



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 84-10

Instruction of Private Sector Security Personnel
by Off-duty Members of Department of Public Safety

The Ethics Commission has been asked whether uniformed and civilian members of the Department of Public Safety may be employed as instructors at a school which has been established to train private sector security personnel in all appropriate areas. Provided there would be no real or apparent violations of the Code of Ethics for Public Officials (Chapter 10, Part I, General Statutes), the Department of Public Safety would have no objection to its personnel serving as instructors. The Department has an interest in the level of training and consequent level of performance of private security personnel in Connecticut. Well-trained private security personnel will better protect the lives and property of Connecticut citizens. Further, the ability of the Department to solve crimes is often influenced by the crime scene preservation and witness identification techniques of private security personnel, who either discover the crime or arrive at the scene before the police. Finally, among the members of the Department are some of the best available instructors in security matters.

The Department of Public Safety has by statute been assigned a supervisory role over the various categories of private sector security personnel. The latter can be divided into two main classes. One class consists of proprietary security forces--in-house organizations which provide security to their employers. The other class is made up of persons and organizations which provide detective, investigative, guard, watchman, or patrol services to others on a contractual basis. Within each class, personnel may be armed or unarmed. The extent of the Department's supervision, which is exercised by the Division of State Police, depends upon the class of the private sector security force, and whether its personnel are armed or unarmed.

The Department of Public Safety exercises no supervision over an organization which has its own security force if members of the force are unarmed. The organization may register its unarmed security personnel with the Commissioner of Public Safety, but is not required to. Subsection 4(b), Public Act No. 83-573. If members of a proprietary security force are armed, on the other hand, the employer must ensure that each member armed while on duty or while proceeding to or from employment possesses a special permit from the Commissioner. Subsection 1(a), id. To obtain the special permit the individual must complete a course of training,

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approved by the Commissioner, in the safety and use of firearms. Subsection 1(b), id. This special permit is in addition to the permits, one of them issued by the Commissioner, required by section 29-28, General Statutes when a person is to carry a pistol or revolver in Connecticut. Subsection 1(a), id. An employer with a proprietary security force must also register each armed member of the force with the Commissioner. Subsection 4(a), Public Act No. 83-573. To be registered the armed personnel have to meet the requirements of good character, competency, and integrity specified in section 29-156a, General Statutes, as amended by section 5, Public Act No. 83-573.

No one may hold himself out to be, or act as, a private detective or investigator or offer detective, investigating, or watchman, guard, or patrol services to others without first obtaining a license from the Commissioner of Public Safety. Section 29-153, General Statutes. Individuals applying for a license to be a detective, an investigator, or to provide private detective or security services must satisfy standards of good character, competence, experience, and integrity, as must individual members of associations or partnerships and officers, directors, and holders of most of the stock of corporations seeking licenses to provide detective or security services. Chapter 534, id. Licenses must be renewed annually. Section 29-155b, id. The Commissioner may, on various grounds, suspend or revoke any license he issues. Section 29-158, id.

Agents, operators, assistants, guards, watchmen, and patrolmen hired by a licensee must be registered with the Department. Section 29-156a, id., as amended by section 5, Public Act No. 83-573. Registration is effected, as in the case of an armed member of a proprietary security force, when the Commissioner is satisfied that the employee's character, competence, and integrity are satisfactory. Id. Pursuant to subsection 4(a), Public Act No. 83-573 a licensed watchman, guard, or patrol service must register with the Commissioner a second time any employee who will be armed while on duty. Its armed employees must have the special permit and, if armed with a pistol or revolver, the regular permits described above for armed employees of proprietary security forces.

The Commissioner of Public Safety exercises no jurisdiction over a school or other institution which trains private sector security personnel, unless it offers the course in firearms use and safety which security personnel must complete in order to apply for the special permit required by subsection 1(b), Public Act No. 83-573 for those who are to be armed on duty.

The Commissioner has been authorized to approve the courses, the contents and duration of which he has prescribed by regulations, and the requirements for instructors. Section 1(b), Public Act No. 83-573; Department of Public Safety Regulations, Approval of Schools for Guards who Carry Firearms, effective April 24, 1984. The Regulations state that the Commissioner will approve only instructors who have successfully completed a course in firearms instruction which he decides is comparable to the N.R.A. Security or Police Firearms Instructors course. Section 4, above Regulations.

In the first class to be taught at the school in question, the students will be unarmed proprietary security personnel. There would appear to be no possibilities for violation of the Code of Ethics if almost any member of the Department simply acted as an instructor. Except for the voluntary registration of unarmed proprietary security personnel with the Commissioner, there is no direct relationship between such private sector personnel or their employees and the Department. Since the Commissioner has some discretion in registering unarmed proprietary security personnel, and there may be some professional advantage to being registered, those few persons in the Department involved in the registration process, and their supervisors, should not teach at the school (or any other school or institution offering a security course to such students). There would be questions as to whether the member had, by becoming an instructor, accepted employment impairing his independence of judgment. Subsection 1-84(b), General Statutes. The Department member would be in a position to use his State authority to further his private career as an instructor. Subsection 1-84(c), *id.* He could register security school graduates who were substandard to prevent the school's reputation from being tarnished because its graduates failed registration.

A second situation to consider involves instruction of students employed by or engaged in such activity that they must be registered and their employers licensed pursuant to Chapter 534, General Statutes, who will be unarmed on duty. Chapter 534 gives those involved in the licensing and registration process considerable discretion with regard to the issuance, suspension, and revocation of licenses and with regard to the registration of employees. For the reasons disqualifying as instructors those who register unarmed proprietary security personnel, persons involved in licensing and registration under Chapter 534, including the superiors of those at the working level, should not act as instructors in a school instructing Chapter 534 licensees, or their employees.

A more difficult question under the Code of Ethics is whether members of the Department may act as instructors of watchmen, guards, or patrolmen who will carry firearms while on duty. Factors to consider in addition to those in the case of unarmed security personnel are that the Commissioner must oversee the schools or other institutions offering courses in the safety and use of firearms, prescribe the number of hours and the content of the courses, and the requirements for the instructors.

A process which involves security personnel who are armed affects to some extent the safety of the public's lives and property. It does not seem that the public could have confidence in the integrity of the process if anyone involved in it in the Department also provided the personnel security training or instructs them in firearms use and safety on an off-duty basis. That is to say, no one, from the working level up through the chain of command, who is part of either permit process, either registration process, the licensing process, or the process for establishing standards for the schools or institutions offering the course in firearms use and safety, approving the course instructors, or specifying the course content and duration, should act as an instructor of private sector security personnel who will be armed while on duty and for whom the member of the Department has an official responsibility.

Presumably, there are a number of civilian and uniformed members of the Department not barred by the foregoing. There seems to be no reason why Department members who have no relation to the licensing, registration, permit, or firearm safety course process should not instruct, in areas other than firearms use and safety, private sector security personnel who will be armed.

With regard to the firearms course, it is unlikely that the public will feel it can rely on a system in which some members of the Division of State Police approve the institutions teaching the course and establish requirements for the instructors and the course content and duration, when some of the instructors they must approve are fellow Department members. The Commissioner has issued regulations concerning security guard firearms courses. The regulations specify the duration and the subjects of classroom instruction. The instructors and their qualifications must be approved by the Commissioner, but there are no criteria for determining comparability of firearms instruction courses. Range qualification requirements are to be promulgated by other means.

It can be seen that those in the Division of State Police supervising firearms use and safety courses have considerable discretion. It would be difficult enough to maintain public confidence in the integrity of the oversight by one Division member of a course instructed by a fellow member if there were rigid standards to be met. If little or no discretion were allowed, there would be little or no room for favoritism. Any probably could be detected. So long as the members of the Division who carry out the Commissioner's statutory responsibility to oversee firearms use and safety training are granted significant administrative discretion, however, proper objectivity can be ensured only if the courses they approve, with approval based in considerable part on who is doing the instructing, are not taught by fellow members.

In summary, uniformed and civilian members of the Department of Public Safety may, without hazarding violations of the Code of Ethics for Public Officials, serve as instructors of training courses in which the students are proprietary security personnel who will not be armed. Those engaged in the voluntary registration of such personnel, however, may not be instructors. Department members may instruct students to be employed by contractual security organizations, who will be unarmed on duty, except for members involved in the licensing of such services and the registration of their employees. If students are to be armed when on duty after graduation, the prohibition on instructors extends to those issuing permits to such persons to carry firearms and to those involved in approving the schools or other institutions offering security guard firearms courses and establishing requirements for the courses and their instructors. Finally, no member of the Division of State Police should instruct the security guard firearms course.

The school in question is operated by a former senior State Police officer who was in good standing when he resigned from the Department. He has no official connection with the Department, not even retired status. Because he has no current relationship with the Department, the positions expressed above apply to his school as they would to one run by someone with no prior service in the Department. If the school establishes a firearms use and safety course, initiating Department review, it is assumed that the Commissioner will insist that scrutiny be particularly thorough to prevent a suggestion of favoritism.

By order of the Commission,

Lucille E. Brown
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Chairperson

Date E June 1954

