Normally, this device will be used when transporting prisoners for court appearances or considerable distances.
- C. Ankle shackles (when available)
Ankle shackles shall be used by officers when transporting any prisoner they have reason to believe might be an escape risk.
- D. Plastic handcuffs (flex cuffs)
Flex cuffs may be used when officers take into custody several prisoners, or when a prisoner requires multiple restraints.
1. Flex cuffs shall be department issued and shall only be removed with a key or approved flex cuff cutter.
 2. Flex cuffs must be applied tight enough to secure the wrists but not so tight they cause a constriction of blood flow. Arrestees in flex cuffs shall be monitored closely to reduce the possibility of injury.
- E. Under no circumstances may an officer use a restraint, or apply a restraint in such a manner that would allow or cause serious bodily harm and/or death to the arrested person. If necessary, additional officers may be required for the sole purpose of transporting a violent prisoner.
- F. The prone restraint, commonly referred to as the “hog-tie” restraint, (suspect is prone with hands and ankles bound together from behind) shall not be used. As soon as any suspect who is lying on his or her stomach has been handcuffed, officers shall roll the suspect onto his or her side, or place the suspect in a sitting position. Positional asphyxia occurs when the position of the body interferes with respiration. A prone, hog-tied suspect may suffocate. Intoxication, presence of a head injury, obesity, and physical disability are all circumstances that can increase the possibility of suffocation.

- G. Restraints will not be used to lift or carry a prisoner.
- H. Only WLEA taught handcuffing techniques may be used. Officers will maintain physical control of suspects at all times while applying handcuffs.

10.1.5 Transporting Prisoners

- A. All prisoners being transported should be handcuffed. Additional department approved restraint devices may be used to secure a prisoner who violently resists arrest or who poses a threat.
- B. Prior to transport, all prisoners shall be thoroughly searched for any weapons or tools of escape.
- C. Prior to and after transporting prisoners, vehicles shall be inspected as follows:
 - 1. The safety screen shall be securely in place and undamaged;
 - 2. All windows shall be intact and outer door latches in proper working order;
 - 3. Rear seat door handles and window controls are deactivated; and
 - 4. The interior shall be thoroughly searched to ensure that no weapons, evidence or contraband have been left or hidden within the vehicle.
- D. When transporting prisoners, the officer shall provide the communication center with the following information or enter it in the calls radio log:
 - 1. Gender of the arrestee;
 - 2. Whether the arrestee is an adult or juvenile;
 - 3. Starting location and destination of transport; and
- E. When transporting a prisoner, the transporting officer will not divert from the transport unless an emergency exists. If such a situation arises, the officer may stop and render emergency assistance if the risk of serious or fatal injuries is clear and the risk to the prisoner is minimal.
- F. Officers will not engage in a pursuit while transporting a prisoner.
- G. Prisoners shall not be left unattended during transport.
- H. Except for unavoidable contact that one prisoner may have with another secured prisoner, or with transporting officers in the same vehicle, prisoners being transported will not be permitted to communicate or have physical contact with other persons, unless in the transporting officer's judgment, the communication is essential.
- I. Method of Transport
 - 1. Where the vehicle has a security screen, the prisoner shall be placed in the back seat on the right hand side of the vehicle.
 - 2. When the vehicle is not equipped with a security screen and has only one transporting officer, the prisoner shall be placed in the right front seat. Officers are required to use a vehicle equipped with a screen to transport prisoners if available.
 - 3. When a prisoner is being transported in a two-officer vehicle without a security screen, the prisoner shall be placed in the rear seat. The second officer shall sit in the rear seat with the prisoner on the side opposite from the officer's weapon.
 - 4. Leg restraints shall be used when an officer believes the prisoner has a potential for violent behavior.
 - 5. One officer shall not attempt to transport more than one prisoner in a vehicle without a security barrier.
- J. Long Distance Transport
 - 1. While transporting a prisoner, the officer should maintain observation at all times, even when it becomes necessary to allow the prisoner the use of a toilet.

2. In a situation where the observation is not possible, the officer should arrange as much control of the situation as possible. The prisoner should not be allowed in the facility with another person and the officer should ensure that there are no escape routes within the facility and that there are no weapons available to the prisoner.
- K. Escape
1. Any escape shall be reported immediately to the communications center.
 2. In the event a prisoner escapes, assistance will be requested immediately from the jurisdiction the officer is in at the time of escape.
 3. The transporting officer will offer his or her services in order to recapture the escapee as soon as possible.
 4. The transporting officer will submit a written report to the chief of police through the chain of command explaining the circumstances of the escape as soon as practical.
- L. Arrival at Destinations
1. Firearms will be secured in the designated place at the facility being entered.
 2. Restraining devices will be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
 3. The proper paperwork will be submitted to the receiving facility and completed by the officer as needed.

10.1.6 Sheridan County Jail Intake Procedures

- A. When possible, the Sheridan Police Department communications center shall notify the Sheridan County Sheriff's Department that they are bringing an arrestee to the detention center.
- B. Police officers shall transport/escort the prisoner to the breezeway and wait for detention staff at the elevator door.
- C. Once inside the vehicle sally port, all officers must remove all firearms from their person prior to entering the detention center. All firearms shall be secured in firearms lockers. No officer will be allowed admittance to the detention center while armed. In the event that an officer cannot become totally disarmed while in the presence of an arrestee, he should ask a detention officer to meet him at the intake entry door to take custody of the arrestee. Said officer must then completely disarm himself before entering the detention center.
- D. The transporting officer will complete the arrest intake sheet. The original will be left with jail staff and a copy returned to police records.
- E. Arresting officers will notify the detention officer whether the person can be released with a citation or is to be held for arraignment. If the arresting officer notifies the detention officers the defendant may be released, the officer will give general conditions for release (i.e. - after alcohol has dissipated from system, etc.) The detention officer will determine through jail guidelines and the officer's conditions when it is feasible to release a violator.
- F. The officer will leave all applicable paperwork for the arrestee at the detention center. This will include tickets, warrants, etc. for release purposes. The officer should take copies.
- G. A Sheridan Police Department employee shall contact the detention center on normal business days regarding intake and release records that have been completed and are available to be picked up.
- H. Whenever an officer, while making an arrest, employs oleoresin capsicum, an electronic control device, an impact weapon or uses an amount of force capable of causing serious injury, the officer will provide that information to the detention center staff taking custody of the prisoner.

- I. Officers will notify the detention center staff of any information relating to the detainee's suicide potential or other threats or risks to security.
- J. A detention officer shall fingerprint the arrestee and submit the prints on behalf of the Sheridan Police Department.
- K. Prisoners that are incarcerated at the detention center who are due for a municipal court appearance will be arraigned via video arraignment unless the municipal court judge requests the prisoner's appearance in person. When appearing in person:
 - 1. It shall be the Sheridan Police Department's responsibility to transport the prisoner;
 - 2. A police officer shall accompany prisoners during their court appearance;
 - 3. After court appearances, all prisoners shall be returned to the detention center for further incarceration or release procedures.

10.1.61 Arrest and Incarceration of Juveniles

- A. A minor may be taken into custody by a law enforcement officer without a warrant or court order under the same circumstances that permits the arrest of an adult as described in Wyoming Statute 7-2-102. Additionally taking custody is permitted pursuant to Wyoming Statute 14-6-205 when:
 - 1. There are reasonable grounds to believe the child has violated the terms of an order of the juvenile court; or
 - 2. The minor's conduct seriously endangers the minor or the person or property of others and immediate custody appears necessary.
- B. Wyoming Statute 14-6-206 and 7-1-108 prohibits placing a minor who has been taken into custody in a detention facility or shelter care without a court order unless detention or shelter care is required to:
 - 1. Protect the minor from himself;
 - 2. Protect the person or property of others;
 - 3. Prevent the child from absconding or being removed from the jurisdiction of the court; or
 - 4. Provide the child having no parent, guardian, custodian or other responsible adult with supervision and care.
- C. An officer taking a minor into custody shall ensure a Wyoming Juvenile Detention Risk Assessment (JDRA) is promptly performed. Unless overridden by the county attorney, the risk assessment score will determine whether the minor is placed in detention, a detention alternative or released to a suitable custodian.
- D. When a juvenile is taken into custody the juvenile's parents or legal guardian must be notified as soon as possible. Unless the child's detention or shelter care is authorized by a court order or required for one of the reasons in subsection (B) of this section, the child shall be released to the care of a parent, guardian, custodian or other responsible adult upon that person's written promise to present the child before the court upon request.
- E. A minor under the age of eleven years may not be held in a hardware secure juvenile detention facility. If a minor under the age of eleven years poses a substantial risk of harm to himself or others, a peace officer may detain and transport the minor for an emergency mental health evaluation.
- F. As with adults, officers are encouraged to consider the least intrusive among reasonable alternatives when dealing with juveniles. The use of warnings, referrals, and informal resolutions may be used in lieu of arrest when, in the officer's judgment, it is the most reasonable alternative.

- G. A juvenile may not be incarcerated without first contacting the Sheridan County Attorney's Office and securing permission to do so.
- H. The Sheridan County Detention Center will not accept juvenile offenders who are alleged to have committed what are commonly referred to as "status offenses", when the violation alleged is a violation of a municipal ordinance.

10.1.62 Medical Services During Custody/Incarceration.

- A. Sheridan Police Department prisoners will be furnished with basic medical services while incarcerated in the Sheridan County Detention Center. However, if any city prisoner requires medical attention which goes above and beyond that which is accorded under the Sheridan County Sheriff's Department health services agreement, the shift supervisor shall be notified and shall have the option of either arranging for release of the prisoner or authorizing the additional medical services. In the event that the contact person cannot be reached, or in a medical emergency, the Sheridan County Sheriff's Department will follow established guidelines for medical care.
- B. The Sheridan County Sheriff's Department may refuse to accept any City of Sheridan prisoner if, in the opinion of the detention officer, the prisoner is medically unfit to be detained in the detention center without immediate medical attention. It shall be the Sheridan police officer's responsibility to arrange for the prisoner to obtain necessary medical care prior to acceptance by the detention center.

10.1.7 Off-Duty Arrests

Generally, an off-duty officer will avoid becoming involved in an arrest situation, unless the circumstances necessitate involvement to protect property from serious damage or life from injury.

- A. Liability protection: The police officers of this department have liability protection when performing any duties which the department requests, requires or authorizes the employee to perform, regardless of time and place. This protection does not extend to willful acts to cause injury or damage, or to those actions that the police officer knew, or reasonably should have known, were in conflict with law, or established policies or customs of this department. (See Wyoming Governmental Claims Act 1-39-101 to 121 and State Self Insurance Program 1-41-101 to 111.)
- B. Permitted off-duty arrests: When off-duty and within the legal jurisdiction of this department, a police officer may make an arrest only when:
 - 1. The arresting officer, a family member, or friend is not personally involved in the incident underlying the arrest; and
 - 2. There is an immediate need for the prevention of a crime or apprehension of a suspect; and
 - 3. The crime would be charged as a jailable offense requiring a full custodial arrest; and
 - 4. The arresting officer is in possession of appropriate police identification and equipment necessary to make the arrest.
 - 5. Nothing contained in department policy shall preclude an officer from taking reasonable actions as an ordinary citizen in emergency situations for self defense or to defend others.
- C. Off-duty responsibilities:
 - 1. While off-duty, it is the responsibility of a police officer to immediately report suspected or observed serious criminal activities to on-duty authorities.

2. Except as allowed by this policy, off-duty officers should not enforce minor violations such as harassment, disorderly conduct or other quality of life offenses. On-duty personnel shall be contacted to respond to the situation when an off-duty officer becomes aware of such violations.
3. While off-duty, officers will not enforce minor traffic violations unless in a police vehicle with all required equipment.
4. If an arrest is necessary, the off-duty arresting officer shall abide by all departmental policies and procedures.

D. Prohibited off-duty arrests:

Police officers of this department may not make an arrest off-duty:

1. When the arresting officer is personally involved in the incident underlying the arrest;
or
2. When 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.