



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

November 25, 2024

Sheriff Jim H. Johnson
Lee County, Mississippi
510 N Commerce Street
Tupelo, Mississippi 38804

Re: Third-Party Vendor for Off-Duty Security

Dear Sheriff Johnson:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, you have been approached by a third-party vendor asking to facilitate and manage your off-duty security performed pursuant to Mississippi Code Annotated Section 17-25-11, which allows deputies to utilize their official uniforms, firearms, and vehicles “while in the performance of private security services in off-duty hours.” The vendor would charge an additional fee to the private organization (“client”) that is requesting the off-duty security. The vendor would then pay the off-duty deputy. The vendor would thus make a profit.

Question Presented

Under Section 17-25-11, may a third-party vendor facilitate off-duty security detail, with Lee County Sheriff’s deputies utilizing their official uniforms, firearms, and vehicles, and charge an additional fee—to the client requesting the security—for profit?

Brief Response

Nothing within Section 17-25-11 prohibits a third-party vendor from facilitating and managing those law enforcement officers from the Sheriff’s office who are serving as off-duty security and then charging the client using such services an additional fee for profit.

Applicable Law and Discussion

Section 17-25-11 provides in part,

(1) Certified law enforcement officers or certified part-time law enforcement officers, as defined in Section 45-6-3, who are employed by a county, municipality or the Department of Public Safety may wear the official uniform and may utilize the official firearm and the official vehicle issued by the employing jurisdiction while in the performance of private security services in off-duty hours. The governing authority of a municipality must approve of such use of the uniform, official weapon and vehicle by municipal law enforcement officers by act spread upon the minutes of such board and approved by the chief executive. The sheriff of a county must approve such use of the uniform, official weapon and vehicle by deputy sheriffs. The Commissioner of the Department of Public Safety must approve such use of the uniform, official weapon and vehicle by officers of the department. Approval shall be on an employee-by-employee basis and not by general order. Any proceedings regarding application or approval and the minutes regarding same shall be a public record.

(2) Each governing board and chief executive, sheriff or the Commissioner of the Department of Public Safety shall determine before the use of the official uniform, weapon and vehicle is approved that the proposed employment is not likely to bring disrepute to the employing jurisdiction or its law enforcement agency, the officer at issue, or law enforcement generally, and that the use of the official uniform, weapon and vehicle in the discharge of the officer's private security endeavor promotes the public interest.

The statute then goes on to set forth requirements regarding liability, indemnity, notice, and jurisdiction. *See* Miss. Code Ann. § 17-25-11(3)-(5). Nothing within Section 17-25-11 prohibits a third-party vendor from facilitating off-duty security detail and charging an additional fee for profit. Accordingly, it is the opinion of this office that such action is allowed so long as the requirements set forth in Section 17-25-11 are met, including but not limited to, the factual determination that “*the official uniform, weapon and vehicle in the discharge of the officer's private security endeavor promotes the public interest,*” which must be made “*on an employee-by-employee basis and not by general order.*” (emphasis added).

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Maggie Kate Bobo

Maggie Kate Bobo
Special Assistant Attorney General