



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

August 11, 1975

ATTORNEY GENERAL OPINION NO. 75- 322

Colonel Jerry Pike
Chief of Police
6090 Woodson
Mission, Kansas 66202

Re: Law Enforcement Officers--Training Requirement--
Animal Control Officer

Synopsis: An animal control officer employed by the Northeast Johnson County Animal Control Commission is not a police officer or law enforcement officer as that term is defined by K.S.A. 1974 Supp. 75-5602(e), for the officer is not an employee of any city or county or state agency.

* * *

Dear Colonel Pike:

You inquire whether the animal control officer employed by the Northeast Johnson County Animal Control Commission, a body organized by the cooperative action of five cities in northeastern Johnson County, is a "police officer" or "law enforcement officer," as that term is defined in K.S.A. 1974 Supp. 75-5602(e) who is required to complete the required basic course of accredited instruction at the Law Enforcement Training Center.

Subsection (e) commences thus:

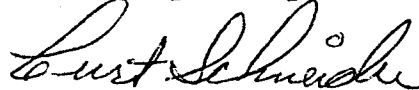
"'Police officer' or 'law enforcement officer' means a full-time, salaried officer or employee of the *state*, a *county* or a *city*, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof." [Emphasis supplied.]

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In the first instance, the animal control officer in question is not an employee of any individual participating city, but of the Northeast Johnson County Animal Control Commission itself. The statutory definition extends only to state, city and county employees, and not to employees of a separate legal entity which may have been created by joint and cooperative action by a group of cities or counties.

It is thus unnecessary to reach the question whether the duties of the animal control officer include the "prevention or detection of crime and the enforcement of the criminal or traffic laws" of the state or municipalities. You advise that he is a uniformed officer, who has no full police power, or the authority to make arrests. His commission extends only to enforcement of the cities' animal control ordinances, for which he may issue notices to appear in municipal court. It is certainly questionable that the highly specialized and very restricted police powers given to the animal control officer are such as to constitute him a "law enforcement officer." For the purposes of this opinion, however, it is not necessary to reach that question, for clearly he is not an employee of any city, and thus, not within the statute.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj