



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 85-4

State Police Officer's Part-time Employment
by Municipality

The Ethics Commission has been asked whether there would be any conflicts of interests under the Code of Ethics for Public Officials (Chapter 10, Part I, General Statutes) if a resident trooper, when off duty, were to drive a town snow plow truck, in the town to which assigned as a resident trooper, when extra shifts of drivers were needed during a snow storm.

Resident troopers may be assigned to towns which do not have an organized police force. Resident State Policemen have the same powers as officers of the regular State Police force and are subject to the same rules and regulations as the Division of State Police within the Department of Public Safety. Section 29-5, General Statutes. Policing of towns without an organized police department is accomplished by the resident troopers and town constables. Resident troopers have operational authority over constables in the town. Paragraph A3, Division of State Police HQ Special Order 21-A, July 12, 1984.

The town in which the trooper in question is resident maintains a list of persons qualified and willing to drive one of the town's snow plow trucks when needed. A person must have a class 2 license. Some volunteer to be on the list. Others--constables, firemen, etc.-- who have the appropriate license and are known to the town administration are asked if they wish to be included. When a snowstorm is so extensive that regular town employees cannot fill all the shifts needed, persons are selected from the list to plow with the town trucks. Selection is based on experience, if the person is available, to achieve the most effective plowing and because the town is liable for the actions of those temporarily serving it.

As discussed in some detail in Advisory Opinion No. 83-11, 45 Conn. L.J. No. 23, p. 13C (December 6, 1983), when the Code of Ethics is applied to a State Police officer two factors peculiar to State Police service must be considered. First, State Police officers are subject to duty 24 hours a day. Whether on or off duty they must take appropriate enforcement action if they become aware of criminal activity, provide assistance when it is needed, and respond to calls to emergency service. Second, State Police officers must be especially

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careful to observe ethical and similar standards because the effectiveness and efficiency of a law enforcement agency depends to a large extent upon the respect in which its members are held.

Applying the provisions of the Code to the situation presented, there appears to be but little opportunity for the resident trooper to use his State position and powers for his financial benefit, in violation of subsection 1-84(a) or 1-84(c), General Statutes. Volunteers to be placed on the snow plow driver list are welcome. Under the system for choosing drivers, the resident trooper should be called only when he is the most experienced driver available.

The Code also requires that the resident trooper accept no outside employment which will impair his independence of judgment. Subsection 1-84(b), General Statutes. One of the resident trooper's responsibilities in policing the town is to enforce traffic regulations regarding the operation and material conditions of all vehicles, including the town's vehicles. This causes two problems when he is a periodic driver of a town snow plow truck.

The lesser one occurs when he is in fact driving the town truck. He is likely to be essentially free of enforcement of traffic rules and regulations. The constables under his operational control probably would overlook most violations. A fellow resident trooper might not take action unless a violation were egregious. This situation is of minor concern, however. Insofar as the material condition of his truck is concerned, the resident trooper would have extra incentive to see that it is proper when he is the driver. And one would guess that operational violations by snow plow trucks are minimal.


Of more concern is the question of whether the resident trooper will enforce traffic regulations against town vehicles, particularly highway vehicles, if he is an occasional driver of one of the town's highway vehicles. He might have offered to help the town in snow emergencies out of a sense of civic duty. It is not uncommon, however, to learn to enjoy the advantage of some extra, outside income. There could be a

question as to whether he would require strict observance of traffic laws by town vehicles, especially highway vehicles, if it would create antagonism leading to his being selected less frequently, or not at all, from the standby driver list. Worse, the prospect that the resident trooper's judgment as to carrying out his responsibilities had been impaired because he was a fellow driver might encourage drivers of some town vehicles to disregard traffic rules occasionally, believing they need not fear either the resident troopers or their subordinates, the constables.

Considering the caliber of the members of the State Police force, it is probable that a resident trooper would not be influenced by the possibility of occasional and modest supplemental income. He could serve as a standby driver to his advantage and the town's. However, he would be in a position, at least, to use his status as a resident trooper to gain paid assignments at the expense of others on the list of standby drivers, in violation of subsection 1-84(a) or 1-84(c), General Statutes. Further, there could be the appearance of his having taken employment impairing his independence of judgment as a resident trooper.

The particularly high ethical standards which a member of the State Police force must meet, and the importance of a State Police officer avoiding even the appearance of a conflict of interests, dictate that a resident trooper ought not offer to serve as a standby driver of a town snow plow truck.

By order of the Commission,


Robert W. MacGregor
Vice-Chairman

Dated April 1, 1985

