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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Larry Gilliland
Acting Sheriff, Winston County
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County Commissions – Sheriffs – Expenses
– Funds

The county commission is generally required to provide the sheriff with a copy machine for office use and wireless Internet service in patrol vehicles for deputies to access the Criminal Justice Information System operated by the Alabama State Law Enforcement Agency.

The sheriff has the authority to determine what expenses are reasonably necessary for the efficient operation of the sheriff's office, but should cooperate with the county in making this determination in order to operate within the overall county budget.

Dear Mr. Gilliland:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

(1) Is it the responsibility of the county commission to supply and pay for the expense of the copy machine located in the sheriff's office?

(2) Is it the responsibility of the county to provide and pay for Internet connections located in

each deputy patrol car where deputies would have access to NCIC, be able to issue citations, and perform duties that require such access?

FACTS AND ANALYSIS

Section 36-22-18 of the Code of Alabama provides for the expenses to be paid by the county commission to the sheriff as follows:

The county commission shall also furnish the sheriff with the necessary quarters, books, stationery, office *equipment*, supplies, postage and other conveniences and equipment, including automobiles and necessary repairs, *maintenance and all expenses incidental thereto*, as are reasonably needed for the proper and efficient conduct of the affairs of the sheriff's office.

ALA. CODE § 36-22-18 (2013) (emphasis added).

This Office has explained that the statute imposes an obligation on the county to pay expenses reasonably necessary to operate the sheriff's office. Opinion to Honorable Darrell W. Durham, Sheriff, Cleburne County, dated January 17, 1992, A.G. No. 92-00130. Section 36-22-18 specifically requires the county to provide equipment, maintenance, and expenses incidental to the operation of the office.

This Office has determined that the operation and maintenance of a court complex includes such expenses as fax machines and computers. Opinion to Honorable Robert B. Hezlep, Jr., Mayor, Town of Branchville, dated June 13, 1996, A.G. No. 96-00236. Internet connection and service is generally an expense incidental to the operation and maintenance of an office. Opinion to Honorable Frank D. Wilkes, Director, Department of Veterans Affairs, dated February 10, 2000, A.G. No. 2000-084.

Furthermore, this Office understands that on-line access to the Criminal Justice Information System operated by the Alabama State Law Enforcement Agency in law enforcement vehicles is virtually indispensable to modern law enforcement. Consistent with these authorities, the county is generally required to provide the sheriff with a copy machine for use within the sheriff's office and wireless Internet access in the vehicles of the sheriff's office.

The *Durham* opinion further elaborated that ultimate authority to determine reasonably necessary expenses lies with the sheriff. *See also*, opinion to Honorable Larry H. Plott, Sheriff, Franklin County, dated September 21, 1987, A.G. No. 87-00319. Nonetheless, the *Durham* opinion cautioned that “the sheriff and the county commission should work together to determine what [expenses] will meet the needs of the sheriff’s department and for which there will be adequate funding. Opinion to Honorable James B. Johnson, Sheriff, Baldwin County, under date of December 14, 1990 (AG No. 91-00124).” *Durham*, at 2.

In addition, this Office has consistently stated that county department heads and officers such as the sheriff must work within his or her budget. Therefore, if there are no funds in the current appropriation to the sheriff to support the described expenditures, ordinarily they would have to be addressed in the budget for the next year. See, for example, the following opinions:

- Honorable Johnny Mack Morrow, Member, House of Representatives, dated December 17, 2002, A.G. No. 2003-046;
- Honorable Rufus C. Huffman, Judge of Probate, Bullock County, dated July 11, 1994, A.G. No. 94-00225;
- Honorable David C. Laney, Sheriff, Cullman County, dated October 10, 1991, A.G. No. 92-00021;
- Honorable Bobby M. Junkins, Probate Judge, dated June 8, 1989, A.G. No. 89-00294;
- Honorable W. Phil Eldridge, Attorney, Geneva County, dated August 26, 1981, A.G. No. 81-00544.

CONCLUSION

The county commission is generally required to provide the sheriff with a copy machine for office use and wireless Internet service in patrol vehicles for deputies to access the Criminal Justice Information System operated by the Alabama State Law Enforcement Agency.

The sheriff has the authority to determine what expenses are reasonably necessary for the efficient operation of the sheriff’s office, but should cooperate with the county in making this determination in order to operate within the overall county budget.

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I hope this opinion answers your questions. If this Office can be of further assistance, please contact me.

Sincerely,

LUTHER STRANGE
Attorney General

By:


G. WARD BEESON, III
Chief, Opinions Section

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