



**WILLIAM J. SCOTT**  
ATTORNEY GENERAL  
STATE OF ILLINOIS  
SPRINGFIELD

March 18, 1976

FILE NO. S-1068

**COUNTIES:**

Employment of Deputy Sheriffs  
as Private Security Guards During  
Off Duty Hours

Honorable Martin Rudman  
State's Attorney of Will County  
Courthouse  
Joliet, Illinois 60431

Dear Mr. Rudman:

I have your letter wherein you ask whether deputy sheriffs may be employed as private security guards during their off duty hours. It is my opinion that there is no statutory prohibition against deputy sheriffs working as security guards. Deputies are prevented by statute from appearing in court as attorney or counsel and from becoming security for any person in any civil or criminal suit or proceeding; deputies are also

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ineligible to serve as county treasurers. (Ill. Rev. Stat. 1973, ch. 125, pars. 20 and 21.) There is no statutory provision that expressly prohibits deputy sheriffs from working as security guards.

The statutory powers and duties of deputy sheriffs do not imply a necessary prohibition against deputies working as security guards. Deputy sheriffs have a duty to conserve the peace. (Ill. Rev. Stat. 1973, ch. 125, pars. 12 and 17.) They are peace officers since a peace officer is defined as "any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses \* \* \*." (Ill. Rev. Stat. 1973, ch. 38, par. 2-13.) As peace officers, deputy sheriffs have an obligation to maintain public order at all times. Arrington v. City of Chicago, 45 Ill. 2d 316.

The deputy's obligation as a public employee to maintain public order at all times is distinct from the security guard's contractual obligation to protect his private employer's property. The two obligations are not inconsistent. The fact that the deputy is obliged to maintain public order during

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his off duty hours does not in itself necessarily bar the deputy from working as a security guard during his off duty hours. Employment as a security guard does not provide the deputy with private payment for work he must perform as a public employee. While acting as a security guard the deputy performs services for his employer which are not required by the deputy's obligation to maintain public order. Though the county expects the deputy to be ready to enforce the law at all times, it does not require him to perform private security work during his off duty hours.

Although the legislature has not prohibited deputy sheriffs from working as private security guards, sheriffs, merit commissions and county police department merit boards have been given the authority to establish rules and regulations regarding the conduct of deputies. (Ill. Rev. Stat. 1973, ch. 34, par. 859.1 as amended by P.A. 79-441; ch. 125, pars. 56 and 107.) Regulations forbidding or limiting outside occupations of deputies, policemen and firemen have generally been sustained as valid. (Hayes v. Civil Service Commission

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of Chicago, 348 Ill. App. 146; 88 A.L.R. 2d 1235.) Therefore, the fact that there is no statutory prohibition against deputy sheriffs working as security guards does not preclude sheriffs, merit commissions and merit boards from establishing reasonable and necessary regulations which forbid deputies from working as private security guards.

Very truly yours,

A T T O R N E Y   G E N E R A L