



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-21

State Trooper Holding Elective Municipal Office

Captain James Darby, Commanding Officer of Labor Relations for the Department of Public Safety, Division of State Police, has asked whether there is a conflict of interest if a state trooper seeks nomination to the Common Council in his town.

Captain Darby states that the State Police are responsible for protecting the public and enforcing all state laws, regulations and any local ordinances as they may pertain. They have state-wide police powers and jurisdiction. State troopers 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 needed, and respond to emergency calls. The State Police also investigate political corruption in various towns and levels of government.

The trooper in question is a member of the State Police truck squad; he is primarily concerned with the enforcement of trucking regulations throughout the State. He wishes to seek a seat on the Middletown Common Council, a twelve-person council which exclusively exercises the legislative power of the City.

The State Police are classified state employees. According to Captain Darby's office, every trooper has access to computer-stored confidential information, although certain internal or other extremely sensitive investigations may be protected. Informal contact with confidential information through fellow officers also occurs.

Under Ethics Commission Regulations, there is deemed to be a conflict of interest which precludes a person in classified state service from holding or continuing to hold elective municipal office when the department or agency in which a classified state employee has an office or position has discretionary power to, inter alia, institute or recommend actions for penalties against the incumbent of the municipal

office. See, Regulations of Conn. State Agencies
§5-266a-1(a)(2)(C).

Because the State Police have the power to investigate and institute or recommend actions for penalties against the incumbents of the Middletown Common Council, a state trooper may not also hold a seat on that Common Council.

By order of the Commission,



William A. Elrick
Chairperson

Dated 7-17-89