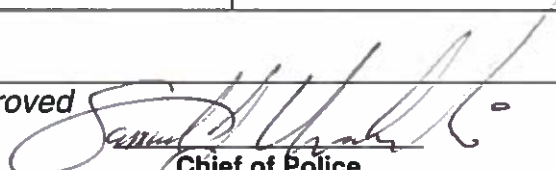


**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

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|---|--|--|---|---|--|
| Effective Date September 9, 2015 | | Amended Date February 13, 2018 | | Directive 4.02.1 | |
| Subject Off-Duty Employment | | | | | |
| Reference | | | Approved  Chief of Police | | |
| Distribution All Personnel City Manager City Attorney | | TPCA Best Practices Recognition Program Reference 4.05 | | Review Date February 13, 2018 | |
| | | | | Pages 5 | |

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to regulate off-duty employment for all employees.

SECTION 2 POLICY (02-13-18 – Section D removed)

- A. The department permits its sworn police officers (with approval) who have completed the field training program to work off-duty employment. Private persons or businesses who desire higher levels of service than those currently provided by the city may hire individual officers for off-duty employment. Financial arrangements in these cases will be between the officer and the employer. (TPCA 4.05a)
- B. Officers approved to work off-duty employment will be covered by benefits established under the Workers' Compensation Act provided it is determined the officer is in the course and scope of police duties. Course and scope is defined as furtherance of the interest of the City of Lancaster or when they are enforcing Federal or State laws and the ordinances of the City of Lancaster, Texas.
- C. As in all on-duty situations, officers will be required to take immediate action to protect life and property. If time and opportunity permit, this should be done after ensuring on-duty officers are called for assistance.

SECTION 3 PROCEDURES

A. OFF-DUTY EMPLOYMENT REQUEST BY OFFICERS (TPCA 4.05c)

- 1. Officers shall request in writing to the Chief of Police, through the Assistant Chief of Police in their chain of command. The request must be made on the department approved off-duty employment request form.
- 2. The Assistant Chief of Police who receives an off-duty employment request form will verify the location and name of the business. If the location or name of the business is different than the information on the request the Assistant Chief of Police will note the information on the request form. The Assistant Chief of Police will then forward the request form to the Chief of Police for review.

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

| | | |
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| <i>Subject</i> Off-Duty Employment | | |

3. If approved by the Chief of Police, the approval will only cover the specific times requested. No request will exceed a twelve (12) month period. If the off-duty employment continues beyond the twelve (12) month period, it is the officer's responsibility to complete another request form and receive approval prior to working after the original approval has expired.
4. In specific cases of last minute circumstances, verbal permission from a supervisor must be obtained. If the officer is granted verbal permission, the officer shall complete an approved off-duty employment request form on the officers next assigned work day. The officer shall also include on the form, the name of the supervisor the officer received verbal permission from and the date and time the verbal permission was given to the officer.
5. Employees will immediately report in writing any incidents or situations which might adversely affect the department or its personnel.
6. The department shall maintain all approved and denied off-duty employment request forms. The request forms will be documented in the department's Records Management System in the employee module under the off-duty employment section for that officer. The request will be scanned into the system and the off-duty employment request form will be returned to the requesting officer.

B. OFF-DUTY EMPLOYMENT REQUEST BY PERSONS OR BUSINESSES (TPCA 4.05c)

1. Private persons or businesses who desire higher levels of service than those currently provided by the city may hire individual officers for off-duty employment. If possible, they should contact the Office of Professional Responsibility.
2. The private persons or businesses requesting off-duty police officers will provide a description of the job, the date, the times, number of hours per week, the location of the job and any other information requested to the Office of Professional Responsibility.
3. The Office of Professional Responsibility is responsible for screening, approving and posting all off-duty employment that is made from private persons or businesses requesting off-duty police officers.
4. The Office of Professional Responsibility will send out an off-duty employment assignment request to all eligible officers by email. An eligible officer who wants to accept the assignment shall send a reply by email. The assignment will be filled by the order of the reply emails sent by requesting officers (first come – first serve).
5. Officers who are awarded an off-duty assignment through this process are not required to submit an off-duty request form for approval.
6. Officers who are awarded an off-duty assignment through this process are responsible for finding a replacement should they be unable to fulfill the job requirement. If a replacement is located, the officer must notify the Office of Professional Responsibility of the change.
7. The Office of Professional Responsibility Supervisor will submit, if requested, a list of hours, dates and awarded officer's name to the Chief or Assistant Chief of Police on all off-duty

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GENERAL ORDERS MANUAL**

| | | |
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employment request by a private person or business outside the department, with the exception of request by the City of Lancaster.

C. OFFICER RESPONSIBILITIES

1. Officers who wished to work off-duty employment shall receive approval before the off-duty employment commences.
2. Officers shall be mindful of the fact that off-duty employment is a privilege, and shall be available only so long as the individual maintains satisfactory performance levels and is in conformance with all rules, regulations and other requirements.
3. Officers shall not simultaneously perform on-duty and off-duty employment.
4. Officers shall wear approved Lancaster Police Department uniform attire while working off-duty employment, unless otherwise approved.
5. Officers working in the capacity of a Lancaster Police Officer will be held to the standard of on-duty officers.
6. Officers working in off-duty employment are subject to the conditions and requirements of the Lancaster Police Department's policies and procedures.
7. Officers engaged in off-duty employment shall take law enforcement action regarding any offense or condition as would be authorized in their regular course of employment.
8. Officers shall only engage in the gathering/dissemination of information of the kind/type available from confidential law enforcement sources, such as NCIC, TCIC, NLETS, TLETS, local area law enforcement computer networks, etc., in furtherance of a verifiable law enforcement purpose.
9. An officer shall not engage in the enforcement of rules promulgated by the employer, i.e., "House Rules". This restriction is not intended to preclude a police officer from enforcing criminal laws.

D. WORKING HOURS

1. The department has a legitimate interest in regulating off-duty employment to avoid a detrimental decrease in job performance resulting from the employee's off-duty employment. While the Chief of Police or designee shall exercise approval judgment on a case-by-case basis, the following shall be considered a general guideline for approval (for the purposes of computing allowable work time, court appearances constitutes on-duty time.)
2. An officer who is scheduled to work the following day shall not work in excess of sixteen (16) hours (including on and off duty work) the day prior to being scheduled to work (e.g., officer scheduled for duty on Tuesday can only work 16 hours on Monday).

**LANCASTER POLICE DEPARTMENT
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| | | |
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| <i>Subject</i> Off-Duty Employment | | |

3. An officer who is not scheduled to work the following day shall not work in excess of eighteen (18) hours (including on and off duty work) the day prior to being scheduled to work (e.g., officer scheduled off on Tuesday can only work 18 hours on Monday).
4. Employees who are absent from department duties because of sick leave or injury shall not work any off-duty employment detail until the completion of their next regular tour of duty unless prior approval has been given by the officer's direct supervisor.

E. GENERAL RESTRICTIONS (TPCA 4.05a, 4.05b)

1. Officers may use the department owned vehicle that has been assigned for off-duty use, this does not include take home or unmarked vehicles. The police department's Fleet Manager will assign the specific department owned vehicle for off-duty use and will advise officers what vehicle was assigned. The assigned vehicle shall only be used for off-duty employment that is inside the city limits. (02-13-18)
2. Individual officers shall not sign contract with off-duty employers to provide law enforcement services.
3. Officers will not engage in any outside business or occupation which limits their effectiveness in discharging official duties.
4. Officers will not use their official position to the direct benefit of a private business in which they may have interest, and will perform their duties within the framework of all applicable Federal and State statutes, City Ordinances, and Police procedures.
5. Officers on administrative leave shall not work any police-related off-duty employment that requires the wearing of a City of Lancaster police uniform or exercise of authority as a peace officer of the state.
6. Officers on suspension due to disciplinary action shall not work any police-related off-duty employment that requires the wearing of a City of Lancaster police uniform or exercise of authority as a peace officer of the state.
7. Officers assigned to light duty shall not engage in off-duty employment while in this status without written authorization from the Chief of Police.
8. Officers on limited duty status, family leave or emergency leave will be prohibited from working approved secondary police duty. Any exception or further consideration in regard to this policy will be on an individual basis at the discretion of the Chief of Police.
9. Probationary officers in the field training program shall not be allowed to work off-duty employment.
10. Officers will not be allowed to work off-duty employment in a place where large groups of persons are assembled and the consumption of alcoholic beverages is allowed, such as ballrooms, large combination taverns and dance halls. The Chief of Police may allow

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exceptions, but only when it has been determined that the reputation of the establishment is acceptable and the number of officers needed to work that establishment safely is on hand.

11. Officers shall not be allowed to sell tickets, take tickets, transfer or exchange customer's money for tickets at any business, promotion, or special event, including theatres.
12. Officers shall not be permitted to work at collecting any debts or checks, nor may that employment involve civil, domestic, and/or labor difficulties.
13. Evidence of officers not fulfilling their official duties because of approved off-duty employment will be cause for "cancellation" of their privilege to work in this capacity and may result in prohibition, restriction, cancellation, and/or other disciplinary action.
14. Identified performance problems may result in removal, after notice to the employee, from any or all off-duty assignments for a period of time to be determined by the Chief of Police based on individual circumstances.
15. Officers will not be allowed to work off-duty employment in any establishment frequented by known felons or immoral people nor will they be allowed to work for any individual whose character might be considered questionable.
16. Officers will not be allowed to work off duty-employment at events or establishments which operate illegal activities or by the nature of their operation would bring discredit upon the department.
17. The officer's attendance and work history records must be satisfactory. Below standard work or unacceptable attendance may result in cancellation of the approved off-duty employment.
18. No officer of the department shall accept employment nor be financially interested in any private detective agency.
19. Officers will not be employed by another law enforcement agency.

F. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.