

**Statement of Policy
Auxiliary Police Officers**

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

Issued: October 11, 2006

Please be advised that recent changes in Illinois law, precipitated by the passage of Public Act 94-984 (effective June 30, 2006) effectively alters the manner by which municipal auxiliary police officers are to be trained. The purpose of this memorandum is to inform local government officials and law enforcement administrators of the changes in statute, and, of established Board policies and procedures applicable to auxiliary police officers serving municipalities in Illinois.

Public Act 94-984 states, in pertinent part:

“Before being permitted to carry a firearman auxiliary officer must have the same course of training as required of peace officers under Section 2 of the Peace Officers Firearms Training Act.” (65 ILCS 5/3.1-30-20)

and further, that:

“...auxiliary officers, when on duty, shall also be conservators of the peace...”

The language of this Act (then) requires all municipal auxiliary officers who are authorized to carry a firearm to complete what is commonly referred to as the “40 Hour Mandatory Firearms Training Course.” However, given the fact that Public Act 94-984 affirms that auxiliary officers shall “exercise conservator of the peace powers” while on duty, the Illinois Police Training Act requires the Board to set training standards for conservators of the peace, to wit:

“The Board shall initiate, administer, and conduct a training course for conservators of the peace. The training course may include all or any part of the subjects enumerated in Section 7. The Board shall issue a certificate to those persons successfully completing the course. For the purpose of this section, “conservators of the peace” means those persons designated under Section 3.1-15-25 of the Illinois Municipal Code....” (50 ILCS 705/10.5)

The above cited statutory provision became effective on December 1, 1997. At that time, the Board recognizing that conservators of the peace enjoy broad police powers - *“to arrest or cause to be arrested, with or without process, all persons who break the peace and are found violating any municipal ordinance or any criminal law of the state”* - determined that the Mandatory Basic Law Enforcement Training Course (400 hours) shall be required for “conservators of the peace,” the same as for full and part-time police officers. The Board deemed it to be otherwise irresponsible and illogical to establish a lesser standard for conservators of the peace, since those designated as conservators of the peace essentially possess the same powers of arrest as full and part-time peace officers.

While there appears to be some unclarity in State statute regarding training requirements for conservators of the peace, the Board has exercised authority (given in 50 ILCS 705/10.5) to reaffirm the following Board policy in effect since 1997:

Any person designated as a conservator of the peace must complete the full basic law enforcement training program as specified in Section 7 of the Illinois Police Training Act.

Accordingly, should any municipality, by ordinance, establish an auxiliary police unit, and confer the power of “conservator of the peace” to auxiliary officers, then all such officers shall comply with the provisions of the Police Training Act, Section 7, and complete the 400-Hour Mandatory Basic Law Enforcement Officer Training Course. However, if a municipality, by ordinance, creates an auxiliary police unit, and therein specifies that such auxiliary officers do not possess “conservator of the peace” powers, then the Board has determined that such officers need only comply with the 40-Hour Mandatory Firearms Training Act before being permitted to carry a firearm (as specified in 50 ILCS 5/3.1-30-20).

Concurrent with State statute and the Board’s authority to establish administrative rules, regulations and policies, the Board hereby sets forth the following administrative procedures pertaining to auxiliary police officers employed by municipal governments. These policies and procedures are effective October 11, 2006.

- # Municipal governments (and law enforcement agencies) that exercise their option to create an auxiliary police unit, shall provide the Board with a copy of the ordinance. The ordinance shall explicitly indicate whether auxiliary officers are designated as having conservator of the peace powers.

- # In the case of municipalities which create auxiliary police units by ordinance, but explicitly state (within the ordinance) that officers are not to exercise “conservator of the peace” powers, then all auxiliary officers so designated shall be required to complete the 40-Hour Mandatory Firearms Training Course before being permitted to carry a firearm (as specified in 65 ILCS 5/3.1-30-20).

- # The ordinance establishing an auxiliary unit and specifying the powers of auxiliary police officers must be on file with the Board in order for the Board to determine whether the municipal auxiliary officers are required to complete the 400-Hour Mandatory Basic Law Enforcement Officer Training Course (for auxiliary officers with conservator of the peace powers) or are alternatively required to complete the 40-Hour Mandatory Firearms Training Course (for auxiliary officers without conservator of the peace powers). If the municipal ordinance does not explicitly state that auxiliary officers are not conservators of the peace, then the Board will conclude that such conservator of the peace powers are granted, and the auxiliary officers will be required to complete the 400-Hour Mandatory Basic Law Enforcement Officer Training Course for purposes of complying with State statute.
- # Once the Board has the required municipal ordinance on file, a determination will be made regarding mandated training. Auxiliary police officers with conservator of the peace powers will be directed to attend the 400-Hour Basic Law Enforcement Officer Training Course at a certified State academy, and auxiliary police officers without conservator of the peace powers who are authorized by the municipality to carry firearms will be directed to complete the 40-Hour Mandatory Firearms Training Course, at one of the 16 established Mobile Team Units.
- # The Municipal Code is clear that auxiliary officers are not members of the regular police department. Therefore, training of such officers is not reimbursable with State funds. Municipalities that train auxiliary officers at State certified academies and mobile team units will be responsible for all costs. An equitable course tuition fee will be established.
- # The Board is in the process of developing administrative reporting forms for municipal governments with auxiliary police units. Those forms will be available and distributed on or before November 1, 2006.

Please note that Public Act 98-984 (and the policies and procedures outlined herein) does not apply to auxiliary deputy sheriffs, since State statute does not authorize such deputies to possess conservator of the peace powers.

Note of Clarification:

The Board does not require documentation on auxiliary police officers who are not conservators of the peace and who are not authorized to carry a firearm.

Questions pertaining to this statement of policy may be directed to the Board office. Please refer to the Board's website (www.ptb.state.il.us) for upcoming additional information reference PA 94-984 and the training of auxiliary police officers.