

Dear Sir or Madam,

The recent on-duty murders of two Auxiliary Police Officers have compelled the Police Department into creating a Board of Review to investigate the Auxiliary Police Program. As active Auxiliary Members of the Service we have been motivated to respond as well and heartily approve this important first step. We thank those in the City government for starting the process. In particular we would like to thank the Mayor, the Police Commissioner, and the Members of the City Council, especially Councilmember David I. Weprin, Councilmember Peter Vallone and Councilmember Hiram Monserate for their outstanding support of our Program and for encouraging improvements to be made to create a better and safer Auxiliary Police Force. We hope to add our input to this important undertaking in order to improve the New York City Auxiliary Police Program.

The New York City Police Department Auxiliary Police Program is a valuable means of public service. The Program is inclusive and reflects the careers, genders, ethnic backgrounds and diversity of all New Yorkers. We volunteer our time in the hopes of making an improvement in the quality of life, safety and security of those who live and work in New York City. There is no way to quantify the crimes that are deterred through the visible presence of uniformed Auxiliary Police on our streets. In addition, the Auxiliary Police Program serves as a first step for those interested in a law enforcement career, including many active members of the service.

With these points in mind, a select group of Auxiliary Police Members have created this report. It should be considered unofficial and meant solely to present our observations, opinions, and recommendations based on our collective years of experience.

We, as active and experienced Auxiliary Police Officers urge you to consider our input, as well as results of the Auxiliary Police Review Committee in making your final recommendations to improve the New York City Auxiliary Police Program.

We thank you in advance for your consideration.

Sincerely,

The MARSHALIK & PEKEARO Report Committee

**Dedication:**

This report is dedicated to Auxiliary Police Officers Nicholas Pekearo and Eugene Marshalik, 6<sup>th</sup> Precinct, lost in the Line of Duty on March 14<sup>th</sup>, 2007.

This report is meant to improve the Auxiliary Police Program in order to safeguard all Members now and in the future.

The observations, opinions and suggestions herein are those solely of the signatories as active and experienced Auxiliary Officers and are presented for your information and consideration.

**Why do people join the New York City Auxiliary Police Program?**

Volunteer Law Enforcement Auxiliary Police Programs attract participation from individuals with varying intentions and goals. Most are civic spirited individuals who wish to help their community. Many are interested in a full-time career in law enforcement and want to garner valuable experience (Examples: Detective James Nemoran , Firearms Investigations Unit, lost in the Line of Duty on March 10,2003 and Police Officer Kevin Lee, PBMN Grand Larceny Squad, lost in the Line of Duty on January 27, 2006, both started their New York City Police Department careers as Auxiliary Police Officers).

Still others are interested for nefarious reasons, often to gain internal Police access and information. Some still are simply "Bufs," who have no true interest in the Auxiliary Police Program other than to possess Police Identification. It should be the goal of any future recruitment effort to secure candidates that are sincere in their interest in the Auxiliary Police Program.

It must be made clear to applicants that the New York City Police Department Auxiliary is a uniformed, paramilitary organization where individuals will serve within the general public in the role of a symbol of uniformed authority.

Not only will they serve as a uniformed deterrent to criminal activity through Police omnipresence, they will be required to interface with the Public and provide immediate emergency assistance or at the minimum know how to secure it.

Participation at the minimum level must be explained as being mandatory and not optional. Failure to comply with patrol requirements will result in discipline up to and including removal from the Auxiliary Police Program. Whilst Auxiliary Officers are volunteers, this should not be an excuse for potential Members from being fully screened nor current Members from performing their duties with the utmost professionalism in the spirit and illustrious history of the New York City Police Department.

**Assessment of Recruitment, Investigation and Training of New Recruits:**

A person interested in joining the New York City Police Department Auxiliary is typically directed to his/her local Precinct. A career Police Officer is assigned the title of "Auxiliary Police

Coordinator." He/she is in charge of the Auxiliary Police Program within that Command and is ultimately responsible for its day to day operations.

The overall availability of the Coordinator to even answer initial inquires varies greatly from Command to Command

Coordinators are a mixed group with varying motivations for accepting the assignment. Many seek a low-stress, off-the-street position. Many are Members close to retirement. Others were assigned the position unwillingly. A few are actually motivated and interested in improving the Auxiliary Police Program. The same comments apply to Career personnel assigned to the Auxiliary Police Section; the central management of the entire Auxiliary Police Program on an official citywide basis.

After an initial interview the Applicant is told he/she will be advised when the next Basic Training Course will be held. This is the first problem as most training takes place within the local Command and a minimum number of Recruits is required. This delay could easily be 4-6 months. Many applicants lose interest and simply never return.

Should an Applicant be patient enough to wait he/she will find themselves in a class with Recruits of varying backgrounds and abilities. Current enrollment standards are minimal and vary from Command to Command. There is no benchmark for even basic intelligence. Applicants with physical and behavioral problems are accepted as well as those with severe language deficiencies. Many truly qualified Applicants now leave as they feel they have been enrolled in something different from what they were sold.

Rather than fingerprinting and starting background investigations upon the initial application, this process starts once the Basic Training Course begins. This has resulted in totally unqualified Applicants many with questionable backgrounds granted access to a secure Police Department facility during their initial training which typically takes one evening a week for 14 weeks.

The training material is basic and general with no real world application. It does not prepare the Recruit to face what may be for many, the role of a uniformed person of authority on the City streets. It is often outdated and not realistic in the capacity for which an Auxiliary Police Officer might find themselves. It tends to stress not getting involved but does not contend with the issue of what happens when you are confronted with a situation.

Turnover continues during the training process as Recruits become easily disinterested or disappointed. This churn is a natural result of educated candidates who are not challenged to achieve a higher standard. There is also no expectation of professionalism upon graduation and assignment.

Keep in mind that the only person authorized to teach the Basic Training Course is the Auxiliary Police Coordinator, however it is more common than not that other Auxiliary Members are asked to assist or even complete the entire syllabus.

The teaching skills of both the Coordinator and the Auxiliary Officer assisting can run the entire range of proficiency.

Upon completion of the class the Recruits may still be awaiting the results of their investigations and fingerprints. Fingerprints alone can take 4-6 months, once again resulting in what seems an interminable delay.

Many highly motivated and qualified Auxiliary Recruits now graduate and become disappointed due to the delays, often leaving before they even receive their shields and Police Identification.

Even upon the ability to fully participate in his/her Command the now "APO," is assigned to work with personnel of varying skill-sets, personalities and commitment to the Auxiliary Police Program.

They encounter the first line of supervision, the Auxiliary Sergeant. Candidates for the Auxiliary Sergeant's position must complete a Basic Management Course which as in the Basic Training Course, is classified as basic and impractical. It is no judge of management capability. Unlike advancement tests given to Career Officers, the Auxiliary tests are not competitive. Many promotions are based on longevity and politics.

Ranks above Auxiliary Sergeant are required to pass an Advanced Management Course as per APS Procedure Order 9-4 effective January 2001. The Advanced Management Course has not been given to any signatories on this report above the rank of Sergeant nor has it been offered despite some being above that rank for more than 10 years.

The Auxiliary Member carries only a Police Baton, a "Deadly Weapon" per New York State law for protection with no less-than-lethal alternatives such as a Chemical Defense Spray or "Tazer" like device. It is interesting to note that private citizens can possess and carry such sprays but an on-duty Auxiliary Member cannot.

They are issued standard Police portable radios yet are given little or no instruction. In many Commands the use of such equipment is even discouraged.

Once again, turnover becomes a serious problem. It has been reported that turnover and attrition rates within the Auxiliary Police Program are high within the first year of service (See article attached from New York Post dated March 21, 2007) Most are people that simply should not have been accepted in the first place. Others are qualified personnel disappointed by the lack of professionalism.

Relations with Career Members are practicably nonexistent in many Commands and the new Auxiliary Officers quickly sense a general lack of any true interest in the Auxiliary Police Program by the Department. This creates a potential safety issue for Auxiliary Members on patrol.

Additional In-Service Training is minimal at best. The responsibility of training is that of the Auxiliary Police Section, which is an internal part of the Department and directly tasked with management of the Auxiliary Police Program. In fact, the Auxiliary Police Section actually discourages additional training by the threatened discipline of Members that attempt to secure outside training sources. (See copy of Bulletin attached – Int. 335)

Many new Members resign but others just leave along with their Police Identification and shields. Auxiliary Police Identification Cards which are Department Property were originally

valid for five years and recently were reduced to three years. Not only is the unauthorized possession of Police Identification Cards an administrative problem, it creates obvious issues of possible Criminal Impersonation, corruption and even more serious criminal activity such as terrorist acts within protected areas and secure facilities.

Successful graduates are also issued at City expense a basic uniform, the cost of which is estimated to be \$196.00. Very little or any of this equipment is every recovered from Members who leave the Auxiliary Police Program.

### **Suggestion: A Centralized Approach**

The only logical solution is Centralized Applicant Investigation and Training; the exact manner the Department completes this function for Career Members. After an initial interview by the Precinct Auxiliary Police Coordinator, Auxiliary Police Applicants would be directed to the Applicant Investigation Section and complete required paperwork, additional interviews and investigations prior to starting any training, thus removing obviously unqualified individuals.

The following additional steps and qualifications are recommended. It is important to note that none of these items are required at this time. The intent of these requirements is to attract and retain a better class of Auxiliary Police Candidate. Current low standards not only attract the unqualified but discourage the qualified, with the resultant problems of performance, commitment, and discipline.

- Complete physical to determine suitability for active Patrol responsibilities.
- Age Range 18-63 (Those over the age of 63 must retire or assume non-patrol Administrative responsibilities only)
- Drug screening
- Eyesight correctable to a limit to be determined
- Basic intelligence tests
- Basic psychological screening
- Basic physical abilities test
- Basic English language skills assessment
- Interviews with a Committee of Career and Auxiliary Members of the Service
- Applicant must possess a Drivers License from his/her State of Residence which is free of major infractions and outstanding violations. If not a New York State licensee, a New York State Non-Drivers Identification card must be secured.
- Applicants must live or work in NYC and maintain such status through their entire Volunteer career
- In addition applicants must be United States citizens or hold the proper Immigration status and documentation. They will also be required to provide verifiable references and complete background pedigree information.

Those who do not meet the above requirements will simply not be admitted into the Auxiliary Police Program. The current process of almost 100 Commands each with its own Balkanized requirements and training will be codified into a single, standard procedure.

Keep in mind that the existing procedure is wasteful, not only in time but in needed tax monies. The funds saved by recruiting only highly qualified and motivated Candidates will show an immediate return.

### **Improved Legal Status and Training for a Multi-Tiered Auxiliary Police Program**

Currently New York City Auxiliary Police Officers are not Police or Peace Officers. They are basically private citizens with "Limited Peace Officer" powers pursuant to the New York State Civil Defense Act of 1950 and New York State Criminal Procedure Law Section 2.10. These limited powers include crowd and traffic control.

This scope of powers and legal status may have been sufficient in the 1950's role originally written for Air Raid Wardens but is simply no longer realistic for active street patrol in the 21st century.

Example: An assault on a Firefighter or EMS worker is considered a Felony per New York State Penal Code Section 120.11. A similar assault on a New York City Auxiliary Police Officer is only a Misdemeanor. Even though it would seem clear that New York City Auxiliary Police Officers do possess Limited Peace Officer status, the Department believes otherwise.

The legal status and required training and investigation of a New York City Auxiliary Police Officer must be clarified and upgraded to reflect their actual responsibilities. A requirement for full time Police or Peace Officer status is neither realistic nor requested. There is an intermediate legal position currently maintained by hundreds of semi-Law Enforcement personnel in The City of New York. That position is one of a "SPECIAL PATROLMAN."

This position is held by many otherwise private citizens employed by Housing complexes, Museums, and Universities throughout the City. Such personnel are investigated now by the Police Department Special Patrolman Section of the License Division and upon successful completion of a required training class by an authorized private training source are issued a special shield by the Police Department and in essence "deputized," by the City.

Special Patrolmen are Peace Officers while on duty can make and process arrests, issue a summons etc.

We believe that New York City Auxiliary Police Officers should be granted the same legal status, not to make arrests or anything different from their traditional roll of the "Eyes and Ears" of the Police Department, but to clarify their legal status and equipment while on duty in uniform performing their assigned responsibilities.

The requirements and status of a Special Patrolman are already specified in City and State law. There will be no requirement to start a completely new process. Residency Rules will be modified to reflect the purpose of the Auxiliary Police Program and the Auxiliary Members the Department wishes to recruit.

Private companies run training classes for Special Patrolman applicants who are sponsored by their employers. (Visit [www.securitytraining.com](http://www.securitytraining.com) for an explanation) Note that

Peace Officers employed by the Health and Hospitals Corporation, City of New York Homeless Services and Human Resources Administration and indeed some higher level New York City Police Department School Safety and Traffic Agents hold a similar title of "SPECIAL OFFICER," and receive the same basic training

The requirements for Special Patrolmen include all those required by the New York State Division of Criminal Justice Services (DCJS) for all "Peace Officer without Firearms" candidates. They include:

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**NEW YORK STATE  
MUNICIPAL POLICE TRAINING COUNCIL**

**MINIMUM TRAINING REQUIREMENTS FOR FULL-TIME PEACE OFFICERS**

I. Ethics and the Law Enforcement Profession . . . . .	1 Hour.
II. Constitutional Law . . . . .	1 Hour.
III. Penal Law . . . . .	7
Hours.	
A. Article 35 - Justification - Uses of Force and Deadly Physical Force	3 Hours
B. Section 265.20 - Power to possess and take custody of firearms not owned by peace officers. This part must include instructions in firearms safety.	1 Hour
C. Penal Law articles that is applicable to the specific agency mission.	3 Hours
Note: Applicable penal law articles referred to in ©) must be approved by DCJS.	
IV. Criminal Procedure Law/Administrative processing . . . . .	8 Hours
A. CPL 2.20 - Powers of Peace Officers	2 Hours
B. Laws of Arrest	2 Hours
C. Search and Seizure	1 Hour
D. Rules of Evidence	2 Hours
E. Accusatory Instruments	1 Hour
Note: Each agency is required to do either the CPL topics as listed or administrative processing topics that are specific to the individual agency.	
Specific agency administrative processing topics must be comparable in content and structure to the CPL topics. Comparable topics must be approved by DCJS.	
V. The Court Environment . . . . .	2 Hours
A. Structure and procedure	1 Hour
B. Court testimony	1 Hour
VI. Civil Law . . . . .	1 Hour.
VII. Investigations by peace officers . . . . .	5
Hours.	
A. Preliminary Investigations	1 Hour
B. Crime scene search - evidence collection, handling and preservation	1 Hour
C. Eye witness Identification	½ Hour
D. Miranda Warning	½ Hour
E. Interview and Interrogation techniques	1 Hour
F. Statements and Confessions	1 Hour
VIII. Agency Arrest/Custody Procedures . . . . .	4 Hours.
Note: Specific agency arrest or custody procedures must be approved by DCJS.	
IX. Report Writing . . . . .	2
Hours.	
X. Conflict Resolution . . . . .	2
Hours.	
XI. Electives . . . . .	2
Hours.	
Note: Elective subjects must be approved by DCJS	
<b>TOTAL . . . . .</b>	<b>35 Hours</b>
Note: A written examination is also required.	

Added to the above would be training on topics specific to the City of New York



including the syllabus of the existing Auxiliary Police Basic Training Course plus:

- Use of Defensive Chemical Agents
- Use of Defensive Impact Weapons
- Unarmed Self Defense
- Radio Communications
- Basic First Aid, CPR, Triage and Basic Decontamination in case of mass casualties
- Traffic and Crowd Control
- RMP Training and Defensive Driving
- Basic Firearms Handling and Safety\* \*(Even though Auxiliary Members are not armed they are around career Officers who are. They should have a basic knowledge of Firearms Safety nevertheless.)

It is anticipated that the entire course outline can be completed in one four hour class per week plus additional Saturdays or Sundays for approximately 90 days. If weekday classes are doubled up, the class can be completed quicker and/or additional topics can be completed. Identical parallel classes may also be held with alternating weekend days. In this manner candidates will have the opportunity to make up a missed class or participate on different weekend days for religious or personal reasons.

Such training must take place either on a Patrol Borough basis or other centralized location. In addition to the actual Police Academy, the City has many schools and universities at its disposal that include both classroom and gym facilities. The Department could reach out to private facilities such as Hospitals and Colleges that would be willing to donate such space since it is typical for such organizations to be open seven days a week.

Only Certified Police Instructors will assume teaching responsibilities and may have experienced Auxiliary Members or other qualified outside personnel with specific talents and skills to assist them as required.

#### **A New Category of Auxiliary Officers...."LEVEL-2"**

Graduates of the new consolidated recruitment, investigation and training requirements will be granted a new title, "AUXILIARY POLICE OFFICER LEVEL 2. "

Level 2 Officers will now be granted the administrative title and status of a Special Patrolman but will continue to operate in the traditional title and responsibilities of an Auxiliary Police Officer.

Recruits to the new process can be new personnel or existing Auxiliary Members who wish to upgrade their status. All current Auxiliary Members will be reclassified as "LEVEL-1."

After a date to be determined, it is recommended that only Level 2 Members be permitted to perform active patrol.

This new tiered Auxiliary Police Program is similar to that in the Los Angeles and DC

Metro Police Departments. It permits volunteers to participate at a level they are emotionally, physically and educationally prepared for.

It will also motivate dedicated volunteers to seek the higher level of participation and status.

### **Program Audit, Finance and Overall Management**

Serious questions have been asked if the Police Department receives or received any Federal or other funding for the Auxiliary Police Program. If so where and how was it used? A financial audit must be conducted of the Auxiliary Police to determine existing funding procedures. Any budget should be available to the public.

It is recommended that a civilian with Auxiliary Police experience be hired as a Director or Deputy Commissioner of the Auxiliary Police. This will give the Program the resources, voice, and clout needed. This Deputy Commissioner will report to the Police Commissioner and City Council, working together to better the Program. Overall funding of some recommendations will require additional funding while being offset in part by eliminating the current wasteful practices.

It is recommended that all Auxiliary Coordinators and Commanding Officers perform a detailed audit of their Members forthwith. Serious questions have been asked about the true number of Auxiliary Police personnel. Those who are not participating at the minimum level will be given one quarter to improve their performance or they will be placed on a Leave of Absence or removed from the Auxiliary Police Program altogether.

This will also include Supervisory personnel who are below the minimum levels. They will also be dropped or at the least, reduced in Rank.

There should also be an aggressive campaign to recover Police Department shields and Identification Cards from Members that are missing. These steps should include the filing of formal Criminal complaints with follow-up by the Precinct Detective Squad.

The present *Administrative Duties only* regulation for Auxiliary Members above the age of 61 must be enforced. At this time it is routinely ignored and there are Auxiliary Members in their 60's and 70's not only on patrol but operating Department vehicles. This is a both a potential personal and City liability issue.

Poor performance and participation affects those who do perform, in a negative way and is a severe morale issue.

Upon completion of the Audit, verified Auxiliary Members will be issued new Identification cards which mirror those of all other Uniformed and Civilian Department Employees with a blue background behind picture to denote unarmed status. This card will be valid for only 12 months from date of issuance. At this time Auxiliary Identification Cards are of a different design and are valid for 36 months, after a recent reduction from 60 months. The different design is often the source of confusion by Department employees charged with securing Department facilities. This may result in admittance being denied to Active Auxiliary Members while dropped/resigned Members gain access to secure areas. Due to the simple nature of the

current identification, duplication is relatively easy with today's advanced technologies and printers. It is recommended that using a protected and advanced identification card system, the same as all other Department employees, would simplify the process of authenticating the person's identification as valid and would decrease the chances of non-genuine identifications being made by third party vendors or those wishing to gain access to secure facilities and areas for illegal or terrorist activities.

The shorter validity period will also require Auxiliary Police Coordinators to perform a yearly Pedigree Audit only after which a new card will be issued.

Bear in mind that existing turnover in the Auxiliary Police Program is very high with the Police Commissioner himself quoting a yearly estimate of 600. Many of these resigned/dropped Members did not return their Identification and efforts to recover same are dubious at best.

All existing Auxiliary Members who do not qualify for the new Level-2 requirements will be reclassified as "LEVEL 1." The decision to permit acceptance of new applicants who can only qualify as Level-1 will be up to the Department. It may well be desirable to have qualified Volunteers who have unique administrative or language skills but not have them participate at a fully trained and uniformed level. Once again this topic is worth considering. Level 1 Members will also attend intensive In Service Training on Radio Communications, Traffic Control, Patrol Tactics, and other topics that reflect their assignments and responsibilities until a final decision is made to the extent of their future responsibilities.

**Equipment:**

All Level-2 Auxiliary Members will be provided by the Department at no charge a basic initial uniform, which will continue to be the standard New York City Police issue, including the Department patch with the "Auxiliary" top rocker. A new second patch saying "LEVEL 2" will be affixed to the garment directly below the Department patch. A new shield, whose design and shape are to be determined will also, be issued. Level 1 Members will continue to use the existing shield.

A bullet resistant vest\*\*, expandable baton and chemical self defense spray will also be issued and all new Level-2 Members will sign a receipt that clearly states that such property remains that of the Department and must be returned upon leaving the Auxiliary Police Program.

**\*\* On March 27, 2007 the Mayor and the Police Commissioner announced a plan to equip each Auxiliary Police Officer with the same grade of Vest currently issued to other Uniformed Members of the Service.**

**We highly applaud this decision; however we must state our opinion that only QUALIFIED AUXILIARY MOS WHO PERFORM ACTIVE PATROL should be eligible for a vest.**

**Anything else will simply be a waste of monies.**

**In addition the vest should be personally fitted to the Member assigned and not just taken from a future inventory.**

Only after completion of the Personnel Audit should vests be ordered and

assigned.

### **Line of Duty Injuries and Death:**

Auxiliary Members who are injured or even lost in the Line of Duty should be entitled to the exact benefits as Career Members. This will include medical coverage, Disability, Death Benefit and Pension payments. The exact formula for such payments are to be determined but keep in mind that we have no reports of an Auxiliary Member sustaining an injury which resulted is total or even partial disability.

Even with the recent Line of Duty Deaths, they are the first actual murders of a uniformed on-duty Auxiliary in more than 30 years.

The granting of such benefits is not only justified but will serve as a symbol of the Department's support of its Volunteer Members

### **AUXILIARY EMERGENCY SERVICE / AUXILIARY POLICE SUPPORT UNIT**

It is our recommendation that the Auxiliary Patrol Support Unit (APSU) be fully restored to their roles as a rescue unit and the Auxiliary Police branch of the New York City Police Department Emergency Service Unit. Over the years the APSU has undergone numerous changes, most as the result of decreased funding. The main issues plaguing this unit are decreased training, the removal of sirens/changes in response guidelines, and the replacement of the aging rescue trucks with less than adequate 12 passenger vans (some units also remain without any dedicated vehicle.) Please refer to the AESU Origin and Critical Events time line in the appendix of this report for a history of changes affecting this unit.

### **LEGISLATION AND REGULATIONS ON AUXILIARY POLICE Provided as a reference only**

Possession of Handcuffs

#### **NEW YORK CITY ADMINISTRATIVE LAW**

1. § 10-147 Possession of handcuffs, thumb-cuffs or leg irons by unauthorized persons prohibited. a. It shall be unlawful for any person to knowingly possess any type of handcuffs, including disposable cinch cuffs, thumb cuffs or leg irons. This section shall not prohibit the possession of toy handcuffs which by their construction cannot be used to restrain an individual. b. The prohibition of this section shall not apply to the following persons: 1. any peace officer, police officer or any person appointed as a police officer by the superintendent of state police; or 2. any police officer or peace officer of another state while conducting official business within the state of New York; or 3. any employee of the city, charged with the care or custody of a juvenile committed to a secure detention facility, while on duty or while traveling to or from his or her assigned duty; or 4. any person in military service or other service of the state, or of the United States, in pursuit of official duty or when duly authorized by federal or state law, regulation or ordered to possess the same articles prohibited by this section; or 5. Any member of the **Auxiliary Police Force**; or 6. Any **Special Patrolman** appointed by the police

commissioner, while on duty or while traveling to or from his or her assigned place of duty.

#### Possession of Police Baton

##### PENAL LAW 265.20 b

§ 265.01 shall not apply to possession of that type of Billy commonly known as a "police baton" which is twenty-four to twenty-six inches in length and no more than one and one-quarter inches in thickness by Members of an **auxiliary police force** of a city with a population in excess of one million persons or the county of Suffolk when duly authorized by regulation or order issued by the Police Commissioner of such city or such county respectively. Such regulations shall require training in the use of the police baton including but not limited to the defensive use of the baton and instruction in the legal use of deadly physical force pursuant to article thirty-five of this chapter. Notwithstanding the provisions of this section or any other provision of law, possession of such baton shall not be authorized when used intentionally to strike another person except in those situations when the use of deadly physical force is authorized by such article thirty-five.

#### Worker's Compensation

##### NEW YORK CITY ADMINISTRATIVE CODE 14-147

§ 14-147 Workers' compensation for Members of Auxiliary Police. a. As used in this section, the term "**member of the auxiliary police**" shall mean and include only a volunteer who is a duly enrolled member in good standing of the auxiliary police which the city is authorized to recruit by subdivision five of section twenty-three of the New York state defense emergency act, as enacted by chapter seven hundred eighty-four of the laws of nineteen hundred fifty-one, and who is not within the coverage of the workers' compensation law pursuant to group seventeen of subdivision one of section three of the workers' compensation law. b. Pursuant to the authorization contained in group nineteen of subdivision one of section three of the workers' compensation law the coverage of the workers' compensation law is hereby extended to the activities of any member of the auxiliary police during any period which such member is actually engaged in auxiliary police activities duly authorized by regulation or order issued pursuant to the New York State defense emergency act including any such activities as may be prescribed by the commissioner of the city pursuant to such regulation or order, such coverage shall extend to such member of the auxiliary police, but only to the extent that such member is not, as to any such activities, covered by article ten of the workers' compensation law.

#### Vehicles:

Auxiliary Police Radio Motor Patrol cars

and vans are issued through the Fleet Services Division in conjunction with Auxiliary Police Headquarters. These are in-service vehicles, many of questionable condition and service histories which are removed from Precinct inventories and reassigned to Auxiliary Police use. The last brand new vehicles exclusively for Auxiliary use were purchased in 1995.

Auxiliary vehicles being older require greater service and are out-of-service for considerable periods. Many Commands report having no Auxiliary vehicle at all after their vehicle was condemned. Securing replacement vehicles takes an inordinate period, thus removing a basic management tool.

Existing NYPD vehicles are white with blue stripes and lettering. Auxiliary vehicles, which were dark navy blue and recently switched to black, have white stripes and lettering. Converting a vehicle requires removal of the existing striping, repainting, and then the application of new striping. The quality of this work is questionable and vehicles easily chip and fade. In addition the main purpose of patrol, "Police Omnipresence" is not accomplished by the use of a black vehicle.

It is recommended that recycled vehicles remain white in color. With removal of the existing striping and application of new logos and artwork unique to the Auxiliary Police. This will eliminate the expensive three step process with a less expensive and time consuming two step process. In addition, white vehicles provide the best visibility and resultant Officer Safety.

#### **Credits to become a NYPD Police Officer:**

At this time there are no credits, incentives, promotion, etc to become a Police Officer if you are already an Auxiliary Officer.

It is recommended that properly trained and qualified Auxiliary Officers receive some type of incentive or benefit for their service when completing the process to become a career Officer. This will help the Department with its recruitment process and attract more qualified Auxiliary Members.

Minority representation in the Auxiliary Police is very high and such Members are the exact people the Department should be recruiting.

#### **Uniforms:**

Auxiliary Police uniforms are identical to that worn by Regular Officers with the exception of the patch and shield. This increases Police Omnipresence.

A basic uniform is provided to the new Officer but other items such as handcuffs, boots, short sleeve shirts, bike uniforms, dress uniforms, specialized uniforms are not. The cost of these items cannot be

afforded by many citizens who volunteer their time.

At this time an Auxiliary Member who completes the minimum hours per year will receive a Uniform Allowance check of \$ 250.00 dollars every December. This amount is not sufficient and should be increased.

**Other points that should be addressed:**

- Auxiliary program structure and responsibilities from Precinct level up
- Inter-agency training and involvement
- Community involvement
- A study of other police auxiliary programs and their success
- Pilot programs to observe and study certain recommended changes. Enabling us to make final improvements to insure the consistency of this report.
- Make recommendations to Honor our two fallen Auxiliary Members (street naming, scholarships, awards, etc