Mr. E. M. Dil,
Superintendent,
Indiana Boys' School,
Plainfield, Indiana.

Dear Sir:

I am in receipt of your letter dated April 28th, 1943, requesting my opinion upon the following state of facts, viz:

Your letter states that for a number of years you have been in the habit of paying a reward of ten dollars to persons returning one of your runaway boys. Your letter further states that recently you have had sheriffs ask for the payment of the reward and your inquiry is whether or not you can legally pay them the reward of ten dollars and should you pay such reward to the various sheriffs for rendering such services.

In answering your inquiries I wish to state that a thorough search discloses no specific statute expressly authorizing the payment of a reward for the return of runaway boys to the Indiana Boy's School, and for this reason I assume that whatever payments have been made in the past, have been made out of the general operating expense fund of the Indiana Boys' School.

In answering your inquiries I call your attention to the provisions of Burns' R. S. 1933, Section 49-1315, which in part reads as follows:

"The sheriffs of the several counties of this state shall be entitled to charge and collect the following amounts on account of the services performed by such sheriffs, which shall belong to and be the property of the sheriff performing such service:

(a) For removing persons to the ** boys' school, ** the following amount:

1. If such persons be transported by a common carrier, the actual cost of transportation for the sheriff, for each person in custody and for each attendant allowed by law who may actually accompany such
2. If such persons be transported by a conveyance furnished by the sheriff, the sum of eight cents (8c) per mile for each mile necessarily traveled, by each such conveyance, but not more than one (1) mileage shall be charged for any one (1) conveyance, although transporting more than one (1) person.

"(b) The sums to which the sheriff is entitled under the provisions of this act shall be paid out of the county treasury on the certificate of the warden, superintendent or officer receiving such prisoner or other person in custody, showing the names of the officers or attendants and names of prisoners, and on the verified statement of such sheriff made and filed with the auditor of the county, who shall draw his warrant therefor, as provided by law."

The above quoted section expressly provides for the payment of compensation to the sheriff and any attendant accompanying him for returning a runaway boy to the Indiana Boys' School. Furthermore, it is the statutory duty of any sheriff, police officer of any municipality, or member of the state police force, to arrest and detain any boy who has escaped or run away from the Indiana Boys' School and detain such boy until they have been returned to the institution. In view of the fact that the sheriff is entitled to be compensated for his services and that it is the statutory duty of both the sheriff or any police officer to arrest and detain any boy who has escaped or run away from the Indiana Boys' School, and the further fact that both the sheriff and the police officers are paid a salary from the public treasury by governmental units of the state for performing their official duty, it is my opinion that public policy forbids the payment of any reward by the Indiana Boys' School to either of such class of officers for performing their official and public duty.