



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 23, 2026

Zachary L. Giddy, Esq.
Counsel, City of Gluckstadt
800 Avery Boulevard North, Suite 101
Ridgeland, Mississippi 39157

Re: Chief of Police's Use of Department-Issued Vehicle to Travel to Second,
Part-Time Job

Dear Mr. Giddy:

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

Background

According to your request, the City of Gluckstadt ("City") would like to authorize its Chief of Police to use his department-issued vehicle for travel to and from his second, part-time job located outside the municipality's corporate limits. The City believes that allowing the Chief of Police to use his official vehicle in this manner would enable him to remain "on call" and reduce any delays which would arise by him changing vehicles before responding to incidents.

Question Presented

May the governing authorities of a municipality allow the Chief of Police to use his department-issued vehicle to travel to and from his second, part-time job if they find that doing so would protect the health, safety, and welfare of the community?

Brief Response

Typically, a municipal employee may not use his department-issued vehicle to travel to a second, part-time job because such personal use of public property would amount to a prohibited donation. Miss. Code Ann. § 21-17-5(2)(g). However, such action is allowable if "specifically authorized by another statute or law of the State of Mississippi." Miss. Code Ann. § 21-17-5(2). For example, under Mississippi Code Annotated Section 17-25-11, a municipality may allow law enforcement officers to use department-issued vehicles if the requirements of Section 17-25-11 are met.

Applicable Law and Discussion

Section 21-17-5 provides:

- (1) The governing authorities of every municipality of this state shall have the care, management and control of the municipal affairs and its property and finances. . . .
- (2) Unless such actions are specifically authorized by another statute or law of the State of Mississippi, this section shall not authorize the governing authorities of municipalities to . . . (g) grant any donation

In accordance with this section, this office has opined that, typically, “[a] municipal vehicle may not be used for the personal use of an employee, since such use would constitute an impermissible donation.” MS AG Op., *Hunt* at *1 (Feb. 5, 1999); *see also Patterson v. City of Greenville*, 117 So. 3d 630, 632 (Miss. Ct. App. 2013) (stating that allowing “public property to be used for private employment” violates Section 21-17-5(2)(g)). We have likewise opined that personal use includes traveling to a part-time job. MS AG Op., *Dowdy* at *1 (Apr. 3, 2009); MS AG Op., *Walker* at *1 (Mar. 6, 1998). This said, as shown *supra*, Section 21-17-5 prohibits donations “unless specifically authorized by another law.” MS AG Op., *Dowdy* at *1. One example of a specific statute authorizing private use of public property is Section 17-25-11, which allows certified law enforcement officers employed by a municipality to utilize their “official vehicle issued by the employing jurisdiction while in the performance of private security services in off-duty hours” where the specific requirements of that section are met. Notably, one of the requirements of that section is that “[t]he official . . . vehicle may be . . . utilized only at locations which are within the jurisdiction of the governmental entity whose . . . vehicle [is] involved.” Miss. Code Ann. § 17-25-11. Whether the requirements of Section 17-25-11 are met is a factual determination for the governing authorities of the municipality.

Thus, unless authorized by a specific statutory provision, such as Section 17-25-11, the City may not authorize the Chief of Police to use his department-issued vehicle to travel to his other employment because doing so would be an impermissible donation.

We refer you to the Office of the State Auditor for further guidance to your question.

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/ Kristi D. Kennedy

Kristi D. Kennedy
Special Assistant Attorney General