

## Chapter 200

### POLICE DEPARTMENT

Cross References — As to obedience to police officers in emergency situations, §310.020; as to resisting or interfering with arrest, detention or stop, §215.390; as to personnel generally, ch. 130.

#### ARTICLE I

##### General Provisions

**Section 200.010. Supervision and Control Generally.** [R.O. 2012 §200.010; CC 1979 §24-11; Ord. No. 229 §1, 11-6-1934]

The Council and Mayor shall exercise a general supervision and control over the Police Department of the City and shall make such needful rules and regulations for the government and control of the Police Department as they may think best.

**Section 200.020. Appointment of, Power and Authority and Compensation of Police Officers.** [R.O. 2012 §200.030; Ord. No. A-6123 §1, 5-5-1995; Ord. No. A-7158 §§1 — 2, 4-24-2002; Ord. No. 7676, 8-16-2006]

The Council shall, at any time they may deem it necessary to do so, appoint for such time as they may think proper one (1) or more competent persons to act as regular City Police Officers who shall be commissioned by the Mayor. Such Police Officers and full-time non-commissioned Police Department employees and reserve officers shall be a resident of the State of Missouri, provided however, that any new employee who resides outside the State of Missouri shall have one hundred eighty (180) days from the time of employment to comply with said residence requirements within the State. Such Police Officers and full-time non-commissioned Police Department employees and reserve officers shall receive compensation as the Council shall deem proper and right and may be discharged at the pleasure of the Council.

#### ARTICLE II

##### Chief of Police

**Section 200.030. Appointment — Term — Qualifications.** [R.O. 2012 §200.210; CC 1979 §24-29; Ord. No. A-6359 §1, 10-3-1996]

The Chief of Police shall be appointed by the City Council and shall hold office until his/her successor shall be appointed and qualified. No person shall be appointed Chief of Police unless he/she is, at the time of his/her appointment, a citizen of the United States, and unless he/she is a person of good moral character.

**Section 200.040. Duties Generally.** [R.O. 2012 §200.240; CC 1979 §24-32]

- A. It shall be the duty of the Chief of Police:
1. Diligently to inquire into and report to the Municipal Judge and to the City Attorney all violations of this Code and other City ordinances and to prosecute all persons guilty thereof.
  2. To arrest and take into custody any person who shall be found in any public place within the City doing any act in violation of the law or this Code or other ordinances of the City, and for any offense being committed in his/her presence the Chief of Police may arrest such offender without a warrant.
  3. To cause to be abated or removed, in the manner provided by law, any nuisance found within the City and declared to be such by the Council as provided in this Code or other ordinance.
  4. To execute all orders or process issued by the Mayor or Municipal Judge and make a proper return thereof, according to law.
  5. To keep a correct account of all money which may come into his/her hands as Chief of Police, from whatsoever source, stating by whom and on what account the same was paid.
  6. To attend the Municipal Court when in session, either in person or by deputy, preserve order therein and execute all process and orders of the same.

**Section 200.045. Police Officers, Conservators of Peace — Supervision — Powers and Duties.** [R.O. 2012 §200.040]

- A. The members of the Police Department shall be conservators of the peace, and shall be active and vigilant in the preservation of good order within the City.
- B. The Chief of Police shall, in the discharge of his or her duties, be subject to the orders of the Mayor only; the Deputy Chief of Police and all other members of the Police Department shall be subject to the orders of their superiors in the Police Department and the Mayor only.
- C. 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 or the State, and to keep the offender in the City prison or other proper place to prevent his or her escape until a trial can be had before the proper officer, unless such offender shall give a good and sufficient bond for his or her appearance for trial, and shall also have power to make arrests without process in all cases in which any offense against the laws of the City or the State shall be committed in his or her presence. Every member of the Police Department is also empowered to serve and execute all warrants, subpoenas, writs or other process issued by the judge hearing and determining municipal ordinance violation cases of the City at any place within the limits of the County or Counties within which the City is located. Every member of the Police Department shall have the power to make or order an arrest in

areas leased or owned by the municipality outside of the boundaries of such municipality.

ARTICLE III  
**Police Reserve Unit**

**Section 200.050. Police Reserve Unit.** [R.O. 2012 §200.380; CC 1979 §24-49; Ord. No. A-4998 §1, 6-10-1988; Ord. No. A-6031 §1, 11-10-1994]

- A. *Establishment.* There is hereby established in the Police Department of the City of Monett, Missouri, a section to be known as Monett Police Reserve Unit, which shall consist of no more than fifteen (15) members, male or female. Members of said Unit shall be those persons duly commissioned as members thereof by the City in the manner and subject to the provisions hereinafter set forth.
- B. *Authority Of Chief Of Police — Qualifications.* The Monett Police Reserve Unit shall be under the authority, command and control of the Chief of Police, subject to the provisions hereinafter set out. To become a member of the Monett Police Reserve Unit, at least twenty-one (21) years of age, and a resident of the State of Missouri for at least three (3) years prior to his/her appointment and a person of good moral character.
- C. *Application.* Prospective members of the Monett Police Reserve Unit shall make written application to the Chief of Police for membership in said unit on forms provided by the Chief of Police, which said application shall be submitted under oath. As a part of said application, the applicant shall agree to comply fully with the terms and conditions hereinafter referred to. Any false statement given in the application for membership shall be grounds for immediate dismissal from the Monett Police Reserve Unit.
- D. *Rules And Regulations.* The Chief of Police is hereby authorized and directed to compile rules and regulations for the guidance and direction of the members of the Monett Police Reserve Unit, which rules and regulations are to be submitted to the City Council for its approval and upon approval, shall be in full force and effect. If amendments to said rules are required from time to time, said amendments shall also be approved by the City Council before taking effect.
- E. *Registration And Oath Of Members.* No person shall be deemed to be a member of the Monett Police Reserve Unit until he/she has been registered as such in a roster to be maintained by the Chief of Police, has furnished proof of hospitalization insurance, and has agreed to indemnify the City from all responsibility from any illness or injury occurring while on-duty as a member of the Monett Police Reserve Unit, and until he/she has taken an oath that he/she will observe and obey the Constitution of the United States, the Constitution of the State of Missouri, and the laws of the Nation, State and City and that he/she will carry out the duties of a member of the Monett Reserve Unit to the best of his/her ability.
- F. *Compensation Of Members.* Members of the Monett Police Reserve Unit shall serve with pay as determined by the Council from time to time.

- G. *Members Not Regular Police Officers.* The Monett Police Reserve Unit is separate and distinct from the Police Department, and its members are not members of the regular Police Department, are not regular employees within the meaning of the Police and Firemen's Pension Fund, and not entitled to the benefits thereof. The members of the Monett Police Reserve Unit shall be considered special members of the Police Department and shall not be subject to any of the terms of any ordinance providing pensions or other benefits for members of the regular Police Department.
- H. *Identification Of Members.* An identification card and such other insignia or evidence of identity as
- I. The Chief of Police may prescribe shall be issued to each member of the Monett Police Reserve Unit, who must carry the card and any other identification at all times while on-duty, and he/she must surrender them upon the termination of his/her membership in the Monett Police Reserve Unit for any reason.
- J. *Termination Of Membership.* The membership of any person in the Monett Police Reserve Unit may be terminated by the Chief of Police at any time, and any member may resign from the Force at any time, but it shall be his/her duty to notify the Chief of his/her resignation. In addition to the penalties provided by law, any violation of law under color of the performance of his/her duties as a member of the Monett Police Reserve Unit and any breach of the rules and regulations established by the Chief of Police shall subject any member to immediate and summary termination of his/her membership in said Unit and the fact thereof may be published at the order of the Chief of Police.
- K. *Duties Generally.* The duties of the Monett Police Reserve Unit, subject at all times to the direction, supervision and control of the Chief of Police, shall be to assist regular members of the Monett Police Department in the enforcement of law and the maintenance of peace and order during an emergency of war, great common peril, or in a situation where the regular Police Department is deemed by the Chief of Police to be inadequate for the occasion. The Chief of Police may prescribe duties other than those mentioned herein to be performed by the Monett Police Reserve Unit, not inconsistent with the provisions herein.
- L. *Obedience To Instructions Of Police Officers.* The Chief of Police may command members of the Monett Police Reserve Unit to obey the instructions of regular Police Officers in carrying out their duties, and no member of the Monett Police Reserve Unit shall have authority to give orders or instructions to regular Police Officers of the City.
- M. *Possession And Use Of Weapons.* No member of the Monett Police Reserve Unit shall, while off-duty, carry or use any firearm or other weapon except on the express written order of the Chief of Police.
- N. *Entry Into Private Property.* No member of the Monett Police Reserve Unit shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant,

except when immediately accompanied by a regular member of the Monett Police Department who then and there requests his/her aid in the enforcement of the law.

- O. *Power To Arrest.* A member of the Monett Police Reserve Unit shall be a conservator of the peace and shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace or be found violating any ordinance of the City of Monett or law of the State of Missouri.
- P. *Impersonation Of Member.* It shall be unlawful for any person to wear, carry or display a Monett Police Reserve Unit identification card or insignia or otherwise deceitfully represent himself/herself to be connected with said Unit, unless he/she is in fact a member thereof.
- Q. *Training.* Each newly appointed member of the Monett Police Reserve Unit shall complete satisfactorily the minimum number of hours of police training as established pursuant to Chapter 590, RSMo.

#### ARTICLE IV Miscellaneous Provisions

**Section 200.060. Emergency Situation Outside The City Limits of Monett.** [R.O. 2012 §200.400; Ord. No. A-6050 §§1 — 5, 12-9-1994]

- A. Any Police Officer of the City of Monett, Missouri, who has completed the basic training program established by Chapter 590, RSMo., shall have the authority to respond to an emergency situation outside the boundaries of the City of Monett; provided however, that such authorization to respond shall exist only within the jurisdictions described in Subsection (C) below. As provided herein, "*emergency situation*" means any situation in which the Police Officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest, and the Officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation. The determination of the existence of any emergency situation shall be in the discretion of the Officer.
- B. The term "*response*", as used in this Section, shall mean to take any and all action which the Police Officer may lawfully take as if exercising normal powers within the City of Monett.
- C. The authority contained herein shall permit the response by one (1) or more City of Monett Police Officers in any one of the following jurisdictions within the State of Missouri until the emergency situation has been adequately taken into control, in the discretion of the Officer, by another appropriate jurisdiction, to-wit: the Cities of Pierce City, Purdy, and Cassville, Missouri and the Counties of Barry and Lawrence.
- D. Every response to an emergency outside City limits of Monett, Missouri, shall be reported by the Chief of Police to the Mayor with an explanation of the reason for the response.

- E. Notwithstanding anything to the contrary within this Section, if the Cities of Pierce City, Purdy, and Cassville, Missouri and the Counties of Barry and Lawrence have not passed appropriate legislation authorizing Police Officers of the City of Monett to respond within that jurisdiction within sixty (60) days of the date hereof, then this Section shall be void and of no effect whatsoever as to the authority of the Officers of the City of Monett to respond within such jurisdiction(s).

**Section 200.070. Public Safety Officials To Provide Mutual Aid or Emergency Assistance**  
— **When.** [R.O. 2012 §200.405; Ord. No. A-6578 §§1 — 3, 9-22-1997]

- A. Under the authority set forth in Section 70.837, RSMo., the City of Monett Police Department and/or the City of Monett Fire Department are hereby authorized to respond and provide assistance as needed by a public safety agency of this State upon receipt of a mutual aid or emergency aid request.
- B. The City of Monett Police Department and/or the City of Monett Fire Department may provide assistance to any other public safety agency in this State at the time of a significant emergency such as fire, earthquake, flood, hazardous materials incident or other such emergency.
- C. The Chief of Police of the City of Monett and/or the Chief of the Fire Department of the City of Monett, or the highest ranking officer on duty in the Chief's absence, may cause his/her Department to render such aid to any requesting agency as long as in his/her judgment, equipment and manpower can be safely taken out of the City of Monett, or dispatched within the City of Monett, at the time and under the circumstances then existing, giving the highest consideration to the safety of the citizens of the City of Monett.

**Section 200.080. Excessive Force.** [R.O. 2012 §200.410; Res. No. A-6323 Arts. I — II, 7-24-1996]

- A. The City hereby adopts and will enforce this policy prohibiting the use of excessive force by Law Enforcement Agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. The City also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable State laws regarding same.
- B. Any person found to be violating any provision of this Section shall be served by the City with written notice stating the nature of the violation.
- C. Any person guilty of this violation shall be guilty of an ordinance violation, and on conviction thereof shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- D. Any person violating any of the provisions of this Section shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.