

LEXINGTON POLICE DEPARTMENT

OFF-DUTY EMPLOYMENT GENERAL ORDER 1973-15L

October 20, 2020

Commander Brad Ingram

Public Integrity Unit



LEXINGTON



POLICY:

- It is the policy of the Lexington Police Department to regulate, review, approve, and revoke off-duty employment. The department may place reasonable limitations to protect the city's interests with which off-duty employees must comply, establish criteria and standards for approval or disapproval, and provide an appeal process regarding off-duty employment decisions. The city has a legitimate interest in restrictions intended to avoid situations where employees might be motivated to neglect their official duties or where their actions might result in failure of public trust.
- Regardless of the type of off-duty employment, an employee's primary duty and allegiance must remain with the Lexington Police Department.
- Off-duty employment must not create a conflict with an employee's duties as an employee of the department, reflect unfavorably on the department or the employee, or impair the employee's performance of departmental duties.
- It is also the department policy that the primary responsibility of all officers is public safety and ALL department rules, regulations, policies and procedures and standards of conduct apply to off-duty employment as they would if an employee was on regularly assigned duty.



Liability

The company, or business, that is employing the officer for a position that the actual, or potential, use of law enforcement powers is anticipated is required to provide a certificate of insurance for:

- Commercial General Liability Insurance in the amount of no less than \$1,000,000.00 and
- Worker's Compensation Insurance, Liability coverage of no less than \$100,000.00

The Employer agrees to indemnify, hold harmless, and defend LFUCG from any and all losses or claims of whatever kind that arise from, or are alleged to have arisen, directly or indirectly, in whole or in part from the employment by the Employer of the Officer



Old policy vs. New policy

Old

- Original policy went into effect in 1973 and has had numerous updates over the years
- Old policy version had an effective date of October 2015
- Assumed most assignments would not be in uniform
- Allowed for 2 year “blanket” approvals for companies without listing specific job assignments
- Did not address the enforcement of private policies
- Did not address specific assignment requirements

New

- New policy effective date is July 2020
- All enforcement type of assignments are in uniform with BWC
- All assignments must be reviewed and approved
- Specifically addresses private policy and officers not being able to enforce them
- The Chief, or designee, may stipulate a minimum number of officers and/or supervisors that are required for an assignment



Review and Approval Process

- No officer shall work any off-duty employment, including volunteer work in uniform, or as a courtesy officer for rental property (with or without compensation), until the following forms are submitted, reviewed, and approved:
 1. Off-Duty Work Authorization (Form 260)
 2. Employment Agreement (Form 261)
 3. Off-Duty Job Assignment Request (Form 275)
 4. Proof of insurance.

- ALL request for Off-Duty employment are reviewed by the Public Integrity Unit and approved by the Chief of Police, or designee.

- Approval of any off-duty employment may be revoked upon determination by the Chief of Police or designee that the off-duty employment is in any way impairing or interfering with the performance of an employee's departmental duties.



Uniform / Plain clothes

- All security, enforcement, and public safety type of assignments will be in the full duty uniform with BWC
- Plain clothes assignments will be considered, for the most part, a non-enforcement type of assignment, e.g., surveillance, spotter, observation, dignitary protection, etc. and have to be approved by the Chief of Police or designee.



Prohibited Employment

- Any assignment that presents a real or apparent conflict of interest between the officer's duties as a department employee and their duties for the off-duty employer
- Alcohol establishments
- Employment as a process server, bail bondsman, repossessing vehicles or other property, bill collector, etc.
- Private investigator work which utilizes their police identification, credentials, department records, or law enforcement powers
- Providing protection for a specific party or property during a strike or labor dispute
- Assisting in the case preparation for the defense in any criminal action or proceeding, or in any civil case involving potential liability for the LFUCG



Benefits

- An increase in police presence. While an officer is working off-duty employment they may be directed to respond, on a temporary basis, to an incident close to their off-duty employment location until sufficient on-duty officers arrive and establish control of the scene. Once the scene is secured by on-duty officers, the officer may return to working their off-duty employment.
- Prevents on duty resources from being utilized to address potentially high call volume incidents (ex: loss prevention – Walmart)
- Allows officers to supplement their income and develop relationships with community partners



Officer Requirements

- Prior to working any Off-Duty assignment, officers are required to notify dispatch of their location, start and ending times, whether they are utilizing their marked cruisers, and whether they are in uniform or plain clothes. This notification allows for on duty units and supervisors to know where officers are working in case there are calls for service there that they can handle or if the officer requests assistance, units are aware of the location that they are working.



Changes / Recommendations

- Currently our Planning and Analysis Unit is working on setting an annual review for our policies. If an issue or concern arises before the review date, we can always amend a policy at any time.

Questions?

