



Research Brief *One-Sheet* – No. 2

Off-Duty Crime by Police Officers

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Background

Virtually all of the existing data on the off-duty misconduct of police officers describes the misbehavior of New York Police Department (NYPD) officers (*see e.g.* Fyfe and Kane, 2006; Kane and White, 2009). These data indicate that a significant portion of police misconduct emanates from behavior that occurs off-duty, including domestic violence, bar fights, drunk driving, burglary, and sex offenses.

The NYPD data are agency-specific however; so very little is known about the nature and character of off-duty misconduct perpetrated by police employed by other police agencies. The purpose of this study is to explore off-duty police crime in the United States through content analyses of news articles on arrested off-duty police officers. The study presents data on the arrested off-duty officers and case outcomes including legal and/or employment dispositions.

Methods

The primary information source was the internet-based Google News search engine and its Google Alerts email update service. The research team located and printed news articles identified through these applications, examined them for relevancy, and archived them for subsequent analyses. Determinations were made as to whether the arrested officer was either on or off-duty based on the manifest content of the articles. Offenses committed by off-duty police were coded using the data collection guidelines of the National Incident-Based Reporting System (NIBRS), as well as additional offense codes designed to accurately depict the nature of the crimes in cases that exhibited preferential charges. These additional offense codes included categories for crimes that were related to the following: (a) violence, (b) sex, (c) drugs, (d) alcohol, and/or a profit motive.

We also included measures designed to investigate the degree to which arrested off-duty officers were acting in their official capacity when they committed the crime(s) based on factors referenced in Schwartz and Urbonya's (2008) description of factors commonly considered by federal courts in Section 1983 litigation.

Findings

The study identified 1,126 cases of off-duty police crime that occurred from January 2005 through December 2007. Findings can be grouped in terms of three areas: (1) descriptive statistics on the off-duty crimes including offense types, (2) measures of official capacity, or the degree to which arrested off-duty police were acting in their official capacity when they committed the crime(s), and (3) legal and organizational case dispositions.

The data indicate that some specific offenses are more likely to be committed by off-duty police than on-duty police, including simple and aggravated assaults, driving under the influence, liquor law violations, and sex offenses including statutory rape, pornography, and obscenity offenses. In terms of general categories of offenses, off-duty officers were more likely than on-duty officers to commit

alcohol-related offenses. The association between duty status and violence-related crime was not significant, indicating that police commit crimes of violence regardless of whether they are on or off-duty.

Slightly more than 16% of all off-duty police crimes included at least one of the measures designed to indicate that an arrested officer was acting in an official capacity when he or she committed the crime. The most frequently occurring measure of official capacity was the display of an official weapon by an arrested off-duty officer.

A multinomial logistic regression model was used to predict employment outcomes of the arrested officers. Duty status was a significant predictor in whether officers resigned versus being suspended. The disposition of officers who committed on-duty crimes was significantly more likely to be resignation rather than suspension. Several other variables were found to be significant predictors of disposition, including years of service, certain offense-related variables, and the geographic location of the agency.

Implications

Our research confirms the generalizability of existing data on off-duty misconduct in regard to at least two issues: (a) alcohol intoxication, and (b) the misuse of firearms. Problems associated with off-duty alcohol abuse and the misuse of firearms by off-duty police appear to be pervasive. We also found that police who were technically off-duty were as likely to commit violent crimes as those who were on-duty, suggesting that police culture and work routines that involve both the exercise of and exposure to violence may infuse off-duty behavior and the lives of cops after the shift is done. Lastly, cases that involved off-duty police concluded with a suspension more often than did cases that involved on-duty police, suggesting that police who commit off-duty crimes may be less likely to be separated from the job through either resignation or termination. The multivariate analyses however were inconclusive in this regard.

References

Schwartz, M. A., & Urbonya, K. R. (2008). *Section 1983 litigation* (2nd ed.). Washington, DC: Federal Judicial Center.

Kane, R. J., & White, M. D. (2009). Bad cops: A study of career-ending misconduct among New York City police officers. *Criminology & Public Policy*, 8(4), 737-769.

Fyfe, J. J., & Kane, R. J. (2006). *Bad cops: A study of career-ending misconduct among New York City police officers*. (NCJ No. 215795). Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

Read the full study

Stinson, P. M., Liederbach, J., & Freiburger, T. (2012). Off-duty and under arrest: A study of crimes perpetuated by off-duty police. *Criminal Justice Policy Review*, 23(2), 139-163. doi: 10.1177/0887403410390510

This project was supported by Award No. 2011-IJ-CX-0024, awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the author(s) and do not necessarily reflect those of the Department of Justice.