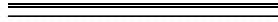
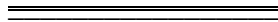


**The Bill Blackwood
Law Enforcement Management Institute of Texas**



Utilizing Reserve/Auxiliary Positions in Law Enforcement



**An Administrative Research Paper
Submitted in Partial Fulfillment
Required for Graduation from the
Leadership Command College**



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ABSTRACT

The purpose of this research is to provide the law enforcement community with balanced, factual information on utilizing reserve/auxiliary positions in law enforcement. This research will examine the advantages and disadvantages for reserve/auxiliary positions in law enforcement by researching manpower shortages, cost effectiveness, liability issues, recruitment, duties and responsibilities, and the interaction between full time officers. In an effort to obtain a balanced perspective regarding the aforementioned information, there were several methods and sources used. The sources included: a review of books, journals, surveys, periodicals, state law, legal opinions, and departmental operating policies and procedures on established reserve/auxiliary units.

After reviewing this material, the information will provide valuable incite considering: how law enforcement and the community is affected by reserve/auxiliary programs; the accountability that the reserve/auxiliary program has to the agency in which they serve; what type of training will be received throughout their tenure of service.

Well before modern policing, reserve/auxiliary positions in law enforcement have been in existence since the 17th century. The reserve/auxiliary positions are held by neighbors, friends and relatives. They may be bankers, construction workers, doctors, clerks, physicians, and many other professionals. Hopefully, this research will provide a fair representation of facts to help law enforcement agencies consider whether or not to implement a reserve/auxiliary position program at their agency.

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INTRODUCTION

In law enforcement today, police administrators face difficult tasks and pressures each year to meet the continuous changes in providing services to citizens. Many police departments are exploring options that will effectively serve the needs of the community, while decreasing budgets and increasing demands continue. The budget constraints have resulted in fewer police officers, thus placing officers' safety in jeopardy. This research will provide the law enforcement community balanced and factual information on reserve/auxiliary positions in law enforcement.

Additionally, this research will expose and examine the advantages and disadvantages of the reserve/auxiliary programs by examining and researching: manpower shortages, cost effectiveness, liability issues, recruitment, duties and responsibilities, and the interaction between full-time officers. There were several methods and sources used that consisted of reviewing: books, journals, surveys, periodicals, state law, legal opinions, the internet, and departmental operating policy and procedures on established reserve/auxiliary programs.

Furthermore, the intended audience for this project is law enforcement agencies that are interested in considering a reserve/auxiliary program for their agency. This research will examine both sides of the issue and attempt to offer law enforcement agencies information in order to help them decide whether or not to implement such a program.

This research will not only investigate the advantages of having a reserve/auxiliary unit; such as enhancing officer safety, improving the overall effectiveness and efficiency of the agency, and creating a pool from which to recruit,

etc., it will also investigate the disadvantages. These disadvantages include police unions and associations that are opposed to such a unit, liability issues and the rejection of a reserve/auxiliary program by full-time officers.

The reserve/auxiliary program is an old concept that administrators should examine with an open mind to make an unbiased decision. It is imperative that administrators make the decision regarding the implementation of a reserve/auxiliary program based on research and information gathered from many different sources that deal with manpower shortages, positive community relations, recruitment, and building better equipped agencies with a stronger staff, while keeping morale high. Subsequently, this will only be one of many tools an agency may choose to use when examining ways to make agencies more efficient while cutting costs at the same time.

REVIEW OF LITERATURE

Soon after the attack of Pearl Harbor, the Harris County Sheriff's Department organized a group of volunteers known as the "Civil Defense Organization". This group of nearly three hundred citizens represented people from various occupations. The organization's goal was to provide the Sheriff assistance during any disaster. During those early days of the war, many members left the Civil Defense Organization to volunteer for U. S. Armed Forces overseas.

After the war, Harris County Sheriff, Buster Kern recognized the potential of a volunteer organization formed of dedicated citizens. Kern began using Civil Defense Organization members as local law enforcement volunteers. The name of the organization was changed to the Auxiliary Deputy Sheriff Group, which more accurately reflected its revised role in the Sheriff's Department.

Although a new concept for Harris County, the use of police reserve forces has been a Texas tradition. State law preserved the reserve law enforcement organization over the years and made the reserve deputy an essential part of Texas law enforcement heritage. The concept of a reserve force dates back to the 1820's in order to fight Comanche Indians. That first volunteer organization became the Texas Rangers, the nations oldest state law enforcement agency.

The Harris County Auxiliary Sheriff's Group continued to grow and steadily strengthened as a volunteer unit during the 1950's. During 1957, these volunteers formally organized as what is presently known as the Harris County Sheriff's Reserve and became a non-profit corporation registered with the state.

The 1960's saw the reserve expand in numbers to meet the rising need for the Marine Reserve Unit, which included several qualified SCUBA deputies. In the early 1970's, the reserves reorganized to retain three goals: 1) to maintain a close liaison with the regular Sheriff's Department; 2) to provide adequate supervision of reserve deputies; 3) to be able to call out large quantities of trained deputies in a short period of time with a minimum of effort.

By the end of 1972, the reserves numbered approximately 600 dedicated men and women with a common goal to assist the Harris County Sheriff in improving the area's quality of life. Legislative action in 1972 mandated state training certification laws for reserves as outlined by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). As a result of the mandated state training, the number of reserves dropped while the level of professionalism increased. During 1973, it is estimated that the organizations 450 reservists combined time equaled more than 1.5

million in savings on an annual basis to the Harris County Sheriff's Department.

The Texas Department of Public Safety Private Security Bureau filed a notice on July 24, 2005 with the Secretary of State to change the uniform requirements for reserve peace officers. This rule change will make it a criminal offense for any reserve peace officer to work private security jobs for pay as a peace officer.

In November 2001, the Private Security Commission adopted a rule change that allowed reserve officers to work private security jobs via a security company with permission of their department head. The private security Bureau of DPS is reversing itself and the National Reserve Law Officers Association of America (NRLO) Director Leon Schumacher, has been involved with reserve officers since 1969. In 1970, he founded NRLO and was instrumental in the passage of legislation making reserves legal and many counties and communities began establishing reserve/auxiliary units in Texas.

After 1971, the legislation passed in Texas was used as a model by many states to enact laws legalizing reserves for their states. It was not until June 1968, that their legal status was queried. This came about as a result of an opinion by then Attorney General Crawford C. Martin when he was asked to rule whether Police/Sheriff's "Reserve" officers may be legally constituted. As the law stood at that time, the answer from The Texas Attorney General was NO.

Texas S.B. 72, S.B 17 and S.B 43 were sponsored by Senator Chet Brooks of Houston and were signed into law by Texas Governor Preston Smith. Effective September 1, 1971, these bills provided for authorization appointment, powers, duties and qualifications of reserve police, reserve deputy sheriffs and reserve deputy constables.

“Appointments as Reserves Law Enforcement Officers to be made by governing body (County Commissioners or City Council to “Authorize” and Sheriff, Constable or Chief of Police to “Appoint”). Reserve members serve at the discretion of the Chief, Sheriff, or Constable.”

The governing body shall establish qualification and standards training and may limit the size of the force. Reserves may carry weapons while discharging official duties, and they will be duly constituted peace officers. They may serve without compensation, but the governing body may provide uniform compensation solely upon time served while in training for or in the performance of official duties.

The governing body may provide hospital assistance to those who sustain injury in the course of performing official duties in the same manner as provided for full time officers. Reserve officers shall be eligible for death benefits as set out in Chapter 86, Act of the 60th Legislature, regular session 1967, as amended (Article 6228 F, Vernon’s Texas Civil Statues).

However, no reserve officer will be permitted to become eligible for participation in any pension fund to which regular officers may be entitled. Reserves are to act only in a supplementary capacity to the regular force and in no case assume the full time duties of regular officers without first complying with all requirements of such regular officers. The law does not limit the power of the mayor of any general city to summon into service “Special Police”.

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) shall establish minimum training standards for reserves which must be fulfilled before any person may act as a peace officer before the effective date of

the act may be appointed to temporarily serve as a reserve law enforcement officer without fulfilling the minimum training standards. But in no case shall any person serve as a reserve officer unless he has fulfilled the minimum standards (TCLEOSE).

With a properly trained reserve/auxiliary unit some communities are realizing savings adding up to an amount in the tens of thousands of dollars each year and some are realizing over one million dollars (1,000,000) per year.

In a 1994 report, the Marion County Sheriff's Department realized a savings for the county of over one million dollars (\$1,000,000) per year over the two years of 1992 and 1993. Over the two year period reserve/auxiliary saved the tax payers two million dollars (\$2,000,000). Such savings greatly enhances the ability of law enforcement departments and governing agencies to provide financial support needed by reserve/auxiliary and regular officers in getting adequate training and continued education. Also, the savings can allow for hiring of new departmental personnel, the implementation of new departmental programs and the purchase of needed equipment.

While law enforcement agencies may realize savings, some full time officers resent the reserve/auxiliary programs because of the inherent labor issues presented by those who are willing to work for free. Sentiments of a couple officers surveyed together from similar agencies were as follows, first officer "I started my career as a reserve, had great experiences and continued to have a lot of respect for reserve officers who have what it takes to do a good job. However, I do not think that reserves should be taking the place of sworn officers. The reserves should only have police authority when they are working with, or under the direct supervision of a certified officer." Second officer,

“Downsizing and cutback in personnel are serious concerns, I would not want jobs taken away from full time officers by utilizing reserves. They should supplement a police department, not replace full time officers.”

Primary resistance to reserves in policing rests with confidentiality and liability issues, but labor issues are also obstacles to the involvement of reserves. A significant reserve contribution can represent a creative approach to marshaling resources, but there may also be the perception that reserve involvement will make justifying the need for additional sworn or civilian paid staff difficult, if not impossible.

Although reserve officers do not perform the same duties as full time officers, relations sometimes remain strained. Perhaps in an attempt to ensure that there would not be a reserve take-over of the paid, full time police department. According to the City of Madison Michigan Ordinance #508, the Madison Heights Police Department established an ordinance that specifies that the reserve unit may not have more reserve officers than there are full time members of the department.

A great deal of the experience and training the reserves receive is dependant upon the willingness of full time officers to contribute training time and allow reserves to observe them as they perform their duties. Because of anti- reserve sentiments it is difficult to persuade some officers to take an active role of interest in reserve/auxiliary programs. Some departments may have perpetuated this anti-reserve attitude by focusing on the statistical achievements and cost saving measures of the reserve units.

METHODOLOGY

The purpose of this research is to examine the reserves/auxiliary programs and analyze all factors that will assist law enforcement administrators in determining

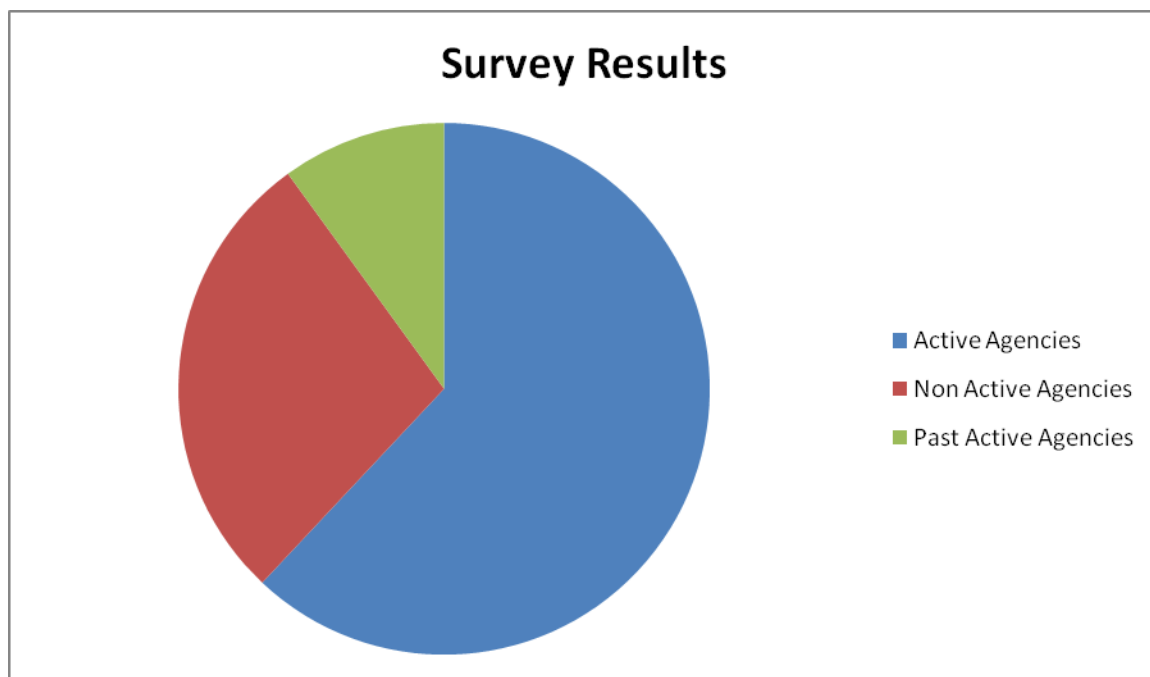
whether or not to use reserves/auxiliary police officers in their organizations. This research will address the following information and provide valuable insight considering: how law enforcement and the community is affected by reserve/auxiliary programs; the accountability that the reserve/auxiliary program has to the agency in which they serve; what type of training will be received throughout their tenure of service.

A survey (Appendix 1) will be conducted to gather data from Texas Law Enforcement Agencies. The first section of this survey will establish why the information is being requested and ask pertinent information about the agency being surveyed and whether the reserve/auxiliary program is in presently or formerly existence. If the reserve/auxiliary program is in place, information on the application process and the standards and requirements will be requested. The second and third sections of the survey will consist of information concerning the following: training, supervision, function and duties, and the number of years the program has existed. Forty-two law enforcement officers responded to the survey (The Advantages And Disadvantages In Utilizing Reserve/Auxiliary Positions In Law Enforcement). Twenty six (26) agencies had some type of reserve police officer program. Twelve (12) agencies did not currently have a reserve police officer program. Four (4) agencies had a reserve program in the past but not currently. The reason for disbanding the programs among these four agencies were liability issues, lack of interest, cost, and elimination of need for the reserves.

The data will be analyzed and used to determine that there is indeed a need to assist law enforcement administrators in making the decision whether or not to use reserve/auxiliary police officers in their organizations.

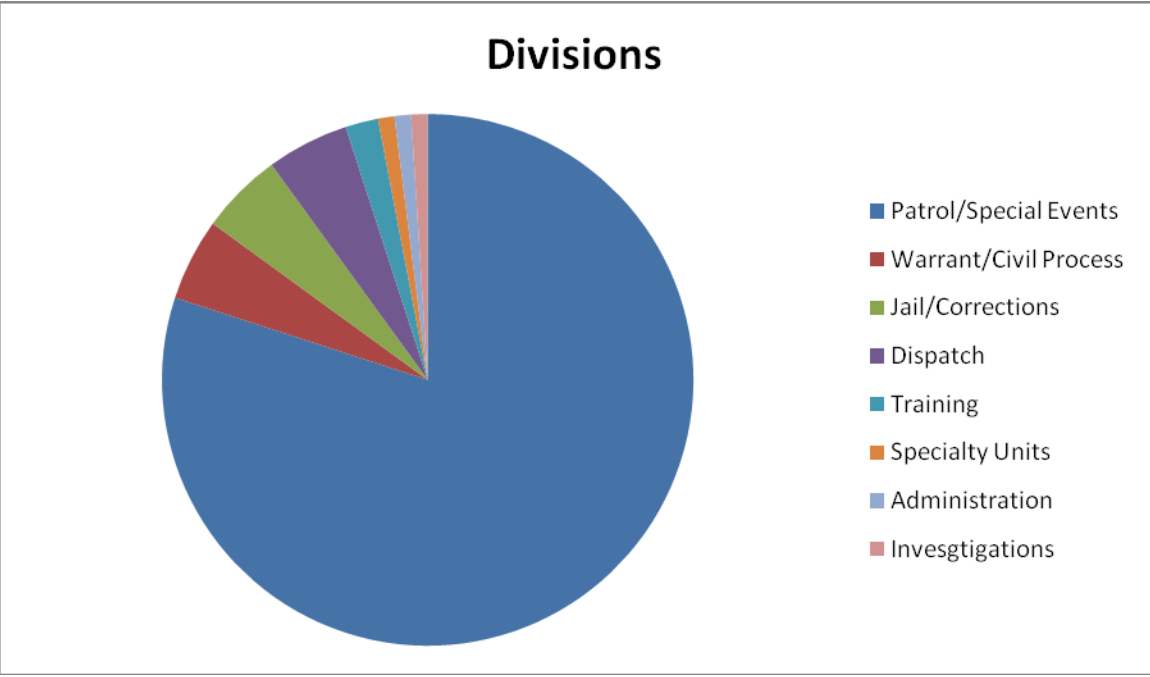
FINDINGS

The results from the surveys completed on the advantages and disadvantages in utilizing reserves/auxiliary positions in law enforcement were from the smallest agency of fourteen (14) to the largest agency of over fifty plus (50+). There were eighty (80) surveys sent out, only forty two (42) responded. Sixty two percent (62%) of the departments that responded have active reserve/auxiliary program. Twenty eight percent (28%) do not have an active reserve/auxiliary program. Ten percent (10%) have had an active reserve/auxiliary program in the past but are no longer utilizing such a program. Survey participation results are shown in the graph below:



The responding agencies that currently have or had in the past utilized reserve/auxiliary personnel reported usage of such personnel in the following divisions: eighty percent (80%) in patrol/special events, five percent (5%) in warrant division/civil processing,

five percent (5%) in dispatch, five percent (5%) in jail/corrections, two percent (2%) in training, one percent (1%) in specialty units/crime prevention, one percent (1%) in administration, and one percent (1%) in investigations. Survey participation results are shown in the graph below:



The advantages of the reserve/auxiliary programs are to enhance officer safety and cost effectiveness by using personnel appropriately. The training is conducted by fully qualified police personnel and continues throughout the reserve/auxiliary program. The participants have the opportunity to learn about police work and the real needs of the criminal justice system from the inside.

The disadvantages of the reserve/auxiliary programs are the initial costs to implement such a program and the continuing maintenance of the program. This includes recruitment, training, written policy and procedures and how well the full time officers accept the program. A clear commitment from the administration of careful screening, selection and a willingness to terminate those who do not perform and commit

to the reserve/auxiliary programs are essential in the success of the program.

DISCUSSION/CONCLUSION

The problems or issues examined by the researcher considered whether or not there are advantages or disadvantages in utilizing reserves/auxiliary positions in law enforcement. The term reserve/auxiliary officer includes many types of law enforcement officers. The distinction between the reserve/auxiliary and career law enforcement officers are “full-time or regular officers”. The reserve/auxiliary officer has many titles and many duties and responsibilities that he can fulfill in law enforcement when properly trained and equipped.

The purpose of this research was to provide incite on the affects on law enforcement and the community by the reserve/auxiliary programs based on balanced and factual information on reserve/auxiliary officer programs. The reserve/auxiliary programs began when man formed the first community during colonial times. People volunteered to keep the peace. Most volunteer peace officers were appointed by the village leaders.

As a result of the atrocities witnessed in New York City on September 11, 2001 it is especially essential for law enforcement agencies to be prepared for further terrorist actions and a reserve/auxiliary program would be capable of responding to emergencies. The reserve/ auxiliary program must undergo a selection process similar to that of a regular officer. A written exam, appear before an oral review board, medical and psychological evaluations, physical agility test, and pass a complete background investigation. The training must consist of graduating from a certified training academy recognized by the Texas Commission on Law Enforcement Officer Standard and

Education (TCLEOSE) and the completion of a thorough Field Training Program (FTP), with a full-time training officer, before being permitted to full reserve/auxiliary duties.

The research question that was examined focused on the advantages and disadvantages of implementing a reserve/auxiliary officer program. The researcher hypothesized that the number of advantages of implementing a reserve/auxiliary officer program far outweighs the disadvantages.

The researcher concluded from the findings that ultimately such a decision lies with the law enforcement agency itself in determining whether or not implementing a reserve/auxiliary officer program would be more beneficial than detrimental. The findings regarding the advantages of this research concluded that although there are certain costs in implementing a reserve/auxiliary officer program, both monetarily and maintaining good morale, the inherent savings far outweigh the costs. The findings regarding the disadvantages of this research concluded that in many instances the implementation of a reserve/auxiliary officer program are overshadowed by lack of interest and non acceptance by regular full time officers and the initial start up costs. The study of the advantages and disadvantages in utilizing reserves/auxiliary positions in law enforcement is relevant to contemporary law enforcement because implementation of such a program can allow for more manpower for if nothing else, extreme emergencies.. In this age of homeland security, the ability of law enforcement to have a source for assistance is vital. Law enforcement and society as a whole stand to be benefited by the results of this research.

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