



SECONDARY EMPLOYMENT FOR LAW ENFORCEMENT

Directive 4-112

Date of Issue: Dec. 2017 Amends/Cancel: Directive 4-112, April 2015

I. PURPOSE

The purpose of this Directive is to establish written policy governing secondary employment for law enforcement officers of the Maryland Capitol Police (MCP).

II. POLICY

The nature and duties of Police Officers require that they work irregular duty schedules, which are subject to change in order to meet operational needs. It is of paramount importance officers have adequate rest in order to remain alert during their tour of duty. Additionally, certain occupations inherently conflict with an officer's primary responsibilities as a law enforcement officer. For these reasons, the Department may limit or prohibit secondary employment which is detrimental to the objectives of the Department. It is the policy and intention of MCP to permit secondary employment whenever it neither interferes with the effectiveness of an employee's regular, full-time employment, nor tends to compromise the officer or the Department. However, outside employment must not become full-time additional employment, and officers who are directed to work overtime or work on their days off will do so regardless of approved secondary employment.

III. PROCEDURES

A. REQUEST FOR APPROVAL

1. All Police Officers desiring to work secondary employment must complete a Form 168 (Request to Engage in Secondary Employment), which will be forwarded to their Commander via the chain of command.
2. The Police Officer will provide the Department with the name of the employing business, address and telephone of the business, the job site location(s) telephone number(s) at any and all job sites (if available), the nature of the duties that the officer will be performing, and any other information that the Department deems appropriate and necessary.
3. The Police Officer's Commander will contact the Secondary Employer to confirm that the secondary employment is consistent with this directive.
4. The Police Officer's Commander may deny or revoke a request for secondary employment if:
 - a. The secondary employment conflicts with department rules, regulations or this directive;

- b. The Police Officer does not have at least an overall rating of “Meets Expectations” during their last Performance Appraisal Period;
 - c. The Police Officer is on special sick leave reporting status or other documented attendance problem;
 - d. The Police Officer has a pending disciplinary action; or
 - e. The secondary employment would adversely affect the ability of the employee to properly perform their assigned MCP duties.
5. The Police Officer may request an appeal of the Commander’s decision to the Deputy Chief of Police. The Deputy Chief’s decision is final.
 6. Once denied at any level, the employee may not engage in the requested secondary employment until approved on appeal.
 7. The Police Officer must re-apply for permission to work any and all secondary employment; annually.
 8. When a Police Officer terminates his off-duty secondary employment, he will immediately notify his Commander, in writing, via the chain of command.
 9. Any Police Officer in entry level training in a police academy will not be eligible for secondary employment.
 10. Police Officers that are in a field-training program may be eligible to work secondary employment at the discretion of their Commander.
 11. Approved secondary employment requests may be revoked at any time when found to be in conflict with department rules, regulations or this directive.

B. LIMITATIONS

1. Because adequate rest is crucial in assuring that the Police Officers remain alert and capable of performing any tasks that may be required of them while working, the department has set limits on the number of hours of secondary employment a Police Officer may work:
 - a. A maximum of twenty-four (24) hours of secondary employment may be worked per week, not including days off or leave time.
 - b. A rest period of eight (8) consecutive off duty hours must be between the time that the secondary employment ends and the time that the next tour of duty begins.
 - c. A maximum of sixteen (16) total hours can be worked in any twenty-four (24) hour period.
2. Any Police Officer that is on sick, injury, administrative, or any type of restricted leave must obtain special permission from the Deputy Chief prior to working secondary employment.

3. With the exception of their department issued firearm and bullet resistant vest, Police Officers will not utilize any department issued equipment or uniforms while engaged in secondary employment.
4. If carrying their issued firearm while engaged in approved secondary employment, Police Officers will have their MCP police identification, badge, and Maryland Police Training and Standards Commission (MPTSC) card in their possession.
5. All firearms (agency issued or secondary weapons), badges and MCP identification, must remain concealed from public view and not openly visible to public scrutiny while engaged in secondary employment.

C. PROHIBITED EMPLOYMENT

1. Officers are prohibited from involvement in secondary employment if it:
 - a. Conflicts with the interests of the Department. If such a situation should arise, the officer will immediately notify their Commander via the chain of command;
 - b. Would adversely affect the Police Officers ability to perform their duties or their quality of work;
 - c. Might bring disfavor, disrespect, or discredit to either the officer or the Department;
 - d. Involves quasi-police functions including, but not limited to, accident investigations, vehicle repossessions, collecting bad checks, or claims adjusting;
 - e. Involves the use of any Department records, files, computer files, such as MILES, NCIC, or other official state or law enforcement databases, or any privileged or confidential information;
 - f. Provide security services of any kind at a business while a strike, labor unrest, contract dispute, work slowdown, or any such activity exists or is pending;
 - g. Is located in a business wherein alcoholic beverages are sold or dispensed as the primary service of the business. Police Officers will not be involved in any manner in the sale or dispensing of alcohol;
 - h. Requires the Police Officer to be a commissioned Police Officer for any other political subdivision. This does not apply to duties related to U.S. Military Reserves or National Guard activities;
 - i. Requires the Police Officer to be a commissioned Special Police Officer;
 - j. Entails working for or on behalf of any private detective, attorney, insurance agency, bail bond agency, or involvement of any form of private or public investigative duties, including the service of civil processes (the sale of insurance is exempted);

- k. Involves the management, supervision or operation of a private detective agency;
- l. Conflicts with any Department rule, regulation, or directive.

D. EXERCISE OF AUTHORITY

1. Police Officers are reminded that when they are hired by business entities to provide security services, they do so with the authority and in the manner of a security guard. The Maryland Court of Appeals has ruled that an off-duty Police Officer that is employed as a security guard for a business entity does not take official action as a Police Officer; rather, the officer acts as, and with the authority of, a security guard. Further, the Police Officer employed in such a position is not entitled to “public official immunity” or “qualified immunity.”
2. Police Officers working as Security Guards for business entities may only take enforcement action in the following circumstances:
 - a. The Police Officer has reasonable grounds to believe that a felony has been committed and the suspect has committed it.
 - b. A misdemeanor is being committed in the Police Officer’s presence that amounts to a breach of the peace, consisting of dangerous, disorderly conduct that presents a serious danger to the officer and/or the public and has the significant potential to cause grave injury or death. An example of this type of crime would be reckless endangerment.
3. When a Police Officer working as a Security Guard makes a citizens arrest for a violation of law, as authorized by this order, the local police department having jurisdiction in the location of the incident will be immediately notified. When the local police arrive on the scene, they will assume responsibility for the investigation of the incident, transport of any prisoners for processing, and the filing of any charging documents. The MCP Police Officer will cooperate with the responding agency during the course of the investigation. Additionally, the MCP Police Officer will submit a Detailed Report to the Chief of Police detailing the incident and any action taken by the MCP Police Officer.
4. If the Police Officer has to appear in court as a witness because of any situation connected with secondary employment, the officer will not be compensated by the Department of General Services. If a court appearance is scheduled for a date and time when the officer is also scheduled to be on duty with the MCP, the officer must use his personal leave.
5. While engaged in secondary employment, Police Officers will not display their MCP badge, ID or issued state identification card in a manner where others can readily see it. A Police Officer is authorized to display his badge or other official identification only:
 - a. In the interest of the Police Officers safety;
 - b. When reverting to his official capacity as a Law Enforcement Officer as outlined in D.2. above; or
 - c. When an emergency situation exists and it is reasonable and prudent for the Police Officer to identify himself.

