



TOWN OF WEST SENECA

TOWN SUPERVISOR
SHEILA M. MORGAN
TOWN COUNCIL
EUGENE P. HART
WILLIAM P. HANLEY, JR.

To: The Honorable Town Board

From: John J. Fenz, Esq.
Town Attorney

Date: May 4, 2016

Re: Town of West Seneca Auxiliary Police
Recommendation to Withdraw Grant of Authority

Kindly consider adoption of the attached Resolution withdrawing the Town Board's grant of authority to the West Seneca Auxiliary Police to act on behalf of the Town of West Seneca.

It is the joint recommendation of the Town Attorney and the Chief of Police to withdraw such authority. After careful consideration and review: Auxiliary Police no longer serve the purpose set forth upon their establishment; nor does the use of Auxiliary Police units fit into modern police practices; and, therefore may expose the Town to liability.

Resolution

WHEREAS, the Federal Defense Act of 1950 was signed into law by President Truman with its primary intent to minimize the societal impact of an atomic attack by providing a means to provide domestic welfare services to the citizens of the United States; and

WHEREAS, the New York State Defense Emergency Act of 1951 (the "Defense Emergency Act") was signed into law by Governor Dewey with the intent to provide state and local governments with the resources to protect its citizens in the event of an attack upon the United States, specifically an attack within the borders of the State of New York; and

WHEREAS, pursuant to authority granted local governments under the Defense Emergency Act, the Town Board may confer upon members of the public as "auxiliary police" the powers of a Peace Officer as set forth in Section 2.20 of the New York Criminal Procedure Law; and

WHEREAS, the West Seneca Auxiliary Police (the "Auxiliary Police") was formed in 1960 to provide the residents of West Seneca with the protections contemplated pursuant to the Defense Emergency Act; and

WHEREAS, the Auxiliary Police have performed outstanding community service to the Town of West Seneca as set forth in the Defendant Emergency Act; and

WHEREAS, the Town of West Seneca Chief of Police has reviewed and contemplated the role of the Auxiliary Police in the context of modern police practices and the safety needs of the community, and compared those modern police practices regarding the use of Auxiliary Police units with surrounding jurisdictions;

WHEREAS, the Town of West Seneca Chief of Police, with the input of the Town Attorney, has determined that the Auxiliary Police no longer serve the purpose set forth in the Defense Emergency Act, nor does the use of Auxiliary Police units fit into modern police practices, and therefore may expose the Town to liability.

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca withdraws its grant of authority to the Auxiliary Police to act on behalf of the Town as auxiliary police officers as set forth in the Defense Emergency Act, and the Town Board hereby acknowledges the efforts of the West Seneca Police Auxiliary since its inception in 1960, and sincerely thanks the members of the Auxiliary for their dedicated service to the Town.