



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

GRANT WOODS  
ATTORNEY GENERAL

MAIN PHONE: 542-5025  
TELECOPIER: 542-4085

June 18, 1991

Captain M. L. Risch  
Business Manager  
Arizona Law Enforcement Officer  
Advisory Council  
P.O. Box 6638  
Phoenix, Arizona 85005

RE: I91-023 (R90-112)

Dear Captain Risch:

You have asked whether any expenses associated with the Arizona Law Enforcement Officer Advisory Council's duties as overseer of the Correctional Officer Training Program may be paid out of the peace officers' training fund established by A.R.S. § 41-1825. We conclude that the fund may advance monies for such expenses but the Council must require full reimbursement from tuitions and fees pursuant to A.R.S. § 41-1664.

The statutes create a balance of responsibilities for correctional officer training. The Director of the Department of Corrections maintains the program. A.R.S. § 41-1662(A)(2). The Director is responsible for any administrative rules governing the academy's internal management and control. A.R.S. § 41-1662(B)(3). The Council approves the curriculum, establishes minimum standards for correctional officers and issues certificates of completion. A.R.S. § 41-1663(D). The Council is required to monitor the instruction program to ensure compliance with the approved curriculum and to ensure that candidates meet the minimum standards. A.R.S. § 41-1663; Ariz. Atty. Gen. Op. 190-017.

Captain M. L. Risch  
June , 1991  
Page 2  
I91-

The Council's operation is funded by the "Peace Officers' Training Fund," created by A.R.S. § 41-1825. However, A.R.S. § 41-1662(A)(2) provides that "law enforcement training monies shall not be used for correctional officer training."<sup>1</sup>

The fiscal operation of correctional officer training is to be distinct and separate from that of the Council. A.R.S. § 41-1664 provides as follows:

The council shall establish reasonable tuition and fees to cover the costs of all aspects of training provided to enrollees. An employing agency shall pay all of the tuition and fees of its employees or its recruit trainees attending the academy. The director shall reimburse such monies to the peace officers' training fund established by § 41-1825.

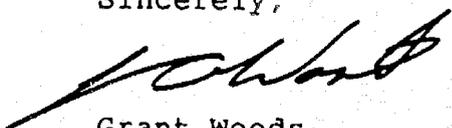
(Emphasis added.)

The statutes establish a structure that keeps funding for correctional training separate from funding for peace officers' training. Correctional agencies must reimburse the peace officers' training fund for any monies expended on training. Because we conclude that all of the Council's duties with regard to correctional officers are "aspects of training," the statutes require ultimate payment by the Department of Corrections or other employing agency.

---

<sup>1/</sup> Even those employees of the Department of Corrections appointed as peace officers are not eligible to participate in the funding provided by the peace officers' training fund. A.R.S. § 41-1604(B)(2)(i).

Sincerely,



Grant Woods  
Attorney General

GW:ksl