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FILE NO. S-1226

OFFICERS:

Status of a Probationary
Police Officer Who Has Failed
to Comply With the Mandatory
Basic Training Requirement As
Detailed in Section 8.1 of the
Illinois Police Training Act.

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Dear Director O'Melia:

I have your letter wherein you ask four questions concerning section 8.1 of the Police Training Act (Ill. Rev. Stat. 1975, ch. 85, par. 508.1). This section requires that unless a person has prior law enforcement experience or has

Mervin G. O'Melia - 2.

completed a program which is similar to the Police Training Board's basic law enforcement training course, he must complete the Board's training course within six months of his initial employment; the Board may grant a 90 day extension of the six month requirement for good and justifiable reasons.

Section 8.1 reads in pertinent part as follows:

"§ 8.1. After January 1, 1976, no person shall receive a permanent appointment as a law enforcement officer as defined in this Act unless that person has been awarded, within six months of his initial full-time employment, a certificate attesting to his successful completion of the Minimum Standards Basic Law Enforcement Training Course as prescribed by the Board; or has been awarded a certificate attesting to his satisfactory completion of a training program of similar content and number of hours and which course has been found acceptable by the Board under the provisions of this Act; or by reason of extensive prior law enforcement experience the basic training requirement is determined by the Board to be illogical and unreasonable.

If such training is required and not completed within the applicable six months, then the officer must forfeit his position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waiver shall be issued only for good and justifiable reasons, and in no case shall extend more than 90 days beyond the initial six months.

* * *

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Mervin G. O'Melia - 4.

as a law enforcement officer and is therefore without the authority to enforce the Criminal Code or the traffic and highway laws of the State.

If a person, after he has forfeited his position as a police officer, arrests someone or engages in some other law enforcement function where someone was harmed, the person and the unit of government may well be subject to a civil suit in State court or possibly a civil rights suit (42 U.S.C. section 1983) in Federal court.

You next ask:

2. Is the Board required to reimburse a local governmental unit 1/2 of the total cost incurred by it for the training of a probationary officer when that officer did not complete the required basic training until after six months of his initial full-time employment has passed and who had not been granted a waiver or an extension of the six-month requirement?

My answer to this question is also no. Section 9 of the Illinois Police Training Act (Ill. Rev. Stat. 1975, ch. 85, par. 509) reads in pertinent part:

"* * * The Board, not later than September 1st of each year, shall reimburse the local governmental units participating in the training program in an amount equalling 1/2 of the total sum

Mervin G. O'Melia - 5.

paid by them during the State's previous fiscal year for tuition at training schools, salary of trainees while in school, necessary travel expenses and room and board for each trainee.
* * *

Section 2 of the Act defines "trainee":

" * * *
g. 'Trainee' means any full-time law enforcement officer who is enrolled in an approved training course."

According to these statutory provisions, the Police Training Board is required to reimburse local governmental units for the expenses of trainees; and trainees are full-time law enforcement officers. Since a probationary police officer who fails to comply with section 8.1 forfeits his position and is no longer a full-time law enforcement officer, he is not a trainee. As a result, the Board is not required to reimburse local governmental units for the training expenses of such a person once it is impossible for him to comply with section 8.1.

Your next question is:

3. What is meant by the phrase 'within six months of his initial full-time employment'? Could a local governmental unit legally

Mervin G. O'Melia - 6.

change the initial date of employment within the meaning of the Act by dismissing an officer before the initial six month period of employment had expired and subsequently rehiring the same officer within a few days?

"Initial" is generally understood to mean first. (Ballantime's Law Dictionary 624 (3rd ed. 1969).) A person is hired a first time only once. A unit of local government could not change such initial employment by dismissing and then rehiring the person.

Your last question is:

4. What legal actions are available to the Board to force the required participation of local governmental units in the mandatory basic training requirement?

The Police Training Board is responsible for insuring the required participation of local governmental units in the training programs established under the Police Training Act. (Ill. Rev. Stat. 1975, ch. 85, par. 501.) In general, the Act could be enforced by an action in mandamus to require officials of units of local government to comply with the provisions of the Act or an action in quo warranto to question

Mervin G. O'Melia - 7.

the authority of a person who has not completed training
within six months, acting as a law enforcement officer.

Very truly yours,

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