

SUBJECT: POLICE OFFICERS UTILIZING CITY-OWNED EQUIPMENT IN OFF-DUTY EMPLOYMENT

SUMMARY:

Police officers may utilize uniforms, weapons, and like equipment in off-duty security work in accordance with Section 23-24-10 when properly approved by the law enforcement agency and governing body and when no additional public expense is involved.

QUESTION:

The Chief of Police of Goose Creek questions whether the use of city-owned equipment by police officers in the conduct of secondary employment violates the Ethics Reform Act.

DISCUSSION:

This opinion is rendered in response to a letter dated March 3, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-700(A) provides:

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which does not result in additional public expense.

This section prohibits the use of public equipment, except when incidental and when there is no additional public expense. The State Ethics Commission further notes that Section 23-24-10 of the 1976 Code of Laws provides that law enforcement officers may utilize uniforms, weapons, and like equipment in off-duty employment when approved by the law enforcement agency and the governing body. The Commission, therefore, advises that such equipment, when properly approved and which does not involve additional public expense, may be utilized in accordance with the off-duty employment provisions of Section 23-24-10.