



## **Cover Memorandum**

### **Secondary Employment, JHPD Directive #313**

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#### **Purpose of the Directive**

The purpose of this Directive is to ensure that all Johns Hopkins Police Department (JHPD) officers, in compliance with MD Code, Public Safety § 3-110, along with other members of JHPD, have the ability to work secondary employment with the approval of the Chief of Police, subject to reasonable rules and regulations aimed at protecting the reputation of the JHPD and Johns Hopkins (JH) and ensuring the health and safety of JHPD members and the JH community they serve.

#### **Summary of Directive Requirements**

Generally, this Directive provides the guidelines, restrictions, and procedures for members of the JHPD to request to work secondary employment. First and foremost, this Directive requires that prior to engaging in any secondary employment, a member of the JHPD must obtain written authorization from the Chief of Police or their designee. This Directive requires that JHPD members submit a Secondary Employment Request form, which includes a liability agreement form through the chain of command 30 days prior to beginning their secondary employment or as soon as practicable. In the Secondary Employment Request form, the requesting member must describe, fully and with particularity, the nature of the proposed secondary employment and provide as full an accounting as possible as to the duties (both routine and reasonably foreseeable).

In addition, this Directive reminds members that their primary employment obligation is to the JHPD, and their primary employment responsibility is the safety of the JH community. Secondary employment cannot interfere with their responsibilities for their primary employment with JHPD. In addition, this Directive requires that all secondary employment be performed outside of their normally scheduled hours and be limited to an amount of time that allows members to be physically and mentally prepared for the duties with JHPD. Amongst other restrictions, this Directive restricts members from engaging in any secondary employment that could be reasonably perceived as creating a conflict of interest with JHPD, or which could bring discredit to them individually, to JHPD, or to the JH community. In addition, this Directive prohibits members from using their police powers, jurisdictional authority, or uniforms or equipment provided through their employment with JHPD for any secondary employment purposes.

#### **Blueprint for the Policy Development Process**

The draft JHPD policies (hereinafter referred to as “directives”) shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD's draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall's Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

- a. **Publicly available policies from municipal police departments that have undergone substantial reform efforts**, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;
- b. **National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations**, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts's "Racially Just Policing: Model Policies for Colleges and Universities"; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.
- c. **National and local higher education institutions that are based in comparable environments and make policies publicly available**, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as

feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



**POLICE DEPARTMENT**

**SECONDARY  
EMPLOYMENT**

**PERSONNEL  
PROCEDURE #313**

Responsible Executive:  
Chief of Police  
Responsible Office:  
Vice President for Public Safety  
Approved by:  
Dr. Branville G. Bard, Jr.  
Issued: [full date]  
Revised: [full date]

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**Policy Statement**

It shall be the policy of the Johns Hopkins Police Department (JHPD) that all officers, in compliance with MD Code, Public Safety § 3-110, along with other members of the JHPD, have the ability to work secondary employment with the approval of the Chief of Police, subject to reasonable rules and regulations intended to protect the reputation of JHPD and Johns Hopkins (JH) and to ensure the health and safety of JHPD members and the JH community they serve.

**Who is Governed by this Policy**

This Directive governs all bureaus, sections, and their members, including sworn, non-sworn and contractual or voluntary persons in service with JHPD.

**Purpose**

The purpose of this Directive is to establish guidelines governing secondary employment performed by members of the JHPD.

## Definitions

<b>Employment:</b>	Any work, occupation, labor, or profession that results in pay to the members or volunteer work.
<b>Extra-Duty Employment:</b>	Any secondary employment where the actual or potential use of law enforcement powers is anticipated or reasonably foreseeable. This does not include any overtime opportunities, including uniform overtime for special events.
<b>Member:</b>	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
<b>Officer:</b>	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
<b>Secondary Employment:</b>	Any employment not for the JHPD. For purposes of this Directive, secondary employment does NOT include service as a member of an Armed Forces Reserve Component or National Guard Unit, and reserve, guard, or prior service personnel recalled to active duty for a period of deployment.
<b>Security Related Secondary Employment:</b>	Any employment for the express purpose of protecting the proprietary interests of the employer.

## Policy

The primary employment duty, obligation, and responsibility of members of the JHPD is to the JHPD and to the community it serves. As certified police officers in the state of Maryland, JHPD officers' activities in the community, both when on or off duty, must always be consistent with their obligations as JHPD officers. Moreover, the nature of law enforcement work, with its considerable mental and physical demands, requires the close monitoring of secondary employment issues as related to the performance of duty. It is imperative that members engaged in secondary employment can perform all tasks and provide professional police services to the JH community, and that the needs of JHPD and the JHU community come first.

This Directive is designed to govern JHPD members' secondary employment and protect JHU and the members of JHPD from any liability issues arising from engaging in secondary employment opportunities. Members shall not engage in any secondary employment without the written permission of the Chief of Police. All requests from members to engage in secondary employment must be in writing and shall be filed with the Chief of Police. (The Commission on Accreditation for Law Enforcement Agencies (CALEA) 22.2.4)

## Procedures

### **I. General Guidelines for Secondary Employment** (CALEA 22.2.4, 22.2.5)

- A. Members are subject to recall at any time for emergencies and other special circumstances.

- B. Members will not engage in other employment, in any private business, or another profession during normally scheduled work hours with the JHPD, without their supervisor's approval.
- C. Members must be on pre-approved leave in order to work secondary employment during normally scheduled work hours. Work hours cannot be adjusted in order to accommodate secondary employment unless pre-approved by a member's supervisor.
- D. Members will not engage in employment, operation of a private business, or any other vocation in addition to/outside their regular work hours with JHPD that is likely to adversely affect their performance as a member of JHPD or would be in violation of JHU policies, including Conflict of Interest and Conflict of Commitment (GOV033).
- E. Within the parameters established by this Directive, members are allowed to participate in secondary employment that is considered off-duty employment. Off-duty employment is that secondary employment that is not conditioned on the actual or potential use of law enforcement powers by off-duty officers.
- F. Members engaging in secondary employment act as agents for their secondary employers. As such liability protection, Workers Compensation coverage, and other civil protections provided during the course of their normal employment are NOT available to employees working secondary employment.
- G. Members sustaining an injury during the course of their secondary employment must notify or cause to be notified the Chief of Police, immediately but not later than within 24 hours of the injury.

## II. General Restrictions of Secondary Employment for all Members

(CALEA 22.2.4, 22.2.5)

- A. Members are **prohibited** from engaging in secondary employment that is considered extra-duty employment. (CALEA 22.2.5)
- B. In accordance with the JHU policy Conflict of Interest and Conflict of Commitment (GOV033), members shall not engage in secondary employment, which is, or gives the appearance of being in conflict with the interest, purpose, vision, or mission of the JHPD. Examples of secondary employment that is not permitted include but are not limited to:
  - Repossessing personal property or bill collecting, bail bondsman, vehicle repossession, or any other employment that requires use of police authority to collect money or merchandise for private purposes.

- Security-related employment for any employer.
  - Any employment that might require a member to use their authority to access police information, files, records, criminal history information, or Motor Vehicle Administration record or services.
  - Any employment such as serving civil service documents, conducting private investigations, or assisting in any civil action or in any defense matter.
  - Any sales capacity in which the employee divulges association with the JHPD to make a sale. Members must avoid the appearance of coercion or favoritism toward purchaser.
  - When the agency, firm, or establishment for which the member will work is not properly registered or licensed as required by law.
- C. Members shall not engage in any secondary employment that would discredit the JHPD or that could be reasonably perceived to be inconsistent with the JHPD's vision, mission, and core principles.
- D. In addition, the Chief of Police may expressly prohibit members from secondary employment at a specific location or performing specific job tasks.
- E. Members engaging in secondary employment will ensure that their secondary employment schedule, duties, or requirements do not interfere or conflict with their primary duty to JHPD and their ability to perform their job functions. This includes but is not limited to:
- Engaging in any secondary employment or making arrangements for secondary employment while on sick leave or during their scheduled work hours. This includes the eight-hour period before and/or after any secondary employment.
  - When the secondary employment impairs the member's efficiency or capabilities to perform their JHPD job functions or JHPD's ability to provide proper service coverage for daily operations and special events.
- NOTE: Employees may not work more than a total of 16 hours in any 24-hour period including work time at the secondary employment and JHPD, without approval of a lieutenant or above.
- F. Members shall not use their police powers, jurisdictional authority, uniforms and/or equipment (e.g., firearm, oleoresin capsicum (OC) Spray, baton, handcuffs, etc.) granted or provided through their employment with JHPD for any secondary employment purposes.

- G. Members who are in entry-level training, comparative compliance, field training, or still in their probationary period are prohibited from working secondary employment.

### **III. Specific Restrictions of Secondary Employment for Exempt Members** (CALEA 22.2.4)

- A. Secondary employment for exempt members (rank of Captain and above) will be limited to:
- Teaching for an accredited educational institution,
  - Teaching for or training for other law enforcement agencies,
  - Writing books, articles, or pamphlets,
  - Serving as a consultant,
  - Serving as an assessor for a law enforcement accrediting organization, or
  - Non-law enforcement related secondary employment, approved by the Chief of Police.
- B. In addition, secondary employment for exempt members will be subject to all general restrictions enumerated within this Directive.

### **IV. Request Procedures** (CALEA 22.2.4)

- A. Members must obtain written authorization from the Chief of Police or their designee before engaging in secondary employment. Members must submit a Secondary Employment Request form which includes a liability agreement form through the chain of command, 30 days prior to beginning their secondary employment or as soon as practicable. In the Secondary Employment Request form, the requesting member must describe, fully and with particularity, the nature of the proposed secondary employment and provide as full an accounting as possible as to the duties (both routine and reasonably foreseeable).
- B. Approval, if granted, shall expire on the date exactly one year from the date of signed approval by the Chief of Police or their designee. An approved request must be submitted for review on a yearly basis. The requesting member is responsible for initiating the request for renewal at least 30 days prior to the date of expiration.
- C. The Chief of Police or their designee may at any time revoke permission for a member to engage in secondary employment whenever it is determined such secondary employment is not in the best interest of the department or on the basis of poor job performance and/or excessive use of disability or sick leave. Written notification with an explanation will be provided to the member in such cases. (CALEA 22.3.4.c)



- D. The Chief of Police shall designate a Deputy Chief of Police as a point of coordination within the JHPD, to oversee the adherence to all directives, procedures and other matters deemed necessary to secondary employment.
- E. The Deputy Chief of Police shall also ensure that all needed documentation for each member who wishes to engage in secondary employment is accurate, complete, and turned in prior to the start of any secondary employment.

## Policy Enforcement

<b>Enforcement</b>	JHPD managers and supervisors are responsible for enforcing this Directive.
<b>Reporting Violations</b>	Suspected violations of this Directive should be reported to the Office of Public Safety.

## Related Resources

<b>University Policies and Documents</b>
Conduct & Responsibility Procedure #106, Fair & Impartial Policing Personnel Procedure #312, Awards Personnel Procedure #350, Complaints Against Police Personnel <u>Conflict of Interest and Conflict of Commitment (GOV033)</u>
<b>External Documentation</b>
<b>Police Department Forms and Systems</b>

## Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			