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Secondary Employment		



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I. Introduction

In order to avoid any real or perceived conflict of interest due to an individual's employment with the Division of Police, secondary employment regulations must be established. These regulations are designed to protect both the Division and its personnel.

II. Definitions

A. Liquor Establishment

1. An establishment whose primary business is the sale of alcoholic beverages for on-premises consumption.
 - a. A location may qualify as a liquor establishment at times and not at others. When applicable, personnel working special duty at such a location will abide by policies concerning liquor establishments, e.g., a restaurant/bar operation that primarily serves alcoholic beverages after a particular time, or a mall or shopping center when the only business operating is a bar.
 - b. The holder of a liquor permit obtained for a special function qualifies as a liquor establishment when the above conditions are met.

B. Rave

1. Rapidly pounding music with dancing after 2:15 am (with or without a permit).
2. Clientele predominately from mid-teens to early twenties.
3. Held at a location other than a private residence.
4. Sanctioned or sponsored by a non-governmental agency.
5. Open sales of drug paraphernalia.
6. Open indifference to drug laws.
7. Advertised as "alcohol free".

C. Secondary Employment

1. Any work done in return for wages or anything of value, in the form of self-employment or with an agency other than the Division of Police. This includes any business, corporate interest, or partnership that results in a financial benefit to the involved individual. Secondary employment is divided into two types:

a. Special Duty

Uniformed or plainclothed employment evolving directly from the authority granted to an individual by virtue of being a sworn law enforcement officer with the Division of Police.

b. Off-Duty

Any employment or business interest that is independent of police authority.

D. Show Bar

1. An establishment where nude, semi-nude, or erotic dancing or other lewd or lascivious activity has occurred during the past 6 months.
 - a. The dancing or other activity was sanctioned, endorsed, or otherwise provided by the establishment.
 - b. This activity includes amateur contests and short-term or one-time appearances.
 - c. For purposes of this Directive, semi-nude refers to the exposure of the female breast or male or female genitalia or buttocks.

E. Special Duty Residence

A residence in which sworn personnel agree to live and provide police services in exchange for reduced or free rent.

III. Policy Statements

A. General

1. Division personnel shall be permitted to engage in secondary employment as long as no conflict exists between the secondary employment and the individual's employment with the Division, unless prohibited by Division Rules, Policies, Directives, or orders.
2. Special duty shall not be performed by personnel who have not successfully completed the FTO training period.
3. Division personnel shall obtain permission prior to engaging in secondary employment. ***Permission to engage in secondary employment may be revoked at the discretion of the Chief of Police.***
4. The Special Duty Unit shall monitor and maintain documentation of all special duty and off-duty employment.
5. Division personnel shall request approval of secondary employment of a more permanent nature annually during the month of January, and anytime an individual assumes a covert assignment. This includes all sensitive assignments within the Division of Police, e.g., Seizure/Forfeiture, Narcotics, and Vice Units.
6. Personnel shall regularly review the conditions of their secondary employment to ensure that no conflict exists between that employment and their position with the Division of Police. When in doubt as to whether

the activity is creating a conflict of interest, the employee shall request clarification by submitting a letter through the chain of command to his or her deputy chief.

7. Personnel may contact the Special Duty Unit to check on the availability of special duty work or to be placed on the list to be called when special duty assignments are available.
8. Personnel shall wear the standard police uniform on all special duty jobs unless prior written approval has been obtained from their deputy chief.
9. A limited number of police vehicles and portable radios are available for special duty use through the Impound Lot and the Patrol Administrative Unit. Other police vehicles and portable radios shall be used only with the express authorization of the bureau commander to whom the equipment is assigned.
10. Personnel shall not engage in secondary employment to the extent that it impairs performance in their regularly assigned duties. Supervisors shall monitor subordinates' on-duty performance to determine whether it is affected by special duty/off-duty employment and shall take appropriate corrective action as needed.
11. Personnel shall not engage in secondary employment when on restricted duty, or when marked off regular duty due to illness or injury, without obtaining prior written permission from their deputy chief.
12. Personnel engaged in special duty work are subject to Division Rules, Policies, Directives, and orders. All lawful orders or directions issued by a Division of Police supervisor shall be obeyed even though a conflict of duties may arise involving the person or company employing the special duty officer.
13. Personnel shall engage in special duty work only within the jurisdictional limits of the Columbus Division of Police unless prior written approval of the Chief of Police is obtained.
14. On-duty personnel shall not request, review, search, copy, remove, or forward any information from any record, report, or file in connection with any special duty work.
15. Personnel shall not request, review, copy, search, remove, share, or forward information obtained from the LEADS/NCIC system in connection with secondary employment, except as provided by LEADS Administrative Rules.
16. Personnel shall not perform special duty work for any organization involved in strike situations or other labor-management disputes.
17. Personnel shall give preference to traffic on a public right-of-way over traffic from private property. When working construction sites, personnel shall ensure that traffic is maintained and shall assist contractors with the ingress and egress of construction equipment and vehicles, as necessary.

18. Personnel shall not normally receive Division overtime pay for attending court proceedings or other hearings resulting from secondary employment.
19. Personnel shall not receive compensation from any source other than the Division of Police for testimony in a criminal or civil case involving the City of Columbus, or for testimony arising from action taken in the course of performing their assigned duties with the Division of Police.
20. Personnel may receive compensation for services as an expert witness in non-criminal cases that do not involve the City of Columbus and which are not adverse to another law enforcement agency. Personnel who are compensated as expert witnesses may not prepare for testimony or testify while on-duty.
21. Personnel injured while engaging in secondary employment, and not performing a police-related duty, shall file a worker's compensation claim through that employer. Personnel injured while performing a police-related duty shall file the claim through the City of Columbus. Personnel should make their secondary employer aware of this rule.
22. Personnel shall not purchase, consume, possess or be involved in the sale of alcoholic beverages while working special duty.
23. Personnel shall not be under the influence of drugs or alcohol while working special duty.
24. Personnel may engage in special duty employment at liquor establishments only when the following conditions are met:
 - a. The location has been approved by a deputy chief.
 - b. Personnel shall work in uniform.
 - c. Personnel shall only work the parking lot or outside areas.
Note: This does not include patio areas where alcohol is consumed.
 - d. A minimum of two personnel is required.
 - e. Personnel shall enter the establishment only when assistance is requested and normal police response is appropriate.
 - f. Personnel shall not perform duties such as I.D. checker/bouncer.
 - g. Personnel shall immediately notify Communications Bureau personnel of any action taken as a result of an incident occurring inside the establishment so the information can be entered into the computer for documentation purposes.
25. Personnel shall not work special duty at or for:
 - a. A show bar.
 - b. A rave or an event meeting the definition of a rave.
 - c. Any location operating in violation of federal, state, or local laws.
 - d. Any entity that has had a sustained liquor violation during the past six months.

- e. A liquor establishment which, for all intent and purpose, has no actual parking lot to work.
- f. A location where the officer would be required to work inside a liquor establishment.
- g. A liquor establishment that employs armed private security.
- h. An employer at any location that includes a liquor establishment, unless that location is approved by a deputy chief.

Note: Deputy chiefs shall periodically review approved locations and may suspend or revoke approval at any time. In addition, a deputy chief may suspend or revoke approval upon becoming aware of a prohibited condition or action. After a minimum of six months, personnel desiring to work a disallowed location may resubmit a request.

- 26. The Special Duty Unit shall notify the appropriate commander's office of the location and hours that personnel will potentially be working special duty at a liquor establishment. This will allow patrol supervisors to give special attention to the area.
- 27. Personnel shall not engage in off-duty employment at a liquor establishment.
- 28. Personnel shall not be the holder of a liquor permit.
- 29. Personnel shall not engage in secondary employment at an establishment whose primary business is the sale of sexually-oriented material or the presentation of nude performances.

B. Staffing and Monetary Issues

- 1. Personnel accepting a special duty job shall promptly notify the contact person of acceptance of the job.
- 2. Personnel accepting a special duty job shall report to the job site and perform the required duties. Personnel who initially accept a special duty job and do not, or cannot, work are responsible for providing a replacement.
- 3. Personnel shall not solicit special duty work for themselves or others.
- 4. Personnel are prohibited from receiving compensation, fees, commissions, rebates, kickbacks, or other consideration from Division personnel for providing, coordinating, locating, or procuring special duty work.
- 5. One sergeant shall be hired for each three to six officers, and one lieutenant shall be hired for three or more sergeants. The Traffic Bureau Commander may deviate from this requirement if it is appropriate to the event. No other deviation shall be permitted without the approval of the appropriate patrol subdivision deputy chief.
- 6. The Traffic Bureau Commander shall determine staffing levels, including supervisory levels, for events that require a city permit. Staffing shall be administered by the Special Duty Unit.
- 7. Personnel may work special duty at concerts in conjunction with private security guards, providing the employer is informed that the decisions of

Division personnel have precedence over those of the private security personnel. The number of personnel needed shall be determined by the appropriate zone commander in conjunction with the Special Events Section.

8. Personnel arriving at a special duty job are entitled to receive a minimum three hour show-up fee, paid by the special duty employer, whether services are provided or cancelled at the time of arrival. The employer should be informed of this provision at the time the request for special duty personnel is received.

Note: This does not apply if personnel fail to complete three hours of work and the employer is not at fault, e.g., illness or court attendance.

9. Personnel engaging in special duty work for more than the established rate of pay for their rank shall report that amount through the chain of command.
10. Personnel shall not engage in special duty work for less than the pay established for their rank, with the following exceptions:
 - a. Personnel may volunteer police services to charitable causes during off-duty hours with prior approval from their deputy chief.
 - b. If there are an insufficient number of police officers willing to work a particular job, sergeants and lieutenants may be offered special duty work in non-supervisory positions at the prevailing rate of pay for police officers. This does not relieve the sergeant or lieutenant of the responsibility for taking appropriate supervisory action should the need arise.

C. Special Duty Residence

1. Personnel shall not work or live at a special duty residence until approval has been obtained from their deputy chief.
2. Personnel shall not work or live at more than one special duty residence, nor shall they have another residence.
3. Personnel on restricted duty shall not work at a special duty residence, and shall notify and make arrangements with the special duty employer until able to return to regular duty.

D. Supervisory Responsibilities

1. Supervisors who are working special duty are responsible for all matters of police supervision at the job.
2. Patrol and traffic sergeants shall monitor all special duty work on their precinct or assigned areas and shall be responsible for appropriate supervision on jobs where a supervisor is not employed.
3. Patrol and traffic sergeants shall make recommendations and give direction to special duty personnel regarding adjustments or alterations of traffic patterns or other identified hazards to ensure the safe and efficient flow of vehicular and pedestrian traffic.

IV. Procedures

A. Special Duty Employment

1. All Special Duty

a. Sworn Personnel

- (1) Prior to working a special duty job, complete a Special Duty Request, form S-30.101, and forward it to the Special Duty Unit.

Special Duty Unit personnel may complete the form when filling a special duty request.

- (2) When using a police vehicle for special duty, complete a Rental Agreement, form S-30.100, between the Division and the employer and forward the contract to the Special Duty Unit. Vehicles used for special events coordinated by the Traffic Bureau's Special Events Section shall have the police rental agreements and payments handled by the Special Events Section.
- (3) When using a radio for special duty, notify Communications Bureau personnel of your location and radio call number prior to starting the job.
- (4) Units or personnel requiring a dedicated radio channel for special duty shall contact the Communications Bureau Supervisor three days prior to the event to be assigned a radio talkgroup.
- (5) Return Division equipment on a daily basis immediately after completion of the special duty job.
- (6) When working special duty at locations where a city or state permit is required (e.g., bingo, dance clubs, construction sites), ensure that the proper permit has been obtained and is valid.

Note: Upon reporting to a construction site involving street, sidewalk, intersection, or lane closures, review the permit and ensure that provisions specified in the permit have been fulfilled. Do not allow or authorize contractors to work without a permit or to exceed the scope of the permit without permission of the issuing authority. An exception to requiring a permit would be those times when a public agency or private utility is involved in emergency repairs. An emergency repair is defined as a repair requiring immediate action which involves the health, safety, or well-being of the public.

- (7) When working a construction site, maintain a safe and efficient flow of vehicular and pedestrian traffic. Maintenance of traffic flow may include an adjacent intersection not directly in a construction location but affected by the construction or lane closures. If the maintenance of traffic requires additional personnel, notify the precinct sergeant or a Traffic Bureau sergeant.

b. Supervisors

- (1) Take necessary on-site corrective action involving special duty officers.
 - (a) When practical, notify the precinct sergeant of the action taken.
 - (b) Report misconduct or improprieties through the involved officer's chain of command.

c. Request Takers

- (1) Refer persons requesting personnel for special duty employment to the Special Duty Unit. If the office is closed, refer them to the Patrol Administrative Sergeant.

Special duty work can be accepted upon initial contact with a prospective employer provided the proper forms are completed and submitted for approval as soon as practicable.

d. Special Duty Unit

- (1) Maintain a list of sworn personnel requesting to work special duty.

A reasonable effort should be made to evenly distribute hours of work among personnel on the list.
- (2) Review special duty requests and approve or deny them, as appropriate.
 - (a) Forward requests of a questionable nature to the Administrative Subdivision Deputy Chief for approval/disapproval.
 - (b) Forward requests for a special duty residence to the involved personnel's deputy chief for approval/disapproval.
 - (c) Advise the involved personnel whether the request is approved.
- (3) Attempt to fill requests for available special duty jobs.
- (4) Complete a Special Duty Request listing all personnel working the special duty job.
 - (a) Maintain the original copy of all requests, approvals, and equipment rentals in the Special Duty Unit file.
 - (b) Forward one copy to the individual responsible for working the job.
 - (c) Forward one copy to the patrol sergeant of the precinct on which the job is located.
- (5) Maintain accurate records on all personnel engaged in secondary employment.

e. Patrol Administrative Sergeant

- (1) If the Special Duty Unit is closed and a request needs immediate attention, attempt to locate personnel to fill the request. In addition, ensure that necessary forms are completed and forwarded to the Special Duty Unit.

Note: If there is a question whether special duty presents a real or apparent conflict of interest, deny the request and refer the requesting party to the Special Duty Unit.

- (2) Collect completed rental agreements and forward them to the Special Duty Unit.
- f. Deputy Chief
 - (1) Approve/disapprove the special duty residence request.
 - (2) Forward the final determination to the Special Duty Unit and a copy to the requestor.
2. Special Duty at Liquor Establishments or Locations Where Alcohol will be Served
 - a. Police Coordinator/Contact or Special Duty Unit

Forward the Special Duty Request through the chain of command to your bureau commander. List all sworn personnel requesting approval to work the job.

Note: Once a location has been approved, additional personnel may be added without resubmitting the request.
 - b. Commander
 - (1) If the request is for an area under your command, forward it to a zone lieutenant having control over the location.
 - (2) If the request is for an area not under your command, forward it to the appropriate zone commander who will forward it to the appropriate zone lieutenant.
 - c. Zone Lieutenant
 - (1) Physically inspect the location to ensure compliance with Division policy.
 - (2) Contact the special duty employer and the owner or manager of the liquor establishment or other location and explain the applicable Division policy relating to special duty.
 - (3) Contact the Vice Section to determine whether there have been any sustained liquor violations or show bar type activity during the past six months.
 - (4) Prepare a letter detailing your findings, attach it to the Special Duty Request, and forward it through the chain of command to your deputy chief.
 - d. Deputy Chief
 - (1) Approve/disapprove the special duty.
 - (2) Forward the final determination to the Special Duty Unit and a copy to the requestor.

- e. Special Duty Unit
 - (1) File approved/disapproved requests.
 - (2) Attempt to fill approved unfilled requests.
 - (3) Maintain a list of approved/disapproved locations.
- 3. Additional Procedures Involving Special Duty at Monte Carlo, Las Vegas, or Bingo Activities
 - a. Sworn Personnel

Obtain a copy of the 501C3, tax exempt form, that was issued to the organization and forward it to the Vice Section for approval at least five days prior to working the special duty job.
 - b. Special Duty Unit
 - (1) Upon receiving a request for special duty, obtain a copy of the 501C3 issued to the organization and forward it at least five days prior to the job date to the Vice Section for approval.
 - (2) Upon approval, attempt to fill the special duty request.
 - c. Vice Section Lieutenant
 - (1) Review the 501C3 issued to the organization to ensure its validity.
 - (2) Notify the originator of the request and the Special Duty Unit of approval/disapproval.
 - (3) Maintain the 501C3 and related paperwork as required.
- B. Off-Duty Employment
 - 1. Division Personnel
 - a. Forward a letter through your chain of command to your deputy chief to obtain approval prior to beginning any off-duty employment.
 - b. Review the nature of any off-duty employment periodically. If there is a possible ethical conflict due to a change in the nature of the off-duty employment or an assignment change, notify your deputy chief in writing as soon as practicable requesting clarification.
 - 2. Immediate Supervisor
 - a. Conduct a personal interview of the employee to ascertain the exact nature of the employment.
 - b. Ensure that the letter contains an accurate description of the true nature of the employment.
 - c. Make the appropriate recommendation regarding approval/disapproval and forward through the chain of command to the deputy chief.
 - 3. Deputy Chief
 - a. Make a final determination regarding approval/disapproval of off-duty work requests.
 - b. Forward the original letter and routing sheet to the Special Duty Unit to be filed.