

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. POLICE RESERVE.
3. ARREST PROCEDURES.
4. CITATIONS, WARRANTS AND SUMMONSES.

CHAPTER 1

POLICE DEPARTMENT¹

SECTION

- 6-101. Police department.
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- 6-103. Chief of police--powers and duties.
- 6-104. Qualifications of police officers.
- 6-105. Police officers to preserve law and order, etc.
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- 6-111. When police officers to make arrests.
- 6-112. Police officers may require assistance in making arrests.
- 6-113. Disposition of persons arrested.
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6-101. Police department. There is hereby established an executive department of the City of Maynardville to be known as the police department which shall be headed by the chief of police. (Ord. #198, Oct. 2001)

6-102. Appointment. The city manager shall appoint a chief of police and such police officers and other members of the police force as may be provided for by ordinance. (Ord. #198, Oct. 2001)

6-103. Chief of police--powers and duties. The chief of police, subject to the direction and control of the city manager shall:

¹Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

- (1) Administer the affairs of the department;
- (2) Have general authority and control over the department staff and oversee the fulfillment of all tasks and duties assigned to the department, and prescribe rules and regulations deemed necessary or expedient for the proper operation of the department and to that end, keep informed of the latest administrative practices; and
- (3) Take all personnel actions including supervision of personnel, within the department and shall supervise their performance. (Ord. #198, Oct. 2001, modified)

6-104. Qualifications of police officers. Any person employed as a full-time police officer, shall be post certified and any person employed/utilized as a part-time/temporary/reserve/auxiliary police officer shall have qualifications of post guidelines for auxiliary police. (Ord. #198, Oct. 2001. Modified)

6-105. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the city. They shall patrol the city and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court.

6-106. Emergency assistance to police. In time of riot or other emergency, the mayor or city manager shall have power to summon any number of inhabitants to assist the police force. (Ord. #198, Oct. 2001)

6-107. Duties in prosecution of violations. Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, issue citations, serve the same, and appear in the city courts as prosecutors. (Ord. #198, Oct. 2001, modified)

6-108. Police officers subject to chief's orders. All police officers shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (Ord. #198, Oct. 2001)

6-109. Police officers to preserve law and order, etc. Police officers shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Police officers shall also promptly serve any legal process issued by the city court. (Ord. #198, Oct. 2001)

6-110. Police officers to wear uniforms and be armed. All police officers shall wear such uniform and badge as the commission shall authorize and shall carry such weapons as are authorized by the chief of police. (Ord. #198, Oct. 2001, modified)

6-111. When police officers to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (Ord. #198, Oct. 2001)

6-112. Police officers may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a police officer in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the police officer and is reasonably necessary. (Ord. #198, Oct. 2001)

6-113. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested he shall be brought before the city court for immediate trial or allowed to post bond. When the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (Ord. #198, Oct. 2001)

6-114. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

(1) All known or reported offenses and/or crimes committed within the corporate limits;

(2) All arrests made by police officers;

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (Ord. #198, Oct. 2001)

CHAPTER 2

POLICE RESERVE

SECTION

- 6-201. Designation, membership and employee status.
- 6-202. Reduction or expansion of force.
- 6-203. Authority of chief of police.
- 6-204. Qualification of members.
- 6-205. Termination of membership.
- 6-206. Summary dismissal of members.
- 6-207. Uniform, badge and insignia.
- 6-208. Identification cards.
- 6-209. Duties.
- 6-210. Power and authority of members.
- 6-211. False impersonation.
- 6-212. Job restrictions.

6-201. Designation, membership and employee status. For the purpose of providing support to the full-time members of the police department, there shall be an auxiliary police force, which shall be designated as the Maynardville police reserve. The police reserve shall be composed of voluntary members who meet the requirements of city code § 6-104 or Tennessee Code Annotated, § 38-8-106 or other applicable state law. The members shall be headed by the chief of police of the city. The volunteers are not entitled or included under the general pay plan or be entitled to benefits including the retirement system of the city. (Ord. #198, Oct. 2001, modified)

6-202. Reduction or expansion of force. The board of commissioners, upon the recommendation of the chief of police, may by order diminish or expand the membership of the city police reserve as may in their judgment be required. (Ord. #198, Oct. 2001, modified)

6-203. Authority of chief of police. The chief of police shall have complete authority, control and command over the police reserve, subject to the provisions of this chapter.

The city manager, upon the recommendation of the chief of police, may appoint as members thereof any persons he may consider qualified and may reject any application for membership. He shall provide for the training of candidates for membership and for the further training of members. (Ord. #198, Oct. 2001)

6-204. Qualification of members. (1) No person shall be considered a member of the police reserve until such person has been duly appointed by the

city manager, registered on a roster kept by the chief of police, taken the oath provided for officers of the city police department, and provided the city with the bond provided for by law.

(2) Persons eligible for membership shall meet the requirements of § 6-102 of the Maynardville Municipal Code. (Ord. #198, Oct. 2001)

6-205. Termination of membership. Membership of any person in the police reserve may be terminated. Any member may resign from the police reserve at any time, but it shall be his duty to notify the chief of police of his resignation. (Ord. #198, Oct. 2001)

6-206. Summary dismissal of members. In addition to the penalties provided for by law, any violation of law under color of the performance of his duties as a member of the police reserve, and any breach of the rules and regulations established by the chief of police, shall subject any member to summary dismissal by the city manager. (Ord. #198, Oct. 2001, modified)

6-207. Uniform, badge and insignia. The board of commissioners shall prescribe the uniforms, badges and insignia for members of the police reserve and the manner in which the uniform, badge and insignia shall be worn. Members shall themselves furnish, at no expense to the city, uniforms and equipment. It shall be a misdemeanor, punishable as provided in the general penalty provision of the code, for anyone not a member in good standing of the force to wear or use the uniforms, badges or insignia so prescribed. (Ord. #198, Oct. 2001, modified)

6-208. Identification cards. An identification card and such other insignia or evidence of identity as the chief of police may prescribe shall be issued to each member of the police reserve, who must carry such identification at all times while on duty. The member must surrender the identification card upon the termination of his membership. (Ord. #198, Oct. 2001)

6-209. Duties. (1) The duties of the police reserve, subject at all times to the direction and supervision and control of the chief of police shall be to assist regular members of the police department in the enforcement of law and the maintenance of peace and order at such times provided for and designated by the chief of police. The chief of police shall establish rules and regulations to govern the police reserve, to fix the specific duties of its members, and to provide for the maintenance of discipline and good order.

(2) The chief of police may change such orders from time to time, provided no member shall in any manner perform any act as a member of the police reserve unless he is specifically designated for duty as such member at the time. The chief of police may prescribe other duties than those mentioned

in this section to be performed by the police reserve, not inconsistent with the provisions of this section. (Ord. #198, Oct. 2001)

6-210. Power and authority of members. (1) Authority to carry firearms. Members of the police reserve shall be authorized while on official duty as members of the reserve to carry firearms in accordance with the provisions of Tennessee Code Annotated, § 39-6-1702, and as prescribed by the rules and regulations set forth by the chief of police.

(2) Powers of arrest. Members of the police reserve, while on official duty as members thereof, shall have the same arrest powers enjoyed by regular offices of the city police department while on or off duty. (Ord. #198, Oct. 2001)

6-211. False impersonation. It shall be a misdemeanor, punishable as provide in the general penalty provision of this code, for any person to wear, carry or display a police reserve identification card or otherwise deceitfully represent himself to be a member of or connected with the police reserve, unless he is in fact a member thereof in good standing. (Ord. #198, Oct. 2001)

6-212. Job restrictions. (1) Reserve officers shall be equipped the same as full-time officers and equipment will be the same as full-time officers.

(2) All property acquired by the City of Maynardville for use of police reserve personnel shall remain property of the city and shall be returned to the city upon an individual's separation from the police reserve.

(3) All commissioned reserve officers shall satisfactorily complete forty (40) hours of in-service training annually and qualify with firearms annually.

(4) All reserve officers shall complete any additional training or testing required by the chief of police.

(5) No reserve officer shall serve in any capacity or perform any duties or operate any equipment or use any weapon for which the reserve officer has not been trained in the use thereof and has been certified in its operation or use.

(6) Reserve officers are prohibited from using Maynardville issued equipment for off-duty employment.

(7) Reserve officers shall report for duty in proper uniform and with proper equipment. (Ord. #198, Oct. 2001, modified)

CHAPTER 3

ARREST PROCEDURES

SECTION

6-301. When police officers to make arrests.

6-302. Disposition of persons arrested.

6-301. When police officers to make arrests. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a police officer in the following cases:

(1) Whenever the officer is in possession of a warrant for the arrest of the person.

(2) Whenever an offense is committed or a breach of the peace is threatened in the officer's presence by the person.

(3) Whenever a felony has in fact been committed and the officer has probably cause to believe the person has committed it.

6-302. Disposition of persons arrested. (1) For code or ordinance violations. Unless otherwise provided by law, a person arrested for a violation of this code or other city ordinance, shall be brought before the city court. However, if the city court is not in session, the arrested person shall be allowed to post bond with the city court clerk, or, if the city court clerk is not available, to post bond with the ranking police officer on duty. If the arrested person is under the influence of alcohol or drugs when arrested, even if he is arrested for an offense unrelated to the consumption of alcohol or drugs, the person shall be confined until he does not pose a danger to himself or to any other person.

(2) Felonies or misdemeanors. A person arrested for a felony or a misdemeanor shall be disposed of in accordance with applicable federal and state law and the rules of the court which has jurisdiction over the offender.

CHAPTER 4

CITATIONS, WARRANTS AND SUMMONSES

SECTION

6-401. Citations in lieu of arrest in non-traffic cases.

6-402. Summonses in lieu of arrest.

6-401. Citations in lieu of arrest in non-traffic cases. Pursuant to Tennessee Code Annotated § 7-63-101, et seq., the board of commissioners appoints the police the authority to issue citations in lieu of arrest. The police department shall have the authority to issue citations in lieu of arrest for violations of the fire code adopted in title 7, chapter 2 of this municipal code of ordinances. The police department shall have the authority to issue citations in lieu of arrest for violations of the building, utility and housing codes adopted in title 12 of this municipal code of ordinances.

The citation in lieu of arrest shall contain the name and address of the person being cited and such other information necessary to identify and give the person cited notice of the charges against him, and state a specific date and place for the offender to appear and answer the charges against him. The citation shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to appear, the special officer in whose presence the offense was committed shall immediately arrest the offender and dispose of him in accordance with Tennessee Code Annotated § 7-63-104.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the citation in lieu of arrest was issued.

6-402. Summonses in lieu of arrest. Pursuant to Tennessee Code Annotated § 7-63-201, et seq., which authorizes the board of commissioners to designate certain city enforcement officers the authority to issue ordinance summonses in the areas of sanitation, litter control and animal control, the board designates the police department to issue ordinance summonses in those areas. These enforcement officers may not arrest violators or issue citations in lieu of arrest, but upon witnessing a violation of any ordinance, law or regulation in the areas of sanitation, litter control or animal control, may issue an ordinance summons and give the summons to the offender.

The ordinance summons shall contain the name and address of the person being summoned and such other information necessary to identify and give the person summoned notice of the charge against him, and state a specific date and place for the offender to appear and answer the charges against him.

The ordinance summons shall also contain an agreement to appear, which shall be signed by the offender. If the offender refuses to sign the agreement to

appear, the enforcement officer in whose presence the offense occurred may (1) have a summons issued by the clerk of the city court, or (2) may seek the assistance of a police officer to witness the violation. The police officer who witnesses the violation may issue a citation in lieu of arrest for the violation, or arrest the offender for failure to sign the citation in lieu of arrest. If the police officer makes an arrest, he shall dispose of the person arrested as provided in § 6-301 above.

It shall be unlawful for any person to violate his agreement to appear in court, regardless of the disposition of the charge for which the ordinance summons was issued.