

## Auxiliary Positions

### 209.1 VERSION

Review Date	Effective Date	Approving Authority
03/31/2021	07/09/18	Gabriel Camacho, Interim Chief of Police

### 209.2 POLICY AND PURPOSE

This policy establishes the guidelines for Harrisonburg Police Department auxiliary personnel to supplement and assist regular full-time police officers in their duties. These members provide volunteer professional and special functions that augment regular staffing levels. The Harrisonburg Police Department shall ensure that auxiliary personnel are properly appointed, trained and supervised and that they maintain the appropriate certifications and readiness to carry out their assigned duties.

### 209.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### 209.4 DEFINITIONS

**Auxiliary officer** - A person who is a sworn employee of the Harrisonburg Police Department's auxiliary unit and who is authorized to exercise police powers (Va. Code § 15.2-1731).

**Auxiliary Administrative Employee**- Non-sworn personnel with limited duties who perform administrative, logistics, training, crime prevention, and public support duties.

### 209.5 RECRUITMENT AND SELECTION

The Harrisonburg Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All sworn Auxiliary applicants are required to successfully complete the following pre-appointment requirements:

- (a) Personal History Statement Review
- (b) Panel Interview
- (c) Physical Ability Test
- (d) Fingerprint/Criminal History/Background Investigation (as deemed necessary)

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- (e) Polygraph Examination
- (f) Psychological Examination
- (g) Medical Screening
- (h) Final Packet Review and Interview with the Chief of Police
- (i) Drug Screen

#### 209.5.1 APPOINTMENT

Applicants who are selected for appointment as auxiliary officers shall, on the recommendation of the Chief of Police, be sworn in and take the Oath of Office.

Auxiliary personnel are considered at-will employees and may be dismissed at the discretion of the Chief of Police, with or without cause. Auxiliary personnel shall have no property interest in continued appointment. However, if an auxiliary personnel is removed for alleged misconduct, the auxiliary police officer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee (Va. Code § 15.2-1733).

#### **209.6 IDENTIFICATION AND UNIFORMS**

Auxiliary police officers will be issued Harrisonburg Police Department uniforms, badges and identification cards. The uniforms shall be the same as those worn by regular full-time police officers. The identification cards will be the standard Harrisonburg Police Department identification cards, with the exception that "Auxiliary" will be indicated on the cards (Va. Code § 15.2-1732; Va. Code § 15.2-1734).

All property issued to auxiliary police officers shall be returned to this department upon termination or resignation.

#### **209.6 AUTHORITY**

Auxiliary police officers shall perform law enforcement duties within the scope of their approved training (Va. Code § 15.2-1731). Auxiliary police officers:

- (a) Perform law enforcement functions and have the authority to arrest on behalf of this department (Va. Code § 15.2-1731).
- (b) Shall not exercise law enforcement duties when off-duty or as specified by the departments General Orders.

Auxiliary Police Officers will be considered on-duty when:

- (a) The Auxiliary Police Officer has reported to his or her assigned place of duty.
- (b) Responding to assist a law enforcement officer in the performance of his or her duties.
- (c) Taking law enforcement action under life-threatening circumstances, consistent with the Auxiliary Police Officers training and responsibilities.
- (d) Traveling to and from an assignment in an official vehicle.

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- (e) Attending scheduled training, meetings, or performing administrative or supervisory duties.
- (f) Reporting for special assignments within the Department.

Personnel who meet the training requirements established by the Department of Criminal Justice Services (DCJS) and/or by the Chief of Police or his/her designees shall perform such duties like any civilian (non-sworn) employee while acting as a representative of the Harrisonburg Police Department. Personnel will be considered on-duty when:

- (a) The employee has reported to his or her assigned place of duty for the normal work schedule
- (b) Attending scheduled training, meetings or administrative duties.
- (c) Reporting for special assignments within the department.

#### **209.8 COMPENSATION**

Compensation for auxiliary personnel are provided as follows (Va. Code § 15.2-1731):

- (a) Auxiliary personnel shall be compensated as prescribed by the ordinances of the City of Harrisonburg.
- (b) Auxiliary police officers are not eligible to participate in any pension program provided for regular officers.

All Auxiliary personnel shall maintain a monthly time sheet and submit it to the Auxiliary Lieutenant or his/her designee within 15 days after the completed month.

#### **209.9 PERSONNEL WORKING AS AUXILIARY OFFICERS**

Qualified paid department personnel, when authorized, may also serve as auxiliary police officers. However, this department shall not utilize the services of auxiliary police officers in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as an auxiliary police officer for reduced or no pay). Therefore, the auxiliary coordinator should consult with the Human Resources Department prior to allowing regular department personnel to serve in an auxiliary police officer capacity (29 CFR 553.30).

#### **209.10 COMPLIANCE**

Auxiliary personnel shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each auxiliary police officer upon appointment. The auxiliary police officer shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this policy manual refers to a regular full-time police officer, it shall also apply to an auxiliary police officer, unless by its nature it is inapplicable.

Auxiliary personnel are required by this department to meet department-approved training requirements prior to performing authorized duties.

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All auxiliary personnel are required to attend scheduled meetings. Any absences must be satisfactorily explained to the auxiliary coordinator.

All Auxiliary personnel shall provide their home, work and mobile telephone numbers and name of carrier to the Chief of Police, Auxiliary Lieutenant, and ECC or their designee(s) within 30 days of change.

#### **209.11 FIREARMS**

Auxiliary police officers shall successfully complete department authorized training in the use of firearms. Their appointments must be approved by the Chief of Police prior to being issued firearms by this department or otherwise acting as auxiliary police officers on behalf of the Harrisonburg Police Department.

Auxiliary police officers will be issued duty firearms as specified in the Firearms Policy. Any auxiliary police officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

Auxiliary police officers are required to maintain proficiency with firearms used in the course of their assignments. Auxiliary police officers shall comply with all training and qualification requirements set forth in the Firearms Policy.

##### **209.11.1 CONCEALED FIREARMS**

This applies for Level I and II only

An instance may arise where an auxiliary police officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the auxiliary police officer may be permitted to carry a weapon more suited to the assignment, but only with the knowledge and approval of the supervisor in charge of the detail.

Any auxiliary police officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to department standards. The weapon shall comply with all the requirements set forth in the Firearms Policy.

#### **209.12 AUXILIARY COORDINATOR**

The Auxiliary Police Unit will maintain its own chain of command with the rank and organization structure patterned after the Department, with ranks from Police Officer I to Lieutenant. The Chief of Police shall delegate certain responsibilities to an auxiliary Lieutenant. The auxiliary Lieutenant shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The auxiliary Lieutenant may appoint a senior auxiliary police officer or other designee to assist in the coordination of auxiliary police officers and their activities as specified by the Chief of Police.

The responsibilities of the Lieutenant or the authorized designee include, but are not limited to:

- (a) Assigning auxiliary police officers.
- (b) Conducting auxiliary police officer meetings.

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- (c) Establishing and maintaining an auxiliary police officer call-out roster.
- (d) Maintaining and ensuring performance evaluations are completed.
- (e) Monitoring the field training progress of auxiliary police officers.
- (f) Monitoring individual auxiliary police officer performance.
- (g) Monitoring overall auxiliary police officer activities.
- (h) Maintaining a liaison with other agency auxiliary coordinators.

#### **209.13 PROCEDURES**

Auxiliary personnel shall not take any action which is contrary to or in any manner interferes with the duties of any employee of the Department, sworn or non-sworn.

- (a) Auxiliary Police Officers assigned to patrol may be utilized in an administrative capacity.
- (b) The Auxiliary Administrative component will not perform patrol duties, except as may be specifically approved by the Chief of Police.
- (c) The Auxiliary Lieutenant or his designee shall be the point of contact for arranging the assignment of Auxiliary personnel.

All patrol auxiliary Police Officers will be required to work a minimum of 20 hours per month, or a total of at least 240 hours in a calendar year.

Auxiliary Administrative employees are required to work a minimum of 8 hours per month, or a total of at least 96 hours in a calendar year. Travel to and from assignment is not considered duty time. Auxiliary officers are required to submit a monthly timesheet to the Auxiliary Lieutenant or his designee.

#### **209.14 FIELD TRAINING**

All auxiliary police officers shall complete field training as described in the Auxiliary Training Policy.

#### **209.15 SUPERVISION**

Auxiliary officers may perform the same duties as regular full-time officers of this department provided they are under the direct or indirect supervision of a supervisor or officer in charge. Auxiliary officers shall never supervise a regular full-time officer unless specified by the supervisor on duty.

##### **209.15.1 EVALUATIONS**

While in training, auxiliary officers should be continuously evaluated using standardized daily and weekly observation reports. The auxiliary officer will be considered a trainee until he/she has satisfactorily completed training. Auxiliary officers who have completed their field training should be evaluated annually using performance dimensions applicable to the duties and authorities granted to that auxiliary officer.

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#### 209.15.2 INVESTIGATIONS AND COMPLAINTS

If any auxiliary personnel has a complaint made against him/her or becomes involved in an internal investigation, the matter shall be investigated.

#### 209.15.3 DISCIPLINARY PROCEDURES

Nothing contained in this section shall prohibit the informal counseling of an auxiliary personnel by a supervisor regarding minor infractions of Departmental policy or procedure which do not result in disciplinary action being taken.

Auxiliary personnel are not afforded disciplinary procedure guarantees under VA Code Section 9.1-502 (Law Enforcement Officers' Procedural Guarantees). Any disciplinary decision made by the Chief of Police regarding relief from duty or dismissal will be final.

#### **209.16 CONFIDENTIALITY**

Auxiliary personnel may have access to confidential records, such as criminal histories, personnel records, or current investigations, as their duties dictate. In addition to training regarding unauthorized disclosure of such records, each auxiliary officer must sign a nondisclosure agreement. Disclosure of any confidential information, verbal or written, shall be grounds for immediate dismissal and possible criminal prosecution.

Auxiliary personnel are not authorized to release any criminal history information to anyone outside the Police Department.

#### **209.17 OPERATIONAL STATUS PROCEDURES**

Auxiliary personnel will be assigned a status of Level I, Level II, Level III, Recruit, Auxiliary Administrative (Admin), or "Leave of Absence" (LOA). The status will delineate the range of activities an auxiliary officer, Admin, or Recruit will be classified for purposes of duty.

##### 209.17.1 LEVEL PARAMETERS

Level parameters are established as follows:

- (a) Level I – Certified Police Officers who meet Level I training requirements established by the Department of Criminal Justice Services as displayed in the Department of Criminal Justice Services (DCJS) Auxiliary Police Officer Training Requirements matrix. Level I auxiliary police officers may engage in all law enforcement duties and when authorized by the Chief of Police may work in a solo capacity under the direction of regular supervisory personnel.
- (b) Level II – Sworn armed Police Officers who meet all Level II training requirements established by the DCJS as displayed in the Auxiliary Police Officer Training Requirements matrix. Level II auxiliary police officers may perform patrol augmentation, law enforcement, and other operational duties, as well as administrative support and non-law enforcement related duties. Level II auxiliary police officers may work in a limited solo capacity under the direction of regular supervisory personnel when authorized by the Chief of Police.

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1. Level II police officers may act as a solo unit after two years of sworn service and the approval of the Chief or his designee. The on-duty supervisor will determine if an auxiliary police officer is needed in a solo capacity.
  2. Level II officers shall only be dispatched by Emergency Communications Center (ECC) to the following types of calls for service:
    - (a) Traffic control
    - (b) Disabled vehicles
    - (c) Parking complaints
    - (d) Prisoner transports in city and out-of-city limits
    - (e) Officer safety – back up unit
    - (f) Civilian transport in city and out-of-city limits
    - (g) Report - only calls and other non-violent CFS
- (c) Admin – Admin are personnel with limited duties who perform administrative, logistics, training, crime prevention, and public support duties. They may perform other duties if authorized by the Chief of Police. Admin personnel may not carry a firearm or any other type of weapon (lethal or less-than-lethal) when on duty.
- (d) Recruit – Recruits are personnel undergoing training to become a level I, II or III auxiliary police officers. They must successfully complete training in all tasks which they will be authorized to perform, prior to performing the task, to include all requirements of the Code of Virginia. Recruits are under the control of the Auxiliary Lieutenant or his designee during the training session until graduation and assignment.

Recruits may perform administrative duties authorized by the Chief of Police or his/her designee(s) prior to completion of the DCJS training requirements. During their initial training period, recruits may accompany patrol officers as civilian ride-along participants and will have priority status over any other civilians requesting a ride-along. Recruits may wear their training uniforms, but, may not wear anything that identifies them as Law Enforcement Officers while on a ride-along.

#### 209.17.2 LEAVE OF ABSENCE (LOA)

Auxiliary personnel in good standing will be eligible to change their status to LOA for reasons limited to temporary personal circumstances that prohibit them from working in any capacity for the Harrisonburg Police Department. Auxiliary police officers with LOA status will be prohibited from exercising any police power(s). An auxiliary police officer may be assigned to LOA status for up to one year; after that time his or her status will be reevaluated.

Auxiliary personnel may request a leave of absence through the Auxiliary Lieutenant or his/her designee(s). Auxiliary police officers on LOA and in good standing are eligible to return to their prior status provided they have maintained their respective DCJS level of qualifications and yearly training requirements. Requests to return to active status must be submitted through the Auxiliary Lieutenant or his/her designee(s).

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#### 209.17.3 MEDICAL TEMPORARY RESTRICTED DUTY (MTRD)

Auxiliary personnel who are temporarily unable to perform physical duties and/or tasks because of injury or health problems will be classified as "Restricted Duty." Restricted duty is authorized for auxiliary police officers in good standing who for reasons beyond their control (E.G., hospitalization, etc.) can no longer perform certain assignments or duties. Auxiliary police officers assigned to restricted duty will be prohibited from exercising any police powers. Auxiliary police officers may be assigned to restricted duty for up to one year; after that time their status will be reevaluated.

#### **209.18 VEHICLE OPERATION**

- (a) Auxiliary police officers may operate emergency and non-emergency city vehicles solo if they are on duty, directed by supervisory personnel, and have completed all City or Department required vehicle operations training in non-emergency mode. They shall not carry passengers who are not employed by the City of Harrisonburg outside the performance of their duties.
  - 1. Level I Auxiliary police officers may operate official vehicles in all modes, including Emergency Operations.
  - 2. Level II Auxiliary police officers may operate official vehicles in all modes, including Emergency Operations when:
    - (a) Trained and tested in accordance with DCJS requirements
    - (b) Approved by the Chief of Police or his/her designee
    - (c) Meets all city insurance requirements for driving in emergency mode
  - 3. Level II Auxiliary police officers may operate official vehicles in non-emergency mode for:
    - (a) Prisoner transport within or outside the city
    - (b) Transporting to and from maintenance and refueling locations
    - (c) Transporting to and from training locations
    - (d) Transporting to and from assignment locations, and
    - (e) Performing patrol functions as an auxiliary police officer qualified for solo duty, when directed by an on-duty supervisor
- (b) Auxiliary Administrative personnel may operate city vehicles that are not equipped with emergency equipment, if they are on duty, as directed by supervisory personnel, and have completed all City or Department required vehicle operations training in non-emergency mode. They shall not carry passengers who are not employed by the City of Harrisonburg outside the performance of their duties.
- (c) It is the responsibility of the Chief of Police or his/her designee(s) to ensure that all auxiliary personnel have the required training to meet the City insurance requirements before supervisory personnel assign duties that require the use of a city vehicle for all modes of operations.



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#### **209.19 ON-DUTY INJURIES**

- (a) Should the injury require emergency medical treatment or hospitalization, all department required emergency medical treatment forms shall be submitted to the attending physician by the on-duty supervisor responsible for investigating the injury. The supervisor shall request that the physician complete and sign this form.
- (b) In all cases, a supervisor shall investigate the circumstances of the injury and submit a written report of the findings within 24 hours. The injured officer, after reviewing the findings, shall initial the report. The report shall be directed to the Chief of Police, via the appropriate Commander with a copy directed to the Auxiliary Lieutenant and the Operations Bureau Commander.
- (c) Auxiliary personnel are not covered under the "Worker's Compensation Act". Auxiliary personnel are covered under a group accident policy administered by a private agency. The Senior Program Support Specialist will maintain the current insurance policy information and will furnish such information upon request to hospital personnel.
- (d) The Senior Program Support Specialist shall file all claims on behalf of an auxiliary police officer injured on duty. The investigating supervisor shall furnish the Senior Program Support Specialist with a copy of the investigation report within 24 hours to facilitate the timely filing of the claim.

#### **209.20 EMERGENCY CALL OUT**

All auxiliary personnel shall provide their home, mobile and work telephone numbers to the Auxiliary Lieutenant.

The Auxiliary Lieutenant will be responsible for maintaining a current emergency call out list and will insure that all contact information is supplied to the Emergency Communications Center (ECC).

#### **209.21 TRAINING**

All personnel assigned to work any traffic control assignment must be trained by a DCJS police academy or the Department's Traffic Unit for a minimum 2.5 hour standardized block of instruction that includes:

- (a) Review of applicable state law
- (b) Review of all pertinent policy on traffic control and radio use
- (c) Instruction and demonstration of ability using traffic control hand signals and whistle
- (d) Instruction and demonstration of ability for use of traffic control boxes
- (e) Instruction and demonstration on radio usage

Documentation of training shall be placed in the training file of the employee.

#### **209.22 RETIREMENT**

An APO who has served for a total of ten years and has accumulated at least 2,400 hours of honorable service is eligible for formal retirement from the Auxiliary program. If the APO has

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reached 55 years of age; he or she shall be given a copy of the proof of consultation and favorable review of the need to carry a concealed handgun, which shall be forwarded by the Chief of Police to the Department of State Police for entry into the Virginia Criminal Information Network. (VA Code §18.2-308.016)

Sworn auxiliary personnel shall retire from their sworn position at the age of 70. They may continue to serve as administrative personnel in a manner prescribed by the Chief of Police.