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DEPARTMENT OF JUSTICE
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September 24, 2024
OPINION 24-0088

Chief Nathaniel Roy Williams
Chief of Police
Delhi Police Department
Post Office Box 277
Delhi, LA 71232

Dear Chief Williams:

You requested the opinion of this office regarding whether the elected chief of police or the board of aldermen has the authority to decide whether police vehicles must be parked in the Delhi Police Department parking lot at the end of a police officer's shift. You also requested an opinion of this office regarding whether it is permissible for the board of aldermen to place line item limitations on the police department budget. We respond to your inquiries as follows:

Question 1: Whether the elected chief of police or the board of aldermen has the authority to decide whether police vehicles must be parked in the Delhi Police Department parking lot at the end of a police officer's shift.

Conclusion: It is the opinion of this office that the elected chief of police has the authority to decide whether police vehicles must be parked in the parking lot at the end of a police officer's shift, rather than the board of aldermen.

The Town of Delhi was incorporated under the Lawrason Act, La. R.S. 33:321, *et seq.*, and operates under a mayor-board of aldermen form of government with an elected chief of police. Louisiana Revised Statute 33:423 provides, in pertinent part, that the chief of police "shall have general responsibility for law enforcement in the municipality, and shall be charged with the enforcement of all ordinances within the municipality and all applicable state laws. He shall perform all other duties required of him by ordinance."

In *Cogswell v. Town of Logansport*, 321 So.2d 774, 781 (La. App. 2 Cir. 1975), the Louisiana Second Circuit Court of Appeal, citing the Louisiana Supreme Court in *Lentini v. City of Kenner*, 252 La. 413, 211 So.2d 311, 314, stated that the general responsibility for law enforcement granted to a chief of police means the power to supervise the operation of the police department subject to the statutory authority exercisable by the mayor and board of aldermen. The court further recognized that the elected chief of police has the authority to control city police property and assign personnel. *Id.* Likewise, in La. Atty. Gen. Op. No. 87-682, our office opined that "the chief of police has the inherent authority to supervise and control his office, office equipment and office personnel."

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La. R.S. 33:321, *et seq.*
La. R.S. 33:423

The chief of police, rather than the board of aldermen, has the authority to decide whether police vehicles must be parked in the Delhi Police Department parking lot at the end of an officer's shift. It is further the opinion of this office that the board of aldermen have improperly applied line item restrictions to the budget of the chief of police.

Other Louisiana appellate courts have also found that, once the governing authority has appropriated money for the police department, the authority to allocate these funds rests with the elected chief of police. See *McCaig v. Gueydan*, 01-0140 (La. App. 3 Cir. 6/27/01), 788 So.2d 1283, 1286; *Doyle v. City of Harahan*, 610 So.2d 272, 273 (La. App. 5 Cir. 1992). In so finding, the Fifth Circuit noted that the chief of police is in the best position to determine whether or not the department needs police cars or roof repairs, radio equipment, or parking lots. *Doyle*, at 273.

Based on the foregoing, it is clear that the elected chief of police holds the primary authority in supervising the city's police department, which includes managing personnel, controlling department property, and making decisions about how to allocate funds that have been appropriated to the department. This authority allows the chief of police to determine the department's operational needs, such as prioritizing expenditures on equipment or facilities, and to ensure that the department functions effectively. It follows that the chief of police's authority over the management and supervision of the police department encompasses decisions regarding the use and placement of police vehicles. Since the parking location of police vehicles after a shift directly affects these operational aspects of the department, the decision to require that police vehicles be parked in the department's lot at the end of an officer's shift falls within the chief of police's authority.

Question 2: Is it permissible for the board of aldermen to place line item limitations on the police department budget?

Conclusion: No. Line item restrictions on the police department budget impinges on the police chief's inherent authority to manage personnel, control department property, and make decisions about how to allocate funds appropriated to the department.

By placing line-item limitations on the budget of the elected chief of police, the board of aldermen have severely limited the authority of the chief of police to allocate funds that have been appropriated to the department. According to your opinion request, the Delhi Town Council voted to move the Delhi Police Department from a functional budget to a line-item budget in February 2024. With a line-item budget, the police chief is unable to allocate funds to the specific areas that the department needs and risks going over budget in certain areas, while remaining under budget in others. Based on the information you provided this office, it appears that the department has gone over budget on the line item for fuel and oil, while remaining within the budget for every other line item. It is the opinion of this office that the line-item restrictions placed on your budget by the board of aldermen impinge on the inherent authority of the chief of police to supervise the police department, which includes the ability to manage personnel, to control department property, and to make decisions about how to allocate funds that have been appropriated to the department.

Considering the foregoing, it is the opinion of this office that the chief of police has the authority to decide whether police vehicles must be parked in the Delhi Police Department parking lot at the end of an officer's shift rather than the board of aldermen. In addition, it

is further the opinion of this office that the board of aldermen have improperly applied line item restrictions to your budget.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

LIZ MURRILL
ATTORNEY GENERAL

BY:



Amanda M. LaGroue
Assistant Attorney General

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