



Attorney General

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Robert R. Corbin

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ARIZONA ATTORNEY GENERAL

January 30, 1985

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

Re: I85-015 (R84-192)

Dear Captain Risch:

You have asked whether the Arizona Law Enforcement Officer Advisory Council (ALEOAC) has the authority to recognize the Navajo Community College Police as a law enforcement agency. Your inquiry arises from a request from that entity that it be "recognized [by ALEOAC] as a law enforcement agency." A.R.S. § 41-1822 sets forth in detail ALEOAC's powers and duties:

1. Establish rules and regulations for the government and conduct of the council including meeting times, places and matters to be placed on the agenda of each meeting.
2. Make recommendations, consistent with the provisions of this article, to the director of the department of public safety, with copies transmitted to the governor, speaker of the house of representatives and president of the senate on all matters relating to law enforcement and public safety.

3. Prescribe reasonable minimum qualifications for officers to be appointed to enforce the laws of this state and the political subdivisions of this state and for intelligence agents. Such qualifications shall require United States citizenship and shall relate to physical, mental and moral fitness and shall govern the recruitment, appointment and retention of all such agents, peace officers and police officers of every political subdivision of this state, notwithstanding any provisions of law to the contrary except as this subsection is modified by §41-1823. The qualifications established by this section shall be constantly reviewed by the council and may be amended at any time, subject to the conditions and requirements of §41-1823.

4. Prescribe minimum courses of training and minimum standards for training facilities for agents and law enforcement officers.

5. Recommend curricula for advanced courses and seminars in law enforcement and intelligence training in universities, colleges and junior colleges, in conjunction with the governing body of the educational institution.

6. Make such inquiries to determine whether the state or political subdivisions of the state are adhering to the standards for recruitment and training established pursuant to this article. Failure of the state or any political subdivision to adhere to such standards shall be reported at the next regularly scheduled meeting of the council for action deemed appropriate by that body.

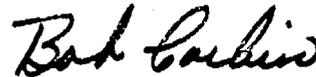
We note initially that nothing in A.R.S. § 41-1822 authorizes ALEOAC to "certify" or "recognize" a police force as a law enforcement agency. The authority of an agency of the

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state to act is derived solely from the statute which sets forth its powers and duties. The agency is not empowered to act beyond the scope of that authority. See Ayala v. Hill, 136 Ariz. 88, 664 P.2d 238; and Kendall v. Malcolm, 98 Ariz. 329, 404 P.2d 414.

In reviewing the material that accompanied your inquiry, it appears that the Navajo Community College Police is really asking that their officers be eligible to receive grants of monies through the Peace Officers' Training Fund for costs of training officers. See A.R.S. § 41-1825. We note that the security officers for the Navajo Community College at Tsaile will meet all of the requirements of the Navajo Department of Public Safety. As we indicated in Ariz. Atty. Gen. Op. 182-025, the Arizona Department of Public Safety (DPS) is authorized to provide training to Navajo officers who enforce state law, and DPS is eligible to receive a grant to cover the cost of training these officers. However, DPS may not be reimbursed for salary, living and travel costs for those Navajo officers during the period of time they are in training. Id.

Sincerely,



BOB CORBIN
Attorney General

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