

## Chapter 38

### LAW ENFORCEMENT\*

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\* **Charter References:** Appointment of additional policemen, § 16.

**Cross References:** Administration, ch. 2; offenses and miscellaneous provisions, ch. 42; personnel, ch. 46; traffic and vehicles, ch. 66.

**State Law References:** Commonwealth public safety, Code of Virginia, title 9.1; Line of Duty Act, Code of Virginia, § 9.1-400 et seq.; police and public order, Code of Virginia, § 15.2-1700 et seq.; auxiliary police forces, Code of Virginia, § 15.2-1731 et seq.; malicious bodily injury to law-enforcement officers, Code of Virginia, § 18.2-51.1; impersonation of police officer, Code of Virginia, §§ 18.2-174, 18.2-175; power of governor to summon law-enforcement agencies to execute process or preserve the peace, Code of Virginia, § 18.2-410; giving false report to law-enforcement officer, Code of Virginia, § 18.2-461; criminal procedure, Code of Virginia, § 19.2-1 et seq.; conservators of the peace and special policemen, Code of Virginia, § 19.2-12 et seq.; arrest, Code of Virginia, § 19.2-71 et seq.

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**Sec. 38-1. Composition and duties of town police force.**

**Sec. 38-2. Town sergeant; chief of police.**

**Sec. 38-3. Department rules and regulations.**

**Sec. 38-4. Auxiliary police force.**

**Sec. 38-1. Composition and duties of town police force.**

(a) The town sergeant and such other police officers as may from time to time be authorized and appointed by the town council shall constitute the police force of the town, and they shall have such ranks and grades as may be designated for them by the town council. It shall be the duty of the police force to enforce the laws of the state, this Code and other ordinances and resolutions of the town council and to maintain the public peace within the town and, to the extent provided by the Charter and state law, outside of the town.

(b) Each police officer of the town, other than the town sergeant, shall have one of

the ranks authorized in the town's police manual.

(Code 1992, § 16-1)

**Charter References:** Town sergeant and deputy town sergeant generally, § 5; appointment of additional policemen, § 16; powers, duties and territorial jurisdiction of town sergeant, § 21; arrests by fire chief and fire wardens, § 26a.

**State Law References:** Police may be sent beyond territorial limits, Code of Virginia, §§ 15.2-1724, 15.2-1725.

**Sec. 38-2. Town sergeant; chief of police.**

(a) The town sergeant shall be the chief of police.

(b) The chief of police shall be head of the police department and commanding officer of the police force, subject, however, to the control of the town council, through the mayor, as provided in the Charter. The chief of police shall be responsible for the administration, training, discipline and morale of the police force and for the effective and efficient deployment and employment of the members and property thereof to prevent and detect crime, to preserve the peace and to enforce state law and the town ordinances within the town and, to the extent provided by the Charter and state law, outside of the town.

(c) The chief of police is hereby authorized to regulate, restrict or prohibit the assembly of persons and the movement of persons and vehicles within the town when there is a clear and present danger of civil commotion or disturbance in the nature of a riot.

(Code 1992, § 16-2)

**Charter References:** Town sergeant generally, § 5; powers and duties of town sergeant, § 21; control of town sergeant by council, § 22.

**Cross References:** Officers and employees, § 2-66 et seq.

**State Law References:** Sheriff, Code of Virginia, § 15.2-1609 et seq.; police forces to include a chief of police, Code of Virginia, § 15.2-1701; records kept by chief of police, Code of Virginia, § 15.2-1722.

### **Sec. 38-3. Department rules and regulations.**

The mayor, in consultation with the chief of police, shall prepare and may from time to time amend rules and regulations not inconsistent with state law, the Charter, this Code or other ordinance or resolution of the town council as he may deem appropriate for the government of

the police department and to implement this chapter. Such rules and regulations shall be in full force and effect when approved by resolution of the town council, and a true copy thereof has been placed on file at police headquarters for the inspection and use by the members of the department. It shall be unlawful for any member of the department to violate or fail to comply with any such approved rule or regulation so filed at police headquarters.

(Code 1992, § 16-3)

**State Law References:** Duties of police officers as to town ordinances and regulations, Code of Virginia, § 15.2-1704.

#### **Sec. 38-4. Auxiliary police force.**

(a) Pursuant to Code of Virginia, § 15.2-1731, there is hereby established the town auxiliary police force, which shall have all powers and authority prescribed by state law.

(b) The auxiliary police force shall consist of no more than ten members, all of whom shall be persons of good character.

(c) The town council shall appoint the members of the auxiliary police force, and their appointment shall be revocable at any time by the town council. The town council shall prescribe the uniform, organization and such rules and regulations as shall be necessary for the operation of the auxiliary police force.

(d) The town council may call into service or provide for the calling into service of such auxiliary police officers as may be deemed necessary:

(1) In time of public emergency.

(2) At such times as there are insufficient numbers of regular police officers to preserve the peace, safety and good order of the community.

(3) At any time for the purpose of training such auxiliary police officers.

(4) Such other times as may subsequently be authorized by law.

At all times when performing such service, the members of the auxiliary police force shall wear the uniform prescribed by the town council.

(Code 1992, § 16-4)

**State Law References:** Similar provisions, Code of Virginia, §§ 15.2-1733, 15.2-1734.