

# Constitution, Law, and the Auxiliary

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Lawrence County Sheriff's Auxiliary

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<sup>1</sup>Commander, LCSA; Thanks as well to LT Mary Clapp (LCSA ret.), Inside Counsel, who gave input on early versions of this course. A set of small, light-blue navigation icons typically found in Beamer presentations, including icons for back, forward, search, and other navigation functions.

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# Requirements

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- CLA-I Required for all volunteers;
- CLA-II Recommended, Required for NCOs and Officers;
- Additional levels elective material;

# Part 1 Topics

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- Introducing the Law and the Auxiliary
  - History/Purpose of Sheriff's Office
  - Property Rights Under the Constitution
  - Our Role as Auxiliary
  - Legal Issues of Intervention

# Part 2 Topics

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- Nature of officers, enlisted, delegated authority, oath
- Leadership
- Discipline
- Use of Force

# Introducing the Law and the Auxiliary

## CLA Part I

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## Lawrence County Sheriff's Auxiliary

*per ardua liberis*

- (Please sign in if you haven't already.)



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## 5 The Sheriff Under the Law

- Independence
- Election
- Deputies
- Duties

## 6 Models For the Auxiliary

## 7 Crisis Intervention

- First Aid, Consent to Treatment, and Standard of Care
- Non-violent Crisis Intervention

# What Is the Sheriff's Auxiliary?

## Citizens-in-the-Loop Law Enforcement

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- Non-Peace Officer Volunteers serving county sheriff
- Supplement Sheriff's Office during routine operations
- Coordinated teams during disasters
- Not replacing deputies or reserve deputies
- Does not provide primary law enforcement or investigate

# Motto

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*Per ardua liberis*

meaning: "Freedom through adversity."

- It is only through duty and service that we have rights, only through sacrifice and hardship that we are or will remain free.

# Purpose of the Class

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- To serve Sheriff's Office, we must understand it;
- To take oath of service, we must understand the Constitution;
- The Sheriff serves the people;
- In the end, so do we.

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# Where is “Constitutional Sheriff” ?

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## Fact

### *Sheriff not in the Constitution*

- Common Law
  - Edwin the Elder, 902 AD
  - Magna Carta (1215 AD)
  - “British Constitution”
- County Charters
- State Constitutions

# “Shire Reeve”

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Independence

- Official responsible for keeping the peace on behalf of the King
- Conservator of the Peace -j Peace Officer
- In US, directly elected
- Usually highest elected law enforcement officer (“CLEO”)
- Deputies are commissioned, act for Sheriff

# What Did Sheriff Do?

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- Originally kept peace, enforced edict, served process, held local court
- Medieval Circuit Courts split function
  - Sheriff, Magistrate, first jury trials



# “Sheriff’s Office”

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“Office” not department!

Sheriff answers *directly* to the people.

Fact

*The Sheriff is not the Chief LEO in St. Louis County.*

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- Frame history of debate over personal and civil defense;
- British Common Law and Bill of Rights
- Declaration of Independence
- Revolutions
- Constitution

# Approach To Reading

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- Don't accept any author as authoritative!
- Frame in context of debate over Rights, Duties, and Authority.
- When someone claims authority, where does it come from?
- When someone has a Right, what does it mean?
- Who do you owe Duties to?
- How do we balance liberty and civility? Is it really a "balance"?
- What is nature of crime and punishment?

# Polity

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## Definition (Polity)

“The whole constitutional set-up is intended to be neither democracy nor oligarchy but midway between the two— what is sometimes called 'polity', *the members of which are those who bear arms.*” [emphasis in original] —Aristotle, "Politics" as quoted in Halbrook [2013, pp 52]

- Aristotle refutes Plato's contention that the State ought control all use of arms in order to control the populace;
- Not new: debate spans thousands of years;

# Common Law

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- We take from English tradition;
- Roman law, 12-tables
- Dane-Law est. militia, traditional rights, and representative gov't
  - (Fyrd-ȝ Wyrcan-ȝ Moots: we'll get to it);
- Norman invasion created absolute authority of monarch; took time to recover;
- Magna Carta (1215)

# Right To Personal/Civil Defense

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*And yet in some cases a man may not only use force and arms, but assemble company also. As may assemble his friends and neighbors, to keep his house against those that come to rob, or kill him, or to offer him violence in it, and is by construction excepted out of this Act; and the Sheriff, etc. ought not to deal with him upon this Act; for a man's house is his Castle, and domus sua cuique est tutissimum refugium (a person's own house is his ultimate refuge). And in this sense it is truly said, Armaque in Amatos sumere jura sinunt (and the laws permit the taking up of arms against armed persons). —Sir Edward Coke's "Institute of the Laws of England" (1628)*

# Common Arms of the Day

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*No wearing of arms is within the meaning of the statute unless it be accompanied with such circumstances as are apt to terrify the people; from when it seems clearly to follow, that persons of quality are in no danger of offending against this statute by wearing common weapons... — "Treatise of the Pleas of the Crown", William Hawkins;*

- 1686 court case affirmed defendant's right to go armed with a pistol despite the Statute of Northampton when not armed "in affray of peace".



# British Bill of Rights (1689)

## Glorious Revolution

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- Attempt to disarm protestants;
- presented to William and Mary;
- to 'restore' ancient rights— did not create anything;
- Inspired US Bill of Rights; included:
  - No royal interference with the rule of law;
  - "grants and promises of fines or forfeitures" before conviction are void;
  - prohibits "cruel and unusual" punishments;
  - Citizens have a right to bear arms because citizens have a **duty** to bear arms and **serve the common defense** (Locke)

# To Protect and Maintain Inviolate

## Blackstone's Commentaries

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*But in vain would these rights [e.g. free speech] be declared, ascertained, and protected by the dead letter of the law, if the constitution had provided no other method to secure their actual enjoyment. It has, therefore, established other auxiliary subordinate rights of the subject, which serve principally as outworks or barriers, to protect and maintain inviolate the three great and primary rights, of personal security, personal liberty, and private property. —Blackstone [1753, pp 104]*

# Checklist For Revolution (Blackstone)

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*“And lastly, to vindicate these rights, when actually violated or attacked, the subjects of England are entitled, in the first place, to the regular administration and free course of justice in the courts of law; next, to the right of petitioning the king and parliament for redress of grievances, and, lastly, to the right of having and using arms for self-preservation and defense.” — Blackstone [1753, pp 106]*

# Checklist For Revolution (II)

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- Practically a blueprint for Declaration of Independence;
- Checks off Colonists attempts to address their grievances;
- Turns to raising arms against the king as the final resort;
- Exhausted all peaceful mechanisms;
- Our system built to same plan;

# Instinctive Reverence For Law and Tradition

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*"Here is the salient fact which distinguishes the English Revolution from all others: that those who wielded irresistible physical force were throughout convinced that it could give them no security. Nothing is more characteristic of the English people than their **instinctive reverence even in rebellion for law and tradition.**" — [Winston Churchill, A History of English Speaking Peoples. Volume II. pp 265]*

# The Utter End of Means

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- Armed resistance against tyranny is directly a purpose of RTKBA;
- **If-and-only-if** pursued at absolute and utter end of means;
- Neither free license to insurrection nor paranoia;
- Built directly on experiences of Colonists under England;
- Enjoyed extensive legal protection of 'Constitutional rights' as British subjects;
- "...repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny."

# "Intolerable Acts"

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- Also problems with paper money and lack of specie ("hard money") in Colonies;
- Colonial taxes were higher, but could often be paid in service, goods (also bribes);
- British taxes paid in silver, and Americans had very little;

# Rights Not From the Government

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*...We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness... — Declaration of Independence*

- "unalienable": Can't be taken away; can't be given away
- "Natural Rights" but also Natural Duties:

*...it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security...*



# Civil conflicts and the common citizen

## The Frying Pan Or the Fire?

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- Many citizens lost their homes, their farms, or their lives regardless of which side they declared to;
- Challenge is to survive and maintain local order in the face of upheaval;

RTKBA ensures that revolution possible, but it is **always** *extremely* costly;

# Why Did Our Revolution Succeed?

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- Britain was a 'foreign power' which could be sent home;
- Colonial government transferred intact;
- Many people patriated and forgiven (not all);
- Revolutions where it is people vs. government seldom yield a stable system;

# Founders Were Revolutionaries

But Wanted To Avoid Another One

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- Balance of powers and multi-level sovereignty;

*If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. — Federalist #51 (Madison)*

# We Are Literally, an “Auxiliary Precaution”

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- Office of Sheriff directly serves the citizen;
- Operates as speedbump: ensure process is followed;
- Sheriff/Auxiliary == Locals-In-the-Loop Law Enforcement;

## Romans 13

Christians required to be law-abiding, but here, the final (civil) authority is the *polity itself*.

# Weak Fraternity of States

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- Little central power; direct war effort;
- AoC failed to provide for common defense;
- Government had no money (what it was empowered to collect was seldom remitted);
- Insurrection in several states, inc. Mass.

## Fact

*John Hanson was the first US President.*

# The Solution

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- Letters between Wash and Jefferson discussing its replacement;
- Convention to amend AoC became Const Convention 1787;
- Delegates ( “Commissioners” ) broadly empowered by sending states;
- "Ratification— the People Debate the Constitution, 1787-1788" Maier [2010];

## Definition

Federal = “of equals”; “Federalists” wanted multi-level sovereignty, *balance* of power; Anti-federalists wanted states to be (remain) supreme.

# The Origin of the Bill of Rights

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- Delegate powers to a limited government;
- States still did not trust central government;
- Required Bill of Rights like British of 1689;
- Rights not enumerated; Powers are enumerated (9th and 10th)
- 2nd Amendment echoed right and duty of British Bill of Rights;
- RTKBA individual right, serves civic duty;
- Strong property rights reinforced, including Takings Clause;

# The Missouri Constitution and its protections

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- US Constitution guaranteed a "republican form of government";
- Article II, Section 23 echoes RTKBA but without civic focus;
- Many other property rights issues follow US Const. BoR;
- Very different from US Constitution, much more complex;



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# Only mention in US/State Constitutions

## MO Constitution Article V Sec 27 4(b)

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*b. Upon the effective date of this article, the office of constable serving magistrate courts is abolished. The functions, powers and duties of such constables shall be transferred to and be performed by the sheriff of the county or the sheriff of the city of St. Louis.*

# Mo Constitution Article III, Sec. 40

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*The general assembly shall not pass any local or special law: ... (21) creating offices, prescribing the powers and duties of officers in, or regulating the affairs of counties, cities, townships, election or school districts;*

- Also applies to municipalities
  - So state and cities may not interfere with the office of Sheriff (within his county and with reference to his county duties)

# Independence From Federal Government

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Residual state sovereignty was also implicit, of course, in the Constitution's conferral upon Congress of not all governmental powers, but only discrete, enumerated ones, Art. I, § 8, which implication was rendered express by the Tenth Amendment's assertion that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. — [Printz v. United States, 521 U.S. 898, 919 (U.S. 1997)]

The Federal Government may not compel the States to enact or administer a federal regulatory program. The mandatory obligation imposed on CLEOs to perform background checks on prospective handgun purchasers plainly runs afoul of that rule. — [Printz v. United States, 521 U.S. 898, 933 (U.S. 1997)]

# Anti-Commandeering Doctrine

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## Definition

Forbids the federal government from ordering the states or their subdivisions from governing or regulating in a particular way or from ordering ( “commandeering” ) state/local officers as subordinates of the federal government.

# MO Election of Sheriff

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- MO RS section 57.010
  - Every county elect a sheriff every four years at each general election;
  - Takes office on the first day of January following the general election;
- Qualifications, duties and restrictions on the office of sheriff in the MO Statutes (part. chapter 57) and the Missouri Constitution;
- Rules may vary depending on the county classification;
  - Lawrence is class 3, non-chartered;

# Qualifications

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- Not a felon;
- Resident taxpayer and voter;
- Resident more than 1 year;
- “...shall be a person capable of efficient law enforcement.”

# Needs To Be Peace Officer

As of 2013:

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- Must have a valid license at time of filing;
- Is not eligible for office without license;
- RsMO 57.010 (2) changed in 2013;
- Controversy in 2016 Greene County Election;



# General Requirements to be a Peace Officer

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- Twenty one (21) years of age
- United States citizen
- High school diploma or its equivalent;
- Graduate of a Basic Law Enforcement Training Center;
- Passed the Missouri Peace Officer License Exam;
- No criminal history as outlined in Section 590.080.1 and Section 590.100.1, RSMo.

# Bond

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Within 15 days of being sworn in, every sheriff must post a bond between \$15,000 and \$50,000 conditioned for the faithful discharge of his duties; which bond shall be filed in the office of the clerk of the circuit court of the county. § 57.020 R.S.Mo.

# Deputies

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- Must be resident of the county. § 57.117 R.S.Mo.
- Every deputy sheriff shall possess all the powers and may perform any of the duties prescribed by law to be performed by the sheriff. § 57.270 R.S.Mo.

# Nepotism Restriction

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*Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment. — Mo. Const. Art. VII, § 6.*

# Emergency Appointments

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*In any emergency the sheriff shall appoint sworn deputies, who are residents of the county, possessing all the qualifications of sheriff. The deputies shall serve not exceeding thirty days, and shall possess all the powers and perform all the duties of deputy sheriffs, with like responsibilities, and for their services shall receive two dollars per day, to be paid out of the county treasury. — § 57.119 R.S.Mo.*

# General Duties

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*Every sheriff shall quell and suppress assaults and batteries, riots, routs, affrays and insurrections; shall apprehend and commit to jail all felons and traitors, and execute all process directed to him by legal authority, including writs of replevin, attachments and final process issued by circuit and associate circuit judges. — § 57.100 R.S.Mo.*

## Definition

replevin: an action for the recovery of property taken. Gifis  
[2010, Replevin]

# Sheriff In 3rd and 4th Class Counties May

§ 57.115 R.S.Mo.

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- 1 Regularly patrol and police all public roads and highways within the county;
- 2 Enforce all laws designed to safeguard and protect these roads and highways;
- 3 Report all dangerous conditions on these roads and highways to the county commission or other road or highway supervising body.



# Additional Duties

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- Service of process in civil cases and collecting executions of judgments [§ 57.280 RsMO];
- Aid and assist the jury commissioners in the county by conducting investigations into the identity of prospective jurors [§ 57.395 RsMO];
- Every 3 months, file with the circuit court of the county a report on the conditions of county jail [§ 57.102 RsMO];

# Mutual Aid

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*Whenever any sheriff or deputy sheriff of any county in this state is expressly requested, in each instance, by a sheriff of an adjoining county of this state to render assistance, such sheriff or deputy shall have the same powers of arrest in such county as he has in his own jurisdiction. — § 57.111 R.S.Mo.*

- No Dukes of Hazard county line prohibitions if neighboring sheriff asks for assistance!

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# Fyrd, Housecarls, Witan

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- Anglo-Saxon England; 7th century or earlier;
- The best of each household serve in the Fyrd;
- Limited length of time for service each season;
- Housecarls or "House Earls" served the Jarl or Earl (deputies);
- Local people met in moots, elected representatives to annual Witans;
- Witans determine succession;

# Hospitalers

AKA Knights of St. John of God, of Malta, of Jerusalem

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- Templars =  $\hookrightarrow$  convert by the sword;
- Hospitalers =  $\hookrightarrow$  convert through service and leadership;
- Defend the innocent and heal what may be healed (equal opportunity)
- “Maltese Cross”

# Zouaves, Militia

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- Colonial militia primarily civil defense w/ some emergency response duties;
- Zouaves were elite volunteer companies (Col Ephraim Ellesworth);
  - Special forces and SWAT teams of their day;
  - Many of them, N&S, became famous units in Civil War;
  - 44th NY, Louisiana Tigers;
  - Ellseworth wrote a handbook on how to operate a volunteer company;

# Red Cross

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- Henry Dunant, Crimean War (1859)
- Help all injured on battlefield;
- No sides taken;

# Toward a modern Auxiliary

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- Flip 'militia' on its head;
- Serve the community first;
- Service without prejudice;
- Survival Skills Triad: First Aid, Communications, Defense;
- Build leaders in the community



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# Consent

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- Obtaining consent;
- When consent is implied;
- Standard of Care and patient abandonment;

## Definition

implied consent: Consent that is inferred from signs, actions, or facts, or by inaction or silence.

# Good Samaritan Law

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## Definition

Protects a volunteer who has been trained in first aid from liability for providing emergency care without compensation *to the level for which he or she has been trained* at the scene of an emergency or accident. [§ 537.037 RsMO item 2]

Also protects a physician, surgeon, registered professional nurse, or licensed practical nurse who is providing emergency care in good faith without compensation at the scene of an accident or emergency. [§ 537.037 RsMO item 1]

# Avoiding Conflict

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- Situational awareness - head off trouble early; (see 70)
- What is the root of the problem?
- Prevent the crisis from escalating;
- Keep your head, *even when others do not*;
- Avoid injury to yourself and others;
- Defusing the situation and resolving a crisis

# Recap of CCW Materials

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- RsMO 571.030 Unlawful use of weapons—exceptions—penalties.
- RsMo 571.107 Permit does not authorize concealed firearms (when)...
- Note 571.030 2. (1) exemptions for "...any person summoned by such [peace] officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;"

# Use of Force Guidelines

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- As a matter of law and policy, Auxiliary volunteers are not licensed Peace Officers and :
  - Are not empowered to defend property, only life;
  - Do not possess powers of arrest;
  - **Do not pursue;**

# Use of Force Guidelines

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  - Do not possess powers of arrest;
  - **Do not pursue;**
- Auxiliary policy **strongly discourages** use of *Citizen's Arrest* [RsMO 563.051.2] “in all cases except where a continued threat to life exists if the suspect were not immediately and forcibly contained”.

# Cooper Color Code For Situational Awareness

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White Unaware and unprepared;  
Yellow Relaxed alert;  
Orange Specific alert;  
Red Fight;



# Castle Doctrine

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## Definition

Missouri's Stand Your Ground law or Castle Doctrine [RsMO 563.031] means that you have no duty to retreat from a deadly threat if the threat occurs in your home or dwelling (such as a hotel room), your vehicle [RsMo 563.031 2.(2)] , or, as of recent changes in the law, your owned or rented private property [2.(3)] .

# Who Is the Aggressor?

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- Travon Martin case (2012)
  - George Zimmerman acquitted July 2013;
  - Did not raise Florida's Stand-Your-Ground defense;
  - Evidence showed he was on back, under Martin at time shot was fired, therefore no duty to retreat;
  - Stand-Your-Ground, however, affected Jury instructions

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  - Evidence showed he was on back, under Martin at time shot was fired, therefore no duty to retreat;
  - Stand-Your-Ground, however, affected Jury instructions
- Rowe vs United States 164 U.S. 546 (1896):
  - Part of David Koppel's group of Self-Defense Cases under the Fuller Court;
  - After initial altercation, accused walked away, victim chased accused with a knife
  - When the accused retreated from an altercation in good faith, his right of self-defense can be reasserted;

# When the Response Goes Too Far

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- Two youths rob Oklahoma City pharmacy May 2009;
- One of them pistol whips customer;
- Pharmacist opens fire, hitting 1 robber in head, 2nd robber flees;
- Pharmacist returns, fetches 2nd gun, fires 5 shots killing 1st robber, unconscious on floor;
- Pharmacist convicted of 1st degree murder in 2011;

# Responsibility to Secure a Weapon

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- We are responsible for securing the arms we carry;
- If we allow arms to fall into the wrong hands, they become a tool of crime;
- Volunteers required to take Handgun Retention practical
- SOGs for Securing Weaponsin Volunteer Handbook

# Reflections on the Auxiliary and the Sheriff's Office

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- Anything we do as volunteers reflects on Sheriff's Office;
- Anything we do (even off duty) reflects on the Auxiliary;
- Because this program is unusual/ambitious, we cannot afford mistakes;

# Any Means To Get Help

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## Mayday, Mayday

In a genuine emergency, any person may use a radio to get help by any means necessary, regardless of licensing considerations.

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- Know your neighbor to avoid conflict;
- Don't get shot by a nervous farmer...;
- Respect the limits of your authority (you don't have any) but...
- When protecting life comes first... *ask forgiveness later*;



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- Independence
- Election
- Deputies
- Duties

## 6 Models For the Auxiliary

## 7 Crisis Intervention

- First Aid, Consent to Treatment, and Standard of Care
- Non-violent Crisis Intervention

# Different Hats

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- Acting in personal capacity;
- As a volunteer, officially, under authority of Sheriff;
- As a volunteer under the Incident Command System;
- Deputized in an emergency;
- Other hats you may carry (e.g. ARES/RACES, EMS);
- When stuff just happens;

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*That the right of every citizen to keep and bear arms, ammunition, and accessories typical to the normal function of such arms, in defense of his home, person, family and property, or when lawfully summoned in aid of the civil power, shall not be questioned. The rights guaranteed by this section shall be unalienable. Any restriction on these rights shall be subject to strict scrutiny and the state of Missouri shall be obligated to uphold these rights and shall under no circumstances decline to protect against their infringement. Nothing in this section shall be construed to prevent the general assembly from enacting general laws which limit the rights of convicted violent felons or those duly adjudged mentally infirm by a court of competent jurisdiction. — [Missouri Constitution, Article I, Section 23, as amended August 5, 2014]*

# Blackstone's "Commentaries" on the right of defense

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"...it is indeed, a public allowance under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression..." — [Blackstone, 1753, pp 106]

- Division between harm to property, which the law can 'make whole' and
- Threats to life and limb, which the law cannot repair;
- Ability, Opportunity, Jeopardy - 3 factors defining lawful defense;
- Vigilantism is extrajudicial violence: doesn't matter whether committed by State or individual;

# Tension Between Right and Regulation

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- State authority to regulate *time, place, and manner* (e.g. *Heidbrink v. Swope*)
- Regulation may not effectively prohibit RTKBA or self-defense (e.g. *Peruta vs. San Diego* [overturned en banc]);
- Broad Auxiliary policy on Right To Keep and Bear Arms;

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# Civilians in Civil Defense: Authority, Delegation, and Discipline

## CLA Part II

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## Lawrence County Sheriff's Auxiliary *per ardua liberis*

- (Please sign in if you haven't already.)



# Controversial Topics

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This course deals with controversial and emotionally-charged topics.

Emergency volunteers, by their nature, are employed in difficult, sometimes horrific, circumstances which probe at the edges of our social order. Disasters bring out the very best and very worst of people. This course aims to help prepare volunteers to deal frankly with these issues and act in a leadership role when other people may not be acting rationally.

# Purpose of the Class

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- To be an officer, or a non-commissioned officer, you must understand authority:
  - Where it comes from;
  - What its limits are;
  - How discipline is maintained;
  - What does leadership require?

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# Understanding Officers

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- CLA-I is for all volunteers;
- This level focuses on officers;
- *What is an officer?*

# Officer

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## Definitions

1. a person who holds a position of rank or authority in the army, navy, air force, or any similar organization especially one who holds a commission.

4. a person appointed or elected to some position of responsibility or authority in the government, a corporation, a society, etc. — Dictionary.com

Notice the word *commission*, what is a *commission*?

# Officer

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1. a person who holds a position of rank or authority in the army, navy, air force, or any similar organization especially one who holds a commission.

4. a person appointed or elected to some position of responsibility or authority in the government, a corporation, a society, etc. — Dictionary.com

Notice the word *commission*, what is a *commission*?

## Definitions

*commission*:

3. authority granted for a particular action or function.

4. a document granting such authority.

# Officer Holds Commission

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- Commission grants authority for particular function;
- Function involves 'responsibility';
- Officer holds authority and exercises responsibility *for* the Sheriff;
- Officer is a leader within a realm of specific tasks;

# Officer Holds Commission

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- Commission grants authority for particular function;
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- Officer is a leader within a realm of specific tasks;

## Whose Authority?

An officer is a proxy for authority held by *the people* themselves.



# To be an effective officer, know ye:

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**Source** What is the source of the delegated authority?

**Responsibilities** What responsibilities constitute the office to be carried out?

**Limits** What are the limits of your and your superior's authority?

**Chain-Of-Command** What is the chain-of-command to determine who is in charge at any particular point in time?

**Accountability** Through what mechanisms will you be held accountable to the people whose authority you have been entrusted with?

# Where did this start?

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- Officer always commissioned by elected official(s);
- US military officers recommended by Pres. via SecDef, approved by Congress;
- MO National Guard, Governor recommends, legislature approves;
- In Auxiliary, Sheriff is the elected official:
  - Command staff recommends;
  - Sheriff approves;

# Special Trust and Confidence

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“...reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of...”

“...will therefore carefully and diligently discharge the duties... and performing all manner of things thereunto belonging...”

# thereunto belonging includes:

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- routine tasks, e.g. neighborhood patrols, to free up deputies and funding;
- rear-area tasks in emergency, freeing up deputies;
- forward relief tasks allowing deputies to concentrate on law-enforcement/investigation;
- etc.

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