

TITLE 6: LAW ENFORCEMENT

Chapter

- 1. LAW ENFORCEMENT DEPARTMENT**
- 2. ARREST PROCEDURES**
- 3. SPECIAL POLICE OFFICERS**

CHAPTER 1: LAW ENFORCEMENT DEPARTMENT

Section

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§ 6-101 OFFICE ESTABLISHED; FUNCTIONS.

There is created and established a Law Enforcement Department (Town Police Department) which shall provide comprehensive law enforcement for the town.
(2007 Code, § 6-101)

§ 6-102 ADMINISTRATION.

The Law Enforcement Department shall be supervised and administered by the Chief of Police, who shall report directly to the Town Manager. The Chief of Police shall be appointed for an indefinite term and may be removed at any time according to the provisions of the town employee handbook.
(2007 Code, § 6-102)

§ 6-103 POLICE OFFICER SUBJECT TO CHIEF'S ORDER.

All police officers shall obey and comply with such orders and administrative rules and regulations (i.e., standard operating procedures (SOP) as the Police Chief may officially issue.
(2007 Code, § 6-103)

§ 6-104 POLICE OFFICER TO PRESERVE LAW AND ORDER.

All police officers shall patrol the town and preserve law and order within the town, and serve legal process issued by the town court.
(2007 Code, § 6-104)

§ 6-105 POLICE DEPARTMENT RECORDS.

The Police Department shall keep a comprehensive and detailed daily record, in permanent form, showing a minimum:

(1) All known or reported offenses and/or crimes committed within the corporate limits;

(2) All arrests made by a police officer;

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the Police Department; and

(4) Any other records required to be kept by the Town Council or by law. The Police Chief shall be responsible for ensuring that the Police Department complies with this section.

(2007 Code, § 6-105)

CHAPTER 2: ARREST PROCEDURES

Section

6-201 When police officer to make arrests

§ 6-201 WHEN POLICE OFFICER TO MAKE ARRESTS.

Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person may be made by a police officer in the following cases:

(1) Whenever he or she is in possession of a warrant for the arrest of the person;

(2) Whenever an offense is committed or the person threatens a breach of the peace in the officer's presence; or

(3) Whenever a felony has in fact been committed and the officer has probable cause to believe the person has committed it.

(2007 Code, § 6-201)

Statutory reference:

Deposit of driver's license in lieu of bail in traffic cases, see § 15-706

CHAPTER 3: SPECIAL POLICE OFFICERS

Section

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§ 6-301 DEFINITIONS.

When used in this chapter, the term *SPECIAL POLICE OFFICER* means any person commissioned by the Chief of Police to enforce the non-traffic related codes and ordinances of the town, or any portion thereof.

(2007 Code, § 6-401) (Ord. 04-41, passed 11- -2004)

§ 6-302 AUTHORITY TO ESTABLISH ADDITIONAL REGULATIONS.

The Chief of Police has the authority to establish and enforce reasonable rules and regulations for the operation of special police officers in the interest of public safety, morals, and welfare, and to effectuate the general purpose of this chapter.

(2007 Code, § 6-402) (Ord. 04-41, passed 11- -2004)

§ 6-303 AUTHORIZATION REQUIRED TO CARRY WEAPON.

No special police officer may carry a firearm in the execution of his or her official duties unless such special police officer is also a certified police officer pursuant to T.C.A. § 38-8-107 who has been issued

a written directive by the executive supervisor of the organization to which the person is or was attached or employed as contemplated in T.C.A. § 39-17-1315(a)(1), or such special police officer is in possession of a valid handgun carry permit under T.C.A. § 39-17-1351 and is so authorized by separate written directive of the Chief of Police. Any special police officer designated to carry firearms shall be required to undergo the same training in proper use of firearms as required of sworn, uniformed police officers of the town, and shall not carry firearms in a manner or place which is prohibited by law. Special police officers may carry other weapons only as specifically authorized by the Chief of Police. No special police officer is authorized to carry a weapon of any type if possession of such weapon is prohibited by the terms of 16 U.S.C. § 922.

(2007 Code, § 6-403) (Ord. 04-41, passed 11- -2004)

§ 6-304 APPLICATION FOR COMMISSION.

(1) Applications for commissions under this chapter shall be made upon forms prepared and made available by the Chief of Police and shall state:

- (a) The full name, age, residence, and present and previous occupations of the applicant;
- (b) Whether the applicant is a legal resident of the United States;
- (c) A specific description of the location of the principal site of applicant's employment, or where the commission will be used;
- (d) The number of years of experience the applicant has had as a special police officer or in a related field;
- (e) The length of time the applicant has been a bona fide resident of the state immediately preceding the filing of the application;
- (f) The length of time the applicant has been a bona fide resident of the town immediately preceding the filing of the application;
- (g) A recent photograph of the applicant and a full set of fingerprints; and
- (h) Proof of the applicant's good character.

(2) The application shall contain such other information as the Chief of Police shall find reasonably necessary to effectuate the general purpose of this chapter and to make a fair determination of whether the terms of this chapter have been complied with.

(2007 Code, § 6-404) (Ord. 04-41, passed 11- -2004)

§ 6-305 INVESTIGATION OF APPLICANT FOR COMMISSION.

After receipt of the information required by § 6-404, the Chief of Police shall cause an investigation to be made of the applicant to determine the applicant's good character and qualifications for the commission.

(Ord. 04-41, passed 11- -2004)

§ 6-306 PRIOR COMMISSIONS.

Any commission as a special police officer issued by the Chief of Police prior to the effective date of this chapter shall expire as of December 31, 2004. Notwithstanding the foregoing, however, nothing in this chapter shall be construed as altering, amending, or repealing the provisions of Chapter 3 of this Title.

(Ord. 04-41, passed 11- -2004)

§ 6-307 CONDITIONS OF COMMISSIONS.

The following conditions shall apply to all commissions.

(1) No special police officer appointed under this chapter shall perform duties as special police officer other than those for which he or she is appointed.

(2) Commissions issued under this chapter are to be issued in the sole discretion of the Chief of Police, and shall be subject to revocation or suspension by the Chief of Police, in his or her discretion.

(3) The color and design of all uniforms shall be as approved by the Chief of Police and may be different from that of the regular town police. Authorization to wear clothing other than the designated uniform while serving the town shall be granted only by the Chief of Police and must be in writing. Unless specifically designated by the Chief of Police in writing, non-employees of the town shall not wear any uniform or other indicia of employment or agency with the town or the town's Police Department.

(4) Commissions issued under this chapter shall not be transferrable.

(5) Any special police officer commission issued pursuant to an applicant's employment with the town or any other governmental entity shall be revoked in the event such special police officer's employment with the town or said other governmental entity ends.

(6) This chapter shall not create any additional due process rights for employees of the town.
(Ord. 04-41, passed 11- -2004)

§ 6-308 BOND.

All special police officers not employed by the town shall be required to give the following bond in the penal sum of \$10,000:

State of Tennessee
County of Rutherford
Town of Smyrna

Know all men by these presents: That we, _____, as principal, and _____ as his/her surety, are held and firmly bound unto the Town of Smyrna, Rutherford County, Tennessee in the penal sum of ten thousand and no/100 dollars (\$10,000.00), for the payment whereof well and truly to be made, we bind ourselves respectively and our respective heirs.

Signed this _____ day of _____, 20____.

The condition of the above bond is such that whereas the above principal has been duly appointed by the Chief of Police of the Town of Smyrna to be a special police officer during pleasure of said Chief of Police.

Now if said principal shall well and duly and faithfully perform and fulfill, according to law, all and singular the duties of said office for the said term, then said bond is null and void; otherwise it is to remain in full force and effect.

Principal

Surety

(Ord. 04-41, passed 11- -2004)

§ 6-309 OATH.

All special officers shall be required to take the following oath:

State of Tennessee
County of Rutherford
Town of Smyrna

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Tennessee, and the laws and ordinances of the Town of Smyrna, Rutherford County and the State of Tennessee, and that I will faithfully demean myself while in the office of special police officer.

Subscribed and sworn to before me this _____ day of _____, 20____.
(Ord. 04-41, passed 11- -2004)

§ 6-310 POWERS.

Special police officers appointed under the provisions of this chapter shall have the same power and authority to issue citations for violations of and otherwise enforce the codes and ordinances of the town as regular police officers of the town, but not otherwise. In his or her discretion, the Chief of Police may limit the authority of any special police officer to enforcement of only certain sections of the codes and ordinances of the town. No special police officer shall have the power or authority to make arrests except as may be authorized by T.C.A. § 40-7-109 or use force in the discharge of said special police officer's duties except as may be authorized by T.C.A. § 39-11-621.

(Ord. 04-41, passed 11- -2004)

§ 6-311 IDENTIFICATION.

Each special police officer appointed by the Chief of Police shall carry identification which clearly indicates that the appointee is a special police officer, include as a part thereof a picture which shall be no more than one year old, indicate whether the appointee may carry a weapon and under what conditions, and indicate the restrictions of the commission, if any.

(Ord. 04-41, passed 11- -2004)

§ 6-312 REPORT OF USE OF WEAPON.

All special police officers shall make a full written report to the Chief of Police any time they use a weapon in the discharge of their duties, immediately after the incident.

(Ord. 04-41, passed 11- -2004)

§ 6-313 CONDUCT.

Special police officers shall conduct themselves at all times in such a manner as to reflect favorably on the town and the town's Police Department.

(Ord. 04-41, passed 11- -2004)

