



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

February 24, 2023

Christopher D. Hemphill, Esq.
Attorney, Town of Caledonia
214 5th Street South
Columbus, Mississippi 39701

Re: Marshal Department Communication Policy

Dear Mr. Hemphill:

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

Background

The town of Caledonia has a marshal department with a full-time marshal and several part-time deputy marshals and other employees. The marshal has inquired whether he can adopt a policy requiring employees to follow the chain of command in discussing marshal department business—tickets, reports, complaints, incidents, etc.—by first discussing with either the chief marshal or the assistant chief marshal before discussing department business with alderpersons, the mayor, or town attorney. Such discussion with alderpersons, the mayor, or the town attorney would occur only after receiving permission through the chain of command. The marshal is concerned about marshal employees discussing sensitive information outside the department.

Question Presented

Does the town marshal have the authority to enforce a communication policy requiring that marshal employees follow the internal chain of command in discussing marshal department business before discussing with other municipal officers outside of the department?

Brief Response

A town marshal may adopt an internal communication policy and employment protocols pursuant to his or her authority as the municipality's chief law enforcement officer having supervision and control over all police officers employed by the municipality.

Applicable Law and Discussion

Pursuant to Mississippi Code Annotated Section 7-5-25, this office is authorized to issue official opinions upon prospective questions of state law only. This office is unable to opine on the specifics of local policies and proposed local policies. *See* MS AG Op., *Hensarling* at *1 (Sept. 3, 2021). As a general matter, however, Section 21-21-1 provides that “[t]he marshal or chief of police shall be the [municipality’s] chief law enforcement officer” having “*control and supervision of all police officers* employed by [the] municipality.” (Emphasis added). This office has opined that the marshal or police chief, as the chief law enforcement officer of the city, “has [the] authority to make daily decisions concerning law enforcement.” MS AG Op., *Ewing* at *1 (Apr. 12, 1995). Accordingly, it is the opinion of this office that a town marshal, as the chief law enforcement officer, may create and enforce an internal communication policy and employment protocols.

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/ Abigail C. Overby

Abigail C. Overby
Special Assistant Attorney General

OFFICIAL OPINION