

TITLE 6**LAW ENFORCEMENT****CHAPTER**

1. POLICE AND ARREST.
2. RESERVE POLICE.
3. WORKHOUSE.

CHAPTER 1**POLICE AND ARREST¹****SECTION**

- 6-101. Organization of police department.
- 6-102. Policemen to preserve law and order, etc.
- 6-103. Policemen to wear uniforms and be armed.
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- 6-107. Police department records.
- 6-108. Disposition of unclaimed property.

6-101. Organization of police department. The police department shall consist of a chief of police, and such number of sworn officers and staff members as the board of mayor and aldermen shall from time to time fix. The operation and organization of the police department shall be set up by the chief of police, subject to approval by the mayor. All personnel of the police department shall obey and comply with such orders and administrative rules and regulations as the chief of police may officially issue. (1981 Code, § 1-401)

6-102. Policemen to preserve law and order, etc. Policemen shall preserve law and order within the municipality. They shall patrol the municipality and shall assist the city court during the trial of cases. Policemen shall also promptly serve any legal process issued by the city court. (1981 Code, § 1-402)

6-103. Policemen to wear uniforms and be armed. All policemen shall wear such uniform and badge as the mayor may prescribe and shall carry a service pistol and billy club at all times while on duty. (1981 Code, § 1-403)

¹Municipal code reference

Traffic citations, etc.: title 15, chapter 7.

6-104. When policemen to make arrests¹. Unless otherwise authorized or directed in this code or other applicable law, an arrest of the person shall be made by a policeman in the following cases:

(1) Whenever he is in possession of a warrant for the arrest of the person.

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

(3) Whenever a felony has in fact been committed and the officer has reasonable cause to believe the person has committed it. (1981 Code, § 1-404)

6-105. Policemen may require assistance in making arrests. It shall be unlawful for any person willfully to refuse to aid a policeman in making a lawful arrest when such assistance is reasonably requested and necessary. (1981 Code, § 1-405)

6-106. Disposition of persons arrested. Unless otherwise authorized by law, when a person is arrested for any offense other than one involving drunkenness he shall be brought before the city court for immediate trial or allowed to post bond. When the arrested person is drunk or when the city judge is not immediately available and the alleged offender is not able to post the required bond, he shall be confined. (1981 Code, § 1-406)

6-107. Police department records. The police department shall keep a comprehensive and detailed daily record in permanent form, showing:

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

(2) All arrests made by policemen.

(3) All police investigations made, funerals convoyed, fire calls answered, and other miscellaneous activities of the police department. (1981 Code, § 1-407)

6-108. Disposition of unclaimed property. (1) All unclaimed personal property in the possession of the police department (with the exception of firearms, which shall be disposed of in accordance with state law) shall be inventoried annually by the chief of police, and a full and complete list thereof shall be transmitted to the mayor.

(2) The mayor, upon receipt of said list of unclaimed property, shall determine therefrom the unclaimed property that has been held by the police department for a period of at least six (6) months; whereupon, the mayor shall cause said unclaimed property so held to be appropriated for the use of the City of Millington, or sold at public auction, as follows:

(a) That resolution authorizing such sale, describing the property in sufficient detail for its identification, shall first be adopted, and that notice of such sale describing the property in like manner shall

be prepared by the mayor, signed by the chief of police, which notice of sale shall be posted in three (3) public places within the City of Millington, at least ten (10) days before the time fixed for said sale.

(b) The notice of said sale shall, in addition to the description of the property to be sold, give the date, place, and time of day, and terms, if any, on which said sale will be made.

(c) That no city officer elected or appointed, or employee, shall directly or indirectly submit a bid for the purchase of said unclaimed property at said sale.

(d) Said property so offered for sale shall be sold to the highest bidder, either for cash, or on terms, as provided in said notice, provided that the mayor may, in his discretion, fix a minimum sale price and refuse to sell unless said minimum price is offered. (1981 Code, § 1-408)

CHAPTER 2

RESERVE POLICE

SECTION

- 6-201. Police reserve established.
- 6-202. Maximum complement.
- 6-203. Members uncompensated--no fringe benefits.
- 6-204. Appointment of members.
- 6-205. Qualifications for membership.
- 6-206. Conditions precedent to entering upon duties.
- 6-207. Chief of police to command.
- 6-208. Either the city or member may terminate service.
- 6-209. City to furnish uniforms.
- 6-210. Members to carry identification cards.
- 6-211. Rules and regulations to be prescribed by the mayor and chief of police.
- 6-212. Chief of police to fix specific duties.
- 6-213. To be armed only on order of the chief of police.
- 6-214. Forcible entry by members limited.
- 6-215. Powers of arrest.
- 6-216. Impersonation of reserve officer--misdemeanor.

6-201. Police reserve established. To assist the regular police department in the preservation of the peace, the prevention and detection of crime, the arrest of offenders, the suppression of riots, and to protect the rights of persons and property, maintain and guard the public health, and preserve order at elections; to assist in the execution and return of legal processes, notices, and orders of the city court, the city judge, the mayor and the city clerk, and to execute all other processes, notices and orders, there is hereby established a Reserve Division of the Millington Police Department to be known as the Millington Police Reserve. (1981 Code, § 1-801)

6-202. Maximum complement. The Millington Police Reserve shall be composed of voluntary membership not to exceed a maximum of thirty (30) persons and one reserve captain. (1981 Code, § 1-802)

6-203. Members uncompensated--no fringe benefits. All members of the Millington Police Reserve shall be uncompensated special reserve officers of the Millington Police Department and shall not be included in any civil service, retirement, workmen's compensation, life or health program, or any other fringe benefits normally provided for employees of the City of Millington. (1981 Code, § 1-803)

6-204. Appointment of members. All members of the Millington Police Reserve shall be appointed by the mayor, subject to the confirmation of the board of aldermen. (1981 Code, § 1-804)

6-205. Qualifications for membership. No person shall be eligible for membership in the Millington Police Reserve unless he or she is between the age of twenty-one (21) and sixty (60) years, physically fit, a resident citizen of the area served toll-free by the Millington Telephone Company to the north, east, and west, and the First Civil District to the south, and of excellent character and reputation. Military personnel possessing the other qualifications may likewise be eligible for membership in the Millington Police Reserve with written approval of their commanding officer, and written certification that they will be in this area for at least two (2) years following acceptance into the program. (1981 Code, § 1-805)

6-206. Conditions precedent to entering upon duties. No person shall enter upon his or her duties as a member of the Millington Police Reserve until he or she shall:

(1) At his or her own expense, furnish evidence that he or she is in excellent physical condition, mentally stable, and suffers from no ailment or disability which would limit or prevent engaging in strenuous exercise or the use of firearms.

(2) Successfully complete a course of instruction as prescribed by the regular chief of police of the Millington Police Department.

(3) Furnish satisfactory evidence that he or she has obtained necessary personal equipment which the Millington Police Department requires of its regular officers. (1981 Code, § 1-806)

6-207. Chief of police to command. The chief of the regular Millington Police Department shall have complete authority, control and command over the reserve captain and his or her reserves while on duty. (1981 Code, § 1-807)

6-208. Either the city or member may terminate service. Each reserve officer may resign from the Millington Police Reserve unit at any time, but it shall be his or her duty to notify the mayor and/or the chief of police of the desire so to do. Membership of any person may be terminated by the board of mayor and aldermen at any time it deems such to be necessary or for the good of the police department and reserve unit. (1981 Code, § 1-808)

6-209. City to furnish uniforms. The City of Millington will furnish, at its expense, one summer uniform and one winter uniform, consisting of trousers and/or skirt, shirts, coat and cap, and all other personal equipment will be furnished by the reserve officer. (1981 Code, § 1-809)

6-210. Members to carry identification cards. An identification card shall be issued to each member of the Millington Police Reserve, who must carry such identification at all times while on duty, and must surrender same upon termination of membership. (1981 Code, § 1-810)

6-211. Rules and regulations to be prescribed by the mayor and chief of police. The mayor and chief of police shall prescribe rules and regulations for the Millington Police Reserve, and each member of the reserve unit, before entering upon his or her duties, shall sign a copy of said rules and regulations noting his or her acceptance of same and willingness to abide thereby. (1981 Code, § 1-811)

6-212. Chief of police to fix specific duties. The chief of police shall fix the specific duties of the Millington Police Reserve, and no member shall in any manner perform any act as a member of the Millington Police Reserve unless he or she is specifically designated for duty as such member at the time. (1981 Code, § 1-812)

6-213. To be armed only on order of the chief of police. No member of the Millington Police Reserve shall, while on duty or otherwise, carry or use any firearm or other weapon except on the written order of the chief of police. (1981 Code, § 1-813)

6-214. Forcible entry by members limited. No member of the Millington Police Reserve shall break into or otherwise forcefully enter upon any private property or enter any dwelling or habitation of another person without consent of the owner or occupant, except when immediately accompanied by a regular member of the Millington Police Department, who then and there requests his or her aid in the enforcement of the law, and such forcible entry is authorized by the laws of the State of Tennessee. (1981 Code, § 1-814)

6-215. Powers of arrest. Reserve officers shall have the following powers of arrest and none other:

(1) He or she may arrest for a public offense committed in his or her presence.

(2) He or she may arrest a person who has in fact committed a felony, although not in his or her presence.

(3) When a felony has in fact been committed, he or she may make an arrest when he or she has reasonable cause for believing the person arrested committed it.

(4) He or she may lend physical aid to any regular members of the police department in making any lawful arrest, when authorized by the chief of police or requested by any member of the police department. (1981 Code, § 1-815)

6-216. Impersonation of reserve officer--misdemeanor. It shall be a misdemeanor punishable by fine in accordance with the general penalty clause in this code of ordinances for any person to hold himself or herself out as a member of the Millington Police Reserve, or to display an identification card indicating such, or to wear a uniform indicating such membership, unless he or she is in fact a member in good standing of the Millington Police Reserve. (1981 Code, § 1-816)

CHAPTER 3**WORKHOUSE¹****SECTION**

6-301. Who to be committed.

6-302. City jail or Shelby County penal farm to be used.

6-303. Inmates to be worked.

6-304. Compensation of inmates.

6-301. Who to be committed. Any person failing to pay any fines assessed against him by the city court shall be committed by the court to hard labor either within or without the workhouse until such fine is paid and discharged. (1981 Code, § 1-601)

6-302. City jail or Shelby County penal farm to be used. The city jail or the Shelby County penal farm are hereby designated as the municipal workhouse. (1981 Code, § 1-602)

6-303. Inmates to be worked. All persons committed to the workhouse, shall be required to perform such public work or labor as may be lawfully prescribed for the county prisoners. (1981 Code, § 1-603)

6-304. Compensation of inmates. Each workhouse inmate shall be allowed five dollars (\$5.00) per day as credit toward payment of the fines assessed against him.² (1981 Code, § 1-604)

¹Charter reference

Authority for a workhouse: § 9(67).

²State law reference

Tennessee Code Annotated, § 40-24-604.