



Miscellaneous Police Operations

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Table of Contents

Miscellaneous Police Operations	3
---------------------------------------	---

Miscellaneous Police Operations

Reference Number: MTAS-401

Suppression of Nuisances

Offenses specifically designated "nuisances" by statute and several other general offenses, including lewdness, gambling, prostitution, selling or exhibiting obscene material, drunkenness, and breach of the peace, are subject to abatement in a chancery, circuit, or criminal court. The court may order any personal property, money, or stock used in connection with such activities to be sold at public auction, and the proceeds are to be shared equally by the state general fund and the general fund of the municipality whose officers made the seizure. T.C.A. §§ 29-3-101–111.

Sexual Offender Registration

Certain sexual offenders are required to register within 48 hours of a change of status and are subject to monitoring. They must report periodically to update information in law enforcement files. T.C.A. §§ 40-39-201, *et seq.*

The public has access to TBI records containing sexual offender information if the offenses were committed on or after July 1, 1997. The TBI also must place the information on the Internet. T.C.A. § 40-39-106.

Public Drunkenness

Municipalities may not enact ordinances prohibiting public drunkenness. This offense is now punished exclusively under state law. T.C.A. § 33-8-510.

Reports to Police

All hospitals, clinics, sanitariums, doctors, physicians, surgeons, nurses, pharmacists, undertakers, embalmers, or other persons called upon to tender aid are required to report to a police chief any person in or brought into a city who is "suffering from any wound or other injury inflicted by means of a knife, pistol, gun, or other deadly weapon, or by other means of violence, or suffering from the effects of poison or suffocation". T.C.A. § 38-1-101.

Gun Control Prohibited

State law provides that "no city, county, or urban-county government shall occupy any part of the field of regulation of the transfer, ownership, possession, or transportation of firearms, ammunition, or components of firearms or combinations thereof." However, this law does not affect the validity of any ordinance or resolution enacted before April 8, 1986. This section also prohibits municipalities from bringing lawsuits against gun manufacturers based upon the lawful design, manufacturing, marketing, and sale of handguns to the public. T.C.A. § 39-17-1314. Another statute prohibits the state or political subdivisions from prohibiting the possession, transfer, transport, carrying, storage, dispensing or use of firearms during a state of emergency. T.C.A. § 58-2-107.

Emergency Vehicle Lights

All vehicles except law enforcement vehicles are prohibited from having flashing blue lights or flashing blue lights in combination with flashing red lights. Vehicles operated by reserve or auxiliary police officers may, with the permission of the police chief, also use blue flashing lights or blue flashing lights in combination with red flashing lights. T.C.A. § 55-9-414.

Workhouse

Any municipality is empowered to maintain a "workhouse or house of correction". T.C.A. § 41-3-101. Few, if any, municipalities use this authority. Municipalities also may make agreements with other municipalities and counties to form regional jail authorities. T.C.A. §§ 41-12-101, *et seq.*

Using an Interpreter to Communicate with a Hearing Impaired Child in Domestic Violence and Child Abuse Cases

Law enforcement officers are required to use an interpreter trained in sign language, instead of a child's family member, when the officer is investigating an alleged domestic abuse or child abuse case that may have involved or occurred in the presence of a hearing-impaired child. Authorizes the interpreter to interpret from a remote location or live, if necessary. Requires all law enforcement agencies to maintain a list of interpreters developed by the Tennessee Council for the Deaf, Deaf-Blind and Hard of Hearing.

Racial Profiling Prevention Policy

On or before January 1, 2016, every law enforcement agency in Tennessee is required to have adopted a written policy that prohibits racial profiling by agency employees.

Enforcement of City Ordinances by Sheriffs

Subject to an agreement among the municipality, the sheriff, the county's general sessions court, and the county's governing body, it is the sheriff's duty to enforce a city's ordinances if by ordinance the city declares this policy and furnishes certified copies of its ordinances to the sheriff and the county's general sessions court. Furthermore, the city must agree that it will pay enforcement costs not covered by court costs collected under its ordinances. "Civil penalties" are to be paid to the city, as distinguished from "court costs". T.C.A. § 8-8-201(34), T.C.A. § 12-9-104, T.C.A. § 16-15-501(b)(1).

Charitable Solicitations

Groups that solicit funds to benefit public safety personnel must register with the secretary of state as "charitable organizations". T.C.A. § 48-101-501(1). Volunteer fire departments, rescue squads, and local civil defense organizations are exempt from this requirement. T.C.A. § 48-101-502(a)(3).

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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