



## Police Officers

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Dear Reader:

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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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## Police Officers

**Reference Number:** MTAS-237

### ***Details of Police Work***

State laws prescribe many details regarding what police officers can and cannot do. For example, highway patrol officers may stop vehicles for driver's license checks, but city police officers must have probable cause to believe an offense has been committed before they can stop a vehicle to merely check a license. T.C.A. § 40-7-103. Before using deadly force, a police officer, where feasible, must give notice of his identity as a police officer and give a warning that deadly force may be used. T.C.A. § 40-7-108. T.C.A. § 40-17-123 establishes detailed procedures police officers must use to subpoena documents and electronically stored data in gathering evidence in a criminal prosecution.

## Minimum Standards

**Reference Number:** MTAS-394

### ***Minimum Standards for Police Officers***

T.C.A. §§ 38-8-101–106 establish the Tennessee Peace Officer Standards and Training Commission, assisted by the director and staff of the Tennessee Law Enforcement Training Academy. The commission is empowered to develop, plan, and implement training programs for all local law enforcement officers and to administer and enforce this law's provisions.

The following statutory minimum qualifications apply to any person who is employed as a full-time, part-time, temporary, reserve, or auxiliary police officer. The officer must:

- be at least 18 years old;
- be a U.S. citizen or a permanent legal resident of the U.S. and an honorably discharged veteran of the U.S. armed forces; provided that citizenship is obtained or applied for within six years of the employment start date with the law enforcement agency;
- have a high school or equivalent education
- not have a conviction or nolo contendere plea on any felony charge or law violation involving force, violence, theft, dishonesty, gambling, liquor, or controlled substances;
- not have any discharge from the U.S. armed forces other than honorable;
- have fingerprints on file at the Tennessee Bureau of Investigation;
- pass a physical exam by a licensed physician;
- have good moral character, as determined by a thorough investigation by the employing agency; and
- Have been certified by a Tennessee licensed health care provider qualified in the psychiatric or psychological field as being free from any impairment, as set forth in the current edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) of the American Psychiatric Association at the time of the examination, that would, in the professional judgment of the examiner, affect the applicants ability to perform an essential function of the job, with or without a reasonable accommodation.

Any person knowingly hiring or paying the salary of a person who fails to meet these qualifications is subject to a fine of up to \$1,000. The commission is directed to establish criteria for exceptions to or waiver of these qualifications based on a person's previous law enforcement experience and training. Waivers are prohibited for specified deficiencies. Appeals from denied waivers may be taken to the chancery court.

The commission shall issue a certificate of compliance to any person who meets the qualifications for employment and satisfactorily completes an approved recruit training program. All officers employed after July 1, 1983, must successfully complete recruit training within one year of their date of employment and thereafter must successfully complete an annual in-service training session appropriate for their rank and responsibilities.

### **Auxiliary Officers**

Part-time, temporary, reserve, and auxiliary police officers must meet the same qualifications of age, education, citizenship, criminal record, and physical and mental fitness as full-time officers. T.C.A. § 38-8-106. They may work no more than 20 hours a week for a total of 100 hours per month. T.C.A. § 38-8-101(2).

## **Authority for Officer to Carry Firearms**

**Reference Number:** MTAS-395

### **Authority of Law Enforcement Officers to Carry Firearms**

T.C.A. § 39-17-1315 authorizes "any" law enforcement officer, police officer, county magistrate, retired police officer, and certain Tennessee Emergency Management Agency employees to carry handguns at all times, when authorized to do so by written directive of the chief law enforcement officer of the jurisdiction. A copy of the written directive must be retained by the issuing jurisdiction. This authorization also depends upon such officers completing and continuing to complete annually an eight-hour firearms training course. However, retired police officers are exempt from the firearms training requirement.

T.C.A. § 39-17-1350 authorizes law enforcement officers to carry firearms at all times and all places, while on or off duty, unless otherwise restricted by federal law, lawful orders of a court, or the "written directives" of the executive supervisor of the employing agency. A "law enforcement officer" for the purposes of this statute is "a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state, or a full-time police officer who has been certified by the peace officer standards and training commission." However, this law expressly does not extend to a law enforcement officer who:

- carries a firearm onto school grounds or in a school building unless the officer immediately notifies the principal or appropriate administrative staff;
- is consuming or is under the influence of alcoholic beverages or a controlled substance; and
- is not attending a judicial proceeding and is not engaged in the actual discharge of official duties as a law enforcement officer.

It is not clear whether the definition of "law enforcement officer" in T.C.A. § 39-17-1350 applies to T.C.A. § 39-17-1315.

Commissioned reserve or auxiliary police officers may carry firearms in the same manner and to the same extent as a full-time law enforcement officer if authorized to do so in writing by the chief of police. T.C.A. § 39-17-1350.

## **Notification of Next of Kin**

**Reference Number:** MTAS-396

### **Notification of Next of Kin in Event of Death or Serious Injury**

Police officers and other police employees are required to make a reasonable effort to notify the next of kin of any person killed or seriously injured in an accident before any statement disclosing the person's name is given to the press. The investigating officer shall make a determination whether a person is seriously injured. Neither the officer nor officer's employer shall be liable for the officer's opinion as to whether a person is seriously injured. T.C.A. § 38-1-106.

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