

CHAPTER 26

POLICE¹

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ARTICLE I. GENERALLY

Sec. 26-1. Chief of police generally.

The chief of police shall serve under the direction of the city administrator.
(Ord. No. 9714, § 1, 12-7-81; Ord. No. 10549, §§ 1, 2, 12-16-85)

Sec. 26-2. Chief of police to be ex officio sergeant at arms of city council.

The chief of police shall be ex officio sergeant at arms of the city council, shall attend its meetings, preserve order in the council chamber and execute its orders, notices or mandates.
(Code 1977, § 30-22)

Sec. 26-3. Sale of unclaimed property.

A. The chief of police shall be authorized to sell all unclaimed personal property recovered by the police department, except guns. Items shall be retained by the police department for sixty (60) days from the date of possession. If the property is not claimed by its owner within sixty (60) days, the chief of police may sell the property at public auction.

B. All sales of personal property shall be at public auction. The city clerk shall cause notice of such sale to be published in a local newspaper and on local radio stations at least seven (7) days prior to the sale.

C. The proceeds of such sale, after deducting the expenses of the sale, shall be deposited in the general revenue fund of the city, and shall be accompanied by an itemized list of expenses of the sale and a verified list identifying the article sold, the sale price and name of the purchaser.
(Code 1977, § 30-1)

Sec. 26-4. Special policemen.

A. The mayor, with the consent of a majority of the elected members of the city council, shall have the power and authority to appoint special policemen from a list of eligible candidates certified by the police personnel board, in case of extraordinary emergencies, unusual public celebrations, exhibitions or gatherings within the city or when, for other causes, the public safety may require it. Before entering upon their duties, such special policemen shall take the oath of office prescribed for other members of the department. Special policemen shall have the same powers and perform the same duties as other members of the department, and upon the termination of the emergency or other cause for their appointment, they shall be discharged by the mayor.

B. Special policemen used solely for temporary periods of time under the provisions of this section shall not be subject to the provisions of Article II of this chapter.
(Code 1977, § 30-13)

Sec. 26-5. Fee for copies of accident reports or criminal records.

Every person desiring to secure a copy of an accident report or of any criminal record of the city police department shall pay three dollars (\$3.00) for each copy received. All money received by the police department for such accident reports or criminal records shall be placed in the general revenue fund.
(Code 1977, § 30-2; Ord. No. 9528, § 1(30-2a), 10-20-80; Ord. No. 9688, § 1, 10-19-81)

Cross reference - Accident reports, § 19-9.

Sec. 26-6. Fee for photographs or fingerprints.

The police chief shall determine the reasonable fees for providing access to or furnishing copies of police records in accordance with section 610.026 RSMo, and shall publish the fees to be posted in a place conspicuous to persons wishing to obtain police records. All monies received by the police department for such accident reports or criminal records shall be placed in the general revenue fund.

(Ord. No. 9528, § 1(30-2(b)), 10-20-80; Ord. No. 12553, § 1, 11-18-96)

Sec. 26-7. Color of marked patrol cars.

A. All marked patrol cars used by the city police department shall be painted in the following manner with the colors indicated: All doors, roofs and roof supports shall be white; all fenders, trunks and hoods shall be black.

B. Paragraph (a) above shall not apply to any vehicle of the city police department not used as a marked patrol car.

(Ord. No. 10399, § 1, 4-1-85)

Sec. 26-8. Official emblem of police department.

A. The emblem provided and authorized for use by the police department of the City of Jefferson shall be a ten-point shield upon which appears the following colors and representations: The background of the shield shall be black, inside the border and trimming of the entire shield shall be a line of red which follows the exact pattern of the shield. The principal figure on the shield shall be a replica of the Missouri State Capitol Building done in white with a shadow effect shown by grey or green. Across the top of the shield inside the border will appear the words "JEFFERSON CITY" in yellow. Immediately under the words "JEFFERSON CITY" will be an additional red borderline forming a rough rectangle with a fifth point immediately above the middle of the word. The triangle formed by the additional point shall be blue. Immediately below the inscription of the Capitol Building will appear the word "MISSOURI" also in yellow. On the steps of the Capitol Building will appear the word "MISSOURI" also in yellow. On the steps of the Capitol Building will appear a likeness of a statue appearing halfway up the steps. Below the word "MISSOURI" will appear "POLICE." Dividing the two (2) words will be a red borderline forming a rectangle to surround the word "POLICE" a blue block on either side of the word "POLICE" and the bottom triangle immediately under the letters "OLI" in the word "POLICE" shall be colored blue. For clarification purposes a copy of the emblem as shown below in black and white is included as a point of reference. The size of the emblem may be varied depending on the use to which it is put. The size shall be determined by the police chief.

Diagram 26-1

B. Other than the emblem described above no other emblem shall be used by the police department.
(Ord. No. 10411, § 1, 4-16-85)

Sec. 26-9. Major case squad.

A. The police department is authorized to cooperate with such law enforcement agencies in the mid-Missouri area as are members of the Mid-Missouri Major Case Squad, formed in or about 1965, and made up of specially trained law enforcement officers from law enforcement agencies in the mid-Missouri area for the purpose of providing investigative resources to its member law enforcement agencies where necessary to effect an expedient solution to more serious crimes, including murder, aggravated assault, robbery, rape, burglary or other crimes of a magnitude to constitute a community threat; for the purpose of providing assistance in the intensive professional investigation of such crimes under such circumstances and subject to such guidelines as are designated by the Mid-Missouri Major Case Squad, subject to the provisions of section 70.835, RSMo 1986; and provided, that the governing body of the particular political subdivision where the crime under investigation occurred has by order, in the case of a county, or by ordinance, in the case of a city, entered into such a cooperative agreement with the Mid-Missouri Major Case Squad.

B. The city members of the major case squad shall be designated by the chief of police and may be removed by him at any time. At no time shall the chief of police allow the operations of the major case squad to leave the city with inadequate police protection.

C. No member of the major case squad shall be considered an employee of the city for any purpose, unless they are members of the regular city police force.
(Ord. No. 10729, § 1, 10-6-86)

Secs. 26-10 - 26-17. Reserved.

ARTICLE II. MERIT SYSTEM POLICE DEPARTMENT

Sec. 26-18. Established.

A merit system police department is hereby established in the city.
(Code 1977, § 30-3)

Sec. 26-19. Merit system of appointments, promotions, etc.

Every appointment or promotion to a position in the police department shall be on the basis of merit, determined by the person's ability and eligibility rating established by competitive examinations. No appointment, promotion, demotion or dismissal of a member of the police department shall be based on favoritism, prejudice or discrimination, political affiliation or endorsement.
(Code 1977, § 30-3)

Sec. 26-20. Appointments and promotions.

The mayor, with the consent of a majority of the elected members of the city council, shall appoint and promote all personnel in the police department, solely from the list of eligibles certified by the personnel board.
(Code 1977, § 30-9)

State law reference - Mandatory provisions, RSMo. § 85.541, para. 2(3).

Sec. 26-21. Tenure.

All persons appointed or promoted to a position in the police department shall be entitled to hold office during their good behavior and efficient service.
(Code 1977, § 30-10)

State law reference - Mandatory provisions, RSMo. § 85.541, para. 2(4).

Sec. 26-22. Oath of office.

Each member of the police department, before entering upon the discharge of his duties, shall take the oath of office prescribed for city elective officers.
(Code 1977, § 30-12)

State law reference - Oath of office, RSMo. § 77.390.

Sec. 26-23. Powers generally.

A. Every member of the police department shall have power at all times to make or order an arrest with proper process for any offense against the laws of the city, and to keep an offender in any city prison or jail or other proper place to prevent his escape until trial before the municipal judge, unless such offender shall give a good and sufficient bond for his appearance for trial. Every member of the department shall also have power to make arrests without process in all cases in which any offense against the laws of the city shall be committed in his presence. Every member of the department shall have the power to serve and execute all warrants, subpoenas, writs or other process issued by the police judge of the city at any place within the limits of the county.

B. The chief of police or any policeman of the city is hereby authorized, whenever he deems it necessary, to call to his assistance any person needed to aid him in making arrests. Every person who, upon being so summoned by the chief of police or any policeman, shall neglect or refuse to aid in making such arrests shall be

deemed guilty of a misdemeanor.

C. Every member of the police department who has completed the police training program as established by Chapter 590, RSMo, shall have the authority to respond to emergency situations outside the city limits.

1. For the purposes of this section, "emergency situation" shall mean any unforeseen combination of circumstances or events involving danger or imminent danger to human life or property which requires immediate action.
2. This section shall not be construed to authorize any member of the city police department to continue pursuit, by motor vehicle or otherwise, where members of a police department of another jurisdiction or the Missouri Highway Patrol have joined the pursuit and the member of the city police department is not in a position to immediately apprehend the person being pursued.
3. This section shall not be construed to authorize any member of the city police department to make an arrest outside the city limits or use his weapon except to protect himself or to effectuate an arrest for a serious felony endangering the lives or threatening serious property damage to one or more persons in the area.
4. Any member of the city police department who responds to an emergency situation shall promptly inform the city police department that he is leaving the city and for what reason, unless to do so would jeopardize the life of the member or any other person. The member shall return to the city upon being ordered to do so. No member shall be required by reasons of this section to leave the city to respond to an emergency situation, but said member shall use his discretion and judgment as to leaving the city to respond to any emergency situation. It shall be the policy of the city that said members shall not leave city inhabitants with inadequate police protection or be absent for extended periods of time, but that the response shall be in aid of and to assist the authorities of the county or municipality in which the emergency situation is located.

(Code 1977, § 30-15; Ord. No. 10675, § 1, 7-7-86)

State law reference - Powers and duties of police generally, RSMo. § 85.561.

Sec. 26-24. Duties generally.

A. Each member of the police department shall be a conservator of the peace and shall be active and vigilant in the preservation of good order within the city.

B. Any person arrested and taken to the city jail shall be searched by the member of the department making such arrest, and a correct memorandum shall be made of all personal property on the person so arrested, and such property shall be preserved in safekeeping until returned by the police judge or other proper authority.

C. When any person is arrested for any violation of provisions of this Code or an ordinance of this city, it shall be lawful for the arresting officer to search the person arrested and dispossess such person of any knife, pistol or other weapon at the point where the arrest is made, and the property so taken shall be preserved until disposed of as mentioned in subsection (B) of this section.

D. Communications officer in the department shall keep a record of all calls received during his hours of duty.

E. A record shall be kept of all arrests, convictions, accidents, traffic tickets and all other matters handled by the police department.

F. All members of the department shall report any known violation of this Code and other ordinances of the city to the city attorney and take all necessary steps to enforce this Code and all city ordinances.

G. Whenever any person shall have been arrested under the provisions of this chapter or by virtue of this Code or any other ordinance of this city, it shall be the duty of the chief of police or policeman making such arrest to immediately take him before the municipal judge or other proper officer to be dealt with according to state law, this Code or other ordinances of the city.

(Code 1977, § 30-16)

State law reference - General duties of police, RSMo. § 85.561.

Sec. 26-25. Uniform and badge; plainclothesmen.

Each member of the police department, while on duty, shall wear a uniform and badge, prescribed by the chief of police, to indicate his official position. The city shall furnish the badge, but each member of the department shall furnish his own uniform out of the clothing allowance authorized by the provisions of this Code or other ordinance. The chief of police may designate one or more members of the department as plainclothesmen for such period of time as the chief of police may deem necessary.

(Code 1977, § 30-17)

Sec. 26-26. Demotion, suspension or discharge.

The chief of police may demote, suspend or discharge for misbehavior, inefficiency, neglect of duty or other valid cause any member of the police department, when the good of the department will be promoted thereby. The reason for such demotion, suspension or discharge shall be stated in writing and given to the police personnel board and to the affected member of the department. Any regular member of the department who is demoted, suspended or discharged may appeal to the police personnel board and be granted a public hearing.

(Code 1977, § 30-19)

State law reference - Public hearing required, RSMo. § 85.541, para. 2(5).

Sec. 26-27. Prohibited acts and practices.

A. No member of the police department, or applicant seeking a position therein, shall be appointed, promoted, demoted, favored or discriminated against because of his race, political or religious opinions or affiliations.

B. No person shall willfully or corruptly make any false statement, certificate, mark or report in regard to any examination, certification or appointment held or given under the provisions of this article, or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of the provisions of this article, or of any rules and regulations made thereunder.

C. No member of the police department shall continue in such position after becoming a candidate for nomination or election to any public office, unless he resigns or obtains a leave of absence from his position in the department.

D. No person seeking appointment to, or promotion in, the police department shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or on account of, or in

connection with, his examination, appointment, proposed appointment, promotion or proposed promotion.

E. No person shall use, or threaten to use, any influence, persuasion or coercion to compel, or attempt to compel, any member of the police department to violate any provision of this section.

F. No person shall use, or promise to use, directly or indirectly, for any consideration whatsoever, any official authority or influence to secure or attempt to secure for any person an appointment or advantage in an appointment to any position in the police department or any increase in pay, promotion or other advantage in the department.

G. Any member of the police department who violates any provision of this section shall, upon conviction therefor, forfeit his position as a member of the department.
(Code 1977, §§ 30-20, 30-21; Ord. No. 10828 § 2, 5-18-87)

Sec. 26-28. Appeals.

Any member of the city police department who is demoted, suspended or discharged may appeal in writing to the police personnel board, within thirty (30) days after the effective date of such action, setting forth his reasons for claiming his demotion, suspension or discharge was not for good cause or for the good of the department. Upon such action the board shall, within ten (10) days, hear the appeal, and the appellant, the chief of police and the appointing authority shall have the right to be heard in person, to be represented by counsel and to present evidence at such hearing, which shall be a public hearing at the request of the appellant. Technical rules of evidence shall not apply at such hearing. Upon consideration of the evidence and within fifteen (15) days of the conclusion of the hearing, the board shall approve or disapprove the action appealed from and, in the event of a disapproval, the board shall order the appellant reinstated to his former position and payment of such salary as was lost to the appellant by reason of such demotion, suspension or discharge.

(Code 1977, § 30-8(j))

Secs. 26-29 - 26-59. Reserved.

ARTICLE III. POLICE RESERVES

Sec. 26-60. Created; membership.

There is hereby created in the police department a section to be known as the police reserves. Membership of the police reserves shall be only those volunteers duly commissioned as members thereof by the city.
(Ord. No. 9838, § 1(30-23), 9-7-82)

Sec. 26-61. Duties of chief of police.

The police reserves shall be under the administration of the chief of police, who shall prescribe the training, qualifications, and requirements necessary to become a member of the reserve, the duties of the members, the rank and offices composing the reserves, and the rules and regulations, including disciplinary proceedings, governing the reserves. The chief of police may appoint members of the reserve with the approval of the city administrator, and can terminate the membership of any person in the police reserve at any time. The chief of police shall provide for the training of those individuals appointed to the reserves. No person shall be deemed a member of the police reserve until he has successfully completed a minimum of one hundred twenty (120) hours of training.
(Ord. No. 9838, § 1(30-24), 9-7-82)

Sec. 26-62. Compensation.

Members of the police reserves shall receive no compensation from the city.
(Ord. No. 9838, § 1(30-25), 9-7-82; Ord. No. 10861, § 1, 7-6-87)

Sec. 26-63. Conservators of peace; enforcement of laws; issuance of commission; authority of members.

A. Upon recommendation of a person to membership in the police reserves, and after approval by the city administrator, the chief of police shall issue a special police reserve commission, signed by the mayor, authorizing the holder thereof as a member of the police reserves to carry out all duties assigned to such person by the chief of police. The commission shall be carried by the reserve officer at all times on duty and shall represent his authority.

B. While acting under orders of the chief of police, reserve members shall be considered to be conservators of the peace of the city, and shall have the authority to enforce all or such ordinances of the city or other laws as the orders of the chief of police shall provide. Such orders of the chief of police may be directed to one or more of the members of the police reserves, and shall be subject to the approval of the city administrator. Police reserves' members shall have no authority to give orders or instructions of the members of the regular police force of the city.
(Ord. No. 9838, § 1(30-26), 9-7-82)

Sec. 26-64. Unauthorized use of insignia, etc.

No person shall wear, carry or display a police reserve identification card, insignia or uniform, or otherwise represent himself to be connected with the police reserves, unless he is in fact a member thereof.
(Ord. No. 9838, § 1(30-27), 9-7-82)

Sec. 26-65. Inactive police.

A. There is hereby created in the police department a section to be known as the inactive police. Membership in the inactive police shall be only those volunteers who have retired from the regular police force and

are duly commissioned as members of the inactive police by the city.

B. The inactive police shall be under the administration of the chief of police, who shall determine the duties of the members, the rank and offices, the rules and regulations including disciplinary proceedings, training, qualifications and compliance with the provisions of this section. The chief of police may appoint members of the inactive police with the approval of the city administrator, and can terminate the membership of any person in the inactive police at any time.

C. The chief of police shall provide for the training of those retired officers appointed to the inactive police. Each member of the inactive police shall successfully complete at least annual training qualifications as determined by the chief of police.

D. Members of the inactive police shall receive no compensation from the city.

E. Upon retirement from the regular police force, an officer may volunteer for membership in the inactive police. Upon approval by the city administrator, the chief of police shall issue a commission, signed by the mayor, recognizing the holder thereof as a police officer authorized to carry out all duties assigned as hereafter vested by law in police officers of the City of Jefferson and the State of Missouri.

F. Members of the inactive police shall act under orders of the chief of police with the approval of the city administrator. When called upon by the chief of police, inactive police members shall be considered to be conservators of the peace of the city and shall have authority to act in that capacity as the orders of the chief of police provide.

(Ord. No. 10861, § 2, 7-6-87)

Sec. 26-66 - 26-134. Reserved.

ARTICLE IV. TRAINING STANDARDS²

Sec. 26-135. Purpose.

The purpose of this article is to establish standards for training of police officers for the purpose of improving service provided by police officers within the City of Jefferson, including minimum standards of physical, mental and moral fitness.

(Ord. No. 11518, § 1, 12-11-90)

Sec. 26-136. Certification.

Police officers employed by the City shall be required to complete a basic training course consisting of a minimum of six hundred (600) hours of instruction from an academy certified by the Missouri Department of Public Safety for purposes of certification. Reserve officers shall be required to complete a basic training course consisting of a minimum of one hundred twenty (120) hours of instruction from an academy certified by the Missouri Department of Public Safety for purposes of certification.

(11 CSR 75-6.010)

(Ord. No. 11518, § 1, 12-11-90; Ord. No. 11690, § 1, 1-17-92)

Sec. 26-137. Limitations.

All police officers and reserve officers must satisfactorily complete the prescribed basic training course within twelve months from the date of employment or appointment in order to maintain appointment as police officers and reserve officers.

(11 CSR 75-6.010)

(Ord. No. 11518, § 1, 12-11-90)

Sec. 26-138. Effective date of requirement; not to apply to certain officers.

Officers employed by the City prior to July 1, 1991, shall be exempt from the requirements of this article.

(Ord. No. 11518, § 1, 12-11-90)

State law reference - RSMo. § 590.105.

NOTES

¹. **Cross references** - Definitions and rules of construction generally, § 1-2; miscellaneous provisions and offenses, Ch. 18; motor vehicles and traffic, Ch. 19; traffic division, § 19-37 et seq.

State law reference - Police department generally, RSMo. § 85.541 et seq.

². **State law reference** - Selection and Training of Peace Officers, RSMo 590.