

TITLE 6

LAW ENFORCEMENT

CHAPTER

1. POLICE DEPARTMENT.
2. ARREST.

CHAPTER 1

POLICE DEPARTMENT¹

SECTION

- 6-101. Supervision; discharge of members.
- 6-102. Composition.
- 6-103. Chief--powers generally.
- 6-104. Chief--duties generally.
- 6-105. Chief--attend meetings of board.
- 6-106. Calling for attendance.
- 6-107. Duties.
- 6-108. Uniform, etc.
- 6-109. Conduct of members generally.
- 6-110. Stolen, lost, etc., property.
- 6-111. Resisting or obstructing officer.

¹Charter references

- Chief of police: § 39.
- Civil service commission: art. XXVI.
- Departments: art. XVIII.
- Police force: art. XIX.
- Supervision of chief of police: § 45.3.

State law references

- Employment and training of police officers: Tennessee Code Annotated, § 38-8-101, et seq.
- Municipal police authority: Tennessee Code Annotated, § 6-54-301, et seq.

Municipal code reference

- Municipal offenses: title 11.
- Traffic citations, etc.: title 15, chapter 7.

6-101. Supervision. The police department shall be under the control of the city manager.¹ (Ord. #3068, June 1992)

6-102. Composition. The police department shall consist of one (1) chief of police and as many assistant policemen as the board of commissioners may deem necessary to preserve the peace and good order, and to enforce this code or other ordinances of the city. (1985 Code, § 17-2)

6-103. Chief--powers generally. The chief of police shall have general control over the entire police force, under the general supervision of the city manager, with authority to assign the several members thereof special or general duties within the scope of their employment and to enforce his orders and directions to the extent of suspending any member of the force disregarding same or for any conduct unbecoming an officer, and such suspension shall remain in force and effect until the next regular meeting of the board of commissioners. All such suspensions under this section and the reasons therefor shall be reported in writing, by the chief of police, to the city manager. (1985 Code, § 17-3)

6-104. Chief--duties generally. The chief of police shall devote his entire time to the maintenance and preservation of the peace, order and cleanliness of the city. He shall aid, to the fullest extent of his ability, in the enforcement of special laws relating to the city, this code or other ordinances thereof, and he shall enforce all orders of the city manager relating to the business and duties of his department. He shall take notice of unlawful obstructions and nuisances and defects in the streets and public places of the city, and remove the same, or take proper action in relation thereto. He shall see that proper guards and lights are placed at obstructions in the streets, throughout the day and night. He shall have general charge of the lockup and the prisoners therein. He may establish rules for the government of the police department, subject to the approval of the city manager. He shall keep an account of the duties performed by each member and shall note all absentees from duty and the cause of same; he shall report all violations of the rules and regulations to the city manager, together with the names of witnesses to the facts, that the charges may be investigated. He shall render a monthly report to the board of commissioners showing in detail the workings of his department. (1985 Code, § 17-4)

¹Municipal code reference
City manager; powers: § 1-501.

6-105. Chief--attend meetings of board. The chief or police, or in his absence one (1) of the assistant policemen, shall be present at all meetings of the board of commissioners. (1985 Code, § 17-5)

6-106. Calling for assistance. Any member of the police force is hereby empowered to call to his assistance as many of the inhabitants of the city as may be necessary to aid him in making arrests and in preventing or quelling any riot, unlawful assembly or breach of peace; and all persons so called shall be subject to the orders of the policeman, while on the duty for which they were called. It shall be unlawful for any person to refuse or fail to obey the orders of such policeman, when so called by him. (1985 Code, § 17-6)

6-107. Duties. It shall be the duty of the police to prevent crime; detect and arrest offenders; suppress riots; protect the rights of persons and property; guard the public health; see that nuisances are removed; restrain disorderly, bawdy and gambling houses; assist, advise and protect strangers and travelers on the streets or at railroad stations; enforce all the laws relating to the suppression of crime and the public health or to disorderly persons; to evaluate all and every manner of process, in behalf of the city, upon persons or property; to arrest, upon view, any person who shall be guilty of a breach of this code or other ordinances of the city, or a crime against the laws of the state; to serve any process issued out of the city court, or any process in criminal matters, issued by any justice of the peace, within the city or any and all processes issued by any court in the county, in any proceedings instituted for the enforcement of this code or other ordinance, or punishment for violations thereof, or for the collection of any fines and forfeitures which may be incurred under this code or other ordinances of the city; and do all within their power to enforce the laws and whatever else may be required of them by the board of commissioners and by law. All fees for services rendered by any policeman shall be remitted to the city treasury. (1985 Code, § 17-7)

6-108. Uniform, etc. The police, when on duty, shall wear such uniform, hat and badge as the board of commissioners shall determine. (1985 Code, § 17-8)

6-109. Conduct of members generally. Each member of the police force shall be protected in his right to entertain his own political opinions, but all are required to refrain from taking part in any convention or promoting the election of any public officer, or electioneering for, or against, any candidate for public office, while on duty or in the pay of the city. They shall carefully avoid at all times and in all places participation in any political discussion of any character that may lead to recrimination and the use of harsh or intemperate language. (1985 Code, § 17-9)

6-110. Charges against members. Charges against any member of the police force must be made to the city manager, in writing, verified by the oath of the complainant, except that charges made by any member of the board of commissioners, the city manager or the chief of police need not be verified. When charges are made, as provided in this section, it shall be the duty of the city manager to investigate such charges, referring those charges which have merit to the recorder, who shall issue summons to the charged party to appear before the board of commissioners. The charges shall be tried and determined by the board, a majority of same being necessary for a conviction. If convicted, the policeman may be suspended or discharged as the board may determine. The recorder shall issue subpoenas for, and the chief of police or some member of the police force shall summon, such witnesses as may be asked for by either party. The accused may be represented by counsel. The city manager, if in his opinion the public welfare demands it, or if he believes there is reasonable ground to sustain the charges made, may suspend the officer until the matter has been heard and determined by the board.¹ (1985 Code, § 17-10)

6-111. Grounds for suspension or discharge. Any member of the police force against whom any of the following charges are sustained shall be suspended or discharged:

- (1) An act of insubordination or disrespect toward a superior officer;
- (2) An act or acts of suppression or tyranny over those under his control;
- (3) Neglect of duty;
- (4) Violation of the rules governing the police force;
- (5) Absence without leave;
- (6) Immoral conduct, drunkenness, gambling or conduct unbecoming an officer;
- (7) Any legal offense;
- (8) Any conduct injurious to the peace or welfare of the public;
- (9) Incapacity, mental or physical. (1985 Code, § 17-11)

¹Charter references

Hearings upon termination: § 159.

Termination, suspension, etc., of officers: § 157

6-112. Stolen, lost, etc., property.¹ Property coming into the possession of a policeman which he supposes to be stolen or lost, and all property taken from persons under arrest, shall be deposited in such place as the chief of police shall designate. (1985 Code, § 17-12)

6-113. Resisting or obstructing officer. No person shall resist or obstruct an officer of the city, by force or threats, in the discharge of his duty.² (1985 Code, § 17-13)

¹Ordinance #3673, April 1999, designates funds received from the disposition of forfeited property pursuant to Tennessee Code Annotated, § 39-11-101, et seq., for the use of law enforcement.

²State law reference

Resistance to officer: Tennessee Code Annotated, § 40-7-108.

CHAPTER 2

ARREST¹

SECTION

6-201. Generally.

6-202. Breaking in.

6-203. Summoning bystanders as witnesses.

6-204. Procedure for bringing arrested person to trial.

6-201. Generally. (1) Police officers shall make arrests without using boisterous language, shall treat all persons humanely, shall avoid all violence in making arrests, unless absolutely necessary and shall not use their office to oppress or annoy any person.

(2) Any member of the police corps of the city may arrest a person:

(a) Whenever he shall have in his possession a warrant duly issued by the city judge;

(b) For a public offense committed or a breach of the peace threatened in his presence;

(c) When the person has committed a felony, though not in his presence;

(d) When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it;

(e) On a charge made, upon reasonable cause, of the commission of a felony by the person arrested;

(f) Who is attempting to commit suicide; or

(g) At the scene of a traffic accident who is the driver of a vehicle involved in such accident when based on personal investigation the officer has probable cause to believe that such person has committed an offense under the provisions of Tennessee Code Annotated, chapters 8 and 10 of title 55. The provisions of this subsection shall not apply to traffic accidents in which no personal injury occurs or property damage is less than one thousand dollars (\$1,000.00) unless the officer has probable cause to believe that the driver of such vehicle has committed an offense under Tennessee Code Annotated, § 55-10-401.

(3) In making arrests the policeman shall be clothed with the powers and governed by the restrictions of the state officers in like cases. (1985 Code, § 17-30)

¹State law reference

Arrest: Tennessee Code Annotated, § 40-7-101, et seq.

6-202. Breaking in. To make arrests either with or without a warrant, the officer may break open any inner or outer door or a window of a dwelling house or other building, if after notice of his official authority and purpose, he is refused admittance. (1985 Code, § 17-31)

6-203. Summoning bystanders as witnesses. Whenever an arrest has been made by any city officer, it shall be lawful for him to summon any of the bystanders as witnesses, and such summons shall be binding as though made by virtue of a subpoena issued by competent authority. (1985 Code, § 17-32)

6-204. Procedure for bringing arrested person to trial. When arrests have been made the prisoner shall be taken before the city court for trial at its next session, except in cases where the prisoner is not in condition to be tried. When for the safekeeping of the party arrested, or for any sufficient reason imprisonment until trial is necessary, the prisoner shall be committed to the city lockup, unless he gives proper bond for his appearance at court. Upon his appearance, and upon any proper and legal showing, the city judge may continue his cause at the request of the plaintiff or defendant, but not for more than three (3) days without his consent, and may require bond to be given for his appearance, and in default of same, may commit him to the city lockup. (1985 Code, § 17-33)