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SPRINGFIELD



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FILE NO. 87-002

ADMINISTRATIVE LAW:  
Powers of Local Governmental  
Law Enforcement Officers  
Training Board

Albert A. Apa, Executive Director  
Illinois Local Governmental Law  
Enforcement Officers Training Board  
Suite 400 Lincoln Tower Plaza  
524 South Second Street  
Springfield, Illinois 62706

Dear Mr. Apa:

I have your letter wherein you inquire whether the Illinois Local Governmental Law Enforcement Officers Training Board is authorized to prescribe minimum physical fitness standards for entrance to the basic training courses for probationary police officers offered by Board-approved police training schools. Secondly, assuming that the Board may validly prescribe such standards, you ask whether probationary

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police officers who fail to meet the standards may be denied admission to the basic training course. For the reasons hereinafter stated, it is my opinion that the Board possesses the authority to require prospective trainees to meet reasonable physical fitness standards in order to participate in basic training, and further, that probationary police officers who do not meet the standards may be excluded from training.

The Illinois Local Governmental Law Enforcement Officers Training Board administers the provisions of the Illinois Police Training Act (Ill. Rev. Stat. 1985, ch. 85, par. 501 et seq.), including the supervision of mandatory basic training courses for probationary police officers employed by units of local governments and institutions of higher education, except for home rule units which do not elect to participate in the program. (Ill. Rev. Stat. 1985, ch. 85, par. 508.) Pursuant to section 8.1 of the Act (Ill. Rev. Stat. 1985, ch. 85, par. 508.1), a probationary police officer must satisfactorily complete the approved basic training course within six months of his or her initial employment, unless a waiver or extension of time is granted, to be eligible for appointment as a permanent police officer. A probationary police officer who fails to complete the required basic training course forfeits his or her employment as a police officer. (Ill. Rev. Stat. 1985, ch. 85, par. 508.1; 1977 Ill. Att'y Gen. Op. 43, 44.)

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Section 6 of the Illinois Police Training Act (Ill. Rev. Stat. 1985, ch. 85, par. 506) provides in part:

"The Board shall select and certify schools within the State of Illinois for the purpose of providing basic training for probationary police officers \* \* \*, which schools may be either publicly or privately owned and operated. In addition, the Board has the following power and duties:

\* \* \*

b. To establish appropriate mandatory minimum standards relating to the training of probationary local law enforcement officers or probationary county corrections officers.

\* \* \*

"

Section 7 of the Act (Ill. Rev. Stat. 1985, ch. 85, par. 507) provides in pertinent part:

"The Board shall adopt rules and minimum standards for such schools which shall include but not be limited to the following:

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include but not be limited to courses of arrest, search and seizure, civil rights, human relations, criminal law, law of criminal procedure, vehicle and traffic law, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, first-aid, handling of juvenile offenders, recognition of mental conditions which require immediate assistance and methods to safeguard and provide assistance to a person in need of mental treatment, law of evidence and physical training. \* \* \*

b. Minimum courses of study, attendance requirements and equipment requirements.

\* \* \*

d. Minimum basic training requirements, which a probationary police officer must satisfactorily complete before being eligible for permanent employment as a local law enforcement officer for a participating local governmental agency.

\* \* \*

"

(Emphasis added.)

Section 10 of the Act (Ill. Rev. Stat. 1985, ch. 85, par. 510) provides:

"The Board may make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. A copy of all rules and regulations and amendments or rescissions thereof shall be filed with the Secretary of State within a reasonable time after their adoption. The schools certified by the Board and participating in the training program may dismiss from the school any trainee prior to his completion of the course, if in the opinion of the person in charge of the training school, the trainee is unable or unwilling to satisfactorily complete the prescribed course of training." (Emphasis added.)

The Illinois Police Training Act commits to the Board the general power to provide for the basic training of police officers in this State. It is well recognized that an administrative agency, such as the Board, possesses not only those powers which are expressly conferred by law, but also such powers as are, by fair implication and intendment, reasonably necessary to carry out and accomplish the objective for which the agency was created. (Eastman Kodak v. Fair Employment Practices Commission (1980), 83 Ill. App. 3d 215, 217-18,

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aff'd, 86 Ill. 2d 60 (1981); Parliament Insurance Co. v. Department of Revenue (1977), 50 Ill. App. 3d 341, 347.) Moreover, an administrative agency may validly exercise discretion to accomplish in detail that which is authorized in general terms. Boles Trucking, Inc. v. O'Connor (1985), 138 Ill. App. 3d 764, 778.

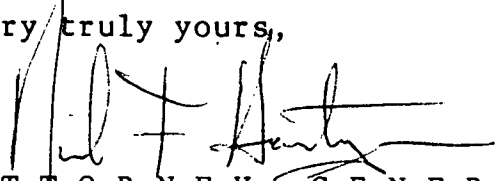
The Illinois Police Training Act does not expressly authorize the Board to prescribe minimum physical fitness standards for admission to basic training. Sections 6 and 7 of the Act, however, empower the Board to prescribe minimum standards of training, including physical training, which probationary police officers must satisfy, and section 10 of the Act grants to the Board the power to adopt rules and regulations necessary to carry out the provisions of the Act. In its discretion, the Board has determined that prospective trainees should be reasonably physically fit in order to qualify for basic training as police officers, and has prescribed minimum physical fitness standards to ensure that they are. The adoption of such standards falls within the general oversight authority granted to the Board. Therefore, it is my opinion that the Board possesses the implicit power, derived from its express powers to supervise the training of police officers, to prescribe and enforce reasonable minimum physical fitness standards for probationary police officers

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seeking entrance to the Board-approved basic training course, and that prospective trainees who fail to meet such standards may be excluded from training.

I have confined my comments to the question of the authority of the Board to adopt and enforce reasonable minimum physical fitness standards for prospective basic trainees. Nothing contained herein should be construed as expressing an opinion regarding the propriety of any specific set of standards adopted by the Board.

Very truly yours,



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