

TITLE 6

LAW ENFORCEMENT¹

CHAPTER

1. POLICE AND ARREST.
2. WORKHOUSE.

CHAPTER 1

POLICE AND ARREST

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6-101. Composition of department. The police department shall consist of the chief of police and such other policemen as the safety committee of the board of mayor and aldermen deem necessary to preserve and secure the peace of the city. (1982 Code, § 1-601)

6-102. Appointment, compensation, and term of policemen. Policemen shall be appointed by the safety committee with the consent of the

¹Municipal code references

Safety committee and its supervision of the police department:

§ 1-112.

Traffic citations, etc.: title 15.

Emergency operations plan: title 20, chapter 5.

board of mayor and aldermen, and the board shall fix their compensation, and they shall serve at the discretion of the safety committee. (1982 Code, § 1-602)

6-103. Oath of policemen. Before entering upon the discharge of their duties, policemen appointed pursuant to this chapter, including the chief, shall take and subscribe to an oath of office faithfully and impartially to discharge their duties. (1982 Code, § 1-603)

6-104. General powers and duties of policemen. It shall be the duty of policemen appointed under this chapter to assist the chief of police in preserving and securing the peace of the city, and they shall promptly arrest all persons whom they know to be violators of the law or persons who they have reasonable cause to believe are violators of the ordinances of the city. Such policemen are vested with all the powers and authority of peace officers and shall be subject to the orders and control of the mayor or acting mayor and the chief of police. (1982 Code, § 1-604)

6-105. Duty of policemen to prosecute violations. It shall be the duty of the policemen to prosecute, before the city judge, in the name of the mayor and aldermen, all suits for violations of ordinances and other laws and rules; provided, however, that any one other than such a policeman may prosecute any or all suits if they so desire. (1982 Code, § 1-605)

6-106. Authority to arrest. A city policeman may arrest in the following cases:

- (1) Whenever any lawful warrant shall come into his hands.
- (2) Whenever any misdemeanor has been committed in his presence.
- (3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it.

In either of the last two (2) cases he may make arrests without any warrant; provided, that the city judge issue a warrant and cause same to be served upon such offender, in all cases, before placing him upon trial. (1982 Code, § 1-606)

6-107. Arrest procedure. Persons arrested for the violations of the ordinances of the city shall be carried immediately before the city judge for trial except:

- (1) When the arrest is made on Sunday,
- (2) When the arrest is made at night,
- (3) When the person arrested is drunk, or
- (4) When the policemen shall deem it necessary for the safe custody of the prisoner or person arrested. In these cases, upon obtaining a mittimus from the city judge, the mayor, or acting mayor, the offender shall be confined to the jail to be tried as early as practicable. (1982 Code, § 1-607)

6-108. Resisting arrest or interfering with police. If any person shall resist arrest, or interfere or obstruct a policeman or other officer of the law in the discharge and performance of any of the duties imposed upon him by the laws and ordinances of the city, such person shall be guilty of a misdemeanor. (1982 Code, § 1-608)

6-109. Injuring, interfering with, etc., police dogs. It shall be unlawful for any person willfully or maliciously to torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the police department in the performance of the functions or duties of such department or to interfere with or meddle with such dog while being used by the department or any officer or member. (1982 Code, § 1-609)

6-110. Election and term of chief of police. The chief of police shall be elected, beginning in 1970, by the board of mayor and aldermen at the first regular meeting in June, thenceforth to serve at the will of the board. Said chief of police, in addition to serving at the will of the board, shall also be subject to dismissal at any time for dereliction of duty, conflict of interest, malfeasance, or any other actions giving rise to dismissal for cause. (1982 Code, § 1-610)

6-111. Bond of chief. Before entering upon the discharge of his duties, the chief of police shall enter into a bond, in the penal sum of two thousand dollars (\$2,000.00) payable to the board of mayor and aldermen, which shall be approved by the mayor, conditioned upon his faithful discharge of the duties of the office of chief of police, and for the faithful accounting and paying over of all monies which may come into or pass through his hands. (1982 Code, § 1-611)

6-112. General duties of chief. The chief of police shall:

(1) See that the peace of the city is kept and preserved; that all nuisances therein are abated; report all violations of ordinances; promptly arrest all persons whom he knows or has reason to believe or suspect of being offenders against or violators of the ordinances of the city.

(2) Immediately, upon the knowledge or reasonable belief that any person has committed an offense against the laws or ordinances of the city, prefer complaint therefor before the city judge or other duly authorized officer of the city, state, or county, and procure a warrant for the arrest of such person so offending.

(3) Summons witnesses against such offender and shall summons witnesses for such offender when a subpoena for same has been placed in his hands for that purpose.

(4) Act as prosecutor in the trial of offenders against the city; provided, however, that any person may act as such prosecutor in the absence of the chief of police or his refusal to act as such.

(5) Promptly execute and return all process issued and directed to him.

(6) Do and perform such other duties as may, from time to time, be imposed upon him by the board or the mayor or by ordinance. (1982 Code, § 1-612)

6-113. Authority of chief to execute warrants and subpoenas. The chief of police is hereby authorized to execute, within the corporate limits of the city, all warrants and subpoenas which may come into his hands. (1982 Code, § 1-613)

6-114. Adoption of policies and procedural manual for the McMinnville Police Department. (1) A Policies and Procedural Manual for the Police Department of the City of McMinnville, Tennessee, embodying and containing rules, regulations, procedures, policies, instructions, etc., in words and figures of the policies and procedures attached hereto as Exhibit 1 to this section and made a part of this section as fully as if copied herein verbatim be and is hereby adopted.¹

(2) The Policies and Procedural Manual for the Police Department shall be designated as the "McMinnville Police Policies and Procedural Manual."

(3) The policies and procedures contained in said manual may be changed, altered, amended, deleted, modified, revoked, rescinded or repealed by the board of mayor and aldermen of the City of McMinnville. (Ord. #1035, May 1992, as amended by Ord. #1045, July 1992)

¹Ord. #1035, May 1992, Ord. #1045, July 1992, Ord. #1318, June 1999, and Ord. #1631, Dec. 2010 and attachments thereto are of record in the city recorder's office. See also Ord. #1107 (Feb. 1994) and Ord. #1554 (Feb. 2008) of record in the recorder's office for amendments to the Police Policies and Procedural Manual.

CHAPTER 2**WORKHOUSE****SECTION**

6-201. County workhouse to be used.

6-202. Inmates to be worked.

6-203. Compensation of inmates.

6-201. County workhouse to be used. The county workhouse is hereby designated as the municipal workhouse, subject to such contractual arrangement as may be worked out with the county. (1982 Code, § 1-801)

6-202. Inmates to be worked. All persons committed to the workhouse, to the extent that their physical condition shall permit, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1982 Code, § 1-802)

6-203. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines and costs assessed against him. (1982 Code, § 1-803)