

140287

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION**

**Part-Time, Volunteer and
Auxiliary Law Enforcement
Officers**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



House Document No. 10

**COMMONWEALTH OF VIRGINIA
RICHMOND
1989**

140287

**U.S. Department of Justice
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COMMONWEALTH of VIRGINIA

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IN RESPONSE TO
THIS LETTER TELEPHONE
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ROBERT E. COLVIN
EXECUTIVE DIRECTOR

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

910 Capitol Street

MEMBERS:
FROM THE SENATE OF VIRGINIA:
ELMON T. GRAY, CHAIRMAN
HOWARD P. ANDERSON
ELMO G. CROSS, JR.

FROM THE HOUSE OF DELEGATES:
ROBERT B. BALL, SR., VICE CHAIRMAN
V. THOMAS FOREHAND, JR.
RAYMOND R. GUEST, JR.
A. L. PHILPOTT
WARREN G. STAMBAUGH
CLIFTON A. WOODRUM

APPOINTMENTS BY THE GOVERNOR:
ROBERT C. BOBB
ROBERT F. HORAN, JR.
GEORGE F. RICKETTS, SR.

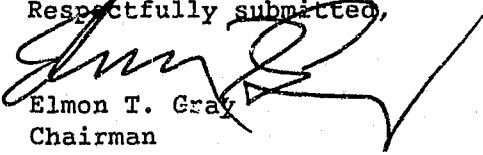
ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

October 18, 1988

TO: The Honorable Gerald L. Baliles, Governor of Virginia,
and Members of the General Assembly:

House Joint Resolution 19, agreed to by the 1988 General Assembly, directed the Virginia State Crime Commission to study the training standards required for part-time, volunteer and auxiliary deputy sheriffs and police officers. In fulfilling this directive, a study was conducted by the Virginia State Crime Commission. I have the honor of submitting herewith the study report and recommendations on Virginia's part-time, volunteer and auxiliary law enforcement officers.

Respectfully submitted,


Elmon T. Gray
Chairman

ETG:tes

ENCLOSURE

Members of the
Virginia State Crime Commission

From the Senate of Virginia:

Elmon T. Gray, Chairman

Howard P. Anderson

Elmo G. Cross, Jr.

From the House of Delegates:

Robert B. Ball, Sr., Vice Chairman

A. L. Philpott

V. Thomas Forehand, Jr.

Raymond R. Guest, Jr.

Warren G. Stambaugh

Clifton A. Woodrum

Appointments by the Governor:

Robert C. Bobb

Robert F. Horan, Jr.

George F. Ricketts, Sr.

Attorney General's Office:

H. Lane Kneedler

Subcommittee

Studying

Part-time, Volunteer and Auxiliary Law Enforcement Officers

Members:

Delegate Raymond R. Guest, Jr., Chairman
Delegate Robert B. Ball, Sr.
Mr. Robert C. Bobb
Senator Elmo G. Cross, Jr.
Delegate V. Thomas Forehand, Jr.
Senator Elmon T. Gray
Mr. H. Lane Kneedler
Delegate Warren G. Stambaugh

Staff:

Robert E. Colvin, Executive Director
Susan E. Foster, Research Assistant
Tammy E. Sasser, Executive Administrative Assistant
Kris Ragan, Secretary

The subcommittee expresses its sincere appreciation to the Director and staff of the Department of Criminal Justice Services, particularly Mr. Lex Eckenrode, Division Director; Mr. Byran Childress, Section Chief; Mr. George Gotschalk, Section Chief, and Mr. Don Anderson, Programmer-Analyst, for their technical advice and assistance in conducting this study.

Table of Contents

I.	Authority for Study.....	1
II.	Members Appointed to Serve.....	1
III.	Executive Summary.....	1
IV.	Background.....	2
V.	Objectives.....	3
VI.	Recommendations.....	3
VII.	Work of the Subcommittee.....	4
VIII.	Discussion of Issues.....	4
	Appendices.....	8
A.	Legislative Proposals.....	9
B.	House Joint Resolution #19.....	15
C.	Existing Virginia Legislation.....	17
D.	Part-Time, Volunteer, and Auxiliary Law Enforcement Survey.....	21
	- Survey Forms.....	23
	- Survey Results.....	27
	- Selected Quotes from Police Departments.....	30

I. Authority for Study

House Joint Resolution 19, sponsored by Delegate Warren G. Stambaugh and passed by the 1988 General Assembly, authorizes the Virginia State Crime Commission to "(i) determine the current use of part-time deputy sheriffs, and volunteer or auxiliary law enforcement personnel (ii) evaluate minimum training standards as these standards may apply to part-time deputy sheriffs and volunteer personnel; and (iii) determine the level of funding, if any, needed to provide training for these individuals."

§9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission (VSCC) "to study, report, and make recommendations on all areas of public safety and protection." §9-127 of the Code of Virginia provides that "the Commission shall have the duty and the power to make such studies and gather information in order to accomplish its purpose, as set forth in §9-125, and to formulate its recommendations to the Governor and the General Assembly." §9-134 of the Code of Virginia authorizes the Commission to "conduct private and public hearings, and to designate a member of the Commission to preside over such hearings." The VSCC, in fulfilling its legislative mandate, undertook the law enforcement training study as requested by House Joint Resolution 19.

II. Members Appointed to Serve

During the April 1988 meeting of the Crime Commission, its chairman, Senator Elmon T. Gray of Sussex, selected Delegate Raymond R. Guest, Jr. to serve as chairman of this subcommittee. Members of the Crime Commission who served on the subcommittee are:

Delegate Raymond R. Guest, Jr. of Front Royal, Chairman
Delegate Robert B. Ball, Sr. of Henrico
Mr. Robert C. Bobb of Richmond
Senator Elmo G. Cross, Jr. of Hanover
Delegate V. Thomas Forehand, Jr. of Chesapeake
Senator Elmon T. Gray of Sussex
Mr. H. Lane Kneidler (Attorney General's Office)
Delegate Warren G. Stambaugh of Arlington

III. Executive Summary

A. AUXILIARY/VOLUNTEER LAW ENFORCEMENT OFFICERS

Currently, there are 2 conflicting provisions in the Code of Virginia regulating auxiliary police. Under §15.1-159.2 (A) of the Code of Virginia, auxiliaries have all the powers of constables at common law and are not required to undergo formal training; however, under §15.1-159.2 (B), auxiliaries have the powers of full-time law enforcement officers if they have satisfied the state mandated training requirements.

The problem arises when one realizes there is no discernible distinction between a constable at common law for whom training is not required and a full-time officer for whom training is required.

The subcommittee recommends that the Virginia Code be amended to authorize each jurisdiction to establish the training standards for its auxiliary program, except that all auxiliaries must meet the basic and in-service firearms training requirements established by the Criminal Justice Services Board.

B. PART-TIME LAW ENFORCEMENT OFFICERS

There is currently no provision in the Virginia Code establishing minimum training standards for part-time law enforcement officers. Therefore, the subcommittee recommends that the Code of Virginia be amended to require all part-time police officers and deputy sheriffs to complete training requirements consistent with those of full-time law enforcement officers established by the Criminal Justice Services Board.

IV. Background

Chapter 157 of the 1968 Acts of Assembly authorized the governing bodies of cities, counties and towns to establish auxiliary police forces which would possess all the powers and immunities of constables at common law. In 1987, legislation inserted a seemingly inconsistent provision, §15.1-159.2(B) of the Code of Virginia, which empowered the governing bodies to establish auxiliary police forces which have all the powers, authority and immunities of full-time law enforcement, provided all such forces have met the training requirements established by the Department of Criminal Justice Services. According to the 1971 Report of the Attorney General, a "constable is by virtue of his office a conservator of the peace, whose duties are similar to those of a sheriff." Therefore, there is no discernible distinction between a constable at common law and a full-time law enforcement officer. Consequently, the statutory training requirement is easily manipulated. Whether an auxiliary officer must be trained is dependent upon the particular provision of the Virginia Code under which the office was established. If the auxiliary officer in question has been exercising legal authority and is untrained, a police department may assert that the office was established under 15.1-159.2(A); hence, no training is required.

Subsequent legislative remedial efforts have not resolved this problem. In 1988, legislation supplemented 15.1-159.2(B) by providing that an officer would not be permitted to carry or use a firearm while serving as an auxiliary police officer without first meeting the firearms training requirements for law enforcement officers prescribed by the Criminal Justice Services Board. Because of its placement in provision B, this provision is arguably inoperative and without force and effect. Provision B already requires that auxiliary police forces established pursuant to its authority receive training. If the provision were intended to resolve the contradiction within the Code of Virginia it should have been inserted in provision A.

In 1968, the Virginia State Crime Commission proposed legislation to create a Law Enforcement Officers Training Standards Commission which would set minimum training standards for all law enforcement officers. The legislation was successful and the Training Standards Commission was established effective July 1, 1968. Since that time, the Commission's duties have expanded and the name of the Commission was changed to Criminal Justice Officers Training and Standards Commission and later incorporated into the Department of Criminal Justice Services. This agency establishes the curriculum and supervises the training of law enforcement officers, correctional officers, court bailiffs and civil process servers.

Specifically, §9-170 of the Code of Virginia authorizes the Commission to establish training standards for law enforcement officers. However, the authority is qualified by §9-169 which defines a law enforcement officer as a full-time employee. Therefore, the Department of Criminal Justice Services cannot rely on its authority under §9-170 to set training standards for part-time deputy sheriffs or auxiliary law enforcement officers. Thus, if the legislature finds that minimum training standards for part-time deputy sheriffs and auxiliary police are necessary, it should expand the definition of law enforcement officer in §9-169 to include these law enforcement personnel.

V. Objectives

The subcommittee examined the following major issues:

- A. Define the responsibility and authority of part-time deputy sheriffs and volunteer or auxiliary law enforcement personnel according to job function.
- B. Determine the current use of part-time deputy sheriffs and volunteer or auxiliary law enforcement.
- C. Determine the desirability of establishing minimum training requirements for part-time deputy sheriffs and auxiliary or volunteer law enforcement.
- D. Attempt to reconcile §15.1-159.2(A) and (B), conflicting provisions within the Code of Virginia regulating the training requirements of auxiliary police.
- E. Determine the level of funding, if any, needed to provide training for these individuals.

VI. Recommendations

The full Crime Commission met on October 18, 1988 and received the report of the subcommittee. After careful consideration, the findings and recommendations of the subcommittee were adopted by the Commission. Pursuant to HJR 19 (1988), the Law Enforcement Subcommittee studying part-time, auxiliary and volunteer law enforcement met on August 16, 1988 to examine the current use of such officers, the minimum training standards desirable for such officers and the level of funding needed to provide any recommended training. After careful consideration, the subcommittee made the following recommendations:

A. Minimum Training Standards for Auxiliary and Volunteer Law Enforcement Officers

Amend §15.1-159.2 to authorize the law enforcement agency in each jurisdiction to establish the training standards for its auxiliary program, except that all auxiliary police officers who carry or use a firearm must meet the basic and in-service firearms training requirements established by the Criminal Justice Services Board.

B. Minimum Training Standards for Part-time Law Enforcement Officers

Require part-time deputy sheriffs and police officers to have the same training as full-time law enforcement officers.

VII. Work of the Subcommittee

The subcommittee held one extensive staff briefing on June 21, 1988; one public hearing on July 21, 1988 in Richmond, Virginia to solicit input from concerned individuals and organizations; and one work session in Richmond, Virginia on August 16, 1988. In addition, the subcommittee reviewed legislation from other states as well as 230 responses to a survey mailed statewide to police departments and sheriffs' offices.

A. Testimony and Survey

Public testimony and the survey revealed that the auxiliary programs in Virginia differ greatly as to the level of training required, the job function to be performed and the legal authority possessed by auxiliaries. While some testimony supported state mandated training equivalent to that required of full-time law enforcement for auxiliaries performing the same function as full time officers, the vast majority expressed concern that mandating that level of training would kill auxiliary programs in many jurisdictions.

B. Parallel or Similar Studies

Report on Law Enforcement Training to the Governor and the General Assembly of Virginia

In 1978, the Virginia State Crime Commission, in conjunction with the Secretary of Public Safety and the Joint Legislative Audit and Review Commission, was requested to conduct a study of the costs of alternative law enforcement training programs in Virginia including the creation of a government subsidized police training academy, establishing compulsory minimum training standards, requiring instructor certification, creating educational and training incentives and providing statewide employment assistance. Primarily, the study recommended the consolidation of the twelve regional academies into eight, and made recommendations as to their operation. However, the 1978 study did not directly address the precise issues currently being studied by the Crime Commission.

A search performed on LEGISNET revealed no similar legislative studies conducted in other states on this issue. However, this was not conclusive because LEGISNET only includes only those legislative studies actually submitted by the states.

VIII. Discussion of Issues

A. Auxiliary Law Enforcement Officers

Current Use

According to our survey results, at least 36 police departments and 21 sheriffs' offices in Virginia have auxiliary programs.

Current Responsibility, Authority and Training

Public testimony and the survey indicated that auxiliary programs currently operative in Virginia are characterized by their dissimilarity. Due to the lack of guidelines in the Virginia Code, each jurisdiction has promulgated its unique set of rules to govern its particular program, both as to formal training requirements and job function.

For instance, 39% of police departments responded that their auxiliary officers perform the same functions as full-time law enforcement officers; 47% have the same legal authority; however, only 14% have training equivalent to that of full-time law enforcement officers. 6% of auxiliary officers have no formal training. On the other hand, some jurisdictions use auxiliaries solely as "ride along" officers; others perform routine traffic control duties, and some are utilized solely for special events. The training for such officers varies in proportion to the job function.

None of the sheriffs' offices who responded to our survey have auxiliary deputy sheriffs who perform the same duties as full-time officers. Rather, auxiliary deputy sheriffs are used primarily as "ride along" officers, to provide courtroom and jail security, to offer increased visibility at special events, and to perform routine traffic and crowd control duties. Only 29% of auxiliary deputy sheriffs possess the same arrest power as a full-time officer; most have only limited, if any, legal authority.

Despite the varied training requirements, police departments and sheriffs' offices have experienced few, if any, problems due to their auxiliary programs. Specifically, the survey revealed that 56% of police departments and 52% sheriffs' offices have experienced no problems; and 39%; and 33% respectively had minor problems. No police department and only one sheriff's office had experienced serious problems within their auxiliary program. Public testimony indicated overwhelming support for auxiliary programs by agency personnel and the public.

Desirability of Establishing Minimum Training Requirements

Testimony was divided on this issue. Certain government officials wholeheartedly believe that auxiliary law enforcement officers who perform the same duties as full-time law enforcement officers should be required to complete the same training requirements. Representatives from police departments and sheriffs' offices statewide expressed concern that mandating auxiliary training equivalent to that of full-time law enforcement officers would, in effect, legislate many auxiliary programs out of existence.

Requisite Funding

If the state requires auxiliary officers to undergo the same training as full-time law enforcement officers, each auxiliary must complete approximately 315 classroom hours and 60 field hours of training at an estimated cost of \$7.13 per person per hour in 1989. In addition, in-service training requires 40 mandated hours every two years.

Conclusion

The subcommittee determined that each jurisdiction should be authorized to establish the training standards for its auxiliary program, except that no auxiliary police officer should be permitted to carry or use a firearm unless such auxiliary has met the basic and in-service firearms training requirements established by the Criminal Justice Services Board. Each jurisdiction would, therefore, be afforded flexibility to adapt its program to its needs and resources. However, the subcommittee was adamant about requiring the more stringent firearms training. In its present form, it is unclear whether the firearms training requirement in section 15.1-159.2(B) is applicable to all auxiliaries or only those auxiliaries established under the authority of (B). The subcommittee concluded that if an auxiliary is to carry a firearm, he should receive the requisite training.

B. Part-time Law Enforcement Officers

Current Situation

According to the Compensation Board, there are approximately 140 part-time deputy sheriffs in Virginia. Our survey results reveal that part-time deputies perform a variety of functions including courtroom security duties and acting as correctional officers. Only 24% have the same duties as full-time deputies. For 72% of part-time deputy sheriffs, training, to the extent it exists, is comprised of on-the-job-training or job related classes.

Currently, part-time law enforcement officers are not required under the Virginia Code to meet state mandated training requirements for full time officers. However, all law enforcement officers, part-time and full-time, employed by jurisdictions receiving "599 funding" must meet the state minimum training requirements. However, sheriffs' offices do not receive "599 funding"; therefore, part-time deputy sheriffs are not required to have training under any standard. 599 funding is a state revenue sharing program designed to assist localities with law enforcement efforts.

Conclusion

The subcommittee concluded that part-time deputy sheriffs and police officers should be required to complete the same training requirements as established by the Criminal Justice Services Board for full-time law enforcement officers.

Applicable Law

- A. Virginia Code §15.1-159.2. Powers, authority and immunities of auxiliary police.
- B. Virginia §9-170. Powers and duties of the Board and the Department: The Criminal Justice Services Department, under the direction of the Board, has the power to establish compulsory minimum training standards for law enforcement officers.
- C. Virginia Code §9-169(9). Law enforcement officer defined as a full-time employee of a police department or sheriff's office.

APPENDICES

APPENDIX A

Legislative Proposals

1 D 9/14/88 Brinson T 9/16/88 df

2 SENATE BILL NO. HOUSE BILL NO.

3 A BILL to amend and reenact § 15.1-159.2 of the Code of Virginia,
4 relating to establishment of local auxiliary police forces;
5 powers, authority and immunities thereof.

6

7 Be it enacted by the General Assembly of Virginia:

8 1. That § 15.1-159.2 of the Code of Virginia is amended and reenacted
9 as follows:

10 § 15.1-159.2. Establishment, etc., authorized; powers, authority
11 and immunities generally.-- A: In cities, counties and towns in the
12 Commonwealth, the governing bodies thereof, for The governing body of
13 any county, city or town, for the further preservation of the public
14 peace, safety and good order of the community, shall have the power
15 to establish, equip and maintain auxiliary police forces. When
16 called into service as hereinafter provided, the members of which when
17 called into service as hereinafter provided any such auxiliary police
18 force shall have all the powers, and authority and all the
19 immunities of constables at common law.

20 B: Such governing bodies shall also have the power to establish,
21 equip and maintain auxiliary police forces which have all the powers
22 and authority and all the immunities of full-time law-enforcement
23 officers, if provided all such forces members have met the training
24 requirements established by the Department of Criminal Justice
25 Services under § 9-170. Any auxiliary officer employed prior to July
26 17, 1987, shall be exempted from any initial training requirement,

1 except that any such law-enforcement department in that jurisdiction.
2 No auxiliary police officer shall not be permitted to carry or use a
3 firearm while serving as an auxiliary police officer unless such
4 officer has met the firearms training requirements established in
5 accordance with basic and in-service training standards for
6 law-enforcement officers as prescribed by the Criminal Justice
7 Services Board.

8

1 D 9/14/88 Brinson C 9/20/88 df

2 SENATE BILL NO. HOUSE BILL NO.

3 A BILL to amend and reenact §§ 9-169 and 9-180 of the Code of
4 Virginia, relating to minimum training standards for certain
5 part-time and full-time law-enforcement officers; definition.

6
7 Be it enacted by the General Assembly of Virginia:

8 1. That §§ 9-169 and 9-180 of the Code of Virginia are amended and
9 reenacted as follows:

10 § 9-169. Definitions.-- The following words, whenever used in
11 this chapter, or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 of
12 this Code, shall have the following meanings, unless the context
13 otherwise requires:

14 1. "Administration of criminal justice" means performance of any
15 activity directly involving the detection, apprehension, detention,
16 pretrial release, post-trial release, prosecution, adjudication,
17 correctional supervision, or rehabilitation of accused persons or
18 criminal offenders or the collection, storage, and dissemination of
19 criminal history record information.

20 2. "Board" means the Criminal Justice Services Board.

21 3. "Criminal justice agency" means a court or any other
22 governmental agency or subunit thereof which as its principal function
23 performs the administration of criminal justice and any other agency
24 or subunit thereof which performs criminal justice activities, but
25 only to the extent that it does so.

26 4. "Criminal history record information" means records and data

1 collected by criminal justice agencies on adult individuals consisting
2 of identifiable descriptions and notations of arrests, detentions,
3 indictments, informations, or other formal charges, and any
4 disposition arising therefrom. The term shall not include juvenile
5 record information which is controlled by Chapter 11 (§ 16.1-226 et
6 seq.) of Title 16.1 of this Code, criminal justice intelligence
7 information, criminal justice investigative information, or
8 correctional status information.

9 5. "Correctional status information" means records and data
10 concerning each condition of a convicted person's custodial status,
11 including probation, confinement, work release, study release, escape,
12 or termination of custody through expiration of sentence, parole,
13 pardon, or court decision.

14 6. "Criminal justice information system" means a system including
15 the equipment, facilities, procedures, agreements, and organizations
16 thereof, for the collection, processing, preservation, or
17 dissemination of criminal history record information. The operations
18 of the system may be performed manually or by using electronic
19 computers or other automated data processing equipment.

20 7. "Department" means the Department of Criminal Justice
21 Services.

22 8. "Dissemination" means any transfer of information, whether
23 orally, in writing, or by electronic means. The term does not include
24 access to the information by officers or employees of a criminal
25 justice agency maintaining the information who have both a need and
26 right to know the information.

27 9. "Law-enforcement officer" means any full-time or part-time
28 employee of a police department or sheriff's office which is a part

1 or administered by the Commonwealth or any political subdivision
2 thereof, and who is responsible for the prevention and detection of
3 crime and the enforcement of the penal, traffic or highway laws of
4 this Commonwealth, and shall include any member of the Regulatory
5 Division of the Department of Alcoholic Beverage Control vested with
6 police authority, any police agent appointed under the provisions of §
7 56-353 or any game warden who is a full-time sworn member of the
8 enforcement division of the Commission of Game and Inland Fisheries.
9 Part-time employees are compensated officers who are not full-time
10 employees as defined by the employing police department or sheriff's
11 office.

12 10. "Conviction data" means information in the custody of any
13 criminal justice agency relating to a judgment of conviction, and the
14 consequences arising therefrom, in any court.

15 § 9-180. Compliance with minimum training standards by officers
16 employed after July 1, 1971 and by officers appointed under § 56-353
17 after July 1, 1982.-- Every full-time law-enforcement officer
18 employed after July 1, 1971, and officers appointed under the
19 provisions of § 56-353 after July 1, 1982, and every part-time
20 law-enforcement officer employed after July 1, 1989, shall comply with
21 the compulsory minimum training standards established by the Board
22 within a period of time fixed by the Board pursuant to Chapter 1.1:1
23 (§ 9-6.14:1 et seq.) of Title 9 of this Code . The Board shall have
24 the power to require law-enforcement agencies of the Commonwealth and
25 its political subdivisions to submit rosters of their personnel and
26 pertinent data with regard to the training status of such personnel.

27

#

APPENDIX B

HJR 19

1988 SESSION

LD4104574

HOUSE JOINT RESOLUTION NO. 19

Offered January 18, 1988

Requesting the State Crime Commission to study volunteer, auxiliary and certain part-time law-enforcement officers.

Patron—Stambaugh

Referred to the Committee on Rules

WHEREAS, many localities avail themselves of the services of part-time deputy sheriffs and volunteer or auxiliary law-enforcement personnel; and

WHEREAS, in general, law-enforcement officers must meet certain minimum training requirements; and

WHEREAS, there is a need to determine what standards or minimum training requirements should be applied to other law-enforcement officers; and

WHEREAS, the Compensation Board has authorized funding for part-time deputy sheriffs; however, funding is not currently provided for training of these deputies nor for volunteer or auxiliary law-enforcement personnel; now, therefore be it

RESOLVED by the House of Delegates, the Senate concurring, that the Virginia State Crime Commission is requested to (i) determine the current use of part-time deputy sheriffs, and volunteer or auxiliary law-enforcement personnel; (ii) evaluate minimum training standards as these standards may apply to part-time deputy sheriffs and volunteer personnel; and (iii) determine the level of funding, if any, needed to provide training for these individuals.

The Commission shall employ whatever methods of inquiry it shall deem necessary, including, but not limited to, the employment of additional temporary staff. The Department of Criminal Justice Services, through its Training Standards section, shall lend its expertise and resources to the Commission in completing this study.

The Commission shall complete its study and submit its recommendations, if any, no later than December 1, 1988.

The direct costs of this study are estimated to be \$3,780, and such amount shall be allocated to the Virginia State Crime Commission from the general appropriation to the General Assembly.

Official Use By Clerks

Agreed to By The House of Delegates

- without amendment []
with amendment []
substitute []
substitute w/amdt []

Agreed to By The Senate

- without amendment []
with amendment []
substitute []
substitute w/amdt []

Date: _____

Date: _____

Clerk of the House of Delegates

Clerk of the Senate

APPENDIX C

Existing Virginia Legislation

seq.) of Chapter 15 of this title may expend such sums not to exceed \$5,000. (Code 1950, § 15-573; 1962, c. 623; 1972, c. 428; 1980, c. 64; 1985, c. 145.)

The 1985 amendment deleted the former like sum, for the arrest and conviction of the second sentence, which read "The governing criminal." body may also offer a reward, not to exceed a

ARTICLE 4.

Auxiliary Police Forces in Counties, Cities and Towns.

§ 15.1-159.2. Establishment, etc., authorized; powers, authority and immunities generally. — A. In cities, counties and towns in the Commonwealth, the governing bodies thereof, for the further preservation of the public peace, safety and good order of the community shall have the power to establish, equip and maintain auxiliary police forces, the members of which when called into service as hereinafter provided shall have all the powers and authority and all the immunities of constables at common law.

B. Such governing bodies shall also have the power to establish, equip and maintain auxiliary police forces which have all the powers and authority and all the immunities of full-time law-enforcement officers, if all such forces have met the training requirements established by the Department of Criminal Justice Services under § 9-170. Any auxiliary officer employed prior to July 1, 1987, shall be exempted from any initial training requirement, except that any such officer shall not be permitted to carry or use a firearm while serving as an auxiliary police officer unless such officer has met the firearms training requirements established in accordance with in-service training standards for law-enforcement officers as prescribed by the Criminal Justice Services Board. (1968, c. 157; 1987, c. 421; 1988, c. 864.)

The 1987 amendment designated the first paragraph as subsection A and added subsection B.

"provided" following "law-enforcement officers," in the first sentence and added the last sentence of subsection B.

The 1988 amendment substituted "if" for

§ 15.1-159.5. Calling auxiliary policemen into service; policemen performing service to wear uniform; exception. — A. The governing body of the county, city or town may call into service or provide for calling into service such auxiliary policemen as may be deemed necessary (i) in time of public emergency, (ii) at such times as there are insufficient numbers of regular policemen to preserve the peace, safety and good order of the community, or (iii) at any time for the purpose of training such auxiliary policemen. At all times when performing such service, the members of the auxiliary police force shall wear the uniform prescribed by the governing body.

B. Members of any auxiliary police force which has been trained in accordance with the provisions of § 15.1-159.2 B may be called into service by the Chief of Police of any jurisdiction to aid and assist regular police officers in the performance of their duties.

C. When the duties of an auxiliary policeman are such that the wearing of the prescribed uniform would adversely limit the effectiveness of the auxiliary policeman's ability to perform his prescribed duties, then clothing appropriate for the duties to be performed may be required by the Chief of Police. (1968, c. 157; 1987, c. 421; 1988, c. 190.)

§ 9-169. Definitions. — The following words, whenever used in this chapter, or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 of this Code, shall have the following meanings, unless the context otherwise requires:

1. "*Administration of criminal justice*" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

2. "*Board*" means the Criminal Justice Services Board.

3. "*Criminal justice agency*" means a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so.

4. "*Criminal history record information*" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 of this Code, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

5. "*Correctional status information*" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

6. "*Criminal justice information system*" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

7. "*Department*" means the Department of Criminal Justice Services.

8. "*Dissemination*" means any transfer of information, whether orally, in writing, or by electronic means. The term does not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

9. "*Law-enforcement officer*" means any full-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this Commonwealth, and shall include any member of the Regulatory Division of the Department of Alcoholic Beverage Control vested with police authority, any police agent appointed under the provisions of § 56-353 or any game warden who is a full-time sworn member of the enforcement division of the Commission of Game and Inland Fisheries.

10. "*Conviction data*" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court. (1981, c. 632; 1982, c. 419; 1983, c. 357; 1984, c. 543.)

The 1984 amendment substituted "member of the Regulatory Division of the Department of Alcoholic Beverage Control" for "member of the Enforcement or Inspection Division of the

Department of Alcoholic Beverage Control" in subdivision (9), defining "Law-enforcement officer."

enforcement officers who have not completed the compulsory training standards set out in subdivision 2 above, prior to assignment of any such officers to undercover investigation work. Failure to complete such training shall not, for that reason, constitute grounds to exclude otherwise properly admissible testimony or other evidence from such officer resulting from any undercover investigation;

5. Establish compulsory minimum entry level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

6. Establish compulsory minimum entry level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

7. Establish compulsory minimum entry-level, in-service, and advanced training standards for persons employed as jailers or custodial officers by local criminal justice agencies and for correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and establish the time required for completion of such training;

8. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

9. Consult and cooperate with counties, municipalities, agencies of this Commonwealth, other state and federal governmental agencies, and with universities, colleges, junior colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

10. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

11. Establish and maintain police training programs through such agencies and institutions as the Board may deem appropriate;

12. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

13. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

14. Make recommendations concerning any matter within its purview pursuant to this chapter;

15. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

16. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations shall have the authority to require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

17. Conduct audits as required by § 9-186;

APPENDIX D

Part-time, Volunteer and Auxiliary Law Enforcement Survey



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

910 Capitol Street

July 21, 1988

POST OFFICE BOX 3-AG
RICHMOND, VIRGINIA 23208

IN RESPONSE TO
THIS LETTER TELEPHONE
(804) 225-4534

ROBERT E. COLVIN
EXECUTIVE DIRECTOR

MEMBERS:
FROM THE SENATE OF VIRGINIA:
ELMON T. GRAY, CHAIRMAN
HOWARD P. ANDERSON
ELMO G. CROSS, JR.

FROM THE HOUSE OF DELEGATES:
ROBERT B. BALL, SR., VICE CHAIRMAN
V. THOMAS FOREHAND, JR.
RAYMOND R. GUEST, JR.
A. L. PHILPOTT
WARREN G. STAMBAUGH
CLIFTON A. WOODRUM

APPOINTMENTS BY THE GOVERNOR:
ROBERT C. BOBB
ROBERT F. HORAN, JR.
GEORGE F. RICKETTS, SR.

ATTORNEY GENERAL'S OFFICE
H. LANE KNEEDLER

Dear Colleague:

The Virginia State Crime Commission is currently studying part-time, volunteer and auxiliary law enforcement officers. Specifically, the Commission is to determine the current use of part-time and auxiliary law enforcement officers, evaluate minimum training standards applicable to such personnel, and the level of funding, if any, needed to provide training for these individuals. Several weeks ago, in an effort to obtain input from affected individuals, the Crime Commission dispatched a survey to police departments and sheriffs offices in Virginia. As of today, we have not received a completed survey from your agency. Please take a few minutes to complete and return the survey to the above address no later than August 3. I have enclosed another copy of the survey for your convenience. If our letters have crossed in the mail, please disregard this letter and accept my appreciation for your assistance.

Thank you for your cooperation. If you have any questions, please contact staff research assistant, Susan Foster, at (804) 225-4534.

Sincerely,

*Robert E. Colvin
Executive Director*

REC:kr

Enclosure

LAW ENFORCEMENT SURVEY - POLICE DEPARTMENTS

I. Does your Department employ auxiliary or volunteer police?

_____ yes

_____ no

1. If yes, approximate number: _____

2. If no, what is the reason your Department does not employ auxiliary or volunteer police? _____

II. If your Department employs AUXILIARY OR VOLUNTEER LAW ENFORCEMENT PERSONNEL, please answer the following:

1. Describe the job function (e.g. traffic control) of auxiliary or volunteer law enforcement personnel in your Department. _____

2. Describe the minimum training standards currently required by your Department for auxiliary or volunteer law enforcement personnel.

3. Does your Department provide in-house training for auxiliaries or are they trained at an academy?

4. Describe the legal authority (e.g. arrest power) possessed by auxiliary or volunteer law enforcement personnel in your Department. _____

5. Do your auxiliary police carry a firearm? _____
6. Average compensation, if any, of auxiliary or volunteer law enforcement personnel in your Department _____
7. Approximate number of hours worked per week by an auxiliary or volunteer law enforcement officer in your Department _____
8. How many hours do you require an auxiliary to donate annually? _____
9. Do auxiliaries in your Department wear uniforms different and distinct from public law enforcement officers? _____

Why/Why not? _____

10. How would you describe the problems, external or internal, with auxiliary or volunteer law enforcement officers in your area?

- _____ none
- _____ minor
- _____ moderate
- _____ serious

a) Please describe the nature of any problems incurred.

11. Identify the advantages of auxiliary law enforcement officers.

12. What has been the overall impact on crime prevention by auxiliaries in your Department? _____

13. Has your agency been involved in any civil litigation due to the action of an auxiliary or volunteer law enforcement personnel?

_____ yes

_____ no

If yes, please describe _____

Law Enforcement Survey - Sheriff Offices

I. Does your office employ part-time, volunteer or auxiliary deputy sheriffs?

_____ yes

_____ no

1. If yes, approximate number employed: _____
2. If no, is there a specific reason your office does not employ part-time volunteer or auxiliary deputy sheriffs?

II. If your office employs PART-TIME, VOLUNTEER OR AUXILIARY DEPUTY SHERIFFS, please answer the following:

1. Describe the job function (e.g. crowd control) of part-time deputy volunteer or auxiliary sheriffs in your office. _____

A) Part-time Deputies _____

B) Volunteer Deputies _____

2. Describe the minimum training standards currently required by your office for part-time auxiliary or volunteer deputy sheriffs. _____

A) Part-time Deputies _____

B) Volunteer Deputies _____

3. Describe the legal authority (e.g. arrest power) possessed by part-time, volunteer or auxiliary deputy sheriffs in your office. _____

A) Part-time Deputies _____

B) Volunteer Deputies _____

4. Average compensation of part-time auxiliary or volunteer deputy sheriffs in your office _____

A) Part-time Deputies _____

B) Volunteer Deputies _____

5. Approximate number of hours worked per week by part-time auxiliary or volunteer deputy sheriffs in your office _____

A) Part-time Deputies _____

B) Volunteer Deputies _____

6. How would you describe the problems with part-time, auxiliary or volunteer deputy sheriffs in your area?

A) Part-time Deputy Sheriffs

B) Volunteer Deputy Sheriffs

_____ none

_____ none

_____ minor

_____ minor

_____ moderate

_____ moderate

_____ serious

_____ serious

a) Please describe the nature of any problems incurred.

7. Have you been involved in any civil litigation due to the action of a part-time auxiliary or volunteer deputy sheriff?

_____ yes

_____ no

If yes, please describe _____

Survey Results of Police Departments

The Crime Commission received 126 out of 175 surveys dispatched to Police Departments in Virginia.

REASON AUXILIARY PROGRAMS

Not Utilized

- | | |
|------------------------------------|-----|
| ◦ No need for an Auxiliary Program | 47% |
| ◦ Prohibitive Cost | 19% |
| ◦ Potential liability/insurance | 15% |
| ◦ Other | 19% |

JOB FUNCTION

- | | |
|---|-----|
| ◦ Same as full-time officer | 39% |
| ◦ Ride along with regular officer or serve as back up | 39% |
| ◦ Traffic and crowd control | 17% |
| ◦ Other | 6% |

TRAINING

- | | |
|-----------------------------|-----|
| ◦ Less than regular officer | 81% |
| ◦ Same as regular officer | 14% |
| ◦ No formal training | 6% |
| ◦ More than regular officer | 0% |

Note: 72% of the training is provided in-house

LEGAL AUTHORITY

- | | |
|--|-----|
| ◦ Same as regular officer | 47% |
| ◦ Limited (on duty and/or to assist another officer) | 28% |
| ◦ No legal authority | 25% |

PROBLEMS EXPERIENCED

- | | |
|------------|-----|
| ◦ None | 56% |
| ◦ Minor | 39% |
| ◦ Moderate | 6% |
| ◦ Serious | 0% |

UNIFORMS

- | | |
|----------------------------------|-----|
| ◦ Same as regular officer | 72% |
| ◦ Different from regular officer | 28% |

Survey Results of sheriffs' offices

The subcommittee received 104 completed surveys out of the 124 which were dispatched.

A. AUXILIARY/VOLUNTEER DEPUTY SHERIFFS

JOB FUNCTION

- Special events and traffic control 38%
- Jail and courtroom security 29%
- Ride along with regular officer 29%
- Same as full-time officers 0%

TRAINING

- Firearms only 29%
- Job related classes 29%
- On the job 14%
- Same as full-time officers 14%
- No training 14%

LEGAL AUTHORITY

- Same as regular officer 29%
- Limited (i.e. regular officer must be present) 29%
- No legal authority 19%
- Only in emergencies 10%
- Other 10%

PROBLEMS EXPERIENCED

- None 52%
- Minor 33%
- Moderate 5%
- Serious 5%

B. PART-TIME DEPUTY SHERIFFS

JOB FUNCTION

- Courtroom security and legal process servers 46%
- Same as full-time officers 24%
- Jail (e.g. transport prisoners) 11%
- Correctional officers 9%
- Other 11%

TRAINING

- Same as full-time officer 28%
- On the job 22%
- Job related classes 22%
- Background in law enforcement 11%
- No training 9%
- Other 4%

LEGAL AUTHORITY

°	Same as full-time officer	83%
°	No legal authority	11%
°	Other	6%

PROBLEMS EXPERIENCED

°	None	67%
°	Minor	15%
°	Moderate	11%
°	Serious	4%

QUOTES FROM POLICE DEPARTMENTS ON THEIR AUXILIARY FORCE

"Our auxiliary officers are a tremendous help to our patrol division by supplying much needed manpower." Newport News Police Department

"Auxiliaries release sworn officers for more important functions." Richmond Bureau of Police

"Increase visibility." Dumfries Police Department

"Auxiliaries have allowed our regular officers more flexibility, allowed us to undertake more aggressive programs, and they have been a community relations asset to the Department." Waynesboro Police Department

"Increased patrols and surveillances in areas where crimes are occurring have resulted in arrest or moving the criminal out of the area." Danville Police Department

"Reduce overtime needed during special events." Arlington County Police Department

"The auxiliary unit with our department has proven very beneficial. We feel that training of this type of officer should be geared to how they are utilized not just an arbitrary standard which may not apply and could result in the loss of this assistance." Roanoke City Police Department