MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

400 – OFF-DUTY, EXTRA-DUTY AND SPECIAL EVENT EMPLOYMENT

GENERAL ORDER: 2014-67 **ISSUED:** July 30, 2014	**EFFECTIVE:** July 30, 2014	**REVIEWED/APPROVED BY:** Captain Regina Howard **DATE:** June 17, 2014
ACTION: Rescinds General Order 2012-08 (April 30, 2012) in its entirety and re-creates SOP 400 - Off Duty, Extra Duty and Special Event Employment	**WILEAG STANDARD(S): 1.8.1, 2.4.7**	

400.00 PURPOSE

The purpose of this standard operating procedure is to provide guidelines for police and civilian members regarding off-duty and extra-duty employment. These procedures are essential for the efficient operation of the department and maintaining public trust.

400.05 POLICY (WILEAG 2.4.7)

It is the policy of the Milwaukee Police Department (MPD) to allow its members to engage in off-duty and/or extra-duty employment under certain conditions as outlined within this standard operating procedure. Any off-duty, extra-duty or special event employment consideration will be secondary to the mission of the department.

Off-duty, extra-duty or special event employment is not an inherent right, but a privilege that can be granted at the discretion of the Chief of Police. Department members may be given permission to engage in off-duty employment when such employment does not interfere with the performance of their duties and obligations as department members, or conflict with the professional standards and core values of the department.
(WILEAG 2.4.7.1)

Any department member engaging in off-duty, extra-duty or special duty employment shall, at all times, be in compliance with the Code of Conduct and with all department orders, regulations, policies and procedures.
(WILEAG 2.4.7.2, 2.4.7.4)

400.10 DEFINITIONS (WILEAG 1.8.1)

A. CHIEF OF POLICE

The Chief of Police or his/her designee.

B. CONTRACTED SERVICES

The Chief of Police may approve contracts with private entities to provide police services within the scope of City of Milwaukee Municipal Code Chapter 312. Only the Chief of Police shall have the authority to negotiate for any contracted services.

Note: Eligibility for contract service employment is restricted to members that are residents of the city of Milwaukee.

C. EMPLOYMENT

Providing a service, whether or not it is in exchange for a fee or other service. Employment does not include volunteer work for charitable organizations.

D. EXTRA-DUTY EMPLOYMENT

Any employment, which is paid for and contracted by the Milwaukee Police Department that is outside of a member's regularly assigned work hours and is conditioned on the actual or potential use of law enforcement powers by a police member. Extra-duty employment provisions also extend to qualified civilian support staff working outside their normal work hours for contracts involving significant police resources requiring administrative support personnel.

E. OFF DUTY EMPLOYMENT

Off-duty employment is employment separate and detached from the Milwaukee Police Department by a department member who performs services in a non-law enforcement capacity, as approved by the Chief of Police.

F. SPECIAL EVENTS

A special event occurs in a public or private right of way and requires an entity to apply for and receive a special event permit through the City of Milwaukee Department of Public Works. Members may be scheduled extra-duty employment at permitted events and/or the events may be staffed through the use of on-duty police personnel.

400.15 RESTRICTIONS - OFF-DUTY, EXTRA-DUTY & SPECIAL EVENT EMPLOYMENT ELIGIBILITY (WILEAG 2.4.7)

A. ELIGIBILITY

In order to be eligible for off-duty, extra-duty or special event employment, a department member must be in good standing with the agency. Continued

agency approval of a department member's off-duty or extra-duty employment is contingent on good standing.
(WILEAG 2.4.7.3)

1. Commanding officers will provide written notice to the Chief of Police when any member under their command is no longer a member in good standing (e.g. has an unsatisfactory disciplinary record, poor work performance, or poor attendance record). The member's commanding officer shall also notify Tactical Planning and Logistics.

2. The Internal Affairs Division will provide written notice to the Chief of Police when a member becomes the subject of an open internal investigation involving integrity. The Internal Affairs Division shall also notify Tactical Planning and Logistics.

3. Commanding officers and the Internal Affairs Division (when applicable) will provide written notice to the Chief of Police once the member returns to good standing. Tactical Planning and Logistics shall also be notified and will return the member to the eligibility list for extra-duty or special event employment.

B. Police members who have not completed their initial hire probationary period will be ineligible to work off-duty, extra-duty or special event employment during the first sixteen (16) months of hire. Civilian members will be ineligible during the first six (6) months of hire to work off-duty, extra-duty or special event employment.

C. Members that are on medical or other leave due to sickness, limited duty, or an on-duty injury are not eligible to engage in off-duty, extra-duty or special event employment.

D. Prior to obtaining off-duty, extra-duty or special event employment, a department member shall comply with agency procedures for granting approval of such employment or registration for extra-duty or special event employment.

E. Work hours for all off-duty, extra-duty or special event employment must be scheduled in a manner that does not conflict or interfere with the member's regularly assigned shift or performance of their duties.

F. Police members shall be permitted to work up to thirty-two (32) hours bi-weekly (but not more than twenty (20) hours in any one (1) calendar week) on a non-cumulative basis for another business or occupation provided that such employment is approved by the Chief of Police. Such employment may not occur while the member is on sick leave, duty incurred injury leave or during a period of an existing emergency. Such employment may not interfere with the rights of the Chief of Police to schedule or assign overtime.

G. During non-segmented vacation periods, police members shall be permitted to work a maximum of forty (40) hours per week in another business or occupation, subject to the provisions of this Standard Operating Procedure.

H. Department members shall comply with the requirements set forth in the respective labor contracts, if applicable, with regard to off-duty employment.

I. Any off-duty employment that would create a conflict of interest with the duties, responsibilities, and professionalism of the Milwaukee Police Department, or any employment that would reflect unfavorably upon the department or the member is strictly prohibited. Accordingly, the Chief of Police has the right to deny any off-duty employment request that he/she believes is not in the best interest of the MPD.

J. Members are prohibited from engaging in off-duty employment, which includes, but is not limited to:

1. Engagement, acquisition or retention of a financial interest in any business or employment involving investigatory functions, which includes, but is not limited to, private detectives, insurance company investigations or as an investigator for any attorney.

2. Employment that presents a real, potential, or apparent conflict of interest between the member and the interest of the department.

3. Employment in any capacity in which a police member serves or sells beer, wine, or liquor. Civilian members may request such employment provided they are in compliance with other conditions of this policy.

4. Employment at establishments that provide adult entertainment in the form of nude, semi-nude, or topless exhibitions, etc.

5. Employment at establishments that sell merchandise of a sexual or pornographic nature as their primary source of revenue, such as an X-rated video store or bookstore.

6. Any employment that reflects poorly on the department, as determined by the Chief of Police.

7. Working as a security guard, "bouncer," or employment by a private security company, or any business that provides private investigations or background checks.

8. Employment involving any criminal defense work.

9. Employment as a process server, bail bondsman, repossessing property, bill collector, towing vehicles, or any other employment in which police authority might be used to collect money or merchandise for private or commercial purposes.

10. Employment that involves the wearing of a police uniform;

11. Employment involving any civil action or proceeding where the city of Milwaukee or the Milwaukee Police Department is a party;

12. Employment at any establishment where the member is, or should be, aware that the establishment is engaged in or permits criminal activity, or has a history of criminal activities in or directly outside the establishment;

13. Any other law enforcement/corrections agency or contractor of law enforcement/corrections services;

14. Transporting, securing, or protecting money or other valuables (e.g., armored car driver, Automated Teller Machine (ATM) drivers/technicians, etc).

K. A police member engaged in any off-duty, extra-duty or special employment is subject to call-out in case of emergency and may be expected to leave off-duty, extra-duty or special event employment in such situations. (WILEAG 2.4.7.3)

400.20 PROCEDURE FOR OBTAINING APPROVAL FOR OFF-DUTY EMPLOYMENT (WILEAG 2.4.7)

A. Members who wish to be considered for off-duty employment must submit a *Department Memorandum* (Form PM-9E) through the chain of command to the Chief of Police requesting permission for off-duty employment. The memorandum must include the following: (WILEAG 2.4.7.5, 2.4.7.2)

1. The name and address of the business;

2. The type of business;

3. A detailed description of the exact duties that the requesting member would perform;

4. Any known potential conflict of interest, if applicable.

B. The member's commanding officer will make a recommendation for approval or denial based upon the member's work history and performance.

C. Upon reviewing the memorandum and the recommendations of the member's commanding officer, the Chief of Police will either approve or deny the member's request for off-duty employment.

D. Members must receive written approval from the Chief of Police before engaging in any off-duty employment. Any approvals given are valid for a two (2) year period calculated from the approval date. Subsequent approvals for off-duty employment must be filed by the member once notified their approval is nearing the end of the two (2) year approval period.
(WILEAG 2.4.7.1, 2.4.7.3)

E. If any member was approved for off-duty employment and their duties as described in the memorandum submitted to the Chief of Police change before or during the course of such off-duty employment, the member must immediately submit another memorandum to the Chief of Police describing the changes within their off-duty employment. The Chief of Police will then determine if the member may continue off-duty employment.
(WILEAG 2.4.7.3, 2.4.7.4)

F. Permission for a department member to engage in off-duty employment may be revoked where it is determined pursuant to agency procedure that such outside employment is not in the best interests of the agency.
(WILEAG 2.4.7.3)

400.25 CIVIL LIABILITY FOR OFF-DUTY EMPLOYMENT

The Milwaukee Police Department will not accept liability when department members are engaged in off-duty employment. Members engaged in off-duty employment are working outside the limits of their police authority or duty, and are enforcing rules made in the interest of an off-duty employer.

400.30 EXTRA-DUTY AND SPECIAL EVENT EMPLOYMENT (WILEAG 2.4.7)

A. TACTICAL PLANNING AND LOGISTICS RESPONSIBILITIES

1. Tactical Planning and Logistics is responsible for the evaluation and execution of all extra-duty and special event assignments within the Milwaukee Police Department. This office will plan, coordinate, schedule and post all extra-duty and special event assignments.

2. Prior to execution, all contracts for service must:

   a. Be approved by the Chief of Police;

   b. Be 1 year or less in duration and not exceed $50,000 unless approved by the Milwaukee Common Council;

c. Follow all restrictions and provisions within Milwaukee Municipal Code Chapter 312-26 and those contained within this Standard Operating Procedure.

3. Types of extra-duty and special event police services that may be considered by the department for contracting include the following:

   a. Traffic control and pedestrian safety;

   b. Crowd control;

   c. Security and protection of life and property;

   d. Police services for tax-exempt public or quasi-public entities and areas adjacent to such entities.

4. Types of extra-duty and special event police services that shall not be considered by the department for contracting include the following:

   a. Any services that would create a conflict of interest with the duties, responsibilities and professionalism of the Milwaukee Police Department, or any services that would reflect unfavorably upon the department or a member;

   b. Establishments that provide adult entertainment in the form of nude, semi-nude or topless exhibitions, etc.

   c. Establishments that sell merchandise of a sexual or pornographic as their primary source of revenue, such as an X-rated video store or bookstore;

   d. Any establishment where the member is, or should be, aware that the establishment is engaged in or permits criminal activity, or has a history of criminal activities in or directly outside the establishment;

   e. Services with a primary purpose of transporting, securing, or protecting money or other valuables;

   f. Services that involve investigatory functions, which includes, but is not limited to, private detective agencies, insurance companies or law firms;

   g. Any business involving functions in which police authority might be used to collect money or merchandise for private or commercial purposes.

5. Scheduling will be based on the following:

   a. Tactical Planning and Logistics will maintain a list identifying those members who are eligible to work extra-duty and special event assignments. Extra-duty and special event assignments will be equitably distributed to members who request events by using a seniority-based fair sheet system. Priority will be given to members who are on a regular, vacation or holiday off.

   b. Preference may also be given to members that have certain skills associated with a particular assignment, such as the Canine Unit, Major Incident Response Team (MIRT), Motorcycle Unit, bicycle officers etc.

B. TACTICAL PLANNING AND LOGISTICS SUPERVISOR RESPONSIBILITIES

1. Ensure that the proper number of officers and supervisors needed for security, crowd and traffic control, or other duties are assigned.

2. Ensure that consideration is given to the type of event, the number of police officers or civilian personnel that will be assigned and potential concerns or issues that may arise.

3. Provide information to members assigned, such as the type of assignment, the date, time, location, staging area, traffic flow and control, parking, street closures, and all other relevant information to effectively perform the assignment.

4. Coordinate between the MPD and the contracted or permitted entity.

5. Review and evaluation of After Action Reports (AAR) filed by department members and address poor member performance reported by supervisors or from a contracted business or organization. A Tactical Planning and Logistics supervisor shall review the information and conduct a preliminary investigation to determine if the report has merit. Complaints of employee misconduct shall be handled in accordance with Standard Operating Procedures 450 – Personnel Investigations.

6. Review, verification and approval of all submitted overtime cards related to extra-duty or special event employment coordinated by Tactical Planning and Logistics.

7. All other duties as directed by the Chief of Police.

C. REPORTING REQUIREMENTS

Prior to March 1 of each year a report shall be submitted to the Fire and Police Commission of all agreements for extra duty and special event contracts entered into during the prior year, to include all AAR submissions for each site location.

D. EXTRA-DUTY AND SPECIAL EVENT NOTIFICATIONS AND SIGN-UP

1. All extra-duty and special event assignments which are available for sign-up will be posted on the Tactical Planning and Logistics website. Postings will generally be available for sign-up for ten (10) days from the posting date; however, due to the urgency of having to fill last minute requests for police services, some sign-up requests may be posted less than ten (10) days.

2. Members will receive via department email (and/or text messaging if opted in by the member on their profile) all approvals and denials for all events they have signed-up for. An email notification from Tactical Planning and Logistics is the official notification of acceptance or denial for all extra-duty or special event employment. If accepted, the member is considered as scheduled and working that particular detail.

3. Approval emails will contain pertinent information concerning the event. This will include the date, time and location to report and any special uniform requirements or special equipment (e.g. squad car, traffic direction equipment, etc.) that may be necessary to perform the work detail.
(WILEAG 2.4.7.3, 2.4.7.1)

400.35 EXTRA-DUTY AND SPECIAL EVENT EMPLOYMENT – RESPONSIBILITES (WILEAG 2.4.7)

A. MEMBERS' RESPONSIBILITES

1. Adhere to the Code of Conduct and all department policies and procedures.

2. Report on-time and properly equipped to the location specified on the work detail notification.

3. Comply with all uniform and appearance regulations as outlined in Standard Operating Procedure 340 – Uniforms, Equipment, and Appearance. Members shall not wear or possess any unauthorized equipment.

4. Respond to any circumstances occurring in their presence or immediate area that pose a threat of bodily harm or damage to or loss of property, even if the incident may not be regarded as a matter of concern by the contracting entity.

5. Ensure that all reports, arrests, and citations related to extra-duty or a special event are completed in a timely manner.

6. Notify a member of a higher rank in the district in which the event is occurring of any Code of Conduct violations or when any request or demand from a contracting party presents a conflict of interest of any department directive, order, instruction, policy or procedure. That supervisor shall complete a memo detailing the event. If this occurs, the information must also be noted in the After-Action Report (AAR) of the supervisor or senior member.
(WILEAG 2.4.7.2, 2.4.7.4)

7. Members unable to work any scheduled extra-duty or special event assignment must make notification either in person or by a phone call to a member of Tactical Planning and Logistics as soon as practicable. Tactical Planning and Logistics is available Monday-Friday from 7:00 a.m. – 3:00 p.m. at 935-7218, 935-7618 or 935-7849 (holidays excluded). Failure to make notification directly to a member of Tactical Planning and Logistics will prevent timely replacement. Voice mail messages and/or emails do not satisfy the in-person or phone call requirement.

8. Members are prohibited from finding their own replacements for any extra-duty or special event assignments. Tactical Planning and Logistics will find an appropriate replacement if a member cannot work as scheduled.

B. SUPERVISORS' RESPONSIBILITIES

1. The supervisor is accountable for the conduct of any subordinates. Supervisors must take all required supervisory action when working extra-duty or special event assignments.

2. The supervisor shall receive citizen complaints regarding members under their supervision in accordance with existing policy. In the event that a supervisor is not assigned to the extra-duty or special event, the member receiving the request for a supervisor shall contact the district shift commander of the district where the event is occurring.

3. The supervisor shall submit an After-Action Report (AAR) on the Tactical Planning and Logistics SharePoint site for all extra-duty or special events when directed by Tactical Planning and Logistics. The supervisor (or

senior member when no supervisor was assigned) completing the electronic report will populate all relevant information about the event as requested.

4. Supervisors of Tactical Planning and Logistics will determine if a member is ineligible for an extra-duty or special event assignment and will cause the member to be passed over on the fair sheet rotation under the following conditions:

   a. A member is assigned to an extra-duty or special event assignment and cancels by directly contacting a supervisor of Tactical Planning and Logistics. That member will be ineligible for four (4) weeks from the date of notification.

   b. A member is assigned to an extra-duty or special event assignment and cancels with less than 72-hours' notice from the assigned start time by directly contacting a supervisor of Tactical Planning and Logistics. That member will be ineligible for six (6) weeks from the date of notification.

   c. A member is assigned to an extra-duty or special event assignment and fails to report to the assignment without any notification of cancellation directly to a supervisor of Tactical Planning and Logistics. That member will be ineligible for ten (10) weeks from the date of notification.

5. Failing to report on time for any extra-duty employment or special event may result in elimination from a particular work detail and/or ineligibility for up to ten (10) weeks. Members late for assigned duty are also subject to immediate replacement by another member to fulfill the obligations of the work detail. Members more than thirty (30) minutes late for any detail will be considered a "failure to report" and subject to ineligibility as described in 4(c).
(WILEAG 2.4.7.3)

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