



NORTH MIAMI POLICE DEPARTMENT



STANDARD OPERATING PROCEDURE

OFF-DUTY/EXTRA DUTY POLICE WORK 200.05

EFFECTIVE DATE: 02-24-23

APPROVED: 
Chief of Police

SUPERSEDES: 04-29-21

CFA: 2.10, 2.11

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I. PURPOSE

To establish procedures for Off-Duty Police Work (ODPW) to ensure the employment does not impair the efficiency or operation of the Department.

II. POLICY

The North Miami Police Department shall, for a pre-determined fee, provide the business community and private citizens with sworn police personnel for the purpose of performing law enforcement related activities not provided through the normal operations of the Department.

III. SCOPE

This directive applies to all members of the Department.

IV. DEFINITIONS

- A. Off-Duty Police Work (**ODPW**): Employment of police officers, by employers other than the City, to provide law enforcement related activities and security.
- B. Outside Employment: Providing services that do not relate to law enforcement.
- C. Off-Duty Job Coordinator (**ODJC**)/Designee: Individual(s) that coordinate(s) the process for officers working off-duty jobs.
- D. PowerDETAILS: The scheduling software that provides access to the available off-duty job. PowerDETAILS on-line user guide explains each aspect of the program, i.e. log-in/log-out, etc.
- E. Primary officer: The first officer accepting the offered off-duty job.
- F. Back-up officer(s): The second and subsequent officer(s) signing up for the same job as the primary officer. In the event the primary officer and the first back-up officer are unable to work the job, the program will automatically notify the second back-up officer, if any. In the event neither the back-up officer nor secondary back-up officer is able to work the job, the PowerDETAILS program will automatically re-open the job. All back-up jobs must be approved by the ODJC designee. The officer will then receive a notification that the ODJC designee has approved the job.
- G. Cancel pending: If an officer signs up for an off-duty job, permanent or temporary, and submits a cancellation within seven (7) days from the detail's start time, the cancellation is not completed until another officer signs up for the job. If no one else signs up, the initial officer is still responsible to work the detail. If an officer attempts to cancel a job within 24 hours of the start period, the program will prohibit the cancellation. The officer must contact the ODJC or ODJC designee so the program may be overridden.
- H. Other language clarification:
 - Should: Indicates a general or expected action, absent a rational basis for failing to conform.
 - Shall or Will: Indicates a mandatory action.

V. OFF-DUTY JOB COORDINATOR

- A. A command staff member will be assigned as the Off-Duty Job Coordinator (ODJC), and will oversee all off-duty jobs, and be responsible for:
 - 1. The approval of **all** permanent and temporary off-duty job assignments and locations.
 - 2. The proper dissemination or posting of the approved off-duty jobs through a designee.
 - 3. The review of any ODPW. This will be conducted anytime information is received that the off-duty job location has changed the nature of its business or the location has become the subject of an investigation by any law enforcement agency.
 - 4. The review of ODPW when concerns are brought to the ODJC's attention.

VI. LIMITATIONS ON ODPW

All ODPW must comply with the policies set forth by the Department. Officers may not accept ODPW without complying with these rules.

- A. Officers may not be employed in off-duty police work inside or outside the City limits without the approval of the Chief of Police or his/her designee. **CFA 2.11A**
- B. ODPW within the City limits of North Miami will take preference over ODPW outside the City limits.
- C. In order to work in an off-duty capacity, probationary officers must have successfully completed their FTO Program and completed an additional two (2) months of police experience.
- D. In order to work in an off-duty capacity, officers must have an "Expected Performance" or better on their current performance evaluation.
- E. Restrictions:
 - 1. It is understood and anticipated that instances will arise wherein it

would be undesirable to have police officers work in an off-duty status at or for a particular business, person or entity. As a general guideline, the following restrictions are in effect:

CFA 2.11C

- a. Officers are prohibited from working at locations where information has been received that criminal activity is occurring, or that known criminals frequent, unless authorized by the Chief of Police or his/her designee.
- b. Officers are prohibited from working in business locations where the primary business of that establishment is the dispensing/selling of alcoholic beverages, unless specifically authorized by the Chief of Police or his/her designee.
- c. Officers are prohibited from allowing another officer to utilize their username and password to sign-up for an off-duty detail.
- d. No officer will sign up for an off-duty detail with the intention to accommodate a substitute officer to work the detail.
- e. At all times, the Police Department retains the right to determine the number of officers necessary to perform a requested detail. **CFA 2.11A**
- f. Assistant Chiefs and Majors are prohibited from working off duty details, unless specifically authorized by the Chief of Police or his/her designee.
- g. If a detail requires five (5) officers, a supervisor will be required. If the detail requires ten (10) officers or more, at least two (2) Sergeants and a Commander will be required to staff the detail.
- h. Large scale events that require a significant coordination of resources may necessitate Assistant Chiefs and Majors to work an off duty detail, if specifically authorized by the Chief of Police or his/her designee.

F. Hours Officers May Engage in ODPW: **CFA 2.11B**

1. Officers are prohibited from working more than two shifts in a row, or more than one off-duty job and a shift in a row without a break

of eight (8) continuous hours.

2. Officers are prohibited from working off-duty for more than twenty-five (25) hours during each and any week, with the exception that this limitation shall not apply to officers working off-duty during annual leave.

3. Officers are prohibited from applying and/or working any off-duty where the hours conflict with any part of their scheduled on-duty hours, unless approved by the Chief of Police, or his/her designee, or on approved vacation time.

G. Officers are subject to all departmental rules and regulations while performing ODPW as follows: **CFA 2.11A**

1. Officers must obey all lawful orders of Department supervisors.

2. While working in an off-duty capacity, all sworn members must wear their Class A or B uniform with a **full duty belt**. Any exceptions to the dress code must be approved by the ODJC.

3. If a marked police vehicle is requested by the off-duty employer, the ODJC may or may not provide authorization and, if applicable, the off-duty employer will pay the cost for the use of the marked vehicle.

4. Officers working ODPW must notify Communications via the police radio, advising the location, and start and end time for each job. North Miami Communications personnel will enter the information into the Computer Assisted Dispatch system.

5. Officers **must** log-out of each off-duty job on PowerDETAILS within 24 hours, and, if applicable, make a notation of any concerns encountered, once the job is completed. Failure to do so will prohibit the officer from applying for another job, and will delay payment to the officer.

H. Officer's Responsibility to Perform ODPW: **CFA 2.11B**

1. Officers who accept ODPW, either directly or as a replacement officer, must perform such work.

2. Officers who have a legitimate reason for not performing accepted ODPW will be excused from performing accepted ODPW provided

they find an officer(s) to replace them.

3. Officers who fail to work their assigned off-duty job, and fail to find a replacement, will submit a Memorandum to the ODJC, within 24 hours, providing a detailed explanation for their failing to appear or find a replacement for the ODPW. Failure to appear or cover an ODPW may result in the member being suspended from working ODPW. In addition, discipline may be imposed depending on the severity of the circumstances.

I. Assignment of Permanent ODPW:

1. The ODJC will assign permanent ODPW based on the following:
 - a. Amount of permanent ODPW assigned to an officer;
 - b. Seniority;
 - c. Any substantiated objection by the hiring party (unless precluded by the Collective Bargaining Agreement); and
 - d. Officers will be permitted to maintain no more than two permanent off-duty jobs, unless approved by the Chief of Police, or his/her designee.
2. Officers who do not work at least one entire shift of their assigned permanent off-duty job in excess of three (3) months within a calendar year will be removed from the permanent off-duty. That position will be re-opened and assigned to another officer.

J. Assignment of Temporary ODPW:

1. All temporary ODPW shall be 30 days or less in duration and shall be directed to the ODJC or the ODJC designee.
2. If the ODJC or ODJC designee is unavailable, and there is an emergency need to fill an off-duty job, the on-duty Uniform Patrol Shift Commander will contact the ODJC for approval before assigning an off-duty officer to the job. In the absence of the ODJC, the Uniform Patrol Section Major will serve in his/her stead.

K. ODPW Availability:

1. When there is a request made for an off-duty job, the ODJC designee will post the job in PowerDETAILS. The ODJC, or his/her designee, will document within each posting any instructions or other information deemed relevant.
2. Sworn members wanting to work the off-duty job must apply, via PowerDETAILS. Officers may only apply for one temporary off-duty detail per day as a 'primary' or 'back-up' officer. If the start time is within 24 hours, any member may sign up for that job. Jobs will be assigned on a first come, first served basis.
3. In the event a request is received for an immediate job, the ODJC designee will e-mail the post listed in to the PowerDETAILS program. The job will be filled from the first responding officer. All entries are time-stamped. Restrictions may be lifted in the event of a request for immediate assistance with a job.

L. Complaints:

Officers who believe that they have been unfairly denied an opportunity for ODPW, permanent or temporary, shall first bring the matter to the attention of the ODJC. If unresolved, the officer may submit a written complaint to the Chief of Police who shall have the authority to modify assignments of ODPW. The matter will be reviewed and resolved.

M. Documentation:

If, during the ODPW in the City of North Miami, the assigned officer encounters a situation that requires police action, the officer will take the appropriate action and the incident will be documented. The off-duty officer will handle all incidents/offenses, with the exception of accidents or serious felonies, unless there is a reasonable concern for officer safety. This will be done at the off-duty rate of pay. In the event of an arrest, the off-duty officer will contact the Uniform Patrol supervisor to assist in prisoner transport.

If an officer is working an off-duty job in another jurisdiction, and encounters an incident involving, but not limited to, Use of Force, an arrest, a significant occurrence, or if the officer sustains an injury, the officer must notify the on-duty supervisor in the jurisdiction being worked, as well as their North Miami Police Department supervisor, as soon as possible. A copy of any generated report will be obtained by the officer working the off-duty job.

N. Revocation:

1. The Department retains the right to revoke any ODPW assignment where it has been determined that the officer has failed to work within the guidelines of this policy.
2. Revocation may also ensue as a result of, but is not limited to, any violation(s) of Departmental written directives, to include Standard Operating Procedures, Rules and Regulations, Civil Service Rules and/or repeated tardiness or absenteeism.
3. The ODPW employer reserves the right to request reassignment of any officer who fails to meet their performance expectations, unless precluded by the Collective Bargaining Agreement.

O. Prohibitions:

1. Any officer, who has been suspended or otherwise relieved of duty, is prohibited from working any ODPW until the suspension period ends.
2. Officers on “light duty” status may not work ODPW.

VII. APPROVAL/CANCELLATION OF PROSPECTIVE EMPLOYERS

- A. The ODJC or designee, shall review and approve or disapprove all off-duty employment opportunities. The ODJC reviewing the application has the authority to require a minimum number of officers for any job. The following factors shall be considered:
 1. Job Location;
 2. Job Nature;
 3. Anticipated crowd size;
 4. Past problems;
 5. Available intelligence information;
 6. Risk assessment (alcohol, etc.); and
 7. Feedback from agency personnel.
- B. Employers desiring off-duty law enforcement services should submit an application at least 24 hours prior to the anticipated date of the job.
 1. Employers may e-mail their request and complete the on-line form to be submitted to the ODJC designee.

2. The Department does not guarantee an off-duty will be filled.
- C. All approved recurring off-duty employment shall be reviewed annually to ensure the detail and its responsibilities continue to be within the scope of this policy.
 1. This review shall be completed by the command staff member assigned to oversee the ODPW program, and may consist of a site visit to verify the security, as well as the surroundings of the business.
 2. Any review resulting in the cancellation of the off-duty detail shall necessitate written notification to the off-duty employers, the City, and the ODJC designee, who will then notify the members.

VIII. OUTSIDE EMPLOYMENT

- A. The City of North Miami allows sworn and non-sworn personnel to engage in outside employment; however, all outside employment is subject to approval by the Chief of Police and the Personnel Department, as stated in Civil Service Rule III, Section F, 7.
- B. Annually, the City will distribute a Request to Hold Outside Employment form, along with a Miami-Dade County Outside Employment Statement form, pursuant to Section 2-11.1(k)(2) of the County Code, requesting any member who is considering outside employment complete the forms and return them to City Hall via their chain of command.
- C. The following outside employment guidelines will apply to all members:
CFA 2.10
 1. Outside employment during those hours in which the employee is required to work by and for the City is prohibited.
 2. Outside employment may be performed at times other than the employee's working hours provided it does not interfere with the ability or availability of the employee to perform assigned duties.
 3. Outside employment may be performed at times other than the employee's working hours, provided that such employment shall not involve an activity that could result in a conflict of interest that would compromise an employee's ability to provide superior police service to

the community.

4. Reserve military duty shall be exempt from this policy and shall not be considered as outside employment.
5. No employee, while working for a private employer, shall rent, lease or sell any goods or services to the City per FSS 112.313, unless exempted by FSS 112.313(12).
6. NMPD employees shall not engage in any of the following types of outside employment:
 - a. Any employment that would constitute a conflict of interest or would tend to bring discredit to the agency.
 - b. Any employment where the sale of liquor is the principal business.
 - c. Any employment in association with the sale of medical marijuana.
 - d. Any employment that requires the service of civil process.
 - e. Any employment by any other municipality or political subdivision of this State, except with the express permission of the City.
 - f. Employment as bill collectors.
 - g. Employment involving the repossession of merchandise.
 - h. Any employment in association with the services of bail bondsman.
 - i. Any employment that may necessitate access to police information, records files, or correspondence.
 - j. Employees shall not accept employment or engage in any business or professional activity that might reasonably be expected to require or induce them to disclose confidential information acquired by them as a result of their official position.

- k. Employees shall not engage in any outside employment prohibited by Florida State Statutes, federal law, City ordinance, or Department directive.

IX. PAYMENTS

- A. Officers will not accept **any** payments for off-duty work performed. Vendors will submit timely payments to the City of North Miami. The City will subsequently pay the officer.