



GENTNER DRUMMOND  
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION  
2026-8

The Honorable Vicki Zemp Behenna  
District Attorney, Oklahoma County  
211 N. Robinson Ave., Ste. N700  
Oklahoma City, OK 73102

May 11, 2026

Dear District Attorney Behenna:

This office has received your request for an Attorney General Opinion in which you ask, in effect, the following questions:

- 1. Does Oklahoma law require the county sheriff to transport inmates between the county jail and the county courthouse for the inmates' court appearances?**
- 2. If the answer to Question #1 is yes, what effect, if any, does the Trust Indenture governing the Oklahoma County Criminal Justice Authority (the "Jail Trust") have on the legal obligations of the Oklahoma County Sheriff?**

I.  
SUMMARY

Under Oklahoma law, a county sheriff has custody of inmates in the county jail and, as such, is obligated to transport them to and from the courthouse as needed for court appearances. In counties that have turned over jail operations to a public trust, the sheriff's jail-related duties are imposed instead upon the public trust, depending on the terms of the trust instrument. In the case of the Jail Trust, the trust indenture explicitly reserved to the Oklahoma County Sheriff the duty to transport inmates to the courthouse and back.

II.  
BACKGROUND

In Oklahoma, "[e]very county, by authority of the board of county commissioners and at the expense of the county, shall have a jail or access to a jail in another county for the safekeeping of prisoners lawfully committed." 57 O.S.2021, § 41. In most cases, the county jail is operated by the county itself, with the sheriff having "the charge and custody of the jail . . . and all the prisoners in the same[.]" 19 O.S.2021, § 513; *see also* 57 O.S.Supp.2025, § 47. However, Oklahoma law also permits a county to carry out its jail-related duties through a public trust. *See* 2007 OK AG 35, ¶ 1, 2004 OK AG 17, ¶ 1; *see also* 19 O.S.2021, § 513.2. Such a trust may be created via public

vote pursuant to title 19, section 904.1 of the Oklahoma Statutes, or by act of the board of county commissioners pursuant title 60, section 176. *See Tulsa Cnty. Deputy Sheriff's F.O.P., Lodge 188 v. Bd. of Cnty. Comm'rs of Tulsa Cnty.*, 1998 OK 44, ¶¶ 15-17, 959 P.2d 979, 981-82.<sup>1</sup>

In 2019, the Board of County Commissioners for Oklahoma County (the “Board”) created the Jail Trust as a title 60 trust, with Oklahoma County as the beneficiary. *See* Trust Indenture creating The Oklahoma County Criminal Justice Authority, art. I (as amended June 12, 2019) (hereafter, “Trust Indenture”). The Jail Trust’s creation was preceded by “a history of serious issues” at the Oklahoma County jail, “including deaths, escapes, overcrowding and maintenance problems,” as well as federal oversight by the U.S. Department of Justice. Kayla Branch, *Oklahoma County Jail Trust Created to Address Issues, Questions Remain*, THE OKLAHOMAN (May 23, 2019). Broadly speaking, the Jail Trust’s purposes consist of financing and acquiring property for jail facilities and owning and operating such facilities. *See* TRUST INDENTURE, art. IV. The Jail Trust is overseen by nine trustees: One Board member, the Oklahoma County Sheriff, one appointee by each of the three Board members, and four appointees chosen by a majority vote of the Board. *Id.*, art. VII. The Jail Trust’s chair is chosen by majority vote of the non-elected trustees. *Id.*, art. VII(3).

Without getting into details of its performance over the past seven years, suffice it to say the Jail Trust faces ongoing scrutiny. *See, e.g.*, Nolan Clay, *Oklahoma County Officials Call in 6-1 Vote for Jail Trust to be Disbanded*, THE OKLAHOMAN (Mar. 18, 2026). Most recently, the Oklahoma County Sheriff notified the Jail Trust that his deputies would soon discontinue daily transportation of inmates from the Oklahoma County jail to the Oklahoma County courthouse and back for regular court appearances. Richard Mize, *Oklahoma County Sheriff to Stop Jail Detainee Transport*, THE OKLAHOMAN (Apr. 13, 2026). Given the practical and legal ramifications of any delay in a criminal defendant’s appearance before the court, this office prioritized this Opinion to give prompt guidance to the parties involved.

### III. DISCUSSION

#### A. **The county sheriff is required by statute to transport inmates in his or her custody to and from court appearances.**

As noted above, by statute a sheriff has custody over inmates in the county jail. 19 O.S.2021, § 513; 57 O.S.Supp.2025, § 47. This custodial responsibility includes transportation of inmates when necessary. *See, e.g.*, 74 O.S.Supp.2025, § 192.6(A) (“The movement of inmates from one location to another shall be controlled and supervised by staff.”). Likewise, the sheriff is obligated to “attend upon the several courts of record held in his county,” and “coordinate and administer courthouse security.” 19 O.S.2021, §§ 514, 516. Together, “[t]hese statutes generally require that

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<sup>1</sup> Aside from the difference in procedure for trust formation, jail trusts created under title 19 differ from those created under title 60 in important ways. For two examples, title 19 trusts (1) are overseen by a board of five specifically identified trustees, chaired by the county sheriff, and (2) exercise only those powers explicitly enumerated in title 19. *See* 19 O.S.2021, §§ 904.2, 904.3. By contrast, title 60 trusts (1) are overseen by a minimum of three trustees, with further detail left to the trust indenture, and (2) may be formed in furtherance of any lawful county function, but cannot engage in any activity not expressly authorized by the indenture. *See* 60 O.S.2021, §§ 176(A), 177.1, 178.

the sheriff take care of the prisoners in his or her custody and get the prisoners to court and back to jail when the prisoners remain in custody.” 1999 OK AG 14, ¶ 3; *see also* 80 C.J.S. *Sheriffs and Constables* § 67 (Apr. 2026 Update) (“A county sheriff’s transportation of prisoners pursuant to court-issued writs, orders, warrants, and judgments of conviction constitutes ‘attending on the court.’”).

**B. The Trust Indenture did not modify the Oklahoma County Sheriff’s duty to transport inmates to the Oklahoma County courthouse and back to the Oklahoma County jail.**

Where a public trust is created to operate a county jail, the role of the sheriff is less straightforward. Oklahoma law provides that in such situations:

For the purposes of any jail facility . . . every reference in statute or rule to any duty or responsibility imposed upon the sheriff . . . to operate, manage or provide any service to any person in the custody of such facility . . . shall be deemed applicable to and imposed upon the public trust . . . who by contract or otherwise legally operates or manages such jail facility.

19 O.S.2021, § 513.2(A). In other words, “[t]he trust steps into the shoes of the county and the sheriff for the purpose of operating the county jail [and] has the same duties as a jail operated by the county itself through the sheriff[.]” 2004 OK AG 17, ¶ 4.

However, a public trust created under title 60 may exercise no greater authority than what is granted in the instrument by which it is created. *See* 60 O.S.2021, § 177.1 (“[N]o public trust shall engage in any activity or transaction that is not expressly authorized in the instruments or articles prescribing its creation except by express consent of the governmental agency . . . that created [it].”). So, while title 19, section 513.2 imposes a sheriff’s jail-related duties onto a jail trust, the trust may assume only those duties that it is authorized to carry out. As a result, the Trust Indenture dictates which of the Oklahoma County Sheriff’s duties were imposed upon the Jail Trust.

It is clear from the Trust Indenture that transportation of jail inmates to and from the courthouse, and supervision of inmates while in the courthouse, were intentionally left to the Oklahoma County Sheriff. Article IV of the Trust Indenture sets forth the purposes of the Jail Trust, including several “specific powers or purposes” in furtherance of the “general objective” of owning and operating the Oklahoma County jail. TRUST INDENTURE, art. IV(1). That list of specific powers concludes with this: “The [Jail Trust] will not perform on behalf of [Oklahoma County] any duties that are specifically and exclusively reserved by existing law to a sheriff, jailer, undersheriff, or deputy sheriff[.]” *Id.*, art. IV(1)(g). Then, article IV concludes by specifically **excluding** from the Jail Trust’s purposes (1) custody over inmates at the courthouse detention facility, (2) courthouse security, and (3) “**transportation of any inmates** or others in custody or in temporary confinement to and from the Oklahoma County Courthouse[.]” *Id.*, art. IV(7) (emphasis added).<sup>2</sup>

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<sup>2</sup> In addition, when outlining the Jail Trust’s trust estate, the Trust Indenture provides: “The Trust Estate shall under no circumstances consist or be deemed to consist of . . . [t]he Oklahoma County Courthouse or its holding/detention areas or facilities.” TRUST INDENTURE, art. VI(2).

In short, under Oklahoma law the Jail Trust cannot engage in activities not specifically authorized by the Trust Indenture. And the Trust Indenture is clear that transportation of inmates between the Oklahoma County courthouse and the Oklahoma County jail is not an authorized activity of the Jail Trust. Accordingly, that duty is left to the Oklahoma County Sheriff and he is statutorily obligated to carry it out.<sup>3</sup>

**It is, therefore, the official Opinion of the Attorney General that:**

- 1. Oklahoma law requires the county sheriff to transport inmates in his or her custody to and from court appearances.**
- 2. The Trust Indenture creating The Oklahoma County Criminal Justice Authority did not modify the Oklahoma County Sheriff's legal duty to transport inmates to and from the Oklahoma County courthouse for court appearances.**



GENTNER DRUMMOND  
ATTORNEY GENERAL OF OKLAHOMA



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<sup>3</sup> Finally, it is also worth noting that the current sheriff's predecessor was an original trustee for the Jail Trust and, in that capacity, was aware of the terms of the Trust Indenture and accepted these terms on behalf of that office. See TRUST INDENTURE, Preamble, art. XII.