

Date: May 3, 2025

**To: Deputy Chief Michael Odle
Jerome Police Department**

From: Anthony Weber

**Subject: Proposed Law Enforcement Volunteer Program
For the Jerome Police Department**

This document is a preliminary effort to outline and justify a Law Enforcement Volunteer Program for the Jerome Police Department ("JPD") consistent with state and local law. Please contact me to discuss further features not discussed in this presentation.

The focus is the formation of a group of volunteers into a "Jerome Auxiliary Force" or similar language to support the JPD. Representatives of JPD would recruit for individuals with an existing law enforcement background, or those who will be trained approximating the standards of the Arizona Peace Officers Standards & Training ("AZ POST"). These are the features of such an approach for JPD:

A. The Jerome Auxiliary Force: Three Levels of Volunteers

1. Level 1 Auxiliary Officers dress in a Jerome-style law enforcement uniforms, and wear both a duty belt and approved firearm after field training and compliance with the firearms requirements of AZ POST;
2. Level 2 Auxiliary Officers dress in a Jerome-compatible polo shirt and matching pants, but do not carry a firearm until taking and passing Arizona's concealed carry testing program, and thereafter securing the approval by JPD; and
3. Administrative Volunteers perform a multitude of administrative duties and dress in a Jerome-compatible polo shirt and matching pants, but always remain unarmed.

JPD may wish to dress Level 2 and Administrative Volunteers in period attire, such as Old West or Old Miner outfits to enhance the atmosphere of Jerome and the JPD. Level 1 Volunteers may dress in such attire for special Jerome events, or as directed.

B. Volunteer Qualifications, Categories, Testing and Uniforms

Level 1 and Level 2 volunteers perform duties similar to the Volunteers in Protection ("VIP" or "VIPs") Program within the Yavapai County Sheriff's Office ("YCSO") in direct support of JPD field patrol officers. JPD volunteers do not engage in the enforcement of laws at any time, or become involved in any real or perceived confrontational events.

1. Level 1 and 2 Auxiliary Officers are trained to at least the level to which current VIPs are trained within YCSO;
 - a. Level 1 volunteers are trained by JPD trainers in field operations and firearms to work directly with JPD officers, with initial training and testing of at least 135 hours, including field duty;
 - 1) Level 1 law enforcement volunteers are given the ability to exercise independent judgment within the parameters of the JPD volunteer program;
 - 3) To be armed, Level 1 volunteers must meet the firearms requirements of peace officers under AZ POST, including successfully passing yearly firearms qualifications and any other training directed by JPD.
 - b. Level 2 Auxiliary Officers are individuals who are unable to meet the standards required for Level 1 status stated in a), or have failed to demonstrate sufficient mastery of field and firearm skills;
 - 2) Level 2 Auxiliary Officers would not be permitted to work directly with field officers on a daily basis, never be permitted to exercise independent field judgment, never perform certain duties without the prior approval of JPD management, and/or not carry a concealed firearm until passing Arizona's concealed carry testing program, and then only after securing the approval by JPD.

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2. The uniforms of these Auxiliary Officers would show these Officers are part of law enforcement, but not law enforcement officers;
 - a. The closer the resemblance to full-time officers, the greater the perceived effect of assistive law enforcement on the public; and
 - b. To test such a program, JPD would employ one (1) individual to act under a Jerome Auxiliary Force as an armed law enforcement volunteer for up to a two (2) years period under the authorized duties below, but not as a "peace officer" or "law enforcement" officer.

C. Authorized vs. Unauthorized Duties for Level 1 and Level 2 JPD Patrol Volunteers, with the consent of JPD

1. The authorized duties of a JPD Patrol volunteer are: the generation of public support for the JPD, kindness and assistance to tourists of Jerome, motorist and citizen assistance to those in and around Jerome, abandoned vehicles, towing authorizations and vehicle inventory, non-injury assistance to motorists and pedestrians, escort of authorized individuals to hospitals and care facilities, vacation watch, sex offender watches, non-confrontational barking dog complaints, assistance applicable to animal control, livestock control, non-confrontational noise disturbances, property assistance at crime scenes, handcuffing of prisoners with deputy involvement, prisoner/evidence transport, Title 36 transport, Probation Office transports, traffic control, area checks for lost or missing persons, welfare checks with JPD approval, prepare Lost Persons Questionnaire and conduct ATL in area, illegal dumping, vandalism, service of legal papers if authorized, non-confrontational citizen and automobile reports, community emergency notifications and movement, radar trailer operation, VIN inspections, victim notifications, Victim Rights Form preparation, fraud reports, mortuary or medical examiner transport, lost and found property, prisoner and evidence relays, citizen inquiries, community meetings, and emergency messages to residence, tourists and others;

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Assistance to JPD officers or other law enforcement individual as authorized and trained; emergency assistance to law enforcement as authorized and trained; access to and involvement with radio communications, computers and Unit MDCs

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A law enforcement volunteer program often causes agencies to re-think its current distribution of authorized duties and responsibilities to incorporate volunteers into mean-ingful contributions, both for field effectiveness and volunteer retention.

2. The unauthorized, non-negotiable Patrol duties of Level 1 and Level 2 Patrol volunteers are:
 - a. The direct and indirect enforcement of law, whether local or state;
 - b. The use or threatened use of any firearm while in uniform on duty, unless needed for self-defense or the defense of an Officer or member of the public against immediate, lethal force;
 - c. The use or threatened use of any firearm while in uniform on duty which violates the JPD "Use of Force" policy;
 - d. Any kind of traffic stop or "pull-over", regardless of reason or cause, unless the vehicle is already at rest in a safe location when the volunteer first approaches the subject vehicle;
 - e. Using lights and siren on a JPD vehicle unless trained and authorized;
 - f. Conduct any form of arrest, unless JPD authorizes the arrest as a "Citizens Arrest" under ARS 13-3884;
 - g. Domestic violence calls or domestic violence disturbances, unless without a JPD call;

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- h. Any 911 hang-up;
- I. Clear buildings, unless authorized and trained;
- j. Civil, business or labor disputes which are not criminal in nature; and
- k. Any duty, activity or location that, in the opinion of the management of JPD, is unsuitable or potentially dangerous to the volunteer.

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D. Issues for Later Selection, Discussion and Resolution

Authority to utilize law enforcement volunteers, preparation of a volunteer program, city council approval of a volunteer program, "volunteer" vs. "employee" status, investigatory background requirements, uniforms, agency reporting relationships, insurance coverage, "Use of Force" policy, law enforcement vehicles use, establishment of a separate volunteer organization, causes for removal, disciplinary review system, approved firearms, creation of training and testing, volunteer treatment and motivation, transportation up and down the hill, Portal-to-Portal coverage and Workers Compensation based on duties performed and hours worked.

E. Summary

1. The Powers of Municipal Government

In Arizona, the law enforcement powers of cities primarily stem from their authority to enact and enforce ordinances that are not in conflict with state law, as well as their ability to form police departments to maintain order and enforce laws within their jurisdiction. Cities have specific powers related to its municipal police power, including the power to enact and enforce local ordinances that are not inconsistent with state law.

Cities have the authority to establish and maintain police departments. ARS 9-240(B)(12) General powers of common council. These city police departments are responsible for maintaining peace, responding to emergencies and enforcing state and local laws within the city limits. They employ only Peace Officers, who are certified by the AZ POST, which certifies

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officers to certain standards. Peace Officer powers include public safety, the enforcement of law and traffic regulation. ARS 1-215, Definitions, 28. "Peace Officers"; ARS 38-1101, Definitions "Law enforcement officer"; ARS 38-1101 Definitions, 8. "Law enforcement officer", ARS 38-1113, A., G..

These Sections provide the general authority for cities to establish and maintain law enforcement within the boundaries of a city's boundaries, using "officers" and including an undefined term: "watchmen". There is no reference to law enforcement volunteers under State Law, save the Arizona Rangers under ARS 41-4201, which does not authorize Arizona Rangers to be armed under Arizona Law.

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B. The Use of a Firearm for Law Enforcement Volunteers

In Arizona, a peace officer shall not be prohibited from carrying a firearm, except that if the peace officer is employed as a law enforcement officer in this state, the peace officer must be in compliance with the firearm requirements prescribed by AZ POST. ARS 38-1113. A., G..

As there is no reference to law enforcement volunteers under State law, there is similarly no reference to the arming of law enforcement volunteers. However, ARS 11-441 provides for the arming of Sheriff Volunteers, known as YCSO's Volunteers in Protection or VIPs. Interestingly, it does not indicate by statute the reasons the Legislature found for arming these volunteers. However, from first-hand knowledge, there is evidence.

ARS 11-441 does recognize the need of Sheriffs to manage large areas of land in Arizona. This ARS Section allows the Sheriff to multiply the use of citizen assistance, and permits Deputies to engage in the direct work of law enforcement as a "peace officer" or "law enforcement officer". The Sheriff has directly advised me that the arming of VIPs was a prolonged and difficult political effort. It was, however, absolutely necessary to safeguard the lives of VIPs, who often work alone in difficult areas of the County.

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Jerome and its police department are not without its challenges on a parallel level. Jerome is a city on a hillside, with one major ingress and one major egress. It is subject to profound weather changes; temporary explosions in tourist population; distant emergency and medical assistance; and a Department limited in size. Unlike an urban or even a suburban law enforcement agency, a significant event can tax Jerome's resources to the maximum extent and limit rendering assistance.

Provided JPD creates sound volunteer training and tests for firearms proficiency yearly under AZ POST, JPD can establish volunteer services without expanding its human resources costs while safeguarding its officers. Properly created and managed, armed Level 1 volunteers can supplement existing officers.

The anticipated role of a JPD volunteer can be clearly defined by JPD management. Such a volunteer never performs the defined functions unique to a "peace officer" or "law enforcement officer", definitions volunteers do not meet. A JPD volunteer would function much as a Volunteer in Protection with YCSO: an agency volunteer armed for protection. A firearm carried by a Level 1 JPD volunteer is restricted for self-defense, or the defense of an Officer or member of the public against immediate, lethal force.

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2. Volunteers for Arizona Cities

In Arizona, local law enforcement agencies like sheriffs departments and city police often utilize volunteer programs, but their powers are limited to supporting sworn officers, not directly enforcing laws and making arrests. Volunteers typically provide crucial support like traffic control, aiding in crime scenes and providing support to victims. They cannot arrest, issue citations, conduct a "pull-over" or act in fields reserved for peace officers.

For example, the authority of the Yavapai County Sheriff regarding a "posse" or support organization, is governed by ARS Sections 11-441 and 41-1823. These sections define their powers and limitations, particularly concerning firearms training, concealed weapon carrying and peace officer status. Sheriff volunteers can carry a firearm provided they have received substantial training and pass the AZ POST firearms qualification. They are strongly trained with the principle that a firearm is for self-defense, and not the enforcement of the law.

The Arizona Attorney General has opined that a sheriff's selection of an individual to aid them under ARS § 11-441 does not automatically confer peace officer status, and the individual would need to meet the requirements of ARS 41-1823(B) to act as a peace officer. This is a logical conclusion, since a volunteer under that Section has not met the literal requirements of AZ POST, other than its firearms requirements.

There is no law authorizing or banning the right of cities and towns to arm volunteers, especially if such volunteers received the requisite training and pass the firearms training qualifications of AZ POST. However, YCSO provides the model for local law enforcement to emulate. If installed in small steps over time to generate trust, a municipal plan for law enforcement volunteers could be highly effective.

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2. JPD Can Implement a Volunteer Program In The Following Manner

Although this proposal may seem long, its purpose is to educate about the use of volunteers and the interaction of firearms in law enforcement. Were JPD initiating this concept, it would be well advised not to attempt a complex enterprise at first. However, the example has been set: the Volunteers in Protection for YCSO, a program in use since 1995, has shown that a firearm can be used by volunteers safely when in directed with peace officers and the public.

If proposed, I suggest JPD do the following:

1. Interview, hire and retain one (1) highly-qualified man and woman over 21 years of age as its first volunteer;
2. Train this individual on-site regarding his/her role as a law enforcement volunteer, including lectures, training aids, officer interface and on-duty performance;
3. Outfit the volunteer in such a manner to maximize the benefit of one volunteer; and

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4. Sell the Department and the City on the value of volunteers in law-enforcement, now and in the future; and
5. Do everything to make the volunteer a success, demonstrate the need for a second or third volunteer and then create the JPD Law Enforcement Volunteer Program.