

TITLE 20. POLICE**Chapter 1. Police Department****Chapter 2. Police Chief****Chapter 3. Police Officers****Chapter 1. Police Department**

- 20-1-1 Creation of Police Department
- 20-1-2 Creation of Positions
- 20-1-3 Office of Primary Responsibility
- 20-1-4 Policies

20-1-1 Creation of Police Department. The Clinton City Police Department is created by this Ordinance

History: 12/75; 05/10

20-1-2 Creation of Positions and Manning. The Police Department includes the following personnel positions:

- (1) Police Chief.
- (2) Staffing as approved by the City Council.
- (3) Other police officer positions as deemed necessary by the Police Chief and as allocated through the budget process.

History: 05/10

20-1-3 Office of Primary Responsibility. The Clinton City Police Department is the Office of Primary Responsibility to review and propose changes to this Title. The Police Chief may call on other departments for assistance in reviewing this Chapter.

History: 05/10

20-1-4 Policies. The Police Chief may adopt policies, consistent with State Law, this Title, and resolutions passed by the City Council, to assist in the application, administration and interpretation of this Title and the orderly operation of the Department.

History: 05/10

Chapter 2. Police Chief

20-2-1	Police Chief
20-2-2	Police Chief's Powers and Duties
20-2-3	Report to City Council
20-2-4	Absence from City
20-2-5	Sale of Impounded or Abandoned Property

20-2-1 Police Chief. The head of the police department.

History: 12/75, 9/84, 05/10

20-2-2 Police Chief's Powers and Duties. In addition to those powers and duties applicable to police officers and enumerated in paragraph 20-3-1 of this title, the Police Chief shall:

- (1) Be responsible for direction and control of the police department and all police officers.
- (2) Perform all functions and exercise all powers conferred upon him by the city's code and ordinances or by other competent authority.
- (3) Establish ranks, grades, and positions in the department and designate the authority and responsibility of each rank, grade, and position.
- (4) Establish for the department standards and qualifications and fix prerequisites of training, education, and experience for each rank, grade, and position; make recommendations to the City Council for salaries for each rank, grade, and position.
- (5) Appoint personnel to each rank, grade, and position as are deemed by him to be necessary for the efficient operation and administration of the department, after the opening in the department is approved by the City Council.
- (6) Discharge, demote, or temporarily suspend any employee in the department.
- (7) Prescribe uniforms to be worn and equipment to be used by employees of the department.
- (8) Charge against each employee of the department the value of any property of the city lost or destroyed through the negligence of the employee.
- (9) Establish, with the approval of the City Council or with the city manager, if the City Council delegates, the terms and conditions under which expense allowance should be paid to any employee while he is away from his station.
- (10) Formulate rules and regulations governing the department as from time to time appear to him advisable.

History: 12/75

20-2-3 Report to City Council. The Police Chief

shall from time to time and upon request of the Mayor make a report to the City Council of the affairs and conditions of his department, which report shall include a statement on the conduct of various officers with relation to their employment and the execution of other duties. The Mayor may require the Police Chief to attend any meeting of the City Council and to be examined about the conduct and affairs of his office or to receive any orders from the Mayor or City Council.

History: 12/75, 9/84, 05/10

20-2-4 Absence from City. In the event that the Police Chief shall be absent from the city or incapacitated from performing the duties of his position the Assistant Police Chief or highest ranking officer shall act in the capacity of the Police Chief.

History: 05/10

20-2-5 Sale of Impounded or Abandoned Property. The Police Chief has the authority to process the sale of impounded or abandoned property as outlined below.

(1) Notice to owner: Whenever personal property, including a motor vehicle, is lawfully impounded or is abandoned, or otherwise comes into the lawful custody of the city or its agents, the city shall notify the owner and lien holder of record, if any, by written notice sent by mail that it is being held by the city and that it will be sold at public auction as provided by city ordinances if not claimed within twenty days of the date of mailing.

(2) Procedure: If, at the expiration of twenty days after mailing the notice provided for in § (1) above, the personal property is not claimed by the owner or his authorized representative, the Police Chief or his lawful agent shall proceed to sell the property at public auction to the highest bidder, after giving at least ten days notice of the sale by publishing the notice at least once in a newspaper having general circulation in Clinton and by posting the notice on three conspicuous places within the city stating the time and place of the sale. The notice shall describe the property to be sold with reasonable certainty and shall show any facts of ownership which may be in possession of the Police Chief, and if the name of the owner is unknown that fact shall be stated. If the owner and his whereabouts are known, the Police Chief shall send the owner a copy of the notice as published.

(3) Disposition of proceeds: The money received by the city from the sale of property shall be applied first to the actual cost of preserving or storing the property, and then to the cost of advertising the sale of the property. The balance, if any, shall be paid into the general fund of the city. At any time within one year after the sale, the former owner of the property

sold, upon application to the City Council with satisfactory proof that he was the owner of the property, will be paid the proceeds of the sale thereof less the expenses outlined above and a reasonable administrative fee. The administrative fee shall be established by the City Council and adopted by resolution and published in the Clinton City Consolidated Fee Schedule.

History: 05/10

Chapter 3. Police Officers

- 20-3-1 Powers and Duties
- 20-3-2 Offenses Against Police Office
- 20-3-3 Assisting or Permitting Escape
- 20-3-4 Taking or Destroying Goods from Officer's Custody

20-3-1 Powers and Duties. In addition to those powers conferred upon constables by law, all police officers of the department shall have the following powers and duties:

(1) General powers and duties: It shall be the duty of the police force of this city to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads, and highways, enforce every law relating to the suppression of offenses, and perform all duties given them by law.

(2) Service of process: All police officers when called upon or directed so to do by a court of competent jurisdiction shall serve all legal process, civil or criminal, and shall serve all warrants of arrest and take into custody any person ordered arrested by the justice of the peace of Clinton City or any other court of competent jurisdiction, and in the administration of justice shall faithfully and promptly carry out and execute any lawful order.

(3) Right of arrest: The members of the police department shall have the power and authority, without process, to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of any offender, or within his view, any breach of the peace, or any offense directly prohibited by the laws of this state or by any provisions of the code or ordinances of this city.

History: 12/75, 9/84, 05/10

20-3-2 Offenses against Police Officer.

(1) Refusing to assist officers. It is unlawful for any person to refuse, when called upon by any officer of Clinton City, to aid in arresting or securing an offender.

(2) Impersonating an officer. It is unlawful for any person to represent himself falsely to be an officer of the law, or to attempt to impersonate an officer without authority, or to perform any official act for or in behalf of any officer.

(3) Resisting an officer. It is unlawful for any person to willfully resist, delay or obstruct any public officer in the discharge or attempted discharge of the duties of his office, or to willfully fail to obey a lawful order of any officer.

History: 05/10

20-3-3 Assisting or Permitting Escape. It is unlawful for any person within the limits of Clinton City to aid or assist any other person to escape, or to attempt to escape, from lawful custody or confinement.

History: 05/10

20-3-4 Taking or Destroying Goods from Officer's Custody. It is unlawful for any person to willfully injure, destroy, take or attempt to take or assist any person in taking or attempting to take from the custody of any officer any personal property which the officer has in charge under any process of law.

History: 05/10