

Department of Public Safety Role & Authority

4.0 Role

Purpose The primary role of the Department of Public Safety is to assist the residents of Franklin County in their time of crisis and need. Sworn personnel should attempt to bring about voluntary compliance of the County ordinances, state laws and regulations related to Fire Safety, Animal Control, and Solid Waste Management through education and law enforcement activities. Sworn employees are directed to focus their efforts primarily upon the enforcement of laws related to Fire Safety, Animal Control, and Solid Waste Management. The enforcement of other state laws is a secondary priority for sworn employees except in emergencies, in situations involving public safety and the protection of property, or in situations where intervention would prevent a serious crime or apprehend suspected felons.

The Franklin County Board of Supervisors granted Department personnel immense authority in recognition of the extensive training, professionalism and public service rendered. This authority was also granted in recognition of the diverse and unusual conditions which employees must encounter.

Cooperation with other public safety agencies is encouraged when such assistance is requested and needed.

4.0.1 The Department's goals and objectives must be developed annually, and shall be an administrative tool reflecting its policy, and the mission of the Department. In conjunction with the budget process, the Department will establish goals and objectives, emphasize programs and results, utilize a results focused decision making process, emphasize cost effectiveness rather than strict reliance measures of cost efficiency and maintain a long range vision.

4.0.2 The budget and related goal and objective process shall extend beyond each Division's control of spending activities. The budget establishes performance objectives and focuses on quantitative indicators of output. The Division Chief of Operations, Deputy Division Chief of Operations, Animal Control Captain, and Fire Marshal, shall analyze the results of their area of responsibility and the methods that contributed to the completion of the program. Based upon the approved budget, the Director shall set the Department's performance plan and measures. Quarterly, the Executive Staff shall submit actual results versus performance targets and variances are to be identified. If important issues or problem areas are identified by these progress reports, managers at all levels shall take steps to ensure the basic objectives are met or exceeded. At the end of each fiscal year members of the Executive Staff will submit a written report to the Director, supported by the quarterly reports highlighting the sections accomplishments.

4.0.3 In evaluating and setting objectives, the Director shall consider:

1. Appropriateness - the importance of the objective to be achieved and an evaluation of its priority.
2. Adequacy - the scope of the objective in relation to solving a particular problem or providing services to a group of citizens.
3. Effectiveness - the extent to which objectives are accomplished as a result of activity.
4. Efficiency - the cost of attaining objectives.
5. All written goals and objectives shall be available to all Department personnel.

4.1 Limits of Authority/Written Orders

4.1.1 No employee shall assume sworn status prior to taking the required oath of office. All sworn members shall uphold the

Constitution of the United States, the Constitution of the Commonwealth of Virginia and ordinances of the County of Franklin.

4.1.2 Department employees shall, at all times during the course of their duties, operate and conduct themselves within the guidelines established by current Federal and State law, County policy, and Department guidelines and procedures. Failure to do so shall be deemed neglect of duty or insubordination and may be grounds for appropriate disciplinary action.

4.1.3 Sworn employees of the Department shall, at all times, comply with all constitutional procedural requirements related to; interview and interrogations, access to counsel, search and seizure, stop and frisk, safeguards for non-English speaking and/or hearing impaired persons in a manner that is clearly understandable, arrests and/or detention, court testimony, evidence, disposition of property or other official actions. All sworn personnel shall follow the advice and opinions of the Attorney General, Commonwealth Attorney, and County Attorney.

4.1.4 Sworn employees of the Department shall discharge all duties and responsibilities in accordance with other titles and mandates that regulate a law enforcement officer's actions. It shall be the responsibility of all sworn employees to remain aware of all mandates on authority and changes to the existing code.

4.1.5 In addition to the preceding provisions, written orders are necessary in order to provide law enforcement personnel with the information and guidance necessary for performing their assigned duties. It is the responsibility of each employee to become familiar with the policies and procedures that pertain to their performance as sworn employees of the Department.

1. The Director may, at his discretion, issue, approve, modify, or rescind any order. The Director has the responsibility to ensure that written orders with assigned control numbers in the form of Department Memorandums are disseminated to all employees of the Department affected by the order.
2. All supervisory employees are vested with the authority to issue written orders to those persons under their command by memorandum. No such written orders shall conflict with, parallel, or supersede County, State, Federal policy without the expressed written authority of the Director.
3. All Department personnel shall adhere to, and be governed by Department Policy and Guidelines, County Policy, State and Federal laws, and written orders.

4.1.6 Routing Procedure for Policy and Guidelines

1. Any employee requesting adoption of a new or revised Department Policy or Guideline will document the need, provide supporting information, and attach a copy of the proposed order.
 - a. The proposal will be forwarded directly to their Division Supervisor for necessary review and research. It shall be the Division Supervisor's responsibility to review County, State, and Federal policies as well as Department Policies and Guidelines in order to eliminate conflicts.
 - b. If a conflict is discovered, documentation will be prepared indicating where such conflict exists and returned to the employee for necessary amendments or corrections. If the employee wishes to proceed they may re-submit the revised document to their Division Supervisor for further consideration.
 - c. If no conflict is discovered, notice of that fact shall be documented by the Division Supervisor and copies of the document shall be submitted to the Director for review and consideration. The Director will advise the Division Supervisor in writing of recommendation(s).
 - d. The Director will decide whether or not the proposal will be adopted and will advise the Division Supervisor of his decision.
 - f. The Division Supervisor will advise the originating employee of the final disposition of the proposed

new or revised policy or guideline.

- g.** The Administrative Assistant to the Director shall maintain a copy of all current policies and procedures, Department memorandums and other written orders of the Director.

4.1.7 Current Department and other written orders will be maintained by the Administrative Assistant in the Department of Public Safety office.

- 1.** All Policy and Guidelines, personnel orders, Department memorandums, and informational bulletins will be assigned control numbers, effective date, and signature of the proper authority.

 - a.** The Executive Staff will be responsible for reviewing current Department written orders on an annual basis in order to ensure their validity, effectiveness, and whether they conform to current policy, laws, and standards. Following such review, any required recommendations concerning updating or revision should be prepared and forwarded to the Director for his consideration.
 - b.** Upon transmission of a written order, the employee's receipt will acknowledge via e-mail receipt and if applicable, place the document in the appropriate section of the manual. All obsolete documents are to be purged. Receipt records and a copy of all orders are to be retained by the Director's Administrative Assistant permanently or until advised by the Director or his designee to purge them.
- 2.** An annual inspection of issued manuals will be conducted by each employee's immediate supervisor to determine if the manual is being currently and properly maintained. Additional inspections may be conducted, as supervision deems necessary.
- 3.** Recommended revisions to forms used by Department employees, shall be submitted to the Executive Staff prior to use or revision.

4.2 Use of Force

4.2.1 In the performance of their duties, sworn employees shall use only the minimum amount of force necessary to protect themselves and other persons, take a person into custody, to protect property, to preserve evidence, or to maintain order.

- 1.** The immediate supervisor will be promptly notified and a written report will immediately be prepared and submitted to the immediate supervisor who shall forward a copy to the Director of Public Safety when:

 - a.** An officer has to use any amount of physical force, with or without a firearm or non-lethal weapon, to overcome resistance, effect an arrest or to restrain another individual.
 - b.** The person arrested or restrained is killed, injured, or complains of injury at anytime and by any means while in custody.

4.2.2 The apprehension of criminal offenders and protection of property must at all times be weighed against the responsibility for the protection of human life. The officer's responsibility for protecting life shall include his own.

- 1.** Sworn employees may use deadly force to protect their own life or the life of others from what the officer reasonably believes to be an immediate threat of death or serious bodily harm.

 - a.** Deadly force is defined as that amount of force, which is reasonably expected to cause death or serious bodily harm to a person.
 - b.** Reasonable belief is defined as the facts or circumstances the sworn employee knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under

similar circumstances.

- c. Serious bodily harm is defined as bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or result in long-term loss or impairment of the functioning of any bodily member or organ.
2. Whenever force is used by a Department of Public Safety-sworn employee against any individual, an appropriate criminal charge will be placed against that individual for the offense, which necessitated the use of force. Such charge will be in addition to the offense for which arrest was originally sought.
3. Any Department of Public Safety-sworn employee whose use of force results in a death or serious bodily injury shall be removed from line-duty assignment, pending administrative review.
4. Use of Department vehicles by intentional ramming of a fleeing vehicle or attempting to drive into a suspect not in a vehicle, shall constitute the use deadly force and is discouraged, unless the use of deadly force is justified in the apprehension of the suspect.

4.3 Weapons/Carrying and use

4.3.1 Sworn employees shall use only weapons and ammunition approved by the Director of the Department of Public Safety while on duty.

1. Only the issued service gear will be used to carry the service handgun while in uniform.
2. Only the issued holster will be used to carry the service handgun while on duty in plain clothes.
3. The carrying of a handgun while off-duty is not required and will be done at the option of the sworn member in accordance with and under authority of 18.2-308 (B).
4. Weapons transported in Public Safety vehicles shall be secured in a safe manner.

4.3.2 In order to promote safe and proficient use of issued firearms, the Department of Public Safety will provide regularly scheduled training sessions. The Director of Public Safety will approve all firearms training received by sworn employees.

1. All sworn employees will participate in each scheduled Department of Public Safety firearms training sessions as scheduled.
2. In the event a sworn employee is unable to attend a scheduled firearms training session and is unable to make up the session, the sworn employee's supervisor will provide a written explanation of the employee's absence, which shall become part of the training record.
3. All sworn employees will be given instruction in the use and firing of all issued firearms. Sworn employees must qualify under accepted Department standards of proficiency and current standards of the Department of Criminal Justice Services.
 - a. In the event a sworn employee is unable to meet accepted Department of Criminal Justice Services standards of firearms proficiency, the employee shall attend up to eight hours of additional training. Other regular scheduled range exercises, individual remedial training, or a combination of both may provide this additional training.
 - b. In the event the sworn employee remains unable to meet proficiency standards established by the Department of Criminal Justice Services after receiving the additional training outlined in 4.3.2 (3-a.), the employee will be relieved of law enforcement duties.

4.3.3 Sworn employees shall not brandish a firearm at any person unless they have reasonable belief that person will do

bodily harm to them or other persons. Sworn employees shall not discharge any firearm in the performance of duties except under the following circumstances:

1. In self-defense against death or serious injury.
2. In defense of another from death or serious injury.
3. To kill a dangerous animal or an animal when a hazard to the safety of the general public exists, or when humane considerations require its removal from further suffering and other dispositions would be impractical.
4. To give an alarm or call for assistance for an important purpose when no other form of communications is readily available.
5. During participation in approved training.

4.3.4 Firearms shall not be discharged under the following circumstances:

1. As a warning
2. At a vehicle, unless use of deadly force is indicated

4.3.5 Any sworn employee who discharges a firearm in the line of duty, other than to kill a wounded or dangerous wild or domestic animal, for approved training; or who brandishes a firearm at any person shall immediately notify their supervisor, and prepare a written report for submission through channels. Additionally, such sworn employee shall submit a detailed written report through channels to the Director of Public Safety.

4.3.6 Sworn employees shall be responsible for keeping all firearms issued to them clean and in proper working condition at all times. No modifications and/or changes are to be made to issued firearms by the sworn employee to whom they are issued, or by public or private repair shops. All repairs or adjustments shall be approved by the Department of Public Safety's Firearms Training Staff or shall be sent to the manufacturer as directed.

1. All sworn members of the Department of Public Safety shall safely secure their issued firearms in such a manner as to not endanger life or limb. Failure to do so may subject our officers to criminal, civil and administrative actions.

4.3.7 Division-issued collapsible batons shall only be carried when on duty in uniform, except when authorized plain clothes or other special assignment makes carrying impractical, and used as an intermediate form of protection.

1. All sworn employees will participate in Department of Public Safety scheduled baton training sessions. The baton shall be used only in accordance with training guidelines and the use of force policy.
2. Any sworn employee who is unable to demonstrate a proficiency in the use of the baton during the scheduled training sessions will no longer be authorized to carry the baton. Authorization shall remain suspended until such employee again demonstrates a proficiency with the weapon.
3. A written detailed report shall be submitted through channels to the Director of Public Safety in any instance in which the baton is used against any person.

4.3.8 It is the policy of the Department of Public Safety is to provide its officers with Oleoresin Capsicum (O.C.) Spray as a non-lethal force option. O.C. Spray may be used to effect an arrest and/or control a situation where either persuasive speech or physical contact becomes insufficient to control or stop an aggressive act or act of resistance.

1. O.C. Spray shall be issued to all sworn employees and shall only be carried while on duty in uniform except when working authorized plain clothes or other special assignment makes carrying impractical.
2. Sworn employees shall participate in all scheduled O.C. training.
3. O.C spray shall be used in accordance with training guidelines and the use of force policy. Sworn employees

- shall provide for reasonable medical care of the sprayed individual in accordance with training guidelines.
4. Whenever O.C. Spray is used, a detailed written report must be completed and submitted through channels to the Director of Public Safety.
- 4.3.9 While on duty, sworn employees are not authorized to carry or use weapons such as blackjacks and saps.