



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-11

December 17, 2019

The Honorable Laura Austin Thomas
District Attorney, 9th District
606 South Husband, Room 11
Stillwater, Oklahoma 74074-4044

Dear District Attorney Thomas:

This office has received your request for an official Attorney General Opinion in which you ask, in effect, the following question:

May a county sheriff or deputy sheriff use a credit card issued to the county pursuant to 19 O.S.2011, § 1506 to pay the costs of out-of-county travel to attend law enforcement-related conferences or vendor shows or to receive law enforcement education or training?

I.
BACKGROUND

Title 19, Section 1506 of the Oklahoma Statutes permits county sheriffs and deputy sheriffs to use a credit card “issued to the county for use by the sheriff’s department” to purchase “materials, supplies or services necessary for travel out of the county.” 19 O.S.2011, § 1506(A). Such purchases are limited to “actual expenses for travel out of the county . . . *to perform their official duties*[.]” *Id.* (emphasis added). Section 1506 defines “actual expenses for travel” to mean any “expense for travel by public or private railroads, airplanes, rental cars or other public or private conveyances, fuel, oil, meals, lodging, parking fees and telephone expenses.” *Id.* You ask whether it would be permissible for a sheriff or deputy sheriff to charge a credit card issued pursuant to Section 1506 for travel expenses to attend an out-of-county law-enforcement-related conference, vendor show, or educational or training program. In essence, the question is whether these activities qualify as the sheriff or deputy sheriff “perform[ing] their official duties.”

II.
DISCUSSION

Section 1506 does not itself define the term “official duties.” But, in general, “whenever the meaning of a word or phrase is defined in any statute, such definition is applicable to the same

word or phrase wherever it occurs, except where a contrary intention plainly appears.” 25 O.S.2011, § 2.

The official duties of a county sheriff in Oklahoma are varied and appear throughout the Oklahoma statutes, ranging from gathering livestock to test for disease, 2 O.S.2011, § 6-100, to serving process, 19 O.S.2011, §545, to inspecting shooting galleries, 63 O.S.2011, § 704. However, the duties most often associated with county sheriffs and their deputies in Oklahoma are “to keep and preserve the peace of their respective counties, [] to quiet and suppress all affrays, riots and unlawful assemblies and insurrections,” 19 O.S.2011, § 516(A), and to “have the charge and custody of the jail of [their] county,” *id.* § 513.¹

Most pertinent here, Sections 161 through 166 of Title 19 set forth the requirements for reimbursement of county officers for travel expenses incurred in the performance of their official duties. And for the purposes of these provisions, a county sheriff is included in the definition of “county officer.” 19 O.S.2011, § 161(1). Section 164, in particular, provides that “[o]fficial duties **shall include attendance** by a county officer and at least one of his deputies **for voluntary instruction.**” *Id.* § 164 (emphases added). “Voluntary instruction” is further defined as “one or more schools, courses, **conferences**, institutes, and **meetings** which are available and are attended by a county officer or deputy as a **discretionary training supplement** to the duties of any office covered by this act.” *Id.* § 161 (emphases added).² This indicates that it would be permissible for a sheriff or deputy to charge a credit card issued pursuant to Section 1506 for travel expenses to attend an out-of-county conference or meeting for law-enforcement training.³

Applying the above definitions from Title 19 to Section 1506 is particularly appropriate because Section 1506(F) itself contemplates that the provisions will be construed together. Specifically, Section 1506(F) states: “A sheriff or deputy sheriff shall not receive any reimbursement, pursuant to the provisions of Sections 161 through 166, 180.43 or 541 of this title, for any expenses for which a credit card issued pursuant to the provisions of this section has been used.” 19 O.S.2011, § 1506(F). This indicates that Section 1506 is intended to cover the same types of expenses as Sections 161 through 166, and that the Legislature inserted Section 1506(F) to prevent double-

¹ In addition to these explicit duties, the “official nature of public activities within a particular office may be divined from its settled practices—regardless of whether these practices are completely defined by written rules or statutes—by resort to the common-law sources reflecting upon that office.” *Wright v. Grove Sun Newspaper*, 1994 OK 37, ¶ 7, 873 P.2d 983, 988 (emphasis omitted).

² See also 19 O.S.2011, § 165 (“All newly elected county officials shall be reimbursed by their respective counties for any approved training provided before such official takes office.”); *id.* § 166 (“It shall not be mandatory for a county officer or his deputy to attend any meeting, school, institute or conference sponsored or held by anyone other than a state officer or agency head, but if funds are available for travel to such meeting, school, institute or conference, either within or outside this state, from funds appropriated for traveling expenses in addition to the monthly travel allowance provided by Section 165 of this title, then it shall be lawful for such traveling expenses to be paid from such travel funds so appropriated to the county officer or his deputies.”).

³ Notably, as “peace officers,” sheriffs and deputy sheriffs are obligated to “attend and complete a minimum of twenty-five (25) hours of continuing law enforcement training accredited or provided by [the Council on Law Enforcement Education and Training] which shall include a mandatory two (2) hours on mental health issues.” 70 O.S.Supp.2019, § 3311.4(A). Because completing these continuing education hours is required of sheriffs or deputy sheriffs by virtue of their position, it would be part of their official duties.

expensing by sheriffs or their deputies.⁴ Section 166, in particular, supports this theory even further, in that it permits reimbursement for county officers attending an unofficial “meeting, school, institute or conference, either within or outside this state” if funds already appropriated to the county officer are available. *Id.* § 166. In other words, the Legislature set up a system where sheriffs and deputy sheriffs can use a county-issued credit card to pay for expenses associated with out-of-county travel for their “official duties,” or they can be reimbursed after-the-fact for such expenses.⁵

In sum, Section 1506 contemplates that “official duties” include voluntarily attended conferences and meetings to receive instruction. Thus, a sheriff or deputy sheriff is permitted to use a credit card issued pursuant to Section 1506 to finance travel for attending such events.

Although education and training, as well as conferences and meetings that include education or training, would meet the definition of “official duties” as that term is used in Section 1506, the question of vendor shows is less clear. For one, the words “show” or “vendor show” are not used in the statutes described above, while “conference” and “meeting” are explicitly included. And while there may be situations in which a vendor of equipment utilized by a sheriff’s office could provide meaningful instruction and training in the context of a “vendor show,” it is unlikely that all vendor shows rise to this level. Accordingly, we cannot definitively answer whether attending any such event would qualify as a sheriff or deputy sheriff “perform[ing] their official duties.” The answer will depend on the substantive content of the event and whether that content can be characterized as “training” or “instruction.”

It is worth noting, however, that any expenditure for an appropriate training- or instruction-focused conference, meeting, or vendor show still must meet the other statutory requirements. For example, “[o]n or before the 25th day of each month, the sheriff shall notify the board of county commissioners of the anticipated credit card expenditures for the following month.” 19 O.S.2011, § 1506(E). And, even more critically:

When credit purchases are made, the sheriff or deputy sheriff shall immediately and accurately document said expenditures on a form prepared by the State Auditor and Inspector, attaching receipts and a written explanation of each expenditure as to the date, case number or other identification number, area or location, reason for expenditure and amount expended. A copy of the form shall be submitted to the sheriff for approval and the original form shall be attached to the purchase order

⁴ As an aside, Section 164, which provides for reimbursement for a county officer who uses a private vehicle for official travel, states that such officer may claim reimbursement at the rate provided in the State Travel Reimbursement Act (“STRA”) for state officers. Accordingly, this office concluded that the STRA “applies to all county officers, including the county commissioner and county sheriff under 19 O.S.1981, § 164.” 1983 OK AG 229, ¶ 17. Although Section 1506 does *not* reference the STRA, the provision is sufficiently interwoven with Sections 161 through 166 that it would be advisable for counties to follow STRA requirements with respect to travel-related purchases made with a credit card issued pursuant to Section 1506.

⁵ When a sheriff or deputy sheriff makes a purchase using a credit card issued pursuant to Section 1506, the purchase must be associated with “a case number *or other identification number*.” 19 O.S.2011, § 1506(E) (emphasis added). The emphasized language suggests that, while there must be accountability and documentation for such purchases, use of the credit card is *not* limited to specific criminal cases or investigations.

and shall be submitted to the board of county commissioners for final approval and payment. A copy of the form shall be retained for the sheriff's records.

Id. This subsection requires a detailed and transparent process by which credit card purchases are thoroughly documented and subject to oversight by the board of county commissioners. It is the duty of the county commissioners to scrutinize the documentation and determine whether such purchases are consistent with Section 1506—*i.e.*, whether, among other things, the “materials, supplies or services” purchased are in fact “*necessary* for travel out of the county.” *Id.* § 1506(A) (emphasis added).

It is, therefore, the official Opinion of the Attorney General that:

A county sheriff or deputy sheriff may use a credit card issued to the county pursuant to 19 O.S.2011, § 1506 to pay the costs of out-of-county travel to attend voluntary law enforcement instruction and training, including at conferences and meetings, assuming all other requirements of Section 1506 are met. See 19 O.S.2011, § 1506(A); *id.* § 161.



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