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**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

Review of the Travis County Sheriff's Office
Secondary Employment Policy
Management Model

**A Policy Research Project
Submitted in Partial Fulfillment
of the Requirements for the Professional Designation
Graduate, Management Institute**

by
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Travis County Sheriff's Office
Austin, Texas
February 1999

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ABSTRACT

The use of a Deputy Sheriff in a secondary employment position is a primary concern for the Travis County Sheriff's Office. As the population of Travis County increases, so will the demand for secondary employment. As new businesses move in, the demand for off-duty officers increases also. This increase creates a strain on managers as well as deputies. The captain of the Uniformed Services Group approves all secondary employment requests. This captain has the sole responsibility for approving all incoming jobs. The current Travis County Sheriff's Office policy does not address administration, work permits, and other relevant issues concerning the secondary employment program.

The purpose of this research project is to review the current Travis County Sheriff's Office secondary employment policy and identify the type of model used. By identifying the current model we can determine if changes need to be made to policy. I have gathered all relevant information relating to secondary employment of Peace Officers; including case law, other departments' policies, law enforcement publications, magazine articles, and Attorney General opinions.

The research shows that almost all law enforcement agencies in Texas sanction secondary employment for their officers. It also shows that the policy varies from department to department depending on the size of the agency. I will recommend changes to the current secondary employment policy. This research project needs to re-evaluate work permits, work hours, contract administration, and approvals. Background investigation of businesses, officer rotation systems, and the appointment of a full time secondary employment coordinator must be addressed also.

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INTRODUCTION

In 1996 a questionnaire was sent to a sample of police and sheriff's departments in Texas. Of the 39 responding agencies, 100% permitted the officers to work off-duty jobs (Telemsp Bulletin, January 1996, Vol. 2, No.10). This indicates that a majority of law enforcement agencies in Texas allow their officers to work secondary employment. The common practice of secondary employment merits a closer review by law enforcement executives. By closely reviewing their secondary employment policies, agencies can determine the effectiveness of the model they are using. This will enable each agency to choose the management model that best suits their department.

This research project examines the current Travis County Sheriff's Office secondary employment policy and the type of management model it uses. By identifying these models, it is possible to distinguish strengths as well as deficiencies. The focus of the research is as follows:

1. A review of all available secondary employment research.
2. A review of secondary employment practices and management models.
3. A review of secondary employment policies of other agencies.
4. A review of the current Travis County Sheriff's Office secondary employment policy (appendix 6).
5. Implementation of a new policy based on comprehensive research (appendix 2).

All information included in this research paper is available from books, journals, police agency surveys, police department policy manual, state and federal laws, case law and other documents.

The intended outcome of this research paper is to provide the Travis County Sheriff's Office chain of command with a comprehensive secondary employment policy.

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HISTORICAL, LEGAL, OR THEORETICAL CONTEXT

For much of their history police officers have worked long tours without additional pay; supplementary employment was prohibited. With the growth of police brotherhoods and unions the lengths of tours were reduced to the conventional three shifts of 8 hours each, the workweek to five tours, and extra pay for any additional hours (overtime) was added. Shorter tours and a reduced workweek created the possibility for supplementary earning from secondary employment (Reiss 5).

As outlined in a previous Department of Justice Report off-duty employment has gone through an evolution. In the 1930's, officers were allowed to moonlight in jobs that were not related to police work. Many departments refused to permit it, largely on the grounds that an officer was obliged at all times to enforce the law and to be available for duty when summoned. In the 1950's, off-duty employment evolved into officers working off-duty as Police Officers. The report cited several reasons. Among those cited were; the demands by police for better compensation, changes in conception of police responsibility for services to public and private events, and the escalation in the crime rates in the 1960's and 1970's (Reiss 6).

Because of these changes we have seen an increase in police presence in our everyday life. We see police officer at our malls, rock concerts, traffic directing assignments at construction sites, and nightclub parking lots. In an article written for Law and Order magazine, author Ordway P. Burden summarizes this presence best. In scores of cities around the country citizen can no longer complain that it is hard to find a police officer when they need one. The police seem to be everywhere -- patrolling shopping malls, directing traffic at construction sites, controlling crowds at rock concerts and sporting events. Have the police enjoyed a sudden

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increase in hiring? Not according to Burden, who argues that many of the officers are actually off-duty and working for private employers (Burden 92).

The Travis County Sheriff's Office has stayed consistent with the changes in secondary employment policies. In the 1980's, the Travis County Sheriff's Office did not allow its deputies to wear a county issued uniform when working secondary employment. The deputies were required to purchase their own uniforms and equipment. Later this was relaxed and the deputies were allowed to use county issued equipment. The change occurred because the Travis County Sheriff reasoned that the deputies were providing a service that benefited the citizens of Travis County.

Also, during this time period the Sheriff's Office developed a General Policy Manual. This manual specifically addressed the secondary employment policy of the Sheriff's Office. It was generally consistent with the national trends in off-duty employment. It addressed conflict of interest, officer duties, hours and gave general direction (appendix 6).

In 1997, the Travis County Sheriff's Office made application with the Commission on Accreditation of Law Enforcement Agencies (C.A.L.E.A.). By entering this process, the sheriff's office had to review all current policies and procedures. The Sheriff's Office appointed a C.A.L.E.A. administrator to oversee the process. The C.A.L.E.A. administrator then appointed a committee to review all policies and procedures. The committee was tasked to review the policies and make changes. Upon completion of the changes, they would be forwarded to department heads for approval. The final product would then go to the Sheriff for final approval and implementation. The process resulted in a review of the secondary employment policy. The old policy was reviewed and a new policy emerged. Again, the new policy was consistent with the national trend, but was not based on a systematic study or research.

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Professor Albert J. Reiss, Jr. summarized the history of off-duty employment best. "Like many Police Department practices, those regarding secondary employment have evolved without much systematic study or research and development. Consequently, there are no major models or guidance that department administrators might chose among to implement and to structure, or to control secondary employment" (Reiss27).

RE VIEW OF LITERATURE OR PRACTICE

In 1977, James A. Peach and Curtis Ruckman wrote an article for the Police Chief Magazine concerning off-duty employment. The article was titled: Establishing and Maintaining Professional Standards by Police Executives for Secondary Employment. In this article they address the role of the police executive in developing guidelines (Peach26). They recommended that police executives follow the guidelines established by the International Association of Chief of Police (I.A.C.P.). These guidelines covered the application process, the issuance of work permits, permit reviews and requirements for outside employment. Essentially, it advises that a policy and a system to control off-duty employment are needed to run a successful program.

In 1988, Professor Albert J. Reiss, Jr. from Yale University, conducted a research study of off-duty employment for law enforcement agencies. His study revealed there are three basic models of off-duty employment: the officer contract model, the union or association brokerage model and the department contract model.

Ordway P. Burden wrote an article for Law and Order titled: Rent-A-Cop Business is Booming. This article summarizes professor Reiss' models. In a model that he calls "officer contract," the individual officer finds his or her own off-duty job and negotiates pay, hours and

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working conditions with the employer, and then seeks departmental approval for this job. In the “Union or association brokerage” model, the police union or association finds off-duty jobs, negotiates pay and working conditions, and assigns the jobs to willing officers. The third model is the “Department contract” in which the police department itself contracts with employers and assigns officers, and pays them from fees charged to the employers. Some police agencies use a hybrid model that includes all three models, allowing independent contracting for some and contracting itself for others. The police departments exercise control in all models. All departments usually have rules governing off-duty employment (Burden 92).

In 1996, George Eichenberng and Vincent M. West conducted a survey of 39 Law Enforcement agencies in Texas. Their survey revealed that 100% of the agencies surveyed allowed their officers to work off-duty employment. The agencies surveyed exercised control over type of locations worked, hours, use of department equipment, contracts, and pay.

In 1997, Darcy U. Burton, wrote an article for the F.B.I. Law Enforcement Bulletin in reference to off-duty employment. In his article titled: Outside Employment Guidelines for Law Enforcement Agencies, he stated some guidelines that in his view were key to running a successful program. He advised that agencies need to develop a needs assessment. Considering the needs assessment, they need to address employment restrictions, general restrictions, hours, pay, and approval. On managing a good off-duty policy, Captain Burton said “A well managed policy can lead to fewer officer demands for salary and benefits increases, while it enhances community support through increased Police visibility. Such policy can improve morale by letting officers know that within parameters, the agency hierarchy supports their efforts to supplement their incomes” (Burton 17).

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While conducting my research on secondary employment for law enforcement agencies, I was able to review the policies and procedures for eight agencies in Texas.

These agencies were as follows:

Huntsville P.D	College Station P.D
Dallas P.D.	Houston P.D.
Travis County Sheriff's Office	Galveston Sheriff's Office
Austin Police Department	Amarillo P.D.

The above-mentioned agencies generally followed the guidelines mentioned by Peach, Burden and Reiss (appendix 1). My researched revealed that some where more restrictive than others. I found that they all had the following common practices:

- Secondary employment policy in place.
- Approval required.
- Assignment of jobs by a central office.
- Restriction on locations that could be worked.
- Restriction on hours.
- Restrictions placed on officers while at the off-duty job.
- Restriction on the use of department equipment.

Of the eight policies only one is truly a "department contract model" as defined by Professor Reiss (Reiss11). This was the Austin Police Department's secondary employment policy. It required that a contract be signed before a job would gain approval. All others are a combination of department contract and officer contract model or as professor Reiss said "hybrid." They had the following hybrid characteristics:

- The officers independently contracted with the employer (Officer Model).

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-The officer applies for permission (Department Model).

-The employer pays the officer (Officer Model).

-The department assigns officers (Department Model).

The only exception to the above was the Austin Police Departments Policy. They followed the Department Model almost to the letter. They required a contract, they assigned officers, they paid the officers from reimbursements by the employer and taxes were withheld.

DISCUSSION OF RELEVANT ISSUES

It became apparent that secondary employment had three main issues. The policies that govern the secondary employment, the type of model that was used and the administration of the program.

The policies that were examined varied from department to department. All addressed the basics such as:

- Off-duty employment policy in place.
- Approval required.
- Assignment of jobs by a central office.
- Restriction on locations that could be worked.
- Restriction on hours.
- Restrictions placed on officers while at the off-duty job.
- Restriction on the use of department equipment.
- Pay

Although all of them address the basics, they vary in their application of restrictions. For example, the Dallas Police Department allows their officers to work at nightclubs and bars.

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Although they allow them to work at bars, they can only work the parking lot. In contrast, the Amarillo Police Department prohibits these activities. Some policies addressed workman's compensation, while others did not mention it at all.

When I examined the models against the policies, almost all were a hybrid model or a combination of all of them. The Travis County Sheriff's Office policy falls in this category. It is a combination of the department and the officer model.

The administration of the policies was a definite issue. Some policies gave detailed direction, while others were somewhat vague. For example, the Houston Police Department's policy is very specific in its administration. It has an extra employment office designated by policy. In contrast the Travis County Sheriff's Office refers all off duty employment to the Captain of Patrol, but it does not give any specifics on how to run the program. There was a clear flow of direction in your larger departments and more general guidelines in other departments. The latter leaves too much room for interpretation and discretion.

It also became apparent that the majority of the departments followed the hybrid system. They allowed the officer to deal with the employer and the department maintains by having the final approval.

One problem that all the systems suffered was the lack of command and control in the field over the officers that were working the jobs. Specifically, no one policy addresses communication with dispatch or the field supervisors. When the officers were on duty, nobody had any idea of their location. There was no specific policy directing the officers to check in with communications when they started their tour of duty in the off-duty job. Some departments required that the officers check out a radio, but none directed the officers to check in with the communications section. To compound this problem, at any given time, field supervisors would

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not be able to assess what resources were available. In smaller departments this issue would probably not be a problem, because they would not have as many officers working at any given time. It appears that the size of the department is directly proportional to the size of the problem.

Another problem that was not clearly addressed in some policies was solicitation. The Austin Police Department clearly addresses this issue; in contrast the Houston Police Department policy does not mention it at all. This would seem a problem if you allow officers to solicit for jobs. If there is no restriction in place then they may engage in this activity while on duty.

Another point of controversy was the investigation of secondary employment employers. The Houston Police Department and the Dallas Police Departments policies specifically addressed this issue. They required an investigation of the potential employer by the office of extra duty employment. This process was not addressed in many of the policies reviewed. Specifically, it was not addressed at all in the Travis County Policy (appendix 6 &7).

There are clear benefits in a well-managed secondary employment policy. These benefits include:

- Increased police visibility
- Officer morale
- Fewer demands for salary increase by officers

Professor Albert Reiss of Yale University noted that "Uniformed officer working for outside employers provide, at any given moment, a substantial addition to police manpower. They thus may serve deterrent and preventative objectives of the department" (Reiss 80).

Another side benefit to some department is the added revenue for the use of their patrol vehicles. In 1997, the Travis County Sheriff Office generated approximately \$80,000. This was accomplished by adding a charge for the use of county owned vehicles.

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CONCLUSION / RECOMMENDATION

The purpose of this research project is as follows:

1. Review all secondary employment research available.
2. A review of secondary employment practices and management models.
3. A review of secondary employment policies of other agencies.
4. A review of the current Travis County Sheriff's Office secondary employment policies (appendix 6).
5. Implementation of a new policy based on comprehensive research.

A review and development of secondary employment policy that is consistent with national standards will give administrators greater control in running a successful program. This will increase efficiency and equality in the administration of the program as noted in the previous section, the main issues facing police executives concerning off-duty employment are:

The policies governing the program.

The models used.

The administration of the program.

I found that all departments have policies regarding off-duty employment and that they have some control over the program. The majority followed a hybrid model or a combination of models. I found that they varied in the amount of direction that they afforded the officers. Some were very clear on their directions, while others seemed vague. As we know, when you are vague in your direction, you open the door to interpretation. This may lead to the perception of favoritism and cause morale problems among employees.

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Upon review of all the research material, it had become clear that policies varied from department to department depending on their size of the department. Small departments had less restrictive policies, while larger departments had more restrictive policies. They were all consistent in approvals, assignments, locations, restrictions, equipment and pay.

Considering my research of this topic, I would like to recommend a new secondary employment policy that includes the following guidelines (appendix 2).

1. A policy statement outlining the Sheriff's Office overall intent.
2. Definition of terms in the policy.
3. Direction as to the administration of the program.
4. Who is eligible to work secondary employment?
5. Solicitation guidelines (appendix 3).
6. Applications and permits for secondary employment (appendix 4 &5).
7. Special assignments.
8. Revocation of applications and permits (appendix 3&4).
9. Coordinators of secondary employment jobs.
10. Vacancies.
11. Restrictions.
12. Supervisors and Deputies responsibilities.
13. Field Procedures.
14. Jobs requiring six or more officers.

Proper implementation of these guidelines will increase the administrative efficiency of the program. Field managers will be able to manage all personnel whether on duty or off-duty.

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These guidelines will give the citizens and the Travis County Sheriff's Office a clearer picture of their responsibilities, regarding off-duty employment.

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