



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 87-9

### State Police Officers as Private Security Consultants

The Ethics Commission has been asked whether it would represent a conflict of interests if a sworn State Police officer were to act as a security/personnel protection consultant in his off-duty hours. The officer would be self-employed. He would provide assistance in crisis management planning, evaluate existing crisis management plans and procedures, instruct in the gathering and use of intelligence, evaluate senior employee protection programs, and provide training in the areas of protection of senior employees and other anti-terrorism techniques. His clients would be individuals, corporations, and governmental entities in and outside Connecticut.

The officer would not hold himself out as providing any services under the auspices of the State Police. However, it is the Department of Public Safety's concern that affiliation with the Department would be inferred. Additionally, it is likely that when the officer was seeking clients for his private business he would refer to both training provided him by the Department and his State Police experience.

The Code of Ethics for Public Officials (Chapter 10, Part 1, General Statutes) would prevent some State Police officers, because of their assignment, from outside employment as security consultants. The Code would not prevent others from acting as private security consultants, provided they complied with restrictions which the Code would impose upon their activities.

As State employees, State Police officers are subject to the Code of Ethics. Three Code provisions would be applicable to officers who wished to provide security consulting services as a private business.

First, no State employee may have a financial interest in, or engage in, any business, employment, or professional activity if he has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss by reason of his official activity. (There is an exception that does not appear pertinent to the situation being considered.) Subsection 1-84(a), section 1-85, General Statutes.

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Second, a State employee may not accept employment which will impair his independence of judgment with regard to his State duties, or require or induce him to disclose confidential information acquired in the course, and by reason, of his official duties. Subsection 1-84(b), General Statutes.

Third, no State employee may use his position, or confidential information gained in it, to obtain financial benefit for himself or his business. Subsection 1-84(c), General Statutes.

It is likely that there are some State Police assignments which would permit an officer to take official action giving him a direct financial benefit through acquiring clients or serving them. An outsider would guess that these assignments would be in the Special Investigations Bureau and the License and Permit Section. An officer assigned to the Criminal Intelligence Unit or the Statewide Organized Crime Investigation Task Force, for example, might see a company or an industry targeted for or subject to certain criminal activity. He could go to the company or an industry association and state that, if hired as a security consultant, he could take official action ameliorating the security problem he had perceived. Someone in the Weapons Unit or the Special Services Unit, if sworn State Police officers serve in them, could acquire clients or provide special services to clients who had contract or in-house security forces. See Ethics Commission Advisory Opinion No. 84-10, 46 Conn. L.J. 2, p. 1D (7/10/84).

Officers with these State Police assignments might find their independence of judgment impaired by their outside employment, or find that it required or induced them to disclose confidential State Police information. An officer who also acted as a private security consultant might obtain some information which should be maintained confidential so as not to jeopardize the State Police investigation on which he was embarked. It might also be vital for a client to have that information.

State Police assignments which would bar an officer from serving as a private security consultant because of violation, or grave danger of violation, of subsection 1-84(a) or 1-84(b) are also fraught with opportunity to use State position, or confidential information acquired in it, for the financial benefit of oneself and one's private security business, prohibited by subsection 1-84(c), General Statutes.

In fact, any State Police officer, carrying out public safety duties and a compatriot of State Police officers in

various positions throughout the Division, is in a position to use his State authority, and possibly confidential information, for his private financial benefit. If allowed by the Code to serve as a private security consultant in his off hours, he must not use his official authority or confidential information to gain or to serve clients.

On the other hand, he may utilize experience and training gained in State service for private financial benefit. The distinction is easier to postulate than to apply on a case-by-case basis. It would not be improper use of position for a State Police officer to tell a prospective client that he had been a State Police officer for so many years, had had certain training, and had served in certain assignments. He could not even hint that a client might get special consideration from a State agency or employee because the State Police officer had been retained as a consultant.

With regard to clients of a private security consulting business, a State Police officer must be circumspect in acquiring and keeping them. It would be inappropriate, and destructive of public confidence in the integrity of the State Police, if a State Police officer were to retain as a private security client someone whose conduct was being investigated by State authorities. Additionally, it would seem improper to have a Connecticut governmental entity as a private client. Connecticut governmental entities requiring security support from the State Police should be able to get it on a governmental basis.

The Ethics Commission is not aware of the responsibilities of various State Police units for investigation of criminal or public safety matters sufficiently to identify which ones engage in activities which should disqualify their members for outside employment as private security consultants. It has considered the interrelationships between personnel in some units and private security agencies and personnel. Advisory Opinion 84-10, above. State Police officers must obtain permission before they may engage in part-time employment outside of regular duty hours. HQ Special Order 35-A, June 1, 1985. Those who act on requests for outside employment will know whether serving as a security consultant will impair an officer's independence of judgment, or require or induce him to disclose confidential information gained in a State Police assignment. They can determine whether an applicant is engaging in a business in which he can expect to derive a direct monetary gain, or suffer a direct monetary loss, by reason of his official activity.

The opinion that some State Police officers are not barred by the Code of Ethics from acting as private security consultants in some instances examines only the restrictions of the Code. It does not consider other administrative and personnel issues which the Division of State Police and the Department of Public Safety must take into account when reviewing an application for outside employment.

By order of the Commission,

  
Julie Peck  
Chairperson

Dated July 7, 1987