

Illinois Law Enforcement Training and Standards Board Opinion

Non-governmental, legally unrecognized, and unauthorized
“auxiliary/reserve police organizations”

May 10, 2011

The Illinois Law Enforcement Training and Standards Board, in cooperation with the U.S. Marshals Service, Northern District of Illinois, U.S. Department of Justice, and the Illinois State Police, is conducting an investigation into **non-governmental, legally unrecognized, and unauthorized “auxiliary/reserve police organizations”** offering “police assistance, services, and employees” to county and local police agencies. Certain illicit organizations have been successful in convincing law enforcement agencies that they are legitimate. These organizations have also attempted to create an appearance of authority through financial records and other “legal” documents to avoid constitutional requirements establishing real law enforcement authority for the use of police powers. Since this Board is responsible for the certification of all law enforcement personnel in the State of Illinois, we wanted you to be aware of this situation in order to avoid jeopardizing the safety and security of your community.

The Illinois Attorney General, Lisa Madigan, has written an opinion, published on December 31st, 2010, regarding these organizations. The Attorney General’s opinion has been posted on our website. In addition, Illinois laws and Board policy pertaining to auxiliary officers can also be found on our website (<http://www.ptb.state.il.us>).

Following are a few brief bullet points regarding **non-governmental, legally unrecognized, and unauthorized “auxiliary/reserve police organizations”**:

- There is no legislation which licenses, authorizes, certifies, approves, or in any manner provides police authority to corporations or associations which profess to be, under the color of law, an “auxiliary/reserve police” entity.
- The Board does not certify or recognize members of such organizations as auxiliary police.
- The Board does not certify or recognize any training courses provided to members of such organizations by “instructors” of such a private organizations.
- The Board does not certify or recognize any “instructors” of such organizations.
- While the organizations may incorporate with the Illinois Secretary of State as a not-for-profit corporation, or a not-for-profit charity corporation, the charter does not authorize the organizations or their members any police authority or arrest authority.

Non-governmental, legally unrecognized, and unauthorized “auxiliary/reserve police organizations” are not:

- A municipal police entity
- A police entity
- An auxiliary police entity
- A law enforcement agency

Members of **non-governmental, legally unrecognized, and unauthorized “auxiliary/reserve police organizations”** are not:

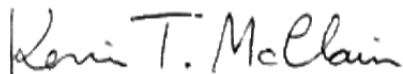
- Auxiliary police officers
- Reserve police officers
- Full or Part-time Police officers
- Law Enforcement officers
- Peace Officers
- Conservators of the Peace

The Illinois Law Enforcement Training and Standards Board concurs with the U.S. Marshals Service, Northern District of Illinois, U.S. Department of Justice, and Attorney General Madigan that, based upon Illinois law **non-governmental, legally unrecognized, and unauthorized “auxiliary/reserve police organizations”** are not legal and should not be utilized in any way.

Any agency “commissioning” or using these organizations within their jurisdictions may be exposing their community to liability for the actions of these individuals. Any individual member of such a group claiming to have law enforcement authority is violating Illinois criminal law and is subject to arrest for Unlawful Use of Weapon, False Impersonation of a Police Officer, and potentially other crimes.

It is the intent of the Illinois Law Enforcement Training and Standards Board to provide this information to the Illinois law enforcement community in order to inform local law enforcement officials of the laws regarding auxiliary police officers and to forestall any possible negative repercussions to our law enforcement communities. A copy of this letter along with Attorney General Madigan’s opinion can be found on the Board’s website (<http://www.ptb.state.il.us>).

Agencies with questions pertaining to this matter are encouraged to seek advice from their corporate legal counsel.



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Illinois Law Enforcement Training and Standards Board