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Attorney General
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Phoenix, Arizona 85007

Robert R. Corbin

February 24, 1982

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ARIZONA ATTORNEY GENERAL

INTERAGENCY

The Honorable Arthur Hubbard
Arizona State Senator
The Honorable Daniel Peaches
The Honorable Benjamin Hanley
Arizona State Representatives
Arizona State Capitol
Phoenix, Arizona 85007

Re: I82-025 (R82-016)

Dear Senator Hubbard, Representative Peaches and Representative Hanley:

We are writing in response to your letter of February 2, 1982, in which you have asked whether the Arizona Law Enforcement Officer Advisory Council (ALEOAC) may provide funds for training for Navajo tribal law enforcement officers who enforce Arizona law on the Arizona portion of the Navajo Reservation. You also have asked whether the tribe may be reimbursed from the Peace Officers' Training Fund for the salaries and living and travel expenses of tribal law enforcement officers while they are participating in training.

With respect to the provision of training, A.R.S. § 41-1824 authorizes ALEOAC to expend funds to provide training for law enforcement officers.^{1/} A.R.S. § 41-1825.A establishes the Fund and specifies that monies in the Fund "shall be used exclusively for costs of training, for grants to

1. A.R.S. § 41-1824 states:

In exercising its powers and duties, the council shall endeavor to minimize costs of administration, including utilization of training facilities already in existence and available, so that the greatest possible proportion of the funds available to it shall be expended for the purposes of providing training for agents and local law enforcement officers.

state agencies, counties, cities and towns of the state for training, and expenses for the operation of the Council."

Navajo law enforcement officers who receive a certificate of qualification and training from the Director of the Department of Public Safety (DPS) may act as state peace officers. A.R.S. § 13-3874.A.2/ Because these Navajo officers enforce state law with respect to non-Indians on the reservation, we think DPS is authorized by statute to provide training for the officers, the cost of which is borne by the Fund.3/

With respect to allocation of costs, DPS, as a state agency, would be eligible to receive a grant to cover the costs of training Navajo officers. DPS is not eligible for reimbursement from ALEOAC, however, for salary, living and travel costs incurred by Navajo officers during training. State agencies do not qualify for salary reimbursements; reimbursements for actual living and travel expenses, incurred while participating in training, may be made to an agency only on behalf of state, county, city or town officers. A.R.S. § 41-1828.A. See Ariz. Atty. Gen. Op. 182-007. A legislative change would be necessary to permit tribal officers to receive such reimbursements.

Sincerely,



BOB CORBIN
Attorney General

BC:LPS:ta

2. A.R.S. § 13-3874.A states:

While engaged in the conduct of his employment any Indian police officer appointed by the Bureau of Indian Affairs or the governing board of an Indian tribe as a law enforcement officer and holding a certificate of qualification and training from the Director of the Department of Public Safety shall possess and exercise all law enforcement powers of peace officers in this state.

3. We note that the law enforcement activities of the Navajo officers contribute to the Fund, insofar as penalty assessments are collected through their citations, pursuant to A.R.S. § 41-1826.