



City of Saginaw

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Meeting Date: 10/03//2017

Staff Contact: Roger Macon
Police Chief

Agenda Item: 6
(CC-1017-08)

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SUBJECT: Consideration and Action regarding Approval of Michael Jauss to carry a firearm or otherwise act as a Peace Officer in the capacity of Reserve Police Officer

BACKGROUND/DISCUSSION:

Police Officer Michael Jauss has resigned to accept a position as an investigator with Child Protective Services. His new position does not convey peace officer powers and he has requested to remain active with our Police Department as a Reserve Police Officer. Police Chief Macon has recommended approval.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends approval of Michael Jauss to carry a firearm or otherwise act as a Peace Officer in the capacity of Reserve Police Officer.

Attachments

Memo from Roger Macon



MEMORANDUM

SAGINAW POLICE DEPARTMENT

505 W. McLeroy Blvd. Saginaw, TX 76179
(817) 232-0311

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| DATE: 09/26/17 | TO: Dan O'Leary Int. City Manager | FROM: Roger Macon Chief of Police | SUBJECT: Reserve Police Officer |
|-------------------|--------------------------------------|--------------------------------------|------------------------------------|

The police department learned earlier today that one of our officers, Michael Jaus, is leaving after nine and one-half years for an investigator's position with Child Protective Services. During his tenure here, Michael has served as a police officer, crime prevention officer, property officer and school resource officer. Michael's new position with the state does not convey peace officer powers, and he has requested to remain active with our department as a reserve police officer.

As you are aware, Section 341.12(g) of the Texas Local Government Code requires that the governing body approve any appointment to a reserve police force (please see attachment). Given Michael's level of service to our community, I recommend that approval at the council's convenience.

Thanks!

TEXAS LOCAL GOVERNMENT CODE excerpt

Sec. 341.012. POLICE RESERVE FORCE. (a) The governing body of a municipality may provide for the establishment of a police reserve force.

(b) The governing body shall establish qualifications and standards of training for members of the reserve force.

(c) The governing body may limit the size of the reserve force.

(d) The chief of police shall appoint the members of the reserve force. Members serve at the chief's discretion.

(e) The chief of police may call the reserve force into service at any time the chief considers it necessary to have additional officers to preserve the peace and enforce the law.

(f) A member of a reserve force who is not a peace officer as described by Article [2.12](#), Code of Criminal Procedure, may act as a peace officer only during the actual discharge of official duties.

(g) An appointment to the reserve force must be approved by the governing body before the person appointed may carry a weapon or otherwise act as a peace officer. On approval of the appointment of a member who is not a peace officer as described by Article [2.12](#), Code of Criminal Procedure, the person appointed may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer.

(h) Reserve police officers may act only in a supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers. On approval of the appointment of a member who is a peace officer as described by Article [2.12](#), Code of Criminal Procedure, the chief of police may authorize the person appointed to carry a weapon or act as a peace officer at all times, regardless of whether the person is engaged in the actual discharge of official duties, or may limit the authority of the person to carry a weapon or act as a peace officer to only those times during which the person is engaged in the actual discharge of official duties. A reserve police officer, regardless of whether the reserve police officer is a peace officer as described by Article [2.12](#), Code of Criminal Procedure, is not:

(1) eligible for participation in any program provided by the governing body that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers; or

(2) exempt from Chapter [1702](#), Occupations Code.

(i) This section does not limit the authority of the mayor of a Type A general-law municipality to summon a special police force under Section [341.011](#).

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 90, Sec. 4, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 14.825, eff. Sept. 1, 2001.