



Police Department

Edward A. Flynn
Chief of Police

June 7, 2010

Deputy City Clerk Jim Owczarski
Office of the City Clerk
City Hall, Room 205
200 E. Wells St.
Milwaukee, WI 53202

Mr. Owczarski,

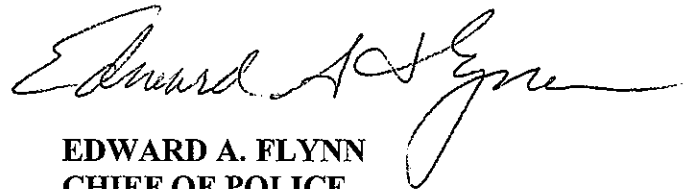
The Milwaukee Police Department is requesting a Common Council Resolution providing us with blanket authorization to accept and expend grant funds pursuant to City of Milwaukee Ordinance 304-83 "Additional Grants for Law Enforcement Services".

This Resolution is necessary for MPD to move forward with plans to create Standard Operating Procedure 400 – Secondary Employment, a subsection of which will refer to Extra-Duty Employment. Extra-Duty Employment is covered by Ordinance 304-83 (b-1) and would involve off-duty officers working for entities with unique security needs occasioning the need for additional police services. I anticipate numerous occasions where there is a need for these services and requesting Common Council authorization for each such request will become burdensome.

The Comptroller's Office will be establishing a special purpose account to receive and expend funds relating to our Extra-Duty Employment policy. Attached to this letter is a copy of the draft policy and draft contractual documents.

Thank you for your consideration.

Sincerely,



EDWARD A. FLYNN
CHIEF OF POLICE

Attachments

CC: Alderman Robert G. Donovan

**Milwaukee Police Department
Extra-Duty Employment Agreement**

**DRAFT ONLY
NOT OFFICIAL**

A. DESIGNATED CONTACT INFORMATION

1. Inquiries by contractors shall be directed to the Milwaukee Police Department, Tactical Planning and Logistics Unit at 414-935-7218 or 414-935-7849; Fax 414-935-7165; mailing address, 749 W. State Street, Milwaukee, WI 53233.
2. Applications will be accepted in person or by mail after the contractor contacts the Tactical Planning and Logistics Unit directly.
3. Applications must be submitted no less than thirty (30) days prior to the service request. Less than thirty (30) days notice will be subject to availability.
4. **Before the requested contractor submits an application, the requestor must first contact the supervisor of the Tactical Planning and Logistics Unit, who will inform the contractor of the appropriate number of officers that will be assigned to the event and the amount of payment expected. The contractor will then submit an application with the appropriate payment amount as directed.**

B. TERMS OF AGREEMENT

In compliance with the Milwaukee Police Department Standard Operating Procedure # 400-Secondary Employment, this application is required to request extra-duty services of law enforcement officers for public safety, public welfare, and quality of life services, in addition to those already provided to the public. It is understood that this is a non-binding agreement. The Milwaukee Police Department may cancel this agreement without advance notice at any time. The Milwaukee Police Department will attempt to assign officers at the requested location on the date and time specified. Due to unexpected emergencies, personnel unavailability, or any other unforeseen circumstance(s), this agreement may be invalidated, and not be filled as requested. Under extraordinary circumstances, extra-duty personnel may be activated to an on-duty status and pulled away from their extra-duty assignment. The Milwaukee Police Department will not permit any law enforcement personnel to work as a "bouncer", or participate in any activity that is engaged in determining the age of patrons desiring entry into any location where alcohol is being served. Police personnel are subject to the Milwaukee Police Department policies. **No contractor has any authority over police personnel. Law enforcement officers must confine their duties to those of a law enforcement nature.** Law enforcement officers cannot enforce the rules and regulations of the contractor that are not otherwise a violation of federal or state law, or city ordinance. Police personnel are not permitted to conduct searches of persons or property for the contractor, such as operating metal detectors or doing searches of people coming into a business or event. Law enforcement officers will only perform duties arising from the exercise of their police authority and will respond to any circumstances occurring in their presence or immediate area that poses a threat to bodily harm, or damage

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to or loss of property, even if the incident may not be regarded as a matter of concern by the contractor.

C. COMPENSATION FOR SERVICES

No personal checks will be accepted. All payments shall be made by corporate checks or money orders, payable to The Milwaukee Police Department. Payment shall be delivered to the Tactical Planning and Logistics Unit, no later than fourteen (14) days before the scheduled event. Contractors shall not make payment to the police personnel working at the event. If a check is returned for non-sufficient funds, the contractor expressly authorizes its account to be electronically debited or bank drafted for the amount of the check, plus any applicable fees. The submission of payment to the Milwaukee Police Department is the contractor's acknowledgement and acceptance of this agreement and its terms and conditions. If the Milwaukee Police Department is unable to find any police personnel to work at the event specified in the agreement, the contractor will be fully reimbursed without penalty. If police personnel assigned to the event was unable to fulfill all the agreed upon hours for which compensation was already received, the Milwaukee Police Department will furnish a prorated reimbursement to the contractor for service hours paid, but not rendered.

D. MINIMUM HOURS

There is a three (3) hour minimum for all extra-duty employment. Cancellation made within three (3) business days of the scheduled event will be subject to a charge equal to three (3) hours pay for the officer(s) assigned to the event.

RATES	Police Personnel	\$60.00
(Per Hour)		

The Milwaukee Police Department reviews rates annually. All reflected rates are in effect from January 1st to December 31st of the calendar year of the event.

The Milwaukee Police Department will determine the number of police personnel to be assigned to any event. Staffing levels will be based on the appropriate number of police personnel needed for security, crowd and/or traffic control, and any other anticipated public safety needs for an event of the requested type. The contractor will be notified of the number of police personnel that will be assigned to the event and the total cost before signing this agreement.

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E. OFFICERS NOT REPORTING FOR EXTRA-DUTY ASSIGNMENT

If police personnel is scheduled to work and did not report as assigned, the contractor shall notify the Tactical Planning and Logistics Unit at 414-935-7218 or 414-935-7849, from 7am to 3pm Monday thru Friday. Contractors can also fax 414-935-7165.

F. DUTIES OF THE MILWAUKEE POLICE DEPARTMENT

The Milwaukee Police Department shall provide police services based upon available resources. All law enforcement personnel will be in uniform. Police personnel will be assigned based upon the department's staffing as previously stated in section D of this agreement.

G. DUTIES OF THE CONTRACTOR

The contractor shall provide the Milwaukee Police Department with advanced notice, as indicated in section (A)(3), along with the exact time and location that police services are required, the duties the contractor requests the assigned personnel to perform, along with the name and telephone number of an on-site contact person.

Please complete and sign the following extra-duty employment application. Applications are accepted in person, mail, or fax (Mon-Fri 7am-3pm).

Fax: 414-935-7165

**Mail: Milwaukee Police Department
Tactical Planning and Logistics Unit
749 W. State Street,
Milwaukee, WI 53233**

Milwaukee Police Department Extra-Duty Employment Application

Please Contact the Milwaukee Police Department Tactical Planning and Logistics Unit **prior** to completing this form.
Please call 414-935-7218 or 414-935-7849 for assistance.

Business Name:		Business Type:	
Business Phone:		Business Email:	
Business Fax:		Event Street Address:	
City: Milwaukee	State: WI	Zip:	Contact Person:
Contact Person Phone:	Contact Person Email:		Required Permit(s) Obtained:
Type of Event:	Maximum Occupancy:		Anticipated Attendance:

Start Date:	End Date:	Start Time:	End Time:
The Day Personnel Are Required: <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tue <input type="checkbox"/> Wed <input type="checkbox"/> Thu <input type="checkbox"/> Fri <input type="checkbox"/> Sat		Type of Event (Traffic Control, Security Presence, Etc):	
Please contact the Tactical Planning and Logistics Unit to get numbers of recommended officers for the event.		# of Officers Recommended:	# of Hours for Event:
Detailed Event Description:			

By signing this application, I affirm that I have read, and agree to be bound by the terms and conditions of the Extra-Duty Employment Agreement.		
Name:	Signature:	Date

****The below shaded section is for the Milwaukee Police Department use only****

# of Officers assigned:	# of supervisors from each rank:	Payment Method (corporate check or money order):
Notes:		



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

400 – SECONDARY EMPLOYMENT

GENERAL ORDER: 2010-

ISSUED:

EFFECTIVE:

ACTION

DRAFT ONLY

NOT OFFICIAL

400.00 PURPOSE

The purpose of this standard operating procedure is to provide guidelines for police and civilian members regarding the types of secondary employment that are appropriate, and establish procedures to maintain accountability for members who are engaged in secondary employment. These procedures are essential for the efficient operation of the Department and maintaining public trust.

400.xx POLICY

It is the policy of the Milwaukee Police Department to allow its members to engage in secondary employment under certain conditions as outlined within this order. The Department recognizes, however, that its utmost priority is to achieving its vision and mission.

Off-duty employment and extra-duty employment are considered to be secondary employment and both have separate guidelines under this policy. All secondary employment falls under the authority of the Chief of Police. Secondary employment is not an inherent right, but a privilege that can be granted at the discretion of the Chief of Police. Department members may be given permission to engage in secondary employment provided that such employment does **NOT** interfere with the performance of their duties and obligations as Department members, or conflict with the professional standards and core values of the Department.

Any Department member engaging in secondary employment shall, at all times, be in compliance with the provisions of this order and all other orders, Department policies and procedures, and any other applicable rule, regulation, or law.

400.xx DEFINITIONS

A. SECONDARY EMPLOYMENT

Secondary employment is any Department approved extra-duty or off-duty employment.

B. EXTRA-DUTY EMPLOYMENT

Extra-duty employment is any Department approved contractual service with a business or organization that requests or requires the use of law enforcement authority. Extra-duty employment is therefore limited to qualifying Department members who work in an on-duty, overtime capacity. Members are compensated at an overtime rate and the contracted business or organization is responsible for payment to the Department for services rendered.

C. OFF-DUTY EMPLOYMENT

1. Off-duty employment is any employment involving a police or civilian member in an off-duty, non-law enforcement capacity as approved by the Chief of Police.
2. Police members may be permitted to work a maximum of thirty-two (32) hours bi-weekly, but not more than twenty (20) hours in any one (1)-calendar week. This shall be conducted on a non-cumulative basis for another business or occupation provided that such employment is approved by the Chief of Police; and provided that such employment does not occur while the member is on sick leave or duty incurred injury leave, during a period of an existing emergency, and provided that such employment does not interfere with the rights of the Chief of Police to schedule or assign overtime. During non-segmented vacation periods, police members shall be permitted to work a maximum of forty (40) hours per week in another business or occupation, subject to the provisions of this order.
3. Civilian members may be permitted to work off-duty employment, provided that such employment does not interfere with their duties to the Department nor with the rights of the Chief of Police to schedule or assign overtime.

400-XX SECONDARY EMPLOYMENT RESTRICTIONS**A. EXTRA-DUTY EMPLOYMENT**

1. Department members assigned to extra-duty employment are required to conduct themselves in accordance with Department rules, policies, and procedures, and all federal and state laws, and city ordinances.
2. When engaged in extra-duty employment, members will respond to any circumstances occurring in their presence or immediate area that poses a threat of bodily harm, or damage to or loss of property, even if the incident may not be regarded as a matter of concern by the contracting business or organization.

3. Members assigned to extra-duty shall wear their Department issued uniform at all times and comply with all uniform and appearance regulations as outlined in Standard Operating Procedure 340 – Uniforms, Equipment, and Appearance.
4. Unless otherwise directed, when on extra-duty members are prohibited from engaging in the following activities when assigned to any on-sale liquor establishments, such as taverns, clubs, and dancehalls:
 - a. Working from within the confines of any building or structure where alcohol is being served. Members shall enter the establishment only in response to an incident requiring official police action. When official police action is concluded, members must return to the exterior of the building.
 - b. Assume a role, or participate with business representatives, in any activity that is engaged in determining the age of patrons desiring entry into the establishment.
 - c. Working as a “bouncer” and from collecting or handling money for the business.
 - d. Conduct any activity for the business that is outside the agreed upon contract.
5. Members are prohibited from brokering extra-duty employment services. The Tactical Planning and Logistics Unit will conduct all contractual services for extra-duty employment.
6. Members having a direct or indirect interest in any business or organization are prohibited from working in an extra-duty capacity for that business or organization, and are therefore prohibited from signing up to work extra-duty for such business or organization.

B. INELIGIBLE EMPLOYEES FOR EXTRA-DUTY

Department members are prohibited from working any extra-duty assignment:

1. During their initial probationary period (police members will be ineligible during the first sixteen (16) months of hire, and civilian members will be ineligible during the first six (6) months of hire).
2. If the member has an unsatisfactory work attendance record, as determined by the member’s commanding officer.
3. If they are limited duty or are being carried in an Injured on Duty (IOD) or Old Duty Injury (ODI) status (i.e., when covered by workers compensation);

4. While on a personal sick/injury leave (members on personal sick/injury leave must return to regular duty status and work their next scheduled regular duty shift prior to working any extra-duty assignment);
5. During a leave of absence (i.e., education leave, military leave, FMLA, etc.);
6. During a period of paid or unpaid suspension;
7. During an overtime off day.
8. During a pending personnel investigation for an allegation of misconduct, as determined by the commanding officer of the Professional Performance Division (PPD).

Note: Members that become ineligible for extra-duty due to unsatisfactory attendance, will become eligible for extra-duty when the member receives written permission from his/her commanding officer, stating that the member's work attendance has improved. The written permission will be forwarded to the supervisor of the Tactical Planning and Logistics Unit, who will remove the member from "ineligible" status.

D. OFF-DUTY EMPLOYMENT

1. Department members shall not be permitted to engage in any off-duty employment that would create a conflict of interest with the duties, responsibilities, and professionalism of the MPD, or any employment that would reflect unfavorably upon the Department or the member.
2. The following prohibitions may be amended by the Chief of Police, who makes final decisions on this issue, consistent with the interest of the Department. The Chief of Police has the right to deny **ANY** off-duty employment request that he/she believes is not in the best interest of the MPD. Members are prohibited from engaging in off-duty employment under the following conditions which includes, **but is NOT limited to:**
 - a. Employment that presents a real, potential, or apparent conflict of the interest between the Department member's duties and their duties for the off-duty employer.
 - b. In any capacity in which a police member serves or sells beer, wine, or liquor. Civilian members may request such employment provided they are in compliance with other conditions of this policy.
 - c. Employment for establishments that provide adult entertainment in the form of nude, semi-nude, or topless exhibitions, etc.

- d. Employment for establishments that sell merchandise of a sexual or pornographic nature as their primary source of revenue, such as an X-rated video or bookstore.
- e. Working in the capacity as a security guard, "bouncer", or employment for private security companies, or any business that provides private investigations or background checks.
- f. Employment as a process server, bail bondsman, property re-possessor, bill collector, tow of vehicles, or any other employment in which police authority might tend to be used to collect money or merchandise for private or commercial purposes.
- g. Employment involving the wearing of a police uniform.
- h. Employment involving any criminal defense work.
- i. Employment involving any civil action or proceeding where the City of Milwaukee, or the Milwaukee Police Department is a party.
- j. Employment at any establishment where the member is, or should be, aware that the establishment is engaged in or permits criminal activity, or has a history of criminal activities in or directly outside the establishment.
- k. Any employment that reflects poorly on the Department or the professional image of the Department.

400.xx ROLES AND RESPONSIBILITIES

A. TACTICAL PLANNING AND LOGISTICS UNIT

1. The Tactical Planning and Logistics Unit shall coordinate and post all extra-duty assignments and is responsible for maintaining all extra-duty assignment requests. A roster will be maintained for Department members that are eligible to work extra-duty assignments. Extra-duty assignments will be fairly distributed to members who requested the event(s) by using a seniority-based fair sheet system. However, members must be reminded that priority will be given to members that are on regular days off, vacation, or holiday off. Preference will also be given to members that have certain skills associated with the event, such as motorcycle, and bicycle officers.
2. No extra-duty postings will be made until the supervisor of the Tactical Planning and Logistics Unit determines that the requested business or organization for police services is a properly licensed/permitted entity. The business or organization must also have appropriate insurance and worker's compensation coverage.

3. If a contracted business or organization reports that the performance of a Department member working at an extra-duty assignment was unsatisfactory, the Tactical Planning and Logistics Unit supervisor shall review the information and conduct a preliminary investigation to determine if the report has merit. Complaints of employee misconduct shall be handled in accordance with Standard Operating Procedures 450 – Personnel Investigations.
4. The Tactical Planning and Logistics Unit shall not consider a request by a contracting business or organization for specific members to be scheduled for an assignment.
5. All inquiries regarding extra-duty details from citizens, businesses, organizations, or any non-departmental entity will be directed to the Tactical Planning and Logistics Unit.
6. The supervisor of the Tactical Planning and Logistics Unit will ensure the following:
 - a. The number of officers needed for security, crowd and traffic control, or other duties as required for the assignment.
 - b. The number of supervisors needed to manage the assignment. The supervisor of the Tactical Planning and Logistics Unit will give careful consideration to the type of event, the number of police officers or civilian personnel that will be assigned, and anticipated concerns or issues that may arise. A supervisor **MUST** be assigned to any event with four (4) or more officers working, although the Tactical Planning and Logistics Unit may assign a supervisor to any event, even if less than four (4) officers are working.
 - c. Provide adequate information to members about the event the member(s) are assigned, such as the type of assignment, the date, time, location, staging area, traffic flow and control, parking, street closures, and all other relevant information.
 - d. Coordinate between the MPD and the contracted business or organization.
 - e. All other duties as directed by the Chief of Police or designee.

B. EXTRA-DUTY EVENT SUPERVISOR

Supervisors assigned to an extra-duty event shall:

1. Be accountable for their conduct and the conduct of their subordinates. Supervisors must take all required supervisory action when working an extra-duty assignment as they would on regular duty.
2. Ensure that all Department rules, policies, and procedures are adhered to while members are engaged in an extra-duty assignment.

3. Ensure that all reports, arrests, and citations are completed and processed in a timely manner.
4. Take all citizen complaints regarding members under their direct supervision in accordance with existing policy. In the event that no supervisor is assigned to the extra-duty event, the member receiving the request for a supervisor shall contact the district shift commander of the district where the event is occurring.
5. Submit an "After Action Report" for all events as directed by the Tactical Planning and Logistics Unit. The supervisor completing the report will indicate all relevant information about the event as indicated on the report and submit the report to the Tactical Planning and Logistics Unit.

C. MEMBER'S RESPONSIBILITY

1. All members working an extra-duty assignment will comply with the same Department rules, policies, and procedures as when working regular duty.
2. Members on extra-duty status will perform all normal duties arising from the exercise of their police authority including, but not limited to, the completion of all reports relating to arrests, incidents, citations, etc.
3. Members on extra-duty are allowed to utilize regular duty officers for assistance when necessary for conveyances if it is impractical for the extra-duty member to conduct such conveyance.
4. All members on extra-duty shall have a portable radio and stay in contact with the appropriate radio channel indicated for the event.
5. Members working in an undercover capacity should be cognizant of their primary duty assignment when requesting to work an extra-duty assignment. Members working in an undercover capacity must obtain approval from their commanding officer before signing up and engaging in any extra-duty assignment.

D. RESPONSIBLE TO REPORT ONCE ASSIGNED

1. Once the Tactical Planning and Logistics Unit assigns a member to an extra-duty event, that member is scheduled as working and is required to report for duty properly equipped at the location, date, and time specified on the Special Event Overtime Notification Sheet.
2. If a member cannot report to a scheduled extra-duty assignment, that member must notify the Tactical Planning and Logistics Unit as soon as practicable.
3. Members are prohibited from finding their own replacements for extra-duty assignments. The Tactical Planning and Logistics Unit will find an appropriate replacement if a member cannot work at an event.

4. The Tactical Planning and Logistics Unit supervisor can determine a member ineligible for an extra-duty assignment and cause the member to be skipped in the fair sheet rotation under the following conditions:
 - a. If a member is assigned to an extra-duty assignment and cancels by directly contacting the supervisor of the Tactical Planning and logistics Unit, that member will be ineligible for the following two (2) extra-duty rotations.
 - b. If a member is assigned to an extra-duty assignment and cancels with less than 48-hours notice from the duty assignment start time by directly contacting the supervisor of the Tactical Planning and logistics Unit, that member will be ineligible for the following three (3) extra-duty rotations.
 - c. If a member is assigned to an extra-duty assignment and failed to report to the assignment without any notification of cancellation directly to the supervisor of the Tactical Planning and logistics Unit, that member will be ineligible for the following five (5) extra-duty rotations.

400-xx CIVIL LIABILITY

The MPD will not accept liability when officers are engaged in off-duty employment. Members engaged in off-duty employment are working outside the limits of their police authority or duty, and are enforcing rules made in the interest of an off-duty employer. Contracted extra-duty employers must demonstrate proof of civil liability insurance and worker's compensation coverage.