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Opinion No. 10-28

Law Enforcement Officers Employed By Judicial District Task Forces

## QUESTION

1. If an agent of a judicial district drug task force is not attached to, hired or employed by a law enforcement agency within a judicial district in which the drug force operates, where and how does such agent obtain the authority to act as a law enforcement officer in that district?

2. Is a judicial district task force required to have assigned at least one officer from each of the constituent law enforcement agencies of the task force in order to exercise law enforcement powers?

## OPINION

1. A law enforcement officer hired directly by a judicial district task force derives his police powers from Tenn. Code Ann. § 8-7-110(a), which authorizes the director of the task force, with the consent of the supervising district attorney general, to issue commissions to personnel that are employed by the task force.

2. Judicial district task forces are not required to have at least one member from each of the law enforcement agencies that are located within the judicial district.

## ANALYSIS

1. Judicial district task forces are agencies of government and, as such, have such authority as they are granted by statute. Such authority is derived from the express language of the statute and such powers as may be fairly implied from the statutory text. Sanifill of Tenn., Inv. v. Tenn. Solid Waste Control Bd., 907 S.W.2d 807 (Tenn. 1995); In re Sentinel Trust Co., 206 S.W.3d 501 (Tenn. App. 2005). Tenn. Code Ann. § 8-7-110(a) sets forth the powers and authority of judicial district and multi-district task forces related to the investigation and prosecution of drug and violent crimes. It states:

> Any law enforcement officer or assistant district attorney general or district attorney general criminal investigator assigned to or hired by a judicial district or multi-judicial district task force relating to the investigation and prosecution of drug and violent crime cases shall have

> the same rights, powers, duties and immunities in every jurisdiction within the judicial district as such officer has within the officer's own jurisdiction. Such assignment shall be made in writing by the chief law enforcement official of the assigning jurisdiction, including, but not limited to, sheriff offices, police departments, task forces, state law enforcement agencies and district attorneys general offices, and shall not become effective until approved by the board of directors or governing or advisory board of the task force and/or the district attorneys general of the judicial district. Any law enforcement officer employed by or assigned to a judicial district drug task force pursuant to this section must meet the minimum certification requirements of the peace officers standards and training commission; provided, however, that such officer employed by a judicial district drug task force shall not be entitled to receive a police pay supplement for that certification. The director of a judicial district drug task force shall have the authority to commission personnel assigned to or hired by the task force with the approval of the district attorney general.

The primary objective of statutory construction is to ascertain and give effect to the intention of the legislature. *State v. Sherman*, 266 S.W.3d 395, 401 (Tenn. 2008); *Auto Credit v. Wimmer*, 231 S.W.3d 896 (Tenn. 2007). When a statute is clear, legislative intent is found in the plain meaning of the statutory language. *Colonial Pipeline Co. v. Morgan*, 263 S.W.3d 827 (Tenn. 2008). Statutes must be construed "so that no part will be inoperative, superfluous, void or insignificant." *State v. Northcutt*, 568 S.W.2d 636, 637-38 (Tenn. 1978).

The language of Tenn. Code Ann. § 8-7-110(a) is clear. The plain meaning of the statutory text indicates that the legislature intended to authorize drug and violent crime task forces to employ their own law enforcement officers as well as utilizing personnel who have been assigned to such task forces, the offices of the district attorneys general, and other law enforcement agencies who are located in the area under the jurisdiction of such task force.[1]

Officers who are employed directly by drug and violent crime task forces derive their law enforcement authority under Tenn. Code Ann. § 8-7-110.[2] That authority is conferred on such persons by the director of the task force, with the approval of the district attorney general.

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[1] The first sentence of the statute authorizes the use of law enforcement personnel who are assigned to, as well as, those who are hired by the task force. The last sentence of the statute authorizes the director of the task force, with the consent of the district attorney general, to commission personnel who are assigned to or hired by the task force. To limit the authority of the task force to use personnel who are assigned to it from law enforcement agencies only within the district would render meaningless the words "hired by," which are also used in conjunction with the term "assigned to."

[2] The last sentence of that statute authorizes the commissioning of such personnel. When interpreting statutes, legislative intent or purpose is to be ascertained primarily from the natural and ordinary meaning of the language used. *Azbill v. Azbill*, 661 S.W.2d 682, 686 (Tenn. Ct. App. 1983). A "commission" is "a warrant or authority, from the government or a court that empowers the person named to execute official acts." *Black's Law Dictionary*, 8th Ed. (2004). The use of the term "commissioning" in this context indicates that the legislature intended to confer law enforcement authority on persons who are employed by drug and violent crime task forces.

2. You have asked whether judicial district task forces must include at least one law enforcement officer from each of the law enforcement agencies that are located within the judicial district. Tenn. Code Ann. § 8-7-110(a) authorizes the assignment of officers from law enforcement agencies in a judicial district to drug and violent crimes task forces, establishes qualifications for such officers, and provides the procedures for commissioning such officers only.[3] There is nothing in the statutory language that indicates that the legislature intended to regulate the composition of such task forces beyond setting general qualifications for officers serving on them.[4]

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[3] As set forth in part 1, the statute authorizes such task forces to directly employ officers who are not employed by law enforcement agencies that are located within the district.

[4] Tenn. Code Ann. § 8-7-110(a) requires task force officers to meet minimum certification requirements of the Peace Officers Standards and Training Commission. It says nothing, however, about the number of officers that must be assigned from any given law enforcement agency within a judicial district.