



# National Association of Field Training Officers Indiana Chapter

## Training Part Time Employees

Throughout the United States, police departments utilize part time employees for a variety of jobs. Often these employees are found in the records or dispatch section but they are not limited to these positions. In an attempt to stretch their budget and provide more service for less, departments have taken on part time employees or volunteers in every capacity.

These employees are oftentimes overlooked and receive only minimal training at best. While departments see this as a bonus by receiving more work hours for less money, the inadequate training of part time employees and volunteers can result in hefty legal settlements. In the long run, improper training of any departmental member may cost the department more than imagined. Departments need to change their philosophy of training non-standard employees to reflect the job that is performed and not the status of employment.

Part time police officers are utilized in a number of jurisdictions. They go by various names, the most common of which is "reserve officer." The traditional reserve officer is a volunteer and is not compensated for their time. Typically, they receive only very basic training and rarely attend a police academy. For example; Indiana has provisions for reserve officers (IC 36-8-3-20) which state that a reserve officer appointed prior to 1993 does not require any formal training to make an arrest, conduct a search or seizure of a person or property, or carry a firearm. If the reserve is appointed after June 30<sup>th</sup> 1993 the required training is only 40 hours of course work described as a "pre-basic course" which can be conducted using videotape. On the surface, this amount of training seems woefully inadequate, but to be sure, one must look at the reserve officer's job description.

The key to analyzing any training issue is to look at the relevancy of the training to the task. If the task is to dig a hole then the appropriate training would be to tell the person how to dig the hole, then show them how to dig the hole, and then have them dig the hole themselves. While this example might be oversimplified, the basic elements are the same. A department must clearly define the expectations of their reserve officers.

In some jurisdictions, reserve officers are nothing more than neighborhood watch organizations. They patrol their assigned areas on foot and report any suspicious or criminal activity via two-way-radio. At no time are these officers supposed to become involved. Training requirements for these types of reserve officers would be minimal. Basic training on what is and is not a crime along with instruction on the use of the two-way-radio would be the only training requirements.

Other departments outfit their reserve officers in full uniforms along with the gun, badge, radio, baton, handcuffs, and any other piece of equipment carried by the regular officers. Immediately the training issues should become obvious. In these departments, however, the reserve officer acts as support for the regular officer. During police patrol activities the reserve never works without direction and control of a regular officer and only works by themselves during traffic direction details at special events. This type of reserve officer must have considerable more training than the first example. In *City of Canton, Ohio v. Harris*, the Supreme Court ruled that a city can be found liable under 42 U.S.C. section 1983 if their failure to train officers amounts to “deliberate indifference.” The training of reserve officers must be relevant to the task and protect the citizenry from violations of constitutional rights at the hands of the reserve officer. However, this type of reserve does not necessarily require the same amount of training as a regular officer because they are not expected to perform the same duties.

The last type of reserve officer is one that is expected to do all of the same work as a regular officer. These reserves will patrol and make arrests with little or no direction and assistance from a regular officer. This is the type of reserve officer that can create litigation issues for a department. The key in this situation is simple. If the reserve officer is expected to do the same duties as a regular officer then they must have the same training as a regular officer. *Erwin v. County of Manitowoc* stated that the specific duties of the officer will dictate the amount and type of training necessary. Failure to guard against violations of citizens constitutional rights due to inadequate training can result in the policy makers being found deliberately indifferent to the training needs. This means that if you have an FTO program for regular officers then you must have your reserve officers complete the same FTO program.

The difficulty in training a part time employee lies in the nature of the position. They are part time. How can a department put a reserve officer through the same FTO program as the regular officer when the reserve only works two days a month? The answer lies in the timing of the program as opposed to the content. “Same” refers to the content and quality of the training and not the length of time it takes to complete the training. In *Davis v. Mason County*, the court said that the issue was adequacy of training. With qualified field training officers conducting a standardized and structured training course the time required to complete the training for a reserve officer may take a year instead of 12 weeks, but all other aspects of training will be the same. It is also important to follow the guidelines set forth within the FTO program. *Davis v. Mason County* also pointed out that even if a department has an adequate FTO program on paper the program must be followed in practice. If not followed then the fact that the FTO program existed at all is irrelevant.

Many departments may believe that providing training that follows state guidelines, such as Indiana’s “pre-basic” requirement, will protect against failure to train liability. *Canton* noted that a municipality may be liable even if the policy is constitutional. In other words, just because the state has dictated minimum training guidelines does not mean that those guidelines will be adequate when a court views the totality of the circumstances. The court will look at the expectations of the officer and the training the officer received to meet those expectations.

Departments may feel that the perceived advantage of part time employees and volunteers is lost when the need for quality training is addressed. If a department must utilize reserve officers then it is paramount that they properly assess the reserve's job description and provide qualified and standardized training equal to a full time employee's training. The status of the employee matters very little; if the reserve officer does the same job as a regular officer then the training must be the same. Failure to provide adequate training, even if the training conducted meets state guidelines, may result in a liability issue for the department.

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