

TITLE 6**LAW ENFORCEMENT****CHAPTER****1. POLICE AND ARREST.****CHAPTER 1****POLICE AND ARREST¹****SECTION**

- 6-101. Policemen subject to chief's orders.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
- 6-104. When policemen to make arrests.
- 6-105. Policemen may require assistance.
- 6-106. Disposition of persons arrested.
- 6-107. Police department records.

6-101. Policemen subject to chief's orders. All policemen shall obey and comply with such orders and administrative rules and regulations as the police chief may officially issue. (1984 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the city. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1984 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the board of mayor and aldermen shall authorize and shall carry a service pistol and billy club at all times while on duty unless otherwise expressly directed by the chief for a special assignment. (1984 Code, § 1-403)

6-104. When policemen 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 policeman in the following cases:

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

¹Municipal code reference

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

(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. (1984 Code, § 1-404)

6-105. Policemen may require assistance. It shall be unlawful for any person willfully to refuse to aid a policeman in maintaining law and order or in making a lawful arrest when such a person's assistance is requested by the policeman and is reasonably necessary. (1984 Code, § 1-406)

6-106. Disposition of persons arrested. A peace officer who has arrested a person for the commission of a misdemeanor committed in his presence or who has done so pursuant to a valid arrest warrant, or who has taken custody of a person arrested by a private person for the commission of a misdemeanor, may issue a citation to such arrested person to appear in court in lieu of continued custody and the taking of the arrested person before a magistrate. No citation shall be issued under the provisions of this section if:

(1) The person arrested requires medical examination or medical care, or if he is unable to care for his own safety;

(2) There is a reasonable likelihood that the offense would continue or resume, or that persons or property would be endangered by the arrested person;

(3) The person cannot or will not offer satisfactory evidence of identity;

(4) The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized;

(5) A reasonable likelihood exists that the arrested person will fail to appear in court; and

(6) The person demands to be taken immediately before a magistrate or refuses to sign the citation.

In issuing a citation, the officer shall:

(a) Prepare a written order which shall include the name and address of the cited person, the offense charged, and the time and place of appearance. The citation shall give notice to the defendant that his failure to appear as ordered shall constitute a separate offense;

(b) Have the offender sign the original and duplicate copy of the citation. He shall deliver one (1) copy to the offender and he shall retain the other; and

(c) Release the cited person from custody.

By accepting the citation, the defendant agrees to appear at the arresting law enforcement agency prior to trial to be booked and processed. Failure to comply with this provision shall be a misdemeanor punishable under the general penalty provision of this code.

If the person cited fails to appear in court at the date and time specified, the court shall issue a bench warrant.

Whenever a citation has been prepared, delivered and filed with a court as provided herein, a duplicate copy of the citation shall constitute a complaint to which the defendant shall answer. Said duplicate copy shall be sworn to by the issuing officer before the city judge or official lawfully assigned such duty.

Any person who intentionally, knowingly, or willfully violates his written promise to appear in court is guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested, and upon conviction shall be punished by under the general penalty provision of this code.

Proof that the defendant failed to appear when required constitutes prima facie evidence that the failure is willful.

Any person taken into custody after arrest shall be brought before the city court for immediate trial or be allowed to post bond.

When the city judge is not available or the alleged offender does not post bond he shall be confined. (1984 Code, § 1-405)

6-107. 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 policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1984 Code, § 1-407)