



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

May 14, 2021

Stephen L. Mallory, Ph.D., CPM
Board of Law Enforcement Officer Standards & Training
2855 Gore Springs Road
Gore Springs, Mississippi 38929

Re: Requirements for Higher Education Representative on the Law Enforcement
Officer Standards and Training Board

Dear Dr. Mallory:

The Office of the Attorney General has received your request for an official opinion.

Background

In your request, you provide:

I am currently serving on the [Law Enforcement Officer Standards and Training Board] as a representative for higher education. I retired as a full tenured professor at the University of Mississippi in May of 2020. I have a Ph.D. in Educational Leadership from the University of Mississippi and am retired from the Mississippi Bureau of Narcotics as a Deputy Director having served twenty-five years. I will be an adjunct professor for the University of Mississippi and will teach one course a semester, but will begin in the fall of 2021 due to the COVID pandemic resulting in a decreased number of in person classes . . . I plan to continue to teach part time as an adjunct professor until my current appointment expires in April 30 of 2022.

Question Presented

Must the higher education representative on the Law Enforcement Officer Standards and Training Board (the “Board”) be a full-time higher education employee?

Brief Response

No. The Board member appointed, pursuant to Section 45-6-5(2)(a), must be a “representative of higher education”—a fact determination made by the Governor. The statute does not impose any specific employment requirements on the representative of higher education.

Applicable Law and Discussion

The Board was created pursuant to Section 45-6-1, *et seq.* and consists of thirteen members appointed pursuant to Section 45-6-5. The Governor appoints six members, in accordance with the following:

- i. Two (2) members, each of whom is a chief of police of a municipality in this state, with one (1) of the appointees being appointed from a municipality having a population of less than five thousand (5,000) according to the latest federal decennial census.
- ii. One (1) member who is a sheriff in this state.
- iii. One (1) member who is a district attorney in this state.
- iv. *One (1) member who is a representative of higher education and who has a degree in one (1) of the following areas of study: corrections, criminal justice or public administration.*
- v. One (1) member who is a nonsupervisory rank-and-file law enforcement officer.

Miss. Code Ann. § 45-6-5(2)(a) (emphasis added).

This statute does not impose any specific employment requirements on the representative of higher education called for in Section 45-6-5(2)(a)(iv). Accordingly, there is no statutory requirement that such individual be an employee, full or part-time, of any particular employer. This can be contrasted with other appointed Board members. For example, the other Board members appointed by the Governor must be employed or elected in specific positions at the time of their appointment—as a police chief, sheriff, district attorney, or nonsupervisory rank-and-file law enforcement officer.

It is, therefore, the opinion of this office that Section 45-6-5(2)(a) must be read and interpreted according to its plain language and, as such, places only two requirements on those eligible for appointment as the representative of higher education. First, the individual must serve as a representative of higher education, as determined by the Governor, and second, the member must have a degree in corrections, criminal justice or public administration.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Abby Cummings*

Abby Cummings
Special Assistant Attorney General