



**THE ATTORNEY GENERAL
OF TEXAS**

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AUSTIN, TEXAS 78711

July 31, 1972

Honorable James U. Cross
Executive Director

Texas Parks and Wildlife Department
John H. Reagan Building
Austin, Texas 78701

Opinion No. M-1183

Re: Participation of Department in riot control actions

Dear Mr. Cross:

Your request lists the following questions:

1. Is the Parks and Wildlife Department required to participate in riot control actions? By what authority are we so directed?
2. If this Department is required to participate in riot control actions, is the response autonomous; or under what chain of command is the response made?
3. If the Parks and Wildlife Department is required to respond, please indicate the funding authority for actual response as well as for training and equipment expenditures.

Various provisions of Vernon's Code of Criminal Procedure have application to your first question. Article 2.12 makes peace officers of the game management officers commissioned by the Parks and Wildlife Department. Article 2.13 gives every peace officer the duty to preserve the peace by all lawful means. Article 6.06 gives peace officers the duty to prevent offenses being committed or about to be committed within his presence or view. The duty to disperse riots is placed upon every peace officer by Article 8.04. Since the game management officers of the Department are designated as peace officers, they have the duty under the foregoing statutes to preserve the peace and to disperse riots.

The second question is answered partly by the statutes already listed and by other provisions of the Code of Criminal Procedure. Article 2.14 authorizes a peace officer meeting with resistance in the discharge of his duties to summon aid from the citizens of his county. An officer dispersing a riot is expressly authorized to call for the aid of citizens. Art. 8.01 and 8.05. A game management officer therefore may act autonomously, since he has the duty of any peace officer to disperse riots; and he should act when summoned to the aid of other officers engaged in riot control.

Regarding your final question about funding for riot control equipment, training, and response, you are advised that while no provision of the General Appropriations Act (Acts 62nd Leg., R.S. 1971, ch. 1047, pp. 3421, et seq) provides funds expressly for riot control purposes, the following items in the appropriation for the Parks and Wildlife Department may be used for those purposes:

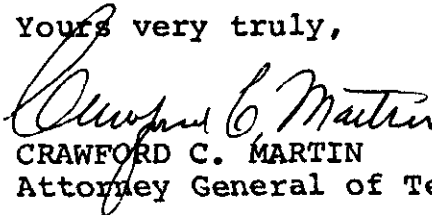
- Item 9: "Consumable supplies and materials, current and recurring operating expenses (excluding travel), maintenance and operation of passenger cars and aircraft, capital outlay including passenger cars." (Acts 62nd Leg., R.S. 1971, ch. 1047, p. 3604).
- Item 17: "Salaries, travel, and other operating expenses of Game Management Officers" (Acts 62nd Leg., R.S. 1971, ch. 1047, p. 3606).

S U M M A R Y

Game management officers commissioned by the Parks and Wildlife Department are peace officers and therefore have the duty of any peace officers to preserve the peace and disperse riots. Game management officers may act autonomously to disperse a riot or in response to a request for aid from other peace officers. Funds provided in items 9 and 17 of the Parks and Wildlife Department allocation for supplies and materials and

operating expenses may be used for riot control equipment, training, and response.

Yours very truly,


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