

N.D.A.G. Letter to DuBois (Oct. 15, 1986)

October 15, 1986

Mr. Lawrence D. DuBois
Attorney at Law
P.O. Box 633
Cavalier, ND 58220

RE: County Deputies Uniforms

Dear Mr. DuBois:

Thank you for your letter dated October 7, 1986.

In January, 1985, I authorized sheriffs and full-time deputy sheriffs to wear uniforms consisting of silver-tan, light brown, or white shirts and dark brown trousers. In addition, the gray uniforms worn prior to this date could continue to be worn until replacement was necessary. These standards were set pursuant to N.D.C.C. §11-15-30 which are applicable only to sheriffs and full-time deputy sheriffs.

Since your letter states that your concerns may relate to two members of the city of Walhalla Police Department, I would direct your attention to N.D.C.C. §40-20-07. That section provides:

40-20-07. MUNICIPALITIES TO FURNISH UNIFORMS TO POLICEMEN. Any municipality of this state which employs full-time policemen shall furnish each such policeman with a summer-weight and a winter-weight uniform. The uniforms shall be blue in color.

If these individuals are considered to be employed as full-time policemen of the city of Walhalla and not as full-time deputy sheriffs, the officers would be required to wear a blue uniform. The required color of uniform will depend upon whether or not the officers are considered to be full-time city policemen or full-time deputy sheriffs.

Neither N.D.C.C. §§11-15-30 nor 40-20-07 impose any sanctions for not complying with those statutory provisions. However, the legislative intent is clear that a standard uniform be adopted for the various law enforcement agencies. It is my understanding that all law enforcement agencies of the state have been very cooperative in complying with the statutory provisions and standards as set forth by this office to ensure that the legislative intent is met. I would expect that both N.D.C.C. §§11-15-30 and 40-20-07 could be enforced by court action. However, this has been found to be unnecessary because of the excellent cooperation of the various law enforcement agencies of this state to comply with the uniform standards.

I trust that this letter has adequately responded to your inquiry.

Sincerely,

Nicholas J. Spaeth

cv