

February 28, 2007

By Electronic Mail Only

Re: AO-07-4

You inquired whether Anne Arundel County police officers may accept employment with private security businesses that are licensed by the State of Maryland. In asking this question, you have not indicated that you are an employee of the County. Assuming that you are not an employee, you should be aware that the ethics commission is not required to provide an advisory opinion to a non-employee. §7-3-101. In this case, however, the ethics commission has decided to respond to your inquiry.

In addition to the ethics law concerning secondary employment, the police department also imposes restrictions on the employment of police officers. To the extent that police department policies are more stringent than the ethics laws, police officers are required to comply with both. §7-1-104. It is my understanding that the police department does not permit police officers to work for private security businesses, but you would need to confirm this information with the police department.

The ethics law, §7-5-107, provides that an employee may not use the prestige of the employee's position for the private gain of another. This law would prohibit a police officer from using a county issued uniform, vehicle, weapon, or other county issued resource in this secondary employment. Use of county resources in secondary employment would benefit the secondary employer, in violation of §7-5-107. Additionally, the ethics law, §7-5-102, would prohibit a police officer from working as a security guard for any type of business that is regulated under the county's police powers within the officer's jurisdiction. This prohibition would apply to establishments where liquor is sold or served, as well as certain other types of businesses. Since the ethics commission would not necessarily know what specific businesses hire a private security company, it would be impossible to ensure that individual officers are in compliance with the secondary employment provisions. Moreover, since the ethics commission has no jurisdiction over private businesses, the commission could not limit the type of advertising used by the private business. Thus, the commission could not necessarily prevent a private security business from advertising the employment of county police officers.

For these reasons, the ethics commission advises that generally, as far as the ethics law is concerned, police officers may not engage in secondary employment as security officers for private security businesses. There may be individual situations where such employment would be permitted, but that would have to be assessed on a case by case basis.

Thank you for your inquiry.

Anne Arundel County Ethics Commission

By: _____
Betsy K. Dawson, Executive Director