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SPRINGFIELD

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COUNTIES:

Units of local government, municipalities and counties, may enter into reciprocal agreements providing for mutual aid from their duly constituted peace officers in the event of mob action, riot, or civil disturbance, and to protect the lives, rights, and property of citizens; provided, however, each peace officer involved in such a program must be a citizen of the United States, must have been a resident of Illinois for one year and a resident of the county for 30 days prior to authorization by his local unit of government to act as such.

Honorable Curtis G. Quindry
State's Attorney
Jasper County
First National Bank Building
Newton, Illinois 62448

Dear Mr. Quindry:

You have recently requested my opinion relative to the authority of several counties to enter into an agreement providing for mutual aid from their respective law enforcement officers in the event of an emergency.

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In the interest of clarity I quote your letter in full, which reads as follows:

"The Vincennes Trail Law Enforcement Commission through a grant by the Illinois Law Enforcement Commission has contracted with the University of Illinois Police Training Institute for a study of the feasibility of binding the police and sheriff's departments within the twelve counties of our Vincennes Trail Law Enforcement Commission for purposes of mutual aid in the event of an emergency within any one of the twelve counties. With such an emergency, sheriffs, their deputies and city policemen would come to the aid of another police department or sheriff's department and supply them with additional trained personnel to assist in handling a state of emergency within the other county. Jasper County is included in the Vincennes Trail Law Enforcement Commission and would enter into this proposed mutual aid agreement if the current study proves such an agreement feasible. The problem arises, however, in the interpretation of Illinois Revised Statutes, 1969, Chapter 125, Sections 27 and 28. Section 27 provides:

Prohibition - Non-residents as deputies

It is unlawful for the sheriff of any county of fewer than one million inhabitants or the corporate authorities of any city, town or village to authorize, empower or permit any person to act as deputy sheriff or special policeman for

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the purpose of preserving the peace, who is not a citizen of the United States and has not been a resident of the State of Illinois for one year prior to authorization and a resident of the county for thirty days prior to authorization where such person is to be authorized to act as deputy sheriff or special policeman.

Section 28 provides:

Penalty

Any sheriff or public officer violating the provision of this act shall be deemed guilty of a misdemeanor . . .

"The above quoted Statutes need to be interpreted in light of the new Constitution of the State of Illinois, Articles VII, Section 10(a) which provides the authority for inter-governmental operation and reads as follows:

Units of local government and school districts may contract or otherwise associate among themselves, with the state, with other states and their units of local governments and school districts and with the United States to obtain or share services and to exercise, combine or transfer any power or function, in any manner not prohibited by law or ordinance.

"I would appreciate receiving your opinion as to whether Chapter 125 and the prohibitions therein contained and Sections 27 and 28 apply only to salaried personnel of any sheriff's department or police department or whether the same Sections would prohibit the sheriff of

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Jasper County, Illinois, from using any policemen or sheriff's deputies from an adjoining county who might come to his assistance in the event of an emergency in Jasper County. Your interpretation of this Statute in light of the new Constitution of the State of Illinois and any suggestions which you might render would be most appreciated."

In your letter you did not quote all of section 10 of Article VIII of the Constitution of 1970 which I believe to be pertinent when examining this section as an expression of public policy. The remainder of this section provides:

"* * * Units of local government and school districts may contract and otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or by ordinance. Participating units of government may use their credit, revenues, and other resources to pay costs and to service debt related to intergovernmental activities.

(b) Officers and employees of units of local government and school districts may participate in intergovernmental activities authorized by their units of government without relinquishing their offices or positions.

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(c) The State shall encourage inter-governmental cooperation and use its technical and financial resources to assist intergovernmental activities."

I direct your attention to Ill. Rev. Stat. 1969, chap. 24, pars. 11-1-2.1 and 1-4-8.

Paragraph 11-1-2.1 reads as follows:

"In addition to the powers of the police of any municipality under Section 7-4-8 of this Act, the corporate authorities of each municipality having a population of less than 500,000 may enter into agreements with any other such municipality or municipalities to furnish police assistance on request. Such agreements shall contain provisions in relation to any liability, including any liability or obligation to indemnify created by Section 1-4-5 or Section 1-4-6, which may occur as a result of any police assistance furnished under such agreements.

"Police officers furnishing assistance under such agreements have all of the powers of police officers of any requesting municipality and are subject to the direction of the chief of police of a requesting municipality."

Paragraph 1-4-8 provides:

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"In addition to the powers of the police of any municipality under Section 7-4-8 of this Act, the corporate authorities of any municipality under 500,000 population may request of any other such municipality or municipalities its police and police department equipment, and any such requested municipality may furnish its policemen and police department equipment, to aid the requesting municipality in suppressing or attempting to suppress, any mob action, riot or civil disturbance occurring within the requesting municipality, to preserve the peace, and to protect the lives, rights and property of citizens, regardless of whether any mutual assistance agreement exists under Section 11-1-2.1 of this Act.

* * * * *

Thus there is a provision for mutual agreements between units of "local government" which, of course, includes municipalities as well as counties; there is provision for the use of police officers of a municipality in cases of emergency either by agreement (chap. 24, par. 11-1-2.1) or without an agreement (par. 1-4-8).

The clarity of the constitutional provisions dealing with the subject, implemented by the statutes to which I have referred, make any attempt at interpretation redundant.

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As the Supreme Court said in the case of Chicago Home for Girls v. Carr, 300 Ill. 478 at 485:

"This court has held that where a law is plain and unambiguous, whether it be expressed in general or limited terms, the legislature should be considered to have intended to mean what it has plainly expressed, and consequently no room is left for construction."

See also, Carroll v. Rogers, 330 Ill. App. 114, 118-119.

It is therefore my conclusion that municipalities, as well as counties, may enter into mutual aid agreements for the purposes you suggest, provided that the officers involved in such a program meet the residency requirements set out in Illinois Revised Statutes, 1969, paragraph 27 of chapter 125, to which you have referred.

Very truly yours,

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