

Use of Volunteers in Kentucky Law Enforcement

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Introduction

To determine the feasibility of using volunteers to enforce the provisions of HB 71 related to handicap parking, we reviewed relevant statutory provisions and gathered information about the current use of volunteers in Kentucky local law enforcement. That review suggests limited potential under current law.

Kentucky communities are able to use volunteers in law enforcement activities. The restriction comes in terms of the nature of the use. Volunteers are free to contribute time and efforts to activities that do not involve invoking the powers of a peace officer, such as administrative efforts, chaplain services, special event traffic direction, etc. In order to issue citations or exercise arrest authority, volunteers must undergo the same training and certification as regular police officers.

Below, we identify six examples of communities using volunteers in support of law enforcement. No community uses volunteers to enforce the law. Instead, they engage in such activities as fund raising, public relations, public education, administrative tasks, community services, and outreach.

Provisions of Law

KRS 15.380 requires officers to be certified. It states:

“The following officers employed or appointed as full-time, part-time, **or auxiliary** officers, whether paid or unpaid, shall be certified:

- (a) State Police Officers, but for the commissioner of the State Police
- (b) City, county, and urban-county police officers
- (c) Deputy Sheriffs, except those identified in KRS 70.045 and 70.263(3)
- (d) State or public university safety and security officers appointed pursuant to KRS 164.950...”

Etc.

The effect of this law is that all persons exercising peace officer powers must be certified.

KRS 70.045 addresses Special Sheriff's Deputies as follows:

- (1) "The sheriff may appoint and have sworn in and entered on the county clerk order book one special deputy for each two thousand five hundred residents or part thereof in his county, to assist him with general law enforcement and maintenance of public order. The population of the county shall be determined by the most recent count or estimate by the Federal Bureau of Census.
- (2) The sheriff in each county may appoint and have sworn in, and entered on the county clerk order book, as many special deputies as needed to assist him in the execution of his duties and office in preparation for or during an emergency situation. For purposes of this section only, an emergency situation is a condition which, in the judgment of the sheriff, requires a response immediately necessary for the preservation of public peace, health or safety, utilizing special deputies previously appointed in preparation for the contingency.
- (3) The special deputy shall:
 - a. Be appointed and dismissed on the authority of the sheriff
 - b. Not receive any monetary compensation for his time or services
 - c. Serve at the request of the sheriff, unless personal conditions rule otherwise
 - d. Be appointed regardless of race, color, creed, or position."

Given KRS 15.380, this law creates a set of sheriff-appointed volunteers that are exempt from state certification.

KRS 70.542 regards Auxiliary county police forces; it states:

"(1) Except in counties containing a consolidated local government or city of the first class, or counties containing an urban-county government, the fiscal court of any county in which there is an established county police force pursuant to KRS 70.540, may provide for the establishment or abolishment of an auxiliary county police force to perform duties within the county upon such terms and conditions as the fiscal court deems necessary and proper. The fiscal court shall prescribe the number of members comprising such auxiliary county police force, and prescribe rules and regulations that shall govern the powers and duties of the members of such auxiliary county police force, unless otherwise provided in subsection (2) of this section.

- (2) A member of an auxiliary county police force shall:
 - a. Be appointed by the county judge/executive and serve at his or her pleasure;
 - b. Be answerable and under the jurisdiction of the county judge/executive, except when the county judge/executive delegates such authority to the chief officer of the county police force;
 - c. Not receive any compensation or benefits for his time or service, except that the fiscal court may provide for the payment of any reasonable and necessary expenses incurred by a member of the auxiliary county police force in the conduct of his or her official duties; and

- d. Be appointed regardless of race, color, creed, or position.
- (3) Before any person is appointed as a member of an auxiliary county police force, he or she shall give bond to the county judge/executive in an amount as prescribed by the fiscal court. The fiscal court may authorize the premium therefor to be paid out of the general funds of the county.”

This law permits the county judge/executive to create a volunteer police force apart from the sheriff’s department or city police forces; however, pursuant to KRS 15.380, these auxiliary forces must undergo state certification.

KRS 95.019 states:

“(1) The chief of police and all members of the police force in cities of the first through fifth classes shall possess all of the common law and statutory powers of constables and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, anywhere in the county in which the city is located, but shall not be required to police any territory outside of the city limits.

(2) The chief of police and all members of the police force in cities of the sixth class shall possess all of the common law and statutory powers of constables and sheriffs. They may exercise those powers, including the power of arrest for offenses against the state, only within the corporate boundaries of the city and within the boundaries of any real property owned by the city which is located outside its corporate boundaries.”

While this law does not address volunteers directly, there is an indirect implication. If cities of the first through fifth class were to establish volunteer officer programs (any certification requirements notwithstanding) to enforce parking laws, those officers would presumably have authority to patrol and enforce parking violations anywhere in the county.

KRS 95.160 permits the establishment of “special police” in cities of the first class; it states:

“(1) The director of safety may, in case of need, appoint special policemen to do special duty at any place within the city, on terms he deems proper and not in conflict with the civil service provisions.

(2) These special policemen shall be governed by such rules as the director may provide, and be given such powers as the director allows; if rules are not provided they shall have the powers and duties of regular policemen.”

As such, this law seems to provide cities of the first class with a mechanism for creating a police force with specific duties. It is not unthinkable that handicapped parking enforcement could fall into this category.

KRS 95.445 addresses establishment of auxiliary police in cities, much like KRS 70.542 addressed county forces. It states:

“The legislative body of a city of the second, third, fourth, fifth, or sixth class, or urban-county government, except a city of the fifth or sixth class in a county containing a first-class city, may by ordinance provide for the establishment or abolishment of an auxiliary police force to perform special duties within the city on terms it deems proper. The ordinance shall prescribe the number of officers and men of such force and the manner of their appointment, and rules and regulations governing the powers and duties of members of such force.”

Under this law, auxiliary police forces could be established for special purposes in most cities. The certification requirements for these officers pursuant to KRS 15.380 remain in effect.

KRS 95.950 defines an auxiliary police officer as “a person who is appointed as a member of an auxiliary police force created under KRS 95.445 and who has the authority to carry deadly weapons or make arrests.” It refers only to city auxiliary police officers, then, and not to county officers.

Pursuant to KRS 15.380, all police officers except special sheriff’s deputies, and perhaps special police in cities of the first class (KRS 95.160) are required to be certified by the state. Certification is described in KRS 95.955 as follows:

“(1) All police officers and auxiliary police officers originally appointed or employed by a city, urban-county, or charter county government after July 14, 1992, shall, within one (1) year of their appointment or employment, successfully complete at least six hundred forty (640) hours of basic training administered or approved by the Department of Criminal Justice Training.

(2) All police officers and auxiliary police officers specified in subsection (1) of this section shall, upon completion of the basic training required in the same section, successfully complete forty (40) hours of annual in-service training administered or approved by the Department of Criminal Justice Training.

(3) All police officers and auxiliary police officers appointed or employed before July 14, 1992, shall successfully complete forty (40) hours of annual in-service training administered or approved by the Department of Criminal Justice Training.”

It thus appears that all officers, with the possible exception of special deputies and special police in first-class cities, must undergo an initial training of 640 hours (or sixteen full weeks), with an additional 40 hours of training each year. Such daunting requirements

will almost certainly preclude active volunteer participation in police duties such as issuing citations. Police departments are not likely to test the potential loopholes that have been identified due to legal issues and great complications.

In conclusion, Kentucky would benefit from passage of a law granting specific permission to engage in parking enforcement with specific training—this is the example set by other states.

The Kentucky Department of Criminal Justice Training does not offer any courses or training in the use of volunteers in police service.

Examples of Use of Volunteers in Law Enforcement in Kentucky Communities

Paducah PD uses volunteers only in civilian activities—not in law enforcement activities that require invoking the powers of a peace officer. The participants in their program are alumni of the Citizens Police Academy—an 11-week program (held on Thursday evenings) where citizens are acquainted with law enforcement and community policing.

“The mission of the Paducah CPAA (Citizen’s Police Academy Association) is to serve as ambassadors for the Paducah Police Department, and to aid law enforcement in various **activities deemed safe and appropriate for civilians**. The group volunteers their time to staff a Community Resource Office at a local mall, help host future CPA Classes and implement crime prevention programs.”

(http://www.policevolunteers.org/programs/index.cfm?fuseaction=dis_pro_detail&id=654)

b) Louisville Metro PD uses volunteers in these capacities: Administrative, Chaplain Corps, Explorer Post, Other (over 50 volunteers).

c) The Independence, KY police department also uses volunteers for special duties, and especially fundraising (20 volunteers):

“This program is a result of our Citizen's Police Academy. In December of 2000, graduates of the Citizens Academy formed an Alumni Association. The purpose of their organization is to assist the police department in a volunteer capacity and raise funds to purchase unbudgeted equipment for the police department.

They assist the police department with traffic functions at parades and special events. They have assisted us with computer problems and upgrades; they have used their expertise in many other technical areas to assist us.

During this past year, they have held a dance, sold cookbooks, and worked at festivals to raise funds for donations to the police department.

To date they have purchased over \$3,000 of special needs equipment for the police department that would not have been purchased without their assistance. Some the items purchased include: Red Man Training Suit (\$1,200) and 2 Pepper Ball Guns (\$1,300).”

(http://www.policevolunteers.org/programs/index.cfm?fuseaction=dis_pro_detail&id=330)

d) Florence, KY police department has 15 volunteers engaged in unique activities:

“Our volunteers began with retired persons doing talks on telemarketing fraud and crimes against older persons. This was very successful in the Northern Kentucky area. They addressed various civic and senior citizen groups about the hazards of telemarketing fraud and identity theft.

This program began a change after the graduation of the first Citizen Academy class in 2001. Volunteers were recruited to keep the momentum going from the Citizen Academy trainees. They branched off into doing community work, assisting officers with D.A.R.E. Graduations, doing fingerprinting of applicants, and public demonstrations. They have two former police cruisers assigned to this group. These are used for a modified citizen patrol where they carry cellular phones to report any suspicious activity, as well as delivering informational packets to people who have moved into Florence. This information is used to inform people about local ordinances, contact numbers, and other non-commercial information. The addresses are obtained from the Water Department when people request service.

The Department also has a Volunteer Police Chaplains Program. This program originated in 1998 and consisted of 2 local ministers. It was expanded to 4 Chaplains in 2000, one of which is a Hispanic Chaplain to meet the needs of our growing Latino population. These dedicated ministers are on call and respond to major incidents, such as Traffic Collisions with life-threatening injuries, SWAT Callouts, and other critical incidents.

They also work to meet the needs of homeless or stranded persons, thereby freeing up our officers for other calls for service. We are beginning another trend in our area. We were the first agency in Kentucky to sponsor a Latino Police Academy.”

(http://www.policevolunteers.org/programs/index.cfm?fuseaction=dis_pro_detail&id=765)

e) The city of Erlanger uses 20 volunteers from its Citizen Police Academy Alumni Association to assist with various tasks.

(http://www.policevolunteers.org/programs/index.cfm?fuseaction=dis_pro_detail&id=1362)

f) Alexandria, KY is beginning a volunteer program. (www.alexandriaky.org) These volunteers will assist with the following duties:

- Provide support to records & clerical staff
- Participate in Community meetings
- Follow up with victims and refer them to other agencies
- Citizen Patrol programs (not citing offenses)
- Technology support: hardware & software