



"One time they brought me a lot of stuff about his personal life, and I told them I didn't give a damn about that. That wasn't my business. It was while he was at work was my business."

President Harry S. Truman speaking about J. Edgar Hoover.

Today Truman's statement is significantly less true. In an age where everything can be photographed, videoed and then posted to no fewer than a dozen forms social media, how an officer behaves at a concert, a bar, or their children's sporting events can, and likely will be, scrutinized. And, as Thomas J. Marinelli, adjunct professor at Wayne State University, states in *Minimizing Risk by Defining Off-Duty Police Misconduct*, "For decades, police chiefs, arbitrators, and judges have had to wrestle with the disciplinary issues associated with off-duty misconduct."

\$250 Million Dollars

Over the course of 5 years, from 2010 - 2015, 10 cities have paid out a total of \$250 million dollars in police misconduct cases.

Dallas civil-rights lawyer Don Tittle says the increased availability of camera footage and shifting attitudes toward police are affecting cases. "Up until recently, when it came to civil lawsuits, there were two groups that had a distinct advantage, where you had to knock them out to win. And that was doctors and cops," he says. "But with the advent of video, and the changing perception of society, I don't think police are held in the same regard."

Unintended Consequences

While off-duty illegal behavior by police officers is also unethical, unethical behavior is not necessarily illegal. Once an insurer enters the arena of having to discipline or terminate an officer for off-duty misconduct, that one officer sets into motion any or all of the following:

- Negative media coverage
- Long-term litigation costs
- Allegations of corruption and/or administrative incompetence.
- Poor morale within the agency as they face a potential spotlight of attention
- Time requirements by department seniors, human resources, legal departments, and relevant individuals to sort through the issues and determine accountability and next steps

Whether an off-duty officer unwittingly or knowingly engages in off-duty misconduct is generally irrelevant to the outcome -- once the misconduct occurs, internal litigations and the costs associated with officer off-duty misconduct are not easily manageable.

Additionally, failure to educate subordinates regarding the agency's expectations of off-duty conduct could be defined as a neglect of duty on the part of the police administration, creating an unintended secondary issue to be managed.

Tactical Tips

The key to prevent off-duty misconduct, time spent, and huge payouts is prevention and education.

- Let officers know that they are responsible for their weapons, regardless of circumstances.
- Officers should always keep their badge and their gun together in close proximity.
- Know the rules: LEOSA (Law Enforcement Officer Safety Act) allows officers to carry guns with stipulations.
- Officers need to be made aware that how they dress and who they associate with and can impact not just them, but their colleagues, their department and, ultimately, their profession.

As the saying goes, how you do anything is how you do everything. Especially in the age of video, social media and instant posting.

To learn more about how off duty officers can avoid misconduct issues, check out FirstNet Learning's course [Off Duty Conduct for Officers](#).

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