

CHAPTER X. POLICE

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ARTICLE 1. POLICE DEPARTMENT

- 10-101. POLICE DEPARTMENT. The law enforcement department shall consist of a chief of police and such number of regular law enforcement officers as shall be appointed as provided by K.S.A. 14-1501, and amendments thereto. (Code 2007)
- 10-102. LAW ENFORCEMENT PERSONNEL; GENERAL DUTIES. It shall be the general duty of the chief of police and all sworn law enforcement personnel to the best of their ability to preserve good order, peace and quiet throughout the city as provided by law or ordinance.
- The chief of police and all sworn law enforcement personnel shall at all times have power to make arrest under proper process or without process on view of any offense against the laws of the State of Kansas or laws of the city and to keep all persons so arrested, unless admitted to bail, in the city jail, county jail or other proper place to prevent their escape until their trial can be had before the proper officer.
- All persons arrested for violation of any law of the state and who shall not be charged with an offense under any law of the city shall be released to the custody of the sheriff of the county and such arrest shall be reported to the county attorney. (Code 2007)
- 10-103. RULES AND REGULATIONS. The chief of police shall have power to make such rules and regulations as may be necessary for the proper and efficient conduct of the department. Such rules and regulations shall be approved by the governing body. (Code 2007)
- 10-104. CHIEF OF POLICE; POWERS; DUTIES. (a) Have the immediate direction and supervision over all other police officers of the city as may be authorized and appointed, but shall be subject to the orders of the mayor and the commissioner of police.
- (b) Be responsible for the proper discipline and discharge of duties of all police officers of the city under the ordinances and laws of the state.
- (c) Have such other duties as may be required by ordinances or as may be directed by the board of commissioners.
- (d) Attend governing body meetings when so ordered.
- (Code 1977, 2.04.150, 2.32.020)

10-105. POLICE VEHICLES; MARKINGS. At the discretion of the mayor or commissioner of police, all city-owned motor vehicles used in the discharge of the official duties of police officers shall be plainly marked on both sides of the car, in letters not less than two inches high with a one-quarter inch stroke, reading "Police Department Hiawatha, Kansas, For Official Use Only." (Code 1977, 2.32.080 A.)

ARTICLE 2. PROPERTY IN POLICE CUSTODY

10-201. REGULATIONS. The police department is required to establish regulations detailing the collection, storage, and inventory of property which may come under its control by any manner. (Code 2007)

10-202. DISPOSITION. Any property which has been acquired or turned over to the police department and has been classified in accordance with procedures existing in the police department as unclaimed or for which the proper owner cannot be ascertained shall be kept for a minimum of 90 days. After a period of 90 days, such property, except as provided in section 10-203, shall be sold at public auction to the highest bidder and the proceeds after expenses shall be paid to the city general fund. (Code 2007)

10-203. SAME; EXEMPT PROPERTY. The following classes of property shall be considered exceptions to section 10-202 and shall be dealt with in the following manner:

(a) Cash money shall be turned over to the city general fund unless it shall be determined to have collector's value, in which case it shall be auctioned according to the provisions in section 10-202.

(b) Firearms which are available for disposition may be dealt with in the following manner:

(1) If compatible with law enforcement usage, they may be turned over to the police department inventory.

(2) They may be sold to a firearms dealer who maintains the appropriate federal firearms license.

(3) They may be destroyed.

(4) In no case shall firearms be sold at public auction.

(c) Other weapons such as knives, etc., which are deemed to have a legitimate value may be sold at auction, however, homemade weapons or weapons of a contraband nature shall be destroyed.

(d) Any items determined to be contraband such as explosives, narcotics, etc., shall be destroyed.

(e) Items of a pharmaceutical nature, which, while not contraband when properly dispensed, or which are of an over-the-counter-variety, shall be destroyed.

(f) Foodstuffs, if sealed and undamaged may be turned over to any appropriate social service agency or destroyed, but shall not be auctioned.

(g) Alcohol products such as beer, wine, whiskey, etc., shall be destroyed.

(h) Items with a value in excess of \$500.00 may be sold after advertising said item in a general circulation newspaper on at least two occasions. Such sales shall be by closed bid.

(Code 2007)

- 10-204. CLAIMING PROPERTY. The police department shall be required to make reasonable attempts to locate the owner of any property in storage. However, the responsibility for claiming and identifying any such property shall rest solely with the owner. (Code 2007)
- 10-205. PROOF OF OWNERSHIP. Claimants to any property in police storage shall be required to present reasonable proof of ownership and no property shall be released unless such reasonable proof is presented. (Code 2007)
- 10-206. AUCTION. At such time as it has been determined that an auction is necessary to dispose of unclaimed property, an inventory listing all property to be disposed of shall be prepared and kept on file in the police department. Notice of an auction shall be published at least twice in a general circulation newspaper prior to the date of the auction. The notice shall specify the date, time and place of the auction and shall also notify prospective buyers or potential claimants that a list of items to be auctioned is available at the police department and any claims on property must be made prior to the start of the auction. (Code 2007)

ARTICLE 3. AUXILIARY POLICE FORCE

- 10-301. AUXILIARY POLICE FORCE; ESTABLISHED. There is hereby created and established within the police department an auxiliary police force of not more than twelve (12) members. The auxiliary officers shall be ready at all times to assist the police department and regular law enforcement officers in the performance of their regular duties and during periods of emergency or other occasions when additional law enforcement officers may be necessary or advisable; or upon call to duty as determined by the chief of police. (Code 2007)
- 10-302. SAME; QUALIFICATIONS. Applicants shall be residents of the county, have a high school diploma or the equivalent, and shall possess a valid Kansas license to operate a motor vehicle. In addition, before appointment, each applicant must meet the requirements contained in K.S.A. 74-5605(a):(h), and amendments thereto, and successfully complete any pre-appointment training of such intensity and duration as the chief of police shall find necessary to the performance of the required duties. (Code 2007)
- 10-303. SAME; APPOINTMENT; VOLUNTEER. The members of the auxiliary police force shall be appointed by the chief of police, following a screening and selection process. Members of the auxiliary police force shall serve on a volunteer basis only and only within the corporate limits of the city. (Code 2007)
- 10-304. SAME; POWERS AND AUTHORITY; CHIEF OF POLICE CONTROL. (a) The members of the auxiliary police force shall at all times be subject to the control and orders of the chief of police, who shall direct the use of all firearms and equipment and be responsible for the assigning, training, stationing and direction of the work of the members of the auxiliary force.
- (b) The chief of police shall prescribe rules, regulations and policies for the conduct and control of the auxiliary members. Such rules and regulations shall be subject to the approval of the governing body.
- (c) Auxiliary police force members shall, at such time as they are on active service, have all powers and authority of regular law enforcement officers, but not at any other time.
- (d) In addition to any rules, regulations and policies applying specifically to auxiliary police force members, the members shall be subject to all rules, regulations and policies applicable to the city's regular law enforcement officers, to the extent that such rules, regulations and policies are applicable to and consistent with the duties assigned and to be performed by members of the auxiliary force.
- (e) Auxiliary police force members shall comply with all other applicable ordinances, rules, regulations and policies adopted by the city commission. (Code 2007)
- 10-305. SAME; SUSPENSION; TERMINATION. (a) The chief of police shall have the right to suspend any member for refusal to obey orders, or for misconduct, or for failure to perform his or her duties.
- (b) The appointment of any member of the auxiliary police force may be terminated at any time, with or without cause, by the mayor, with the consent of the

city commission and upon the recommendation of the chief of police or the city administrator.

(c) Any member may resign as such at anytime by giving written notification of the same to the chief of police. The resignation shall be effective upon the receipt by the chief of police unless a later date is specified in the resignation.

(d) Upon termination or resignation, the member shall surrender all property of the city that has been issued to the member pursuant to the provisions of this article or otherwise.

(Code 2007)

10-306. SAME; FUNDING; COMPENSATION; EQUIPMENT. (a) The city is authorized to expend funds from any legally available source for the operation and expenses in the maintenance of the auxiliary police force.

(b) Members are volunteers and as such shall serve without pay or compensation.

(c) The city shall provide insurance coverage, including workers' compensation, to the members of the auxiliary police force for injuries, illness or death incurred in the course of their employment. The coverage shall be as the chief of police shall recommend, and the city commission shall approve. The cost of such coverage shall be borne by the city.

(d) The chief of police shall, at the expense of the city, supply each member of the auxiliary police force with a suitable badge and credentials, and such other equipment or supplies as the chief shall find necessary and in the best interests of the city.

(e) The auxiliary police force shall receive a stipend for its services, as set by the Chief of Police. Such stipend shall be used as an equipment and upkeep allowance. Such payment is not compensation for services but solely an upkeep stipend. The equipment allowance shall be paid on a quarterly basis.

(f) Members shall be reimbursed for any tuition, transportation or meal costs incurred for attending any training sessions required by chief of police or the State of Kansas. The attendance of any such training shall be approved in advance by the chief of police.

(Code 2007)

10-307. SAME; EMPLOYEE OF CITY. Each member of the auxiliary police force shall be an employee of the city only while serving any assigned shift as a member or while receiving any required training to qualify to become a member of the auxiliary police force. (Code 2007)