

# OGDEN CITY POLICE

## Office of the Chief

### Policy No: 16

Subject Off-Duty and Extra-Duty Employment	Effective Date March, 2018
Department Police	Replaces Policy Dated January, 2012
Division All Police Personnel	Review Date March, 2022
Authorized Signature 	

**NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.**

#### I. PURPOSE

The purpose of this policy is to set forth requirements governing regular off-duty and extra-duty employment by members of the Ogden Police Department.

#### II. POLICY

This policy provides instruction to police employees informing them of the appropriate types of secondary employment they may participate in and establishing procedures for maintaining accountability in the best interests of both the Officer and the Department. Off-duty employment will apply to sworn and civilian employees of this department.

#### III. DEFINITIONS

- A. **Outside Employment:** The provision of a service by an employee of the Ogden Police Department, whether or not in exchange for a fee or other service. Employment does not include volunteer charity work.
- B. **Regular Off-Duty Employment:** Available to both sworn officers and civilians. Any employment **not** requiring the use or potential use of law enforcement powers by the off-duty employee.

- C. Extra-Duty Employment: Limited to full-time sworn officers. Any outside employment conditioned on the actual or potential use of law enforcement powers by the police officer employee. Officers engaged in extra-duty employment will have the same police powers and responsibilities as if on regular duty. Officers may work in police uniform if approved by the Division Commander and Chief of Police.
- D. Coordinator of Extra-Duty Employment: A coordinator of extra duty employment is an assigned additional-duty position of the Ogden Police Department responsible for recruiting, scheduling, arranging for payment, etc., of any officer of this department for an Extra-Duty Employment opportunity.

#### IV. PROCEDURE

##### A. Outside Employment

- 1. Application for outside employment (extra-duty or regular off-duty):
  - a. All members of the Ogden Police Department must apply to the Chief of Police through their respective Division Commander, for permission to participate in outside employment.
  - b. The Division Commander will approve or disapprove the application before submission to the Chief of Police. The Division Commander will use a reasonable amount of time to review the application before forwarding it on to the Chief. The Division Commander's standard for approval or denial will always be: "Does the outside employment conflict with the interests of the Department or the City?" and, "Is the outside employment the type that would reasonably give rise to criticism or suspicion of conflicting interests or duties?"
  - c. Applications for outside employment will be obtained from the Field Operations or Support Services Division and must be renewed at the start of each calendar year. Applications will completely identify the employee, address of employment site, usage of police vehicle, duty status while employed, total hours per week and hours per each day.
  - e. Prior to the start of any extra-duty opportunity, the department member coordinator will submit a detailed written explanation describing the specific event, or ongoing job, to the Division Commander and the Chief for approval.

2. Prohibited outside employment (off-duty):
  - a. No member shall accept employment or engage in any business or professional activity which might require, induce or give an impression that the employee may disclose confidential information gained by reason of the employee's position with the department, nor will any member accept employment that might impair the independence of judgement in the performance of department duties.
  - b. No member of the department may be employed in any place where liquor or beer is dispensed and consumed on the premises without the express written permission of the Chief of Police. No member may be employed where there is gambling or any other business activity of an illegal nature.
  - c. No member of the department shall be employed as a bondsman.
  - d. No member of the department will accept employment representing a conflict of interest. Conflict of interest is defined as one where the outside employment conflicts with the interests of the department or city. It is further defined as employment that would reasonably give rise to criticism or suspicion of conflicting interests or duties, examples (but not limited to):
    - (1) A process server, repossession, bill collector, towing of vehicles, or in any other employment in which police authority might tend to be used to collect money or merchandise for private purposes.
    - (2) Personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records or services as a condition of employment.
    - (3) In a police uniform in the performance of tasks other than that of a police nature.
    - (4) Which assists (in any manner) the case preparation for the defense in any criminal or civil action or proceeding. Officers, because of their expertise, may at times be hired by attorneys to appear as expert witnesses in court proceedings. While appearing as such a witness is not in itself a conflict of interest, there does arise a serious conflict when officers agree to testify in cases that have been handled by any police department and where the officer is being hired to testify against other officers of any police

department. Therefore, blanket disapproval of off-duty employment will exist in those cases where officers are asked to testify in any court proceedings in cases where other police officers will be testifying regarding investigations that they conducted during their regular employment with a police department.

- (5) For a business or labor group that is on strike.
- (6) For a business or establishment that sells pornographic books, magazines, sexual devices, or videos, or that otherwise provides entertainment or services of a pornographic nature.

3. Withholding requirements:

Officers approved for outside employment will comply with applicable state and federal withholding and income reporting requirements.

B. Regular Off-Duty Employment

Employees may engage in regular off-duty employment that meets the following criteria:

- 1. Employment of a non-police nature in which vested police powers are not a condition of employment. The work provides no real or implied law enforcement service to the employer and is not performed during the employee's regular department hours of duty.
- 2. Use of police vehicle to travel to and from regular off-duty employment is not authorized unless it conforms with stated policy contained in the car-per-officer policy.
- 3. Officers who accept off-duty employment must clearly understand that they are not in a position to hire themselves out as an Ogden police officer. When such employment is accepted, the officer does so as a private person. Utah State Law relating to powers of arrest, search, and seizure, stop and frisk and the use of force in making arrests are considerably more limiting in the case of private persons than in the case of peace officers.
- 4. The employee agrees to refrain from carrying a department-owned weapon while engaged in regular off duty employment activities.
- 5. The employee agrees to not display any form of Ogden police identification while working regular off duty employment.

6. The employee agrees to refrain from verbally or otherwise identifying himself as an Ogden police officer when taking any action in connection with the off-duty employment.
7. If the off-duty employment requires being armed, the officer or his employer will furnish the firearm and it will be carried, displayed, or used in a manner consistent with prevailing law. The officer is forbidden from being armed in an off-duty employment capacity, relying on the statute that allows him to be armed by virtue of his status as an Ogden police officer. The authority for being armed in an off-duty capacity must arise from authority acquired from a source other than that provided by virtue of being an Ogden police officer.

#### C. Extra-Duty Employment

Police officers may engage in extra-duty employment as follows:

1. Police employees may accept outside employment in an extra-duty status and negotiate their own salary with the employer, however, the use of the police uniform and vehicle will be subject to the conditions and limitations of this off-duty and extra duty employment policy.
2. Types of extra-duty services that may be considered for proprietary employment are:
  - a. Traffic control and pedestrian safety.
  - b. Crowd control.
  - c. Security and protection of life and property.
  - d. Routine law enforcement for public authorities.
  - e. Plainclothes assignments.
3. Unless otherwise approved by the Chief of Police, extra-duty employment will be limited to the city limits of Ogden City.
4. Employment as a law enforcement officer for another government entity may be authorized with the express approval of the Chief of Police. Liability for the activities and court time must be the responsibility of the employing entity and acknowledged by them.
5. Court time that results from extra-duty employment will not be charged against OPD's overtime budget but will be compensated for either by subpoena fees or the employer involved.

6. If an officer is injured while employed in a extra-duty status for other than another government entity he will not be covered as if he were on duty for Ogden City and will not receive full compensation and health benefits unless such duty is contracted out by Ogden City or approved by the Chief of Police.
7. While in uniform, the uniform will be complete and all policies pertaining to the wearing of the uniform shall apply.
8. Use of a marked or unmarked police vehicle may be authorized for extra-duty employment. This will be limited to traveling to and from the place of employment only unless approved as stated in number 9 below.
9. The use of a marked or unmarked police vehicle by an employee for extra-duty employment shall be granted only upon the approval of the Chief of Police and the acceptance of a contract between the employee and the City of Ogden to cover the operating costs of the vehicle. The vehicle is to be operated by the assigned officer only. An officer may not utilize the police vehicle otherwise while on the employer's work site.
10. Incidents encountered by the officer while employed in this status and necessitating the officer to use his police powers will be handled as if the officer were on duty. The police officer on extra-duty will be responsible to complete all required reports and statements to document the encountered case. An on-duty officer will be summoned to transport those arrested to the jail, juvenile detention or, if the situation warrants, to a medical facility as an escort for the ambulance if the suspect is injured. An on-duty officer will then transport the treated suspect to the jail or to juvenile detention as is warranted and will complete the booking and referral process. The extra-duty officer will be responsible to collate the completed reports and documents and will submit them to the field supervisor as if the incident occurred while under normal on-duty status.

#### D. Limitations

Limitations on regular off-duty employment and extra-duty employment are as follows:

1. A police employee must be in good standing with the department to be eligible for any off-duty employment. Continued departmental approval of a police employee's off-duty employment is contingent on such good standing. This standing is to be

determined by the division commander who the employee is accountable to.

2. Those officers who are in a probationary status or who are on a medical or other leave due to sickness, temporary disability or an on-the-job injury shall not be eligible to engage in regular off-duty or extra-duty employment.
3. A police officer may work a maximum of 24 hours of regular off-duty or extra-duty employment or a total of 64 hours in combination with regular duty in each calendar week. There will be no more than six hours extra-duty or off-duty work on a regular duty day.
4. Work hours for all off-duty employment must be scheduled in a manner that does not conflict or interfere with the police employee's performance of duty.
5. A police officer engaged in any off-duty employment is subject to call-out in case of emergency and may be expected to leave his off-duty or extra-duty employment in such situations.
6. Permission for a police employee to engage in outside employment may be revoked where it is determined pursuant to departmental procedure by the division commander after due process that such employment is not in the best interests of the department.