



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

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FILE NO. S-483

**CITIES AND VILLAGES
OFFICERS
Truant Officers**

Honorable Mervin G. O'Melia
Executive Director
Illinois Local Governmental Law
Enforcement Officers Training Board
301 North Second Street
Springfield, Illinois 62702

Dear Director O'Melia:

I have your letter of recent date wherein you
state:

Recently the question has arisen as to whether truant officers employed by the Peoria School District could qualify for training, and corresponding benefits, under the present provisions of the Illinois Police Training Act (Chapter 85, Paragraphs 501 - 514, Illinois Revised Statutes).

The problem centers around two issues, as we see it:

1. Do the statutory authority, responsibilities and duties of a truant officer

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as set forth in Illinois law qualify the truant officer as a 'law enforcement officer' within the meaning of the Police Training Act?

2. Does a local school district, specifically the Peoria Public School District, qualify as a 'local governmental agency' as presently defined in the Act?

We earnestly solicit an official opinion from your office on the above two points. For your further consideration and information, we are enclosing copies of my memorandum dated November 1, 1971, and a letter dated January 6, 1972, with enclosure, received from Mr. Robert L. Beecraft, Chief of Security, Peoria Public Schools."

The Police Training Act (Ill. Rev. Stat., 1971, ch. 85, par. 501, et seq.) was passed by the legislature and approved on August 18, 1965. Section 1 of said Act reads as follows:

"It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide for the creation of 'The Illinois Local Governmental Law Enforcement Officers Training Board' for the purpose of encouraging and aiding municipalities, counties, park districts, State controlled universities, colleges, and junior colleges, and other local governmental agencies of this State in their efforts to raise the level of local law enforcement by upgrading and maintaining a high level of training for law enforcement officers. It is declared to be the responsibility of

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the board to encourage the participation of local governmental units in the program and to aid in the establishment of adequate training facilities."

By the terms of this legislative declaration, the Training Board was established to assist local authorities by upgrading the training of peace officers.

Section 2-13 of the Criminal Code of Illinois (Ill. Rev. Stat., 1971, ch. 38, par. 2-13) defines a peace officer as:

" 'Peace officer' means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses."

In the case of Burris v. The Board of Education, 221 Ill. App. 397, at p. 404, the court said:

"* * * The duties to be performed by a truant officer are . . . fixed by statute. The statute not only provides for the appointment of a truant officer by the Board of Education but specifically sets forth the duties to be performed by such officer.
* * *

Section 26-5 of The School Code of Illinois (Ill. Rev. Stat., 1971, ch. 122, par. 26-5) reads as follows:

"The truant officer of the school district, whenever notified by the Superintendent, teacher, or other person of violations of this Article, or the county truant officer, when notified by the County Superintendent,

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shall investigate all cases of truancy or non-attendance at school in their respective jurisdictions, and if the children complained of are not exempt under the provisions of this Article, the truant officer shall proceed as is provided in this Article. The county truant officer, within the county and the district truant officers, within their respective districts, shall in the exercise of their duties be conservators of the peace and shall keep the same, suppress riots, routs, affray, fighting, breaches of the peace, and prevent crime; and may arrest offenders on view and cause them to be brought before proper officials for trial or examination."

This statute fixes the duties of truant officers.

Among these duties is the duty to keep the peace, prevent crime and arrest offenders. Therefore, in answer to your first question, I am of the opinion that a truant officer does qualify as a law enforcement officer within the meaning of the Police Training Act.

The Police Training Act, supra, is applicable to law enforcement officers of municipalities, counties, park districts and other local governmental agencies. The question of whether a school district is such a local governmental agency, within the meaning of the Police Training Act, requires reference to the intent of the legislature at the time of enactment of said Act.

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In the case of Cherin v. The R. & C. Company, 11 Ill. 2d 447 at p. 451, the court said:

"The primary object of statutory construction is to ascertain and give effect to legislative intent, and courts should consider the reason or necessity for the enactment, the contemporaneous conditions, existing circumstances, and the object sought to be obtained by the statute."

The intent of the Police Training Act is to provide law enforcement officers with training to better equip them in their duties. Part of the curriculum of the schools established by the Illinois Local Governmental Law Enforcement Officers Training Board as specified in the Police Training Act, includes courses on civil rights, human relations, handling of juvenile offenders, recognition of mental conditions which require immediate assistance, methods to safeguard and provide assistance to a person in need of mental treatment and first aid.

The Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat., 1971, ch. 85, par. 1-101, et seq.) was enacted by the legislature five days prior to the enactment of the Police Training Act, supra. Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act reads as follows:

" 'Local public entity' includes a county township, municipality, municipal corporation,

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school district, school board, forest preserve district, park district, fire protection district, sanitary district, and all other local governmental bodies. It does not include the State or any office, officer, department, division, bureau, board, commission, university or similar agency of the State."

Section 68.2 of The Civil Administrative Code defines local government as follows:

" 'Local government' means every county, municipality, township, school district, and other local political subdivision having authority to enact laws and ordinances, administer laws and ordinances, raise taxes, or expend funds." (Ill. Rev. Stat., 1971, ch. 127, par. 63b14.2.)

In the case of People v. Furman, 26 Ill. 2d 334, at p. 336, the court said:

" * * * A school district is a quasi municipal corporation"

It is my further opinion that a school district does qualify as a local governmental agency as presently defined in the Police Training Act.

This opinion is limited to the questions posed by you concerning eligibility of truant officers for training under the Police Training Act. The opinion should not be construed as a commentary on questions as to the extent of

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the powers of truant officers which were alluded to in some
of the documents which accompanied your letter.

Very truly yours,

A T T O R N E Y G E N E R A L