

Chapter 71 -- Police Department

71.010. Generally. This Chapter consists of the rules and regulations for the operation of the Police Department of this City. To the extent that this Chapter conflicts with the provisions of Chapter 23 (relating to Personnel), this Chapter shall prevail. To the extent that regulations promulgated by the Mayor or by the Chief of Police, under the authority of this Chapter, conflict with the provisions of Chapter 23 (relating to Personnel), then Chapter 23 shall prevail.

71.020. Chief of Police, authority. The Chief of Police is the director of the Police Department. He shall have immediate and direct control of the department, subject to the supervision of the Mayor, and subject to such other rules, regulations and orders as the Mayor may prescribe. He shall promulgate and enforce orders, rules and regulations (consistent with this Code and with the rules, regulations and orders of the Mayor) for the efficient operation of the Police Department.

71.030. Patrolmen, assignments. Assignment of a patrolman is at the discretion of the Chief of Police, subject to the discretion of the Mayor.

71.040. Patrolmen, duties. Each patrolman shall

1. Be familiar with every part of town, observing anything unusual to assist in the prevention of crime.
2. Examine all doors and windows of commercial and industrial building at night and report any that are not properly secured to the owner thereof.
3. Report whenever he has reasonable grounds to suspect that any building or part thereof is being used in violation of the law or is the resort for persons of known bad character and be prepared to give information relative to the nature of business conducted by firms on his beat.
4. Enforce all traffic Ordinances in addition to his other duties.
5. Observe and report all violations of City Ordinance and State law.
6. Be responsible for the care and operation of the vehicle assigned to him.
7. To act as a first responder in emergency situations.

(Amended by Ordinance 839, Passed and Effective 02/17/99)

71.050. Standard of Conduct. Any of the following is sufficient cause for the suspension or discharge of any member of the Police Department:

1. For drinking intoxicating liquor while on duty or in uniform.

2. For public intoxication while either on or off duty.
 3. For willful disobedience to any order lawfully issued to him.
 4. For disrespect shown to the Mayor or an Alderman.
 5. For incompetency in the performance of his duties.
 6. For any neglect of duty.
 7. For making known any investigation or proposed movement of the Department to any person not a member of the Department or the Board of Aldermen, or for discussing the affairs of the Department, in a manner likely to disrupt the movement or discipline of the Department, with any person not a member of the Department or the Board of Aldermen.
 8. For unnecessary and unwarranted violence toward a prisoner.
 9. For cowardice or for lack of energy which may be construed as either incompetency or gross neglect of duty.
 10. For sleeping while on duty.
 11. For violating any of the rules, regulations, or orders of the Department or of the Mayor, if same be in writing.
 12. For indecent, profane or harsh language while on duty or in uniform.
 13. For absence without leave.
 14. For conduct unbecoming an officer.
 15. For conduct detrimental to the good order and discipline of the department.
 16. For careless handling of City property, either fixed or movable.
 17. For conviction of any felony or misdemeanor.
 18. For repeated violation of City Ordinances.
 19. For failure to cooperate with the City Prosecutor in the preparation or trial of any case, or for providing assistance to a defendant or defense counsel in any legal action brought by the City.
 20. For loss of firearm or other weapon while on duty.
- 71.060. Right of appeal. The right of appeal granted City employees by Section 23.150(7) et seq. is expressly preserved for members of the department.

71.070. Conduct and deportment. All members of the Department shall be quiet, civil, and orderly in their conduct and deportment, and shall at all times be attentive and zealous in the discharge of their duty, controlling their temper and exercising the utmost patience and discretion. They shall answer any questions put to them with all possible correctness and courtesy (not in a short or careless manner), avoiding at all times unnecessary conversation or argument.

71.080. Disturbances. Any member of the Department shall go instantly to the scene of any disturbance or breach of the peace occurring within his vicinity, use his best effort to restore peace and quiet, making such arrests as may be necessary, and notify and make necessary reports to the Police Department.

71.090. Truthfulness of members. All members of the Department are required to speak the truth at all times, and under all circumstances, whether under oath or not. If forbidden by the rules of the department to divulge information, they will state, "No Comment."

71.100. Members to give name. Any member of the department, when called upon to do so by any person under any circumstances, shall give his name in a respectful and courteous manner.

71.110. Cooperation. Every member of the department is expected to discharge his duties with coolness and firmness in all cases; and in times of extreme peril all available officers shall act together and assist and protect each other in restoring peace and order. Anyone shirking his duty in case of danger or responsibility in an emergency shall be considered unworthy of a place in the department, and may be discharged.

71.120. Members to use judgment. All members of the department shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person, but when required to act in the discharge of their duty they shall do so with energy and decision, and in the proper exercise of their authority they will receive the fullest support of the department.

71.130. Testimony. Officers shall appear in court on any case in which they are witnesses. If duty demands their absence from the Municipal Court (Police Court), they shall report the matter to the Chief of Police in order that the case may be continued. Officers on the witness stand, in response to questions asked, will state in clear and distinct words, truthfully, all they know regarding the matter, without fear or reservation and without any desire or design to influence the result.

71.140. Members will be familiar with rules, etc. Each member of the Department will be furnished with a copy of any rules, regulations, and orders issued by the Chief of Police or the Mayor, which he shall keep in his possession, and with which he shall be familiar at all times.

71.150. Uniform. Every member of the Department shall wear a uniform as the Chief of Police may from time to time prescribe. The prescribed uniform shall be purchased by the individual officer. The City shall pay, at the end of each three months of service, a uniform allowance of Two Hundred and No/100 (\$200.00) Dollars to such officer for the first year, thereafter being reduced to One Hundred and No/100 (\$100.00) Dollars for every three (3) months of service. Any officer who shall fail to fully complete the prior three month period of service shall be deemed to have waived such uniform allowance. They shall, when on duty carry such equipment as the Chief of Police may prescribe or adopt and, when in uniform, keep their badge always in sight. No member of the Department shall ever appear for duty in civilian clothing without special permission of the Chief of Police. (Amended by Ordinance 783, Passed 5/2/94)

71.160. Same, when off duty. No member of the Department shall ever wear his uniform or any part of it when off duty, except with the express permission of the Chief of Police.

71.170. Same, care of uniform and equipment. All members of the Department will be required to be neat in appearance and keep their uniforms and equipment in good condition and in perfect order and repair.

71.180. Restrictions applying to suspended officers. No member of the Department shall wear his uniform or carry a pistol while under suspension for any cause; and such member shall immediately surrender his badge and police identification to the Chief of Police when notified of his suspension.

71.190. Duty hours. Although certain hours are required for the performance of duty on ordinary occasions, members must be prepared at all times to act immediately on notice that their service is required. Members of the Department shall be considered as always on duty for the purpose of discipline. The hours of duty will be regulated by the Chief of Police.

71.200. Police vehicles. Police officers are not to use police vehicles except in the discharge of their duties. Police vehicles are not available for personal use.

71.210. Duty to preserve peace. Although regular hours of duty shall be assigned to all members of the Department, it shall be the duty of every officer of the Department, at all times, day or night, within the City, to preserve the public peace, protect the rights of persons and property, guard the public health, preserve order at all elections and public assemblies; prevent and remove, if possible, nuisances on and in all streets, highways, areas, alleys, and other places, and enforce the criminal law of the State of Missouri and the Ordinances of the City.

71.220. Use of unnecessary violence toward prisoners. No officer shall willfully mistreat or use unnecessary violence toward any person, prisoner, or otherwise. He shall

not strike any prisoner except as a last resort in an effort to overcome resistance or prevent escape. An officer shall not shoot at a fleeing person or any escaping prisoner unless he has probable cause to believe that such person has committed a felony.

71.230. Qualifications for Police Officers. All full-time police officers employed by the City shall be between the ages of twenty-one (21) years of age and sixty-five (65) years of age. They shall be of good moral character and shall not have been convicted of any misdemeanor or felony. They shall be able to write legibly and shall furnish at least three good character references. A written examination for any applicant for police officer for the City shall be discretionary with the Board of Aldermen. Any police officer so employed shall upon appointment qualify for a bond in the amount of Two Thousand and No/100 (\$2,000.00) Dollars. Any of these qualifications may be waived by the Council by resolution.

(Amended by Ordinance 840, Passed and Effective 02/17/99)

71.240. Excessive Force Policy.

1. The City hereby adopts and will enforce this policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations. The City also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable state laws regarding same.

2. Any person found to be violating any provision of this resolution shall be served by the City with written notice stating the nature of the violation.

3. Any person guilty of this violation shall be guilty of a misdemeanor and on conviction thereof, shall be fined in the amount not exceeding One Hundred and No/100 (\$100.00) Dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

4. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the City by reason of such violation.

(This Section 71.240 Added, Passed and Effective 10/05/98)

Sub Chapter B -- Police Reserve

71.300. Created. There is hereby created in the Police Department of the City a Section to be known as the Sarcoxie Police Reserve.

71.310. Administration, control. The Sarcoxie Police Reserve shall be under the administration and direct control of the Chief of Police who shall prescribe the number and members of the Reserve, the training qualifications and requirements necessary to become a member, the duties of the members of the Reserve and the rank which they

shall hold in said Reserve.

71.320. Membership generally. Membership of the Police Reserve shall be limited only to those persons duly commissioned as members thereof by the City in the manner and subject to the provisions of this Article.

71.330. Qualifications. In order to become a member of the Police Reserve, the person must be a citizen of the United States and the State, must be at least twenty-one (21) years of age, be of good moral character, must never have been convicted of a felony, shall take an oath that he will observe and obey the Constitution of the United States, and the Constitution of this State and the laws of this Nation, State, and City, and that he will carry out the duties of a member of the Police Reserve of this City to the best of his ability. In addition, he shall have completed a program of mandatory standards for the Basic Training and Certification of Police Officers in accordance with Chapter 590 of the Revised Statutes of the State of Missouri.

(Amended by Ordinance 800, Passed and Effective 09/25/95)

71.340. Application. Prospective members shall make written application to the Chief of Police for membership in the Police Reserve on the forms provided by the Police Department. By submitting such form, in the event his or her application is accepted, he shall agree to fully comply with the terms and conditions thereof and to the rules, regulations and special orders hereinafter referred to. Any false information given in the application shall be grounds for dismissal in the Reserve.

71.350. Rules, regulations. The Chief of Police is hereby authorized and directed to compile rules and regulations for the guidance and direction of the members of the Police Reserve.

71.360. Commission. Upon qualification for membership, and upon a recommendation of the Chief of Police and approval by the Mayor, the Chief of Police shall issue a special Police Reserve Commission signed by the Mayor and the Chief of Police authorizing the holder thereof as members of the Sarcoxie Police Reserve to carry out all duties assigned them by the Chief of Police. Such Commission shall be carried by the special officer at all times when on duty and shall be prima facie evidence of his authority to act in such capacity.

71.370. When membership effective. No person shall be deemed a member of the Police Reserve Force until he has been registered as such in a roster to be kept by the Chief of Police, and has agreed to indemnify the City from all responsibility from any illness or injury occurring while on duty as a Police Reserve Officer, and until he has taken the oath required by this Subchapter.

71.380. Training. The Chief of Police shall have charge of the basic training program of the members of the Police Reserve and may set up training programs and training

schedules from time to time as the need arises. Each member of the Police Reserve shall, within one year of his appointment complete the appropriate training required by RSMo. Chapter 590.

71.390. Uniforms. Uniforms of the Police Reserve shall be designated by the Chief of Police subject to the approval of the Mayor and shall be worn at all times when an Officer is in the discharge of his official duties.

71.400. Compensation, employee benefits. No member of the Police Reserve shall receive compensation from the City for services rendered nor shall such member of the Police Reserve be entitled to participate in any City sponsored employee benefit plan.

71.410. Assignment of duties. The Chief of Police is empowered to assign the members of the Police Reserve to special duties. While acting under his orders and in accordance with his policy the Police Reserve members shall be deemed conservators of the peace of the City and shall have the authority and power of arrest as prescribed by City Ordinances and the Statutes of the State. Members of the Police Reserve shall have no authority to give orders or instructions to members of the regular Police of the City. It shall be the responsibility of members of the Police Reserve to perform all duties as prescribed by the Chief of Police, to follow his instructions, to abide by all rules and regulations, or special orders issued for members of the Police Reserve.

71.420. Weapons. No member of the Police Reserve shall while on duty carry or use any fire arm or other weapon except upon the express written order of the Mayor and the Chief of Police.

71.430. Forced entry. No member of the Police Reserve shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant, except when immediately accompanied by a regular member of the Police Department of the City who then and there requests his aid in the enforcement of the law.

71.440. Violations of law or duty. In addition to the penalties provided by law, any violations of law under color of the performance of his duties as a member of the Police Reserve, any breach of the rules and regulations established by the Chief of Police shall subject any member to summary expulsion by the Chief of Police.

71.450. Termination of membership. The membership of any person in the Police Reserve may be terminated by the Mayor or Chief of Police at any time, and any member may resign from the Police Reserve at any time but it shall be his duty to notify the Chief of Police of his resignation.

71.460. False use of Insignia. It shall be a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed Five Hundred and No/100 (\$500.00) Dollars or both, for any person to wear, carry or display a Police Reserve

Identification Card or Insignia or otherwise deceitfully represent himself to be connected with the Force, unless he is in fact a member thereof.

(Amended by Ordinance 757, Passed and Effective 6/15/92)